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## Fish and Game Commission



*Wildlife Heritage and Conservation*  
*Since 1870*

### **REVISED\* MEETING AGENDA**

**April 18-19, 2018**

**Four Points by Sheraton Ventura Harbor Resort**  
**1050 Schooner Drive**  
**Ventura, CA 93001**

The meeting will be live streamed at [www.cal-span.org](http://www.cal-span.org)

\* This agenda is revised to reflect a field trip on Wednesday, April 18.

**NOTE: See important meeting deadlines and procedures at the end of the agenda. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.**

**Field Trip:** At 4:00 p.m. or immediately following the meeting on Wednesday afternoon, whichever is later, the Commission will participate in a field trip at the Ventura Port District (1603 Anchors Way Drive). The field trip will begin at the harbor district office with a brief presentation on making fishing communities more resilient into the future, including harbor district infrastructure improvements, followed by a walking or boat tour. Members of the public are welcome to attend.

#### **DAY 1 – APRIL 18, 2018, 9:00 AM**

Call to order/roll call to establish quorum

1. Approve agenda and order of items
2. Public forum for items not on agenda  
The Commission **may not** discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting. (Sections 11125, 11125.7(a), Government Code)

**CONSENT ITEMS**

3. Approve state water bottom lease No. M-653-02 for Santa Barbara Mariculture (leasing of state water bottom was previously approved by the Commission) (Pursuant to sections 15400 and 15406, Fish and Game Code)
4. Approve request from The Abalone Farm, Inc. to renew the company's lease for Kelp Beds 204 and 207 for exclusive privilege to harvest kelp for a period of five years (Pursuant to subsection 165.5(i), Title 14, CCR)
5. Receive and approve The Abalone Farm Inc.'s updated five-year kelp harvesting plan required for mechanical harvest of kelp (Pursuant to subsection 165(c)(6), Title 14, CCR)
6. Receive and approve The Cultured Abalone Farm LLC's updated five-year kelp harvesting plan required for mechanical harvest of kelp (Pursuant to subsection 165(c)(6), Title 14, CCR)
7. Receive and approve request to transfer California Halibut Bottom Trawl Vessel Permit No. BT0051 for F/V *Tabitha* from Diane Reinertsen to Geoff Bettencourt (Pursuant to Fish and Game Code Section 8494)

8. Tribal Committee

- (A) Work plan development
  - I. Update on work plan and draft timeline
  - II. Discuss and approve new topics

9. Marine Resources Committee

- (A) March 2018 meeting summary
  - I. Receive and adopt recommendations
- (B) Work plan development
  - I. Update on work plan and draft timeline
  - II. Discuss and approve new topics

10. Authorize publication of notice of intent to amend regulations concerning tribal take in marine protected areas (Subsections 632(b)(33), (b)(34), (b)(97), (b)(98), (b)(112) and (b)(117), Title 14, CCR)

11. Authorize publication of notice of intent to amend regulations concerning Rockport Rocks Special Closure (Subsection 632(b)(17), Title 14, CCR)

12. Adopt emergency regulations concerning recreational take of purple sea urchin to support kelp recovery (Add Section 29.11, Title 14, CCR)

13. Discuss the scope and content of a red abalone fishery management plan (Pursuant to Section 7075, et seq., Fish and Game Code)
14. Discuss draft 2018 Marine Life Management Act Master Plan
15. Department update on annual recreational ocean salmon and Pacific halibut regulations established through automatic conformance to federal regulations
16. Informational presentation from the International Boundary and Water Commission regarding Tijuana River Estuary water quality challenges
17. Marine items of interest from previous meetings
  - (A) Harmful algal blooms: Summary of workshop held March 22-23, 2018
18. Marine petitions for regulation change from previous meetings
  - (A) Action on petitions for regulation change
    - I. Petition #2017-011, Part B: Limit recreational abalone methods of take to shore-only and non-motorized vessels or floats
    - II. Petition #2018-001: Exempt shore-based anglers from salmon closures at the mouths of the Smith, Klamath and Eel rivers
  - (B) Action on pending regulation petitions referred to staff and the Department for review
    - I. Petition #2017-006: Add European green crab to the list of restricted species
19. Marine non-regulatory requests from previous meetings
  - (A) Action on non-regulatory requests
  - (B) Action on pending non-regulatory requests referred to staff and the Department for review
20. Department informational items (marine)
  - (A) Director's report
  - (B) Marine Region
    - I. Update on the Ocean Resources Enhancement and Hatchery Program
    - II. Department determination and recommendation of an emerging fishery declaration for commercial non-cancer crab, pursuant to Fish and Game Code Section 7090
  - (C) Law Enforcement Division
21. Announce results from Executive Session

Recess

**DAY 2 – APRIL 19, 2018, 8:30 AM**

Call to order/roll call to establish quorum

22. Public forum for items not on agenda  
The Commission **may not** discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting. (Sections 11125, 11125.7(a), Government Code)

**CONSENT ITEMS**

23. Approve five-year PLM 2018-2023 licenses and area plans for:  
(Pursuant to Section 601, Title 14, CCR)

- (A) Humboldt County
  - I. Cottrel Ranch
  - II. Diamond C Outfitters
  - III. Hunter Ranch
  - IV. Wiggins Ranch
- (B) Mendocino County
  - I. Eden Valley Ranch
  - II. Miller-Eriksen Ranch
  - III. Spring Valley Ranch
- (C) San Luis Obispo County
  - I. Chimney Rock Ranch
  - II. Temblor Ranch
- (D) Tehama County
  - I. 3D Ranch
- (E) Trinity County
  - I. Travis Ranch

24. Approve annual 2018-2019 PLM area plans for:  
(Pursuant to Section 601, Title 14, CCR)

- (A) Del Norte County
  - I. Alexandre Ecodairy Farms
- (B) Humboldt County
  - I. Big Lagoon
  - II. Klamath PLM
  - III. Rainbow Ridge
  - IV. Redwood House Ranch
  - V. Smith River PLM
  - VI. Stover Ranch
- (C) Mendocino County
  - I. Amann Ranch
  - II. Carley Ranch
  - III. Christensen Ranch
  - IV. Elk Creek Ranch

**CONSENT ITEMS (continued)**

- V. Four Pines Ranch
- VI. Potter Valley Wildlife
- VII. Sanhedrin Ranch
- VIII. Seven Springs Ranch
- IX. Shamrock Ranch
- X. Summer Camp Ranch
- (D) Merced County
  - I. DeFrancesco/Eaton Ranch
- (E) Modoc County
  - I. Roberts Ranch
- (F) Monterey County
  - I. Gabilan Ranch
  - II. Indian Valley Cattle Company (Lombardo Ranch)
  - III. Peachtree Ranch
  - IV. Work Ranch
- (G) Monterey/San Luis Obispo County
  - I. Camp 5 Outfitters – Roth Ranch PLM
- (H) San Benito County
  - I. Lewis Ranch
  - II. Lone Ranch
  - III. Rancho La Cuesta
  - IV. Trincherero Ranch
- (I) San Joaquin County
  - I. Connolly and Corral Hollow Ranch
- (J) San Luis Obispo County
  - I. Avenales Ranch
  - II. Carnaza Ranch
  - III. Clark and White Ranches
  - IV. D – Rafter “L” Ranch, LLC
  - V. Hearst Ranch
- (K) Santa Clara County
  - I. Coon Creek Ranch
- (L) Shasta County
  - I. Duncan Creek Ranch
  - II. Stackhouse Ranch
- (M) Solano County
  - I. Buckeye Ranch
- (N) Stanislaus County
  - I. Roostercomb Ranch
- (O) Tehama County
  - I. Bell Ranch
  - II. R Wild Horse Ranch
- (P) Trinity County
  - I. Stewart Ranch

25. Wildlife Resources Committee
  - (A) Work plan development
    - I. Update on work plan and draft timeline
    - II. Discuss and approve new topics
26. Authorize publication of notice of intent to add regulations concerning sage grouse preferential points and draw  
(Add Section 716; amend subsections 300(a)(1)(D) and (a)(1)(F) and Section 702; Title 14, CCR)
27. Discuss proposed changes to resident upland game bird hunting regulations  
(Subsection 300(a)(1)(D)4., Title 14, CCR)
28. Adopt proposed changes to waterfowl hunting regulations  
(Section 502, Title 14, CCR)
29. Consider the petition, Department's evaluation report, and comments received to determine whether listing the coast yellow leptosiphon (*Leptosiphon croceus*) as a threatened or endangered species under the California Endangered Species Act (CESA) is warranted  
(Pursuant to Sections 2075 and 2075.5, Fish and Game Code)  
*Note: Findings will be adopted at a future meeting*
30. Consider the petition, Department's evaluation report, and comments received to determine whether listing the Lassics lupine (*Lupinus constancei*) as a threatened or endangered species under CESA is warranted  
(Pursuant to Sections 2075 and 2075.5, Fish and Game Code)  
*Note: Findings will be adopted at a future meeting*
31. Consider the petition, Department's evaluation report, and comments received to determine whether listing the tricolored blackbird (*Agelaius tricolor*) as a threatened or endangered species under CESA is warranted  
(Pursuant to Sections 2075 and 2075.5, Fish and Game Code)  
*Note: Findings will be adopted at a future meeting*
32. Discuss and approve terrestrial predator policy
33. Non-marine items of interest from previous meetings
  - (A) Department update on trapping license fees analysis
34. Non-marine petitions for regulation change from previous meetings
  - (A) Action on petitions for regulation change – None scheduled at this time
  - (B) Action on pending regulation petitions referred to staff and the Department for review
    - I. Petition #2015-008: Repeal hunting of American badger and gray fox
    - II. Petition #2017-001: Allow firearm possession while archery hunting

35. Non-marine, non-regulatory requests from previous meetings
  - (A) Action on non-regulatory requests
  - (B) Action on pending non-regulatory requests referred to staff and the Department for review
  
36. Department informational items (non-marine)
  - (A) Director's report
  - (B) Wildlife and Fisheries Division, and Ecosystem Conservation Division
  
37. Other informational items
  - (A) Staff report
  - (B) Legislative update and possible action
    - I. Discuss Proposition 68, the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 (on the June 2018 ballot)
  
38. Discuss and act on Commission administrative items
  - (A) Next meeting – June 20-21, 2018 in Sacramento
  - (B) Rulemaking timetable updates
  - (C) New business
  
39. Strategic Planning
  - (A) Process update
  - (B) Review mission and vision statements

Adjourn

## **EXECUTIVE SESSION**

(Not Open to Public)

Pursuant to the authority of Government Code Section 11126(a)(1), (c)(3), and (e)(1), and Section 309 of the Fish and Game Code, the Commission will meet in closed Executive Session. The purpose of this Executive Session is to consider:

- (A) Pending litigation to which the Commission is a Party
  - I. California Fish and Game Commission v. Central Coast Forest Assoc. and Big Creek Lumber Company (Coho delisting south of San Francisco)
  - II. Keith Robert Walker vs. Kamala Harris et al. (suction dredging)
  - III. Dennis Sturgell v. California Fish and Game Commission, California Department of Fish and Wildlife, and Office of Administrative Hearings (revocation of Dungeness crab vessel permit No. CT0544-T1)
  - IV. Kele Young v. California Fish and Game Commission, et al. (restricted species inspection fee waiver)
  - V. California Cattlemen’s Association and California Farm Bureau Federation v. California Fish and Game Commission (gray wolf listing)
  - VI. Tri-State Crab Producers Assoc. v. California Department of Fish and Wildlife, California Fish and Game Commission (Dungeness Crab “Fair Start” provision in Section 8279.1 of the Fish and Game Code)
  - VII. Center for Biological Diversity and Project Coyote/Earth Island Institute v. California Fish and Game Commission and California Department of Fish and Wildlife (trapping fees)
  - VIII. Public Interest Coalition v. California Fish and Game Commission (CEQA compliance during adoption of dog collar regulation)
  - IX. Pacific Star Sportfishing, Inc. v. California Fish and Game Commission, et al. (suspension of commercial vessel fishing permit)
- (B) Possible litigation involving the Commission
- (C) Staffing
- (D) Deliberation and action on license and permit items



## California Fish and Game Commission 2018 Meeting Schedule

**Note: As meeting dates and locations can change, please visit [www.fgc.ca.gov](http://www.fgc.ca.gov) for the most current list of meeting dates and locations.**

Meeting Date	Commission Meeting	Committee Meeting	Other Meetings
May 17		<b>Wildlife Resources</b> WestEd Building- Edwin C. Myers Classroom 4665 Lampson Ave. Los Alamitos, CA 90720	
June 19		<b>Tribal</b> Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
June 20-21	Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814		
July 17		<b>Marine Resources</b> California Department of Parks and Recreation Orange Coast District Office Training Room 3030 Avenida del Presidente San Clemente, CA 92672	
August 22-23	River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540		
September 20		<b>Wildlife Resources</b> Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
October 16		<b>Tribal</b> Radisson Fresno Conference Center 1055 Van Ness Avenue Fresno, CA 93721	
October 17-18	Radisson Fresno Conference Center 1055 Van Ness Avenue Fresno, CA 93721		

Meeting Date	Commission Meeting	Committee Meeting	Other Meetings
November 14		<b>Marine Resources</b> Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
December 12-13	QLN Conference Center 1938 Avenida del Oro Oceanside, CA 92056		

### OTHER 2018 MEETINGS OF INTEREST

#### Association of Fish and Wildlife Agencies

- September 9-12, Tampa, FL

#### Pacific Fishery Management Council

- June 6-14, Spokane, WA
- September 5-12, Seattle, WA
- November 1-8, San Diego, CA

#### Pacific Flyway Council

- September 28, Location TBD

#### Western Association of Fish and Wildlife Agencies

- July 12-17, Eugene, OR

#### Wildlife Conservation Board

- May 24, Sacramento, CA
- August 30, Sacramento, CA
- November 15, Sacramento, CA

## **IMPORTANT COMMISSION MEETING PROCEDURES INFORMATION**

### **WELCOME TO A MEETING OF THE CALIFORNIA FISH AND GAME COMMISSION**

This is the 149<sup>th</sup> year of operation of the Commission in partnership with the California Department of Fish and Wildlife. Our goal is the preservation of our heritage and conservation of our natural resources through informed decision making; Commission meetings are vital in achieving that goal. In that spirit, we provide the following information to be as effective and efficient toward that end. Welcome and please let us know if you have any questions.

### **PERSONS WITH DISABILITIES**

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Reasonable Accommodation Coordinator at (916) 651-1214. Requests for facility and/or meeting accessibility should be received at least 10 working days prior to the meeting to ensure the request can be accommodated.

### **STAY INFORMED**

To receive meeting agendas and regulatory notices about those subjects of interest to you, please visit the Commission's website, [www.fgc.ca.gov](http://www.fgc.ca.gov), to sign up on our electronic mailing lists.

### **SUBMITTING WRITTEN COMMENTS**

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: **E-mail** to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov); **mail** to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; **deliver** to California Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814; or **hand-deliver to a Commission meeting**. Materials provided to the Commission may be made available to the general public.

### **COMMENT DEADLINES**

The **Written Comment Deadline** for this meeting is **5:00 p.m. on April 5, 2018**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Late Comment Deadline** for this meeting is **noon on April 13, 2018**. Comments received by this deadline will be marked "late" and made available to Commissioners at the meeting.

After these deadlines, written comments may be delivered in person to the meeting – Please bring ten (10) copies of written comments to the meeting.

### **NON-REGULATORY REQUESTS**

All non-regulatory requests will follow a two-meeting cycle to ensure proper review and thorough consideration of each item. All requests submitted by the **Late Comment Deadline** (or heard during public forum at the meeting) will be scheduled for receipt at this meeting, and scheduled for consideration at the next business meeting.

### **PETITIONS FOR REGULATION CHANGE**

Any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1, titled, "Petition to the California Fish and Game Commission for Regulation Change" (as required by Section 662, Title 14, CCR). The form is available at

<http://www.fgc.ca.gov/public/information/petitionforregulatorychange.aspx>. To be received by the Commission at this meeting, petition forms must have been delivered by the **Late Comment Deadline** (or delivered during public forum at the meeting) and will be scheduled for consideration at the next business meeting, unless the petition is rejected under staff review pursuant to subsection 662(b), Title 14, CCR.

### **VISUAL PRESENTATIONS/MATERIALS**

All electronic presentations must be submitted by the **Late Comment Deadline** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov).
2. All electronic formats must be Windows PC compatible.
3. It is recommended that a print copy of any electronic presentation be submitted in case of technical difficulties.
4. A data projector, laptop and presentation mouse will be available for use at the meeting.

### **CONSENT CALENDAR**

A summary of all items will be available for review at the meeting. Items on the consent calendar are generally non-controversial items for which no opposition has been received and will be voted upon under single action without discussion. Any item may be removed from the consent calendar by the Commission upon request of a Commissioner, the Department, or member of the public who wishes to speak to that item, to allow for discussion and separate action.

**LASER POINTERS** may only be used by a speaker during a presentation; use at any other time may result in arrest.

### **SPEAKING AT THE MEETING**

To speak on an agenda item, please complete a "Speaker Card" and give it to the designated staff member before the agenda item is announced. Cards will be available near the entrance of the meeting room. Only one speaker card is necessary for speaking to multiple items.

1. Speakers will be called in groups; please line up when your name is called.
2. When addressing the Commission, give your name and the name of any organization you represent, and provide your comments on the item under consideration.
3. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. The presiding commissioner will allot between one and three minutes per speaker per agenda item, subject to the following exceptions:
  - a. The presiding commissioner may allow up to five minutes to an individual speaker if a minimum of three individuals who are present when the agenda item is called have ceded their time to the designated spokesperson, and the individuals ceding time forfeit their right to speak to the agenda item.
  - b. Individuals may receive advance approval for additional time to speak if requests for additional time to speak are received by email or delivery to the Commission office by the **Late Comment Deadline**. The president or designee will approve or deny the

request no later than 5:00 p.m. two days prior to the meeting.

- c. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).
  - d. An individual may receive additional time to speak to an agenda item at the request of any commissioner.
5. If you are presenting handouts/written material to the Commission at the meeting, please provide ten (10) copies to the designated staff member just prior to speaking.