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Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

MEETING AGENDA June 20-21, 2018

**Natural Resources Building – Auditorium, First Floor
1416 Ninth Street, Sacramento, CA 95814**

The meeting will be live streamed at www.fgc.ca.gov/meetings/2018

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.

DAY 1 – JUNE 20, 2018, 8:30 AM

Call to order/roll call to establish quorum

1. **Consider approving agenda and order of items**
2. **Public comment for items not on agenda**
Receive public comment regarding topics within the Commission's authority that are not included on the 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. **White Seabass Fishery Management Plan**
Receive the Department's White Seabass Fishery Management Plan 2016-2017 Annual Review.
(Pursuant to Section 5.9, White Seabass Fishery Management Plan)
4. **Kelp bed lease renewal offshore San Diego**
Consider approving request from KNOCEAN Sciences, Inc. to renew the company's lease for Kelp Bed No. 3 for exclusive privilege to harvest kelp, for a period of five years.
(Pursuant to subsection 165.5(i), Title 14, CCR)
5. **Kelp harvest plan for mechanical harvest offshore San Diego**
Receive and consider approving KNOCEAN Sciences, Inc.'s five-year kelp harvest plan required for mechanical harvest of kelp.
(Pursuant to subsection 165(c)(6), Title 14, CCR)

6. **Executive Director's report**
Receive update from the Executive Director on staff and legislative information of note.
 - (A) Staff report
 - (B) Legislative update and possible action
7. **Strategic planning**
Receive update on the strategic planning effort underway.
 - (A) Process update
 - (B) Review mission and vision statements
 - (C) Discuss potential core values
8. **Prosecutor of the Year award**
Announce recipient of the Commission's annual Prosecutor of the Year award.
9. **Tribal Committee**
Discuss updates and/or recommendations from the Tribal Committee (TC). Consider approving new topics for TC to address at a future meeting.
 - (A) June 19, 2018 meeting summary
 - I. Receive and consider adopting recommendations
 - (B) Work plan development
 - I. Update on work plan and draft timeline
 - II. Discuss and consider approving new topics
 - (C) Consider adopting the co-management vision statement
10. **Marine Resources Committee**
Discuss and approve draft agenda topics for the next Marine Resources Committee (MRC) meeting. Consider approving new topics for MRC to address at a future meeting.
 - (A) Work plan development
 - I. Update on work plan and draft timeline
 - II. Discuss and consider approving new topics
11. **Commercial non-Cancer crab incidental take allowances**
Consider authorizing publication of notice of intent to add regulations specifying incidental take allowances for crabs other than the genus Cancer in commercial trap fisheries, following emerging fisheries determination pursuant to Section 7090, Fish and Game Code.
(Section 126.1, subsection 125.1(c)(3), and Section 126; Title 14, CCR)
12. **Tribal take in marine protected areas**
Discuss proposed changes to regulations concerning tribal take in six marine protected areas.
(Subsections 632(b)(33), 632(b)(34), 632(b)(97), 632(b)(98), 632(b)(112) and 632(b)(117); Title 14, CCR)

13. **Rockport Rocks Special Closure**
Discuss repealing regulations concerning Rockport Rocks Special Closure.
(Subsection 632(b)(17), Title 14, CCR)
14. **Ocean salmon auto-conformance**
Update on automatic conformance of state ocean salmon recreational fishing regulations to federal regulations.
(Pursuant to Section 1.95, Title 14, CCR)
15. **Meeting dates and locations for 2019**
Receive and discuss proposed meeting dates and locations for January through December of 2019.
16. **Marine Life Management Act Master Plan**
Consider adopting the “2018 Master Plan for Fisheries: A Guide for Implementation of the Marine Life Management Act”.
17. **Ocean litter prevention strategy**
Receive and consider endorsing the California Ocean Protection Council’s “2018 California Ocean Litter Prevention Strategy”.
18. **Tijuana River and Tijuana Estuary**
Informational presentation from the California State Coastal Conservancy regarding cross-border pollution challenges and actions in the Tijuana River and Tijuana Estuary.
19. **Marine petitions for regulation change**
Consider petitions for regulation change submitted by members of the public to adopt, amend, or repeal a regulation.
(Pursuant to Section 662, Title 14, CCR)
 - (A) Action on current petitions for regulation change
 - I. Petition #2018-004: Consider authorizing an experimental, small-scale, commercial squid fishery and harvest quota north of Point Arena for a five-year period
 - (B) Action on pending regulation petitions referred to staff and the Department for review – None scheduled
20. **Marine non-regulatory requests**
Consider requests for non-regulatory action.
 - (A) Action on current requests
 - (B) Action on pending requests referred to staff and the Department for review
21. **Department informational items (marine)**
The Department will highlight marine items of note since the last Commission meeting.
 - (A) Director’s report
 - (B) Law Enforcement Division

- (C) Marine Region
 - I. Update on red abalone fishery management plan timing and fishery closure sunset date
 - II. Update on sheephead fillet length study

Recess

DAY 2 – JUNE 21, 2018, 8:30 AM

Call to order/roll call to establish quorum

22. Public comment for items not on agenda

Receive public comment regarding topics within the Commission’s authority that are not included on the 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. Duck Stamp projects

Consider approving proposed Duck Stamp projects for Fiscal Year 2018-19.
(Pursuant to Section 3702, Fish and Game Code)

24. Initial private lands wildlife habitat enhancement and management area (PLM) license and plan

Consider approving initial PLM plan and 2018-2023 license for:
(Pursuant to Section 601, Title 14, CCR)

- (A) Lassen County
 - I. Observation Peak Ranch

25. Five-year PLM plans

Consider approving five-year PLM plans and 2018-2023 licenses for:
(Pursuant to Section 601, Title 14, CCR)

- (A) Los Angeles County
 - I. Santa Catalina Island
- (B) Modoc County
 - I. Basin View Ranch
 - II. SL Ranch
- (C) Monterey County
 - I. Alexander Ranch
 - II. Hartnell Ranch
- (D) Monterey County/San Benito County
 - I. Morisoli Ranch
- (E) San Bernardino County
 - I. Big Morongo Springs Ranch

- (F) San Luis Obispo County
 - I. Carrizo Ranch
- (G) Shasta County
 - I. Black Ranch
 - II. Hathaway Oak Run Ranch
- (H) Yuba County
 - I. Sugarloaf-Bangor Ranch

26. **Annual PLM plans**

Consider approving annual PLM plans and 2018-2019 licenses for:
 (Pursuant to Section 601, Title 14, CCR)

- (A) Butte County
 - I. Deseret Farms - Ballard Unit
 - II. Deseret Farms - Wilson Unit
 - III. Llano Seco Rancho
 - IV. Soper-Wheeler
- (B) Butte County/Tehama County
 - I. Rock Creek
- (C) Calaveras County
 - I. Ordway Ranch
- (D) Glenn County
 - I. Bird Haven Ranch
 - I. Spurlock Ranch
- (E) Kern County/Los Angeles County
 - I. Tejon Ranch
- (F) Lassen County
 - I. Ash Valley Ranch
 - II. Clarks Valley Ranch
 - III. Dixie Valley Ranch
 - IV. Five Dot Ranch - Avila
 - V. Five Dot Ranch - Horse Lake
 - VI. Five Dot Ranch - School Section
 - VII. Five Dot Ranch - Tunnel Springs
 - VIII. Five Dot Ranch - Willow Creek
 - IX. Kramer Ranch PLM
 - X. Mendiboure Cold Springs Ranch
 - XI. Mendiboure Ranch
 - XII. Red Rock Ranch
 - XIII. Walton Homestead Family, LLC
- (G) Mendocino County
 - I. Ackerman-South Daugherty WMA
 - II. Capistran Ranch
 - III. R-R Ranch
 - IV. Schneider Ranch
- (H) Modoc County
 - I. Lookout Ranch

- (I) Monterey County
 - I. Bardin Ranch
 - II. Sky Rose Ranch, LLC
- (J) Shasta County
 - I. Clover Creek Ranch Plm
 - II. JS Ranch
 - III. Rickert Ranch
 - IV. Triple B Ranch
- (K) Siskiyou County
 - I. Long Prairie Farms
 - II. Pondosa
 - III. Red Rock Valley Farms
- (L) Tehama County
 - I. Big Bluff Ranch
 - II. Corning Land and Cattle Company
 - III. El Rancho Rio Frio
 - IV. Little Dry Creek Ranch
 - V. Salt Creek Ranch

27. **Foothill yellow-legged frog**
 Receive the Department's request for a six-month extension of time to submit its status review report on the petition to list foothill yellow-legged frog (*Rana boylei*) as an endangered or threatened species under the California Endangered Species Act (CESA).
 (Pursuant to Section 2074.6, Fish and Game Code)
28. **Humboldt marten**
 Receive the Department's one-year status review report on the petition to list Humboldt marten (*Martes caurina humboldtensis*) as an endangered species under CESA.
 (Pursuant to Section 2075, Fish and Game Code)

29. **Wildlife Resources Committee**
 Discuss any updates from the Wildlife Resources Committee (WRC). Consider approving new topics for WRC to address at a future meeting.
- (A) Work plan development
 - I. Update on work plan and draft timeline
 - II. Discuss and consider approving new topics
30. **Sage grouse preference points and draw**
 Discuss proposed regulations concerning sage grouse preferential points and draw. (Section 716; subsections 300(a)(1)(D)5., 300(a)(1)(D)6., 300(a)(2)(D)3., and 300(a)(3)(F)3.; Title 14, CCR)
31. **Resident upland game bird**
 Consider adopting proposed changes to resident upland game bird hunting regulations. (Subsection 300(a)(1)(D)4.; Title 14, CCR)

32. **Chronic wasting disease**
Department presentation on chronic wasting disease in cervids.
33. **Wildlife and inland fisheries petitions for regulation change**
Consider requests submitted by members of the public to adopt, amend, or repeal a regulation.
(Pursuant to Section 662, Title 14, CCR)
- (A) Action on current petitions for regulation change
 - I. Petition #2018-002: Consider preference points on elk type, eliminate “either-sex designation,” and require tags based on gender
 - II. Petition #2018-003: Consider including Big Sandy Wildlife Area as an area for training hunting dogs
 - (B) Action on pending regulation petitions referred to staff and the Department for review
 - I. Petition #2015-008: Consider repealing hunting of American badger and gray fox
 - II. Petition #2017-012: Consider increasing bag limit and reducing size limit for striped bass in rivers and ocean waters south of the Golden Gate Bridge
34. **Wildlife and inland fisheries non-regulatory requests**
Consider requests for non-regulatory action.
- (A) Action on current requests
 - (B) Action on pending requests referred to staff and the Department for review
35. **Department informational items (wildlife and inland fisheries)**
The Department will highlight wildlife and inland fisheries items of note since the last Commission meeting.
- (A) Director’s report
 - I. Update on tricolored blackbird population estimates and progress with safe harbor agreements
 - (B) Wildlife and Fisheries Division, and Ecosystem Conservation Division
 - I. Update on efforts to eradicate nutria in California
36. **Commission administrative items**
Discuss and consider action on the upcoming meeting agenda items and rulemaking timetable.
- (A) Next meeting – August 22-23, 2018 in Fortuna
 - (B) Rulemaking timetable updates
 - (C) New business

Adjourn

EXECUTIVE SESSION

(Not Open to Public)

At a convenient time during the regular agenda of the meeting listed above, the Commission will recess from the public portion of the agenda and conduct a closed session on the agenda items below. The Commission is authorized to discuss these matters in a closed session pursuant to Government Code Section 11126, subdivisions (a)(1), (c)(3), and (e)(1), and Fish and Game Code Section 309. After closed session, the Commission will reconvene in public session, which may include announcements about acts taken during closed session.

(A) Pending litigation to which the Commission is a Party

- I. Keith Robert Walker v. Kamala Harris et al. (suction dredging)
- II. 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)
- III. Kele Young v. California Fish and Game Commission, et al. (restricted species inspection fee waiver)
- IV. California Cattlemen's Association and California Farm Bureau Federation v. California Fish and Game Commission (gray wolf listing)
- V. 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)
- VI. 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)
- VII. Public Interest Coalition v. California Fish and Game Commission (CEQA compliance during adoption of dog collar regulation)
- VIII. 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

- I. Consider the Proposed Decision In the Matter of the Accusation Against Aaron Lance Newman.

California Fish and Game Commission 2018 Meeting Schedule

Note: As meeting dates and locations can change, please visit www.fgc.ca.gov for the most current list of meeting dates and locations.

Meeting Date	Commission Meeting	Committee Meeting	Other Meetings
June 27			Fishing Communities Public Meeting Redwood Coast Senior Center 490 N Harold Street Fort Bragg, CA 95437
July 17		Marine Resources 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		Wildlife Resources Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
October 16		Tribal 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		
November 14		Marine Resources 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

- September 5-12, Seattle, WA
- November 1-8, San Diego, CA

Pacific Flyway Council

- September 28, Flagstaff, AZ

Western Association of Fish and Wildlife Agencies

- July 12-17, Eugene, OR

Wildlife Conservation Board

- 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 149th 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, 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; **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 June 7, 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 June 15, 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 comment 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 comment at the meeting). Petitions received at this meeting 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.
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.