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Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

REVISED* MEETING AGENDA **August 22-23, 2018**

River Lodge Conference Center
1800 Riverwalk Drive, Fortuna, CA 95540

The meeting will be live streamed; visit www.fgc.ca.gov the day of the meeting.

*** This agenda is revised to reflect new text under Agenda Item 8B, two removed agenda items (marine non-regulatory requests and wildlife and inland fisheries non-regulatory requests), new litigation under Executive Session, and an administrative appeal under Executive Session.**

NOTES: 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.

Agenda Item 17, Strategic Planning, will be in a workshop format at the end of the first day (August 22). The item will begin at 3:00 p.m. or 30 minutes after the last agenda item heard that day, whichever is later.

Under Agenda Item 25, proposed regulation changes for sport fishing report card requirements are for both marine and inland waters.

DAY 1 – AUGUST 22, 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 and 11125.7(a), Government Code)

CONSENT ITEMS

3. **Rockport Rocks Special Closure**

Consider adopting regulations to repeal Rockport Rocks Special Closure.
(Subsection 632(b)(17), Title 14, CCR)

4. **Tribal take in marine protected areas**

Consider adopting the California Environmental Quality Act negative declaration and 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)

5. **Meeting dates and locations for 2019**

Consider adopting proposed meeting dates and locations for 2019.

6. **Groundfish**

Consider authorizing publication of notice of intent to amend recreational and commercial fishing regulations for federal groundfish and associated species for consistency with federal rules for 2019 and 2020.
(Sections 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.55, 52.10 and 150.16, Title 14, CCR)

7. **KNOCEAN Sciences, Inc. Administrative Kelp Bed 3 lease area**

Consider approving a request from KNOCEAN Sciences, Inc. to authorize use of its Administrative Kelp Bed 3 lease area for purposes of third party research as permitted through a scientific collecting permit issued by the Department.

8. **Executive Director's report**

Receive an update from the Executive Director on staffing and legislative information of note.

(A) Staff report

(B) Legislative report, federal regulatory notices, and possible action

9. **Marine Resources Committee**

Discuss updates and/or recommendations from the July 17, 2018 committee meeting.
Consider approving new topics to address at a future committee meeting.

(A) July 17, 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

10. **Santa Barbara Sea Ranch state water bottom lease application**
Determine whether a new state water bottom lease to Santa Barbara Sea Ranch for shellfish aquaculture offshore Santa Barbara would be in the public interest (lease application will be scheduled for consideration at a later date).
(Pursuant to Section 15400, Fish and Game Code)
11. **State logbook requirements for federally-managed fisheries**
Consider authorizing publication of notice of intent to amend state logbook regulations for federally-managed harpoon, drift gill net, and trawl fisheries.
(Subsections 107(c) through (h), subsection 174(f), and Section 176, Title 14, CCR)
12. **Red abalone**
Consider authorizing publication of notice of intent to amend regulations to extend the fishery closure sunset date for the recreational abalone fishery.
(Section 29.15, Title 14, CCR)
13. **Red abalone fishery management plan**
Receive update from the Department on development of a red abalone fishery management plan.
14. **Marine protected areas monitoring**
Receive draft "Action Plan [for] Marine Protected Area Monitoring" and a presentation from the Department.
15. **Marine items of interest from previous meetings**
These items are generally updates on agenda topics recently heard before the Commission.
 - (A) Desalination projects and California's marine protected areas
 - (B) Domoic acid levels in razor clam in Humboldt and Del Norte counties
16. **Departmental 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
17. **Strategic planning**
This agenda item will be held in a workshop format, where commissioners and members of the public can engage in dialogue about the Commission's strategic plan. The item will begin at 3:00 p.m. or 30 minutes after the last agenda item heard today, whichever is later.
 - (A) Discuss and make recommendations for potential core values
 - (B) Discuss and make recommendations for the mission and vision statements
 - (C) Discuss next steps in the planning process

Recess

DAY 2 – AUGUST 23, 2018, 8:30 AM

Call to order/roll call to establish quorum

18. 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 and 11125.7(a), Government Code)

CONSENT ITEMS

19. Coast yellow leptosiphon

Consider ratifying findings for the decision to list coast yellow leptosiphon (*Leptosiphon croceus*) as an endangered species under the California Endangered Species Act (CESA). (Pursuant to Section 2075.5, Fish and Game Code)

20. Lassics lupine

Consider ratifying findings for the decision to list Lassics lupine (*Lupinus constancei*) as an endangered species under CESA. (Pursuant to Section 2075.5, Fish and Game Code)

21. Tricolored blackbird

Consider ratifying findings for the decision to list tricolored blackbird (*Agelaius tricolor*) as a threatened species under CESA. (Pursuant to Section 2075.5, Fish and Game Code)

22. Tribal Committee

Discuss and consider approving draft agenda topics for the next committee meeting. Consider approving new topics to address at a future committee meeting.

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

23. Wildlife Resources Committee

Discuss and consider approving draft agenda topics for the next committee meeting. Consider approving new topics to address at a future committee meeting.

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

24. Sage grouse preference points and draw

Consider adopting the California Environmental Quality Act negative declaration and proposed regulations concerning sage grouse preferential points and draw. (Section 71, and amend 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)

25. **Sport fishing (annual)**
 Consider authorizing publication of notice of intent to amend regulations concerning sport fishing report card requirements for marine and inland waters, to clarify that inland waters do not include bays, to increase fishing opportunities for black bass in Perris Lake, and to make needed corrections to authority and reference citations.
 Note: Proposed regulations for sport fishing report card requirements are for both marine and inland waters.
 (Sections 1.53, 1.74 and 5.00, Title 14, CCR)
26. **Humboldt marten**
 Consider and potentially act on the petition, Department's evaluation report, and comments received to determine whether listing Humboldt marten (*Martes caurina humboldtensis*) as an endangered or threatened 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
27. **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
 I. Petition #2018-005: Allow bicycle riding in the Napa-Sonoma Marshes Wildlife Area on levee trails surrounding Pond 8 and adjacent to Milton Road
 II. Petition #2018-008: Establish special fishing regulations for Rush Creek (Mono County), from the outlet of Silver Lake downstream to Grant Lake
 (B) Action on pending regulation petitions referred to staff and the Department for review – None scheduled
28. **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
29. **Commission administrative items**
 Discuss and consider action on the upcoming meeting agenda items and rulemaking timetable, and identify any new business for discussion at a future meeting.
 (A) Next meeting – October 17-18, 2018 in Fresno
 (B) Rulemaking timetable updates
 I. Deer/elk tag validation
 (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. Public Interest Coalition v. California Fish and Game Commission (CEQA compliance during adoption of dog collar regulation)
- VII. Pacific Star Sportfishing, Inc. v. California Fish and Game Commission, et al. (suspension of commercial vessel fishing permit)
- VIII. Aaron Lance Newman v. California Fish and Game Commission (revocation of hunting and sport fishing privileges)

(B) Possible litigation involving the Commission

(C) Staffing

(D) Deliberation and action on license and permit items

- I. Consider the appeal filed by Mr. Meo Nguyen regarding the Department's denial of a request to transfer a Dungeness crab vessel permit
- II. Consider the appeal filed by Mr. Meo Nguyen regarding the Department's denial of a request to transfer a salmon vessel permit.
- III. Consider the Proposed Decision In the Matter of the appeal filed by Mr. Rudi Stolt.

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
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

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 August 9, 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 August 17, 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.