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Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

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MEETING AGENDA **October 17, 2018, 8:30 a.m.**

Radisson Fresno Conference Center
1055 Van Ness Avenue, Fresno, CA 93721

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

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.

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)
3. **Acting executive director's report**
Receive an update from the Commission's acting executive director on staffing and legislative information of note.
 - (A) Staff report
 - (B) Legislative report, federal regulatory notices, and possible action
4. **Tribal Committee**
Discuss updates and/or recommendations from the October 16, 2018 committee meeting. Consider approving new topics to address at a future committee meeting.
 - (A) October 16, 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

5. **Marine 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

6. **Recreational take of purple sea urchin (regular rulemaking)**

Consider authorizing publication of notice of intent to amend regulations for the recreational take of purple sea urchin.

(Add Section 29.06, Title 14, CCR)

7. **Incidental take allowances for crabs**

Discuss and consider adopting proposed regulations concerning incidental take allowances for crabs, other than genus *Cancer*, in trap fisheries.

(Subsection 125.1(c)(3), Section 126, and Section 126.1, Title 14, CCR)

8. **Recreational and commercial groundfish**

Discuss proposed changes to 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)

9. **Recreational take of red abalone**

Discuss proposed changes to regulations to extend the fishery closure sunset date for the recreational abalone fishery.

(Section 29.15, Title 14, CCR)

10. **Statewide marine protected areas monitoring action plan**

Consider adopting the statewide marine protected areas monitoring action plan.

11. **Red Abalone Fishery Management Plan**

Receive presentation from the California Ocean Science Trust, discuss peer review results for the draft *Red Abalone Fishery Management Plan*, and discuss next steps.

(Pursuant to Section 7072 et seq., Fish and Game Code)

12. **Box crab experimental gear permit**

Receive and discuss proposed box crab experimental gear permit (EGP) program, EGP participation criteria, and permit conditions.

(Pursuant to Fish and Game Code Section 8606)

13. **Marine non-regulatory requests from previous meetings**
 Consider non-regulatory requests submitted by members of the public at previous meetings.
- (A) Action on non-regulatory requests
 - I. Request to explore potential abalone/urchin impacts resulting from proposed expansion of Wheeler North Reef
 - II. Request to issue north coast market squid research permits
 - III. Request to review regulations and policies for harvesting giant keyhole limpets
 - IV. Recommendation to separate the Commission into two bodies
 - (B) Action on pending non-regulatory requests referred to staff or the Department for review – None scheduled
14. **Petitions for regulation change (marine and wildlife/inland fisheries)**
 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 #2018-010 AM 1: Convert non-transferable commercial nearshore permits to transferable permits
 - (B) Action on pending regulation petitions referred to staff and the Department for review
 - I. Petition #2015-014: Mendocino, Sonoma and Marin counties' coastal streams
 - II. Petition #2015-015: Russian River fishing regulations and minimum flow requirements
15. **Departmental informational items**
 The Department will highlight 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
 - II. State Water Resources Control Board Phase 1 – Bay Delta Plan and Department involvement
 - (B) Law Enforcement Division
 - (C) Wildlife and Fisheries Division, and Ecosystem Conservation Division
 - I. Update on efforts to eradicate nutria in California
 - (D) Marine Region
16. **Strategic planning**
 Discuss and consider action on proposed mission, vision and core values, and discuss next steps in the strategic planning process.

CONSENT ITEMS

17. **California sheephead**
Consider authorizing publication of notice of intent to amend regulations concerning the filleting of California sheephead on vessels at sea.
(Subsection 27.65(b), Title 14, CCR)
 18. **Recreational take of purple sea urchin (emergency)**
Consider adopting a 90-day extension of the emergency regulations concerning recreational take of purple sea urchin.
(Section 29.11, Title 14, CCR)
 19. **Lassics lupine and coast yellow leptosiphon**
Consider adopting proposed changes to regulations to add Lassics lupine (*Lupinus constancei*) and coast yellow leptosiphon (*Leptosiphon croceus*) to the list of California plants declared to be endangered.
(Section 670.2, Title 14, CCR)
 20. **Commercial use and possession of native rattlesnakes**
Consider comments received on the June 11, 2018 15-day notice and adopt the regulations concerning the commercial use and possession of native rattlesnakes for biomedical and therapeutic purposes.
(Sections 42, 43, 651, and 703, Title 14, CCR)
 21. **Cascades frog**
Receive and consider approving Department request for a six-month extension to submit its status review report on the petition to list Cascades frog (*Rana cascadae*) as an endangered or threatened species under the California Endangered Species Act (CESA). (Pursuant to Section 2074.6, Fish and Game Code)
 22. **Upper Klamath-Trinity rivers spring Chinook salmon**
 - (A) Receive a petition to list upper Klamath-Trinity rivers spring Chinook salmon (*Oncorhynchus tshawytscha*) as an endangered species under CESA.
(Pursuant to Section 2073.3, Fish and Game Code, and Section 670.1(c), Title 14, CCR)
 - (B) Consider the Department's request for a 30-day extension to review the petition to list upper Klamath-Trinity rivers spring Chinook salmon (*Oncorhynchus tshawytscha*) as an endangered species under CESA.
(Pursuant to Section 2073.5, Fish and Game Code)
23. **Wildlife Resources Committee**
Discuss updates and recommendations from the September 20, 2018 committee meeting. Consider approving new topics to address at a future committee meeting.
- (A) September 20, 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

24. **Sport fishing (annual)**
Discuss proposed changes to regulations concerning sport fishing report card requirements for marine and inland waters; clarification that inland waters do not include bays; an increase in fishing opportunities for black bass in Perris Lake; and 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)
25. **California Waterfowler's Hall of Fame**
Commission recognition of newly-inducted members of the California Waterfowler's Hall of Fame.
26. **Jerusalem Creek Ranch PLM**
Consider revoking, suspending or reinstating the Jerusalem Creek Ranch Private Lands Wildlife Habitat Enhancement and Management Area License.
(Pursuant to Section 601(e), Title 14, CCR)
27. **Bullfrogs and Non-native Turtles**
Receive an update on the stakeholder engagement plan and consider approving an updated timeline.
28. **Wildlife and inland fisheries non-regulatory requests from previous meetings**
Consider non-regulatory requests submitted by members of the public at previous meetings.
- (A) Action on non-regulatory requests
 - I. Request to use non-lethal management strategies for beavers
 - II. Request to schedule approval of Cañada San Vicente Land Management Plan
 - III. Request to engage the Department in ensuring that water settlement agreements support salmon
 - (B) Action on pending non-regulatory requests referred to staff or the Department for reviews – None scheduled
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 – December 12-13, 2018 in Oceanside
 - (B) Potential meeting location changes
 - (C) Rulemaking timetable updates
 - (D) 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 Tyler Reese regarding the Department's suspension of a trapping license.
- II. Consider the appeal filed by Christopher Giannini regarding the Department's suspension of a trapping license.
- III. Consider the Proposed Decision In the matter of the appeal filed by Gregory Janis.

California Fish and Game Commission 2018 and 2019 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.

2018			
Meeting Date	Commission Meeting	Committee Meeting	Other Meetings
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		
2019			
Meeting Date	Commission Meeting	Committee Meeting	Other Meetings
January 10		Wildlife Resources Ontario	
February 5		Tribal Redding	
February 6-7	Redding		
March 19		Marine Resources Monterey or Marina	
April 17-18	Fresno or Bakersfield		
May 16		Wildlife Resources Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
June 11		Tribal Sacramento area	
June 12-13	Sacramento area		
July 11		Marine Resources San Clemente	
August 7-8	Mammoth or Bishop		
September 5		Wildlife Resources Santa Rosa	
October 8		Tribal Los Angeles area	

2019			
Meeting Date	Commission Meeting	Committee Meeting	Other Meetings
October 9-10	Los Angeles area		
November 5		Marine Resources Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
December 11-12	San Diego (proposed to move to Sacramento area)		

OTHER 2018 AND 2019 MEETINGS OF INTEREST

Association of Fish and Wildlife Agencies

- September 22-25, 2019, Saint Paul, MN

Pacific Fishery Management Council

- November 1-8, 2018, San Diego, CA
- March 5-12, 2019, Vancouver, WA
- April 9-16, 2019, Rohnert Park, CA
- June 18-25, 2019, San Diego, CA
- September 11-18, 2019, Boise, ID
- November 13-20, 2019, Costa Mesa, CA

Western Association of Fish and Wildlife Agencies

- January 3-6, 2019, Tucson, AZ
- July 11-16, 2019, Manhattan, KS

Wildlife Conservation Board

- November 15, 2018, 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 October 4, 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 October 12, 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.