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Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

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MEETING AGENDA **December 12-13, 2018**

QLN Conference Center
1938 Avenida del Oro, Oceanside, CA 92056

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.

DAY 1 – DECEMBER 12, 2018, 9:00 AM

Call to order/roll call to establish quorum

1. **Consider approving agenda and order of items**

2. **General 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 ITEM

3. **Commercial logbooks**

Discuss and consider adopting proposed changes to commercial logbook regulations for broadbill swordfish harpoon, gill and trammel net fisheries, and trawl fisheries. (Subsections 107(c) through (h), subsection 174(f), and Section 176, Title 14, CCR; repeal form DFG 107)

4. **Acting executive director's report**

Receive an update from the acting executive director on staffing and legislative information of note.

(A) Staff Report

(B) Legislative report and possible action

5. **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
6. **Marine Resources Committee**
Discuss updates and/or recommendations from the November 14, 2018 committee meeting. Consider approving new topics to address at a future committee meeting.
 - (A) November 14, 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
7. **Recreational and commercial groundfish**
Consider adopting 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)
8. **Recreational take of red abalone**
Consider adopting proposed changes to abalone regulations to extend the fishery closure sunset date for the recreational fishery.
(Section 29.15, Title 14, CCR)
9. **Recreational take of purple sea urchin**
Discuss proposed regulations concerning the recreational take of purple sea urchin.
(Add Section 29.06, Title 14, CCR)
10. **California sheephead**
Discuss proposed changes to regulations concerning the filleting of California sheephead on vessels at sea.
(Subsection 27.65(b), Title 14, CCR)
11. **Box crab experimental gear permit (EGP)**
Receive and consider approving requests for box crab EGPs for participation in the Department's box crab EGP program.
(Pursuant to Section 8606, Fish and Game Code)
12. **Statewide Marine Protected Areas (MPAs) Program**
Receive annual update on the Department's MPAs program management activities.

13. **Pacific Herring Fishery Management Plan (FMP)**
 Receive and discuss draft Pacific herring FMP and California Environmental Quality Act documentation.
Note - Staff will recommend that this item be continued to a future Commission meeting.
14. **Annual recreational ocean salmon and Pacific halibut**
 Receive update on and discuss Pacific Fishery Management Council process and timeline, and automatic conformance of state regulations to federal regulations.
 (Pursuant to Section 1.95, Title 14, CCR)
15. **Red Abalone FMP**
 Discuss next steps in red abalone FMP development and consideration of peer review results.
 (Pursuant to Section 7072 et seq., Fish and Game Code)
16. **Delayed opening and closure of fisheries due to human health risk**
 Discuss action taken by Department director to order the delay or closure of fisheries due to human health risk associated with elevated levels of domoic acid.
 (Pursuant to Section 5523, Fish and Game Code)
 - (A) Discuss the delayed opening of the recreational Dungeness crab season from Patrick's Point in Humboldt County north to the California/Oregon state line
 - (B) Discuss the delayed opening of the commercial Dungeness crab season from Bodega Head in Sonoma County north to the Sonoma/Mendocino county line.
 - (C) Discuss the closure of the commercial spiny lobster fishery in state waters around Santa Cruz and Anacapa islands in Ventura County.
17. **Marine 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 #2018-013: Commercial ridgeback prawn authorized fishing hours
 - (B) Action on pending regulation petitions referred to staff and the Department for review – none scheduled at this time
18. **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 use federal disaster relief funding for public education
 - II. Request to issue more commercial spot prawn permits
 - (B) Action on pending non-regulatory requests referred to staff or the Department for review

19. **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
 - I. Update on Dungeness Crab Fishing Gear Working Group Risk Assessment and Mitigation Program (RAMP)

20. **Strategic planning**

Discuss and consider adopting core values, vision statement and mission statement, and discuss next steps in the strategic planning process.

Recess

DAY 2 – DECEMBER 13, 2018, 8:30 AM

Call to order/roll call to establish quorum

21. **General 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

22. **Northern California summer steelhead**

- (A) Receive a petition to list northern California summer steelhead (*Oncorhynchus mykiss irideus*) as an endangered species under the California Endangered Species Act (CESA).
(Pursuant to Section 2073.3, Fish and Game Code, and Subsection 670.1(c), Title 14, CCR)
- (B) Consider approving the Department's request for a 30-day extension to review the petition to list northern California summer steelhead (*Oncorhynchus mykiss irideus*) as an endangered species under CESA.
(Pursuant to Section 2073.5, Fish and Game Code)

23. **Bumble bees**

- (A) Receive a petition to list Crotch bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as endangered species under CESA.
(Pursuant to Section 2073.3, Fish and Game Code, and Subsection 670.1(c), Title 14, CCR)

- (B) Consider approving the Department's request for a 30-day extension to review the petition to list Crotch bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as endangered species under CESA.
(Pursuant to Section 2073.5, Fish and Game Code)

24. **Humboldt marten**

Consider ratifying findings for the decision to list Humboldt marten (*Martes caurina humboldtensis*) as an endangered species under CESA.
(Pursuant to Section 2075.5, Fish and Game Code)

25. **Upper Klamath-Trinity river spring Chinook salmon**

Receive 90-day evaluation report from the Department for the petition to list upper Klamath-Trinity river spring Chinook salmon (*Oncorhynchus tshawytscha*) as an endangered species under CESA.
(Pursuant to Section 2073.5, Fish and Game Code)

26. **Wild trout waters policy**

Receive Department recommendation and consider adopting proposed amendments to the Commission Designated Wild Trout Waters policy.
(Pursuant to Section 1727, Fish and Game Code)

27. **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

28. **Sport fishing**

Consider adopting proposed changes to sport fishing regulations.

Note: Proposed regulation changes for sport fishing report card requirements are for both marine and inland waters.

(Sections 1.53, 1.74, and 5.00, Title 14, CCR)

29. **Klamath River Basin sport fishing**

Consider authorizing publication of notice of intent to amend Klamath River Basin sport fishing regulations.

(Subsection 7.50(b)(91.1), Title 14, CCR)

30. **Central Valley salmon sport fishing**

Consider authorizing publication of notice of intent to amend Central Valley salmon sport fishing regulations.

(Subsections 7.50(b)(5), (68), (124), and (156.5), Title 14, CCR)

31. **Mammal hunting**
Consider authorizing publication of notice of intent to amend mammal hunting regulations, including sheep/elk tag quotas, and deer/elk tag validation.
(Sections 362, 364, 364.1, and 708.6, Title 14, CCR)
32. **Archery equipment and crossbow**
Consider authorizing publication of notice of intent to amend archery equipment and crossbow regulations, including bow draw weight and possession of a firearm while bow hunting.
(Section 354, Title 14, CCR)
33. **Waterfowl (annual)**
Consider authorizing publication of notice of intent to amend waterfowl regulations.
(Sections 502 and 509, Title 14, CCR)
34. **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 #2018-014: Boat limit of finfish
 - (B) Action on pending regulation petitions referred to staff and the Department for review – none scheduled at this time
35. **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 cancel hunting seasons in areas affected by wildfires
 - II. Request to reduce the coyote population in urban areas
 - III. Request for clarification on whether plastic corn cob is considered a decoy or bait when hunting
 - (B) Action on pending non-regulatory requests referred to staff or the Department for review
 - I. Request for bounty on Sacramento pikeminnow

36. **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) Law Enforcement Division
- (C) Wildlife and Fisheries Division, and Ecosystem Conservation Division
 - I. Update on efforts to eradicate nutria in California
 - II. Update on wildfires and wildlife populations

37. **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 – February 6, 2019 in Sacramento
- (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. 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)
- II. California Cattlemen's Association and California Farm Bureau Federation v. California Fish and Game Commission (gray wolf listing)
- III. Public Interest Coalition v. California Fish and Game Commission (CEQA compliance during adoption of dog collar regulation)
- IV. Pacific Star Sportfishing, Inc. v. California Fish and Game Commission, et al. (suspension of commercial vessel fishing permit)
- V. 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

California Fish and Game Commission 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. In 2019, wildlife and inland fisheries items will be heard on the first day of Commission meetings, and marine items will be heard on the second day; administrative items will be heard on either day.

Meeting Date	Commission Meeting	Committee Meeting	Other Meetings
January 10		Wildlife Resources Inland Deserts Regional Office Ontario Large Conference Room 3602 Inland Empire Blvd Suite C-220 Ontario, CA 91764	
February 5		Tribal Sacramento	
February 6	Natural Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814		
March 19		Marine Resources California State Parks Mott Training Center 837 Asilomar Blvd Pacific Grove, CA 93950	
April 17-18	Los Angeles		
May 16		Wildlife Resources Natural Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
May 16	Teleconference		
June 11		Tribal Redding	
June 12-13	Redding		
July 11		Marine Resources California Department of Parks and Recreation Orange Coast District Office Training Room 3030 Avenida del Presidente San Clemente, CA 92672	
August 7-8	Natural Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814		

Meeting Date	Commission Meeting	Committee Meeting	Other Meetings
September 5		Wildlife Resources Justice Joseph A. Rattigan State Building Conference Rm 410 (4 th Floor) 50 D Street Santa Rosa, CA 95404	
October 8		Tribal San Diego	
October 9-10	San Diego		
November 5		Marine Resources Sacramento	
December 11-12	Natural Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814		

OTHER MEETINGS OF INTEREST

Association of Fish and Wildlife Agencies

- September 22-25, Saint Paul, MN

Pacific Fishery Management Council

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

Pacific Flyway Council

- March 5, Denver, CO
- August 23, TBD

Western Association of Fish and Wildlife Agencies

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

Wildlife Conservation Board

- March 7, Sacramento, CA
- May 22, Sacramento, CA
- August 28, Sacramento, CA
- November 21, 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 November 29, 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 December 7, 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.