

Commissioners
Eric Sklar, President
Saint Helena

Jacque Hostler-Carmesin, Vice President
McKinleyville

Russell E. Burns, Member
Napa

Peter S. Silva, Member
Jamul

Samantha Murray, Member
Del Mar

STATE OF CALIFORNIA
Gavin Newsom, Governor

Melissa Miller-Henson
Acting Executive Director
P.O. Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
fgc@fgc.ca.gov
www.fgc.ca.gov

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

REVISED* MEETING AGENDA **April 17, 2019, 8:30 AM**

City of Santa Monica, Civic Auditorium, East Wing
1855 Main Street, Santa Monica, CA 90403

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

*This agenda is revised to include new items 4-6 regarding private lands wildlife habitat enhancement and management area (PLM) licenses and plans.

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. **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.
Note: 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. **Committee assignments**
The Commission forms three committees from its membership, consisting of at least one commissioner (Pursuant to sections 105, 106 and 106.5, Fish and Game Code).
 - (A) Marine Resources Committee
 - (B) Wildlife Resources Committee
 - (C) Tribal Committee

CONSENT ITEMS

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

Consider approving initial PLM plan and 2019-2023 license for:
(Pursuant to Section 601, Title 14, CCR)

- (A) Glenn County
 - I. Anderson Ranch

5. Five-year PLM plans

Consider approving five-year PLM plans and 2019-2023 licenses for:
(Pursuant to Section 601, Title 14, CCR)

- (A) Humboldt County
 - I. Redwood House Ranch
 - II. Smith River PLM
 - III. Wiggins Ranch
- (B) Kern/Los Angeles counties
 - I. Tejon Ranch
- (C) Mendocino County
 - I. Capistran Ranch
 - II. Four Pines Ranch
- (D) Monterey County
 - I. Work Ranch
- (E) San Luis Obispo County
 - I. Hearst Ranch
- (F) Tehama County
 - I. Bell Ranch

6. Annual PLM plans

Consider approving annual PLM plans and 2019/2020 licenses for:
(Pursuant to Section 601, Title 14, CCR)

- (A) Del Norte County
 - I. Alexandre Ecodairy Farms PLM
- (B) Humboldt County
 - I. Big Lagoon
 - II. Cottrell Ranch
 - III. Diamond C Outfitters
 - IV. Hunter Ranch
 - V. Klamath PLM
 - VI. Rainbow Ridge PLM
 - VII. Stover Ranch
- (C) Mendocino County
 - I. Amann Ranch
 - II. Carley Ranch
 - III. Christensen Ranch
 - IV. Elk Creek Ranch

CONSENT ITEMS

- V. Miller-Eriksen Ranch
- VI. Sanhedrin Ranch
- VII. Seven Springs Ranch
- VIII. Shamrock Ranch
- IX. Spring Valley Ranch
- X. Summer Camp Ranch
- (D) Merced County
 - I. DeFrancesco/Eaton Ranch
- (E) Modoc County
 - I. Roberts Ranch
- (F) Monterey County
 - I. Alexander Ranch
 - II. Hartnell Ranch
 - III. Indian Valley Cattle Company (Lombardo Ranch)
 - IV. Peachtree Ranch
 - V. Sky Rose Ranch, LLC. PLM
- (G) Monterey/San Benito counties
 - I. Morisoli Ranch
- (H) Monterey/San Luis Obispo counties
 - I. Camp 5 Outfitters - Roth Ranch PLM
- (I) San Benito County
 - I. Lewis Ranch
 - II. Lone Ranch
 - III. Rancho La Cuesta
 - IV. Trincherero Ranch
- (J) San Joaquin County
 - I. Connolly and Corral Hollow Ranch
- (K) San Luis Obispo County
 - I. Avenales Ranch
 - II. Carnaza Ranch
 - III. Carrizo Ranch
 - IV. Chimney Rock Ranch
 - V. Clark and white Ranches
 - VI. D – Rafter “L” Ranch, LLC
- (L) San Luis Obispo/Kern counties
 - I. Temblor Ranch
- (M) Shasta County
 - I. Stackhouse Ranch
- (N) Solano County
 - I. Buckeye Ranch
- (O) Tehama County
 - I. 3D Ranch
 - II. R Wild Horse Ranch
- (P) Trinity County
 - I. Stewart Ranch
 - II. Travis Ranch

CONSENT ITEMS

7. Bumble bees

Receive 90 day evaluation report from the Department for 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 the California Endangered Species Act (CESA). (Pursuant to Section 2073.5, Fish and Game Code)

8. San Bernadino kangaroo rat

Receive a petition to list San Bernardino kangaroo rat (*Dipodomys merriami parvus*) as an endangered species under CESA.
(Pursuant to Section 2073.3, Fish and Game Code, and subsection 670.1(c), Title 14, CCR)

9. Transgenic zebrafish

Receive an application for a permit to import, possess, transport or rear, or conduct research on, transgenic zebrafish.
(Pursuant to subdivision 15007(e), Fish and Game Code, and subsection 671.1(a)(8)(H), Title 14, CCR)

10. Archery equipment and crossbow

Consider adopting proposed changes to archery equipment and crossbow regulations, including bow draw weight and possession of a firearm while bow hunting.
(Section 354, Title 14, CCR)

11. Hagfish traps

Consider authorizing publication of notice of intent to amend commercial take of hagfish regulations, including use of barrel traps and buoy marking requirements for all trap types.
(Section 180.6, Title 14, CCR)

12. Acting executive director's report

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

(A) Staff report

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

I. Proposed delisting of gray wolf under the federal Endangered Species Act

13. 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

14. **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

15. **Mammal hunting**
 Consider adopting proposed changes to mammal hunting regulations, including sheep/elk tag quotas, and deer/elk tag validation.
 (Sections 362, 364, 364.1 and 708.6, Title 14, CCR)
Commission staff will recommend that this item be continued for possible adoption at the Commission's May 16, 2019 teleconference.

16. **Waterfowl**
 Consider adopting proposed changes to migratory waterfowl regulations and concurrence with federal regulations.
 (Sections 502 and 509, Title 14, CCR)

17. **Klamath River Basin sport fishing**
 Discuss proposed changes to Klamath River Basin sport fishing regulations.
 (Subsection 7.50(b)(91.1), Title 14, CCR)

18. **Central Valley salmon sport fishing**
 Discuss proposed changes to Central Valley salmon sport fishing regulations.
 (Subsections 7.50(b)(5), (68), (124) and (156.5), Title 14, CCR)

19. **Upper Klamath-Trinity river spring Chinook salmon**
 Discuss and consider authorizing take.
 (Pursuant to Section 2084, Fish and Game Code)

20. **Strategic planning**
 Receive an update on and discuss next steps in the strategic planning process.

21. **Petitions for regulation change**
 Consider petitions 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 #2018-018 AM 1: Extend crow hunting season in Hollenbeck Canyon Wildlife Area
 - II. Petition #2018-019: Increase trap opening size for recreational take of shrimp south of Point Conception
 - III. Petition #2019-001: Limit use of leased parking sites in Ballona Wetlands Ecological Reserve parking lot

- IV. Petition #2019-002: Authorize purchase of trap endorsement for nearshore permits converted at 2:1 rate
- V. Petition #2019-003: Emergency regulation for recreational take of purple sea urchin at Tanker's Reef in Monterey County
- (B) Action on pending regulation petitions referred to staff or the Department for review – None scheduled at this time

22. Non-regulatory requests

Consider non-regulatory requests submitted by members of the public at previous meetings.

- (A) Action on current non-regulatory requests
- (B) Action on pending non-regulatory requests referred to staff or the Department for review – None scheduled at this time

23. 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
- (B) Law Enforcement Division
- (C) Wildlife and Fisheries Division, and Ecosystem Conservation Division
 - I. Recruitment, retention and reactivation (R3) report
 - II. Update on efforts to eradicate nutria in California
- (D) Marine Region
 - I. Year in review – 2018
 - II. Update on annual recreational ocean salmon and Pacific halibut regulations, and automatic conformance to federal regulations
 - III. Update on federal fishery disaster declaration requests
 - IV. Update on transition to electronic commercial fisheries landing receipts ("E-Tix")

24. Marine Resources Committee

Discuss updates and/or recommendations from the March 20, 2019 committee meeting. Consider approving new topics to address at a future committee meeting.

- (A) March 20, 2019 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

25. Whale and turtle protection in the Dungeness crab fishery

Update on legal settlement agreement to protect whales and sea turtles from entanglement in commercial Dungeness crab gear, and potential application to the recreational Dungeness crab fishery.

26. **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 meetings – May 16, 2019 (teleconference) and June 12-13, 2019
- (B) Rulemaking timetable updates
- (C) New business

Adjourn

EXECUTIVE SESSION
(Not Open to the 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 actions 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

- I. Consider Agency Case No. 17ALJ18-FGC, the appeal filed by James Smith regarding the suspension of his guide license

- II. Consider Agency Case No. 18ALJ02-FGC, the appeal filed by Charles Williams regarding a request to renew a transferable Dungeness crab vessel permit and salmon vessel permit
- III. Consider Agency Case No. 18ALJ05-FGC, the appeal filed by James Verboon regarding a request to renew a salmon vessel permit
- IV. Consider Agency Case No. 18ALJ07-FGC, the appeal filed by John Fraser regarding a request to renew a nontransferable Dungeness crab vessel permit
- V. Consider Agency Case No. 18ALJ11-FGC, the appeal filed by Louis Ferrari regarding the transferability of a nearshore fisheries permit
- VI. Consider Agency Case No. 18ALJ15-FGC, the appeal filed by Peter Aliotti regarding a request to renew a salmon vessel permit
- VII. Consider Agency Case No. 18ALJ16-FGC, the appeal filed by Steve Escobar regarding a request to renew a south coast region nearshore fishery gear endorsement
- VIII. Consider Agency Case No. 18ALJ21-FGC, the Accusation filed against Shan Xiang Xue regarding a 20-year suspension of sport fishing privileges

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.

Meeting Date	Commission Meeting	Committee Meeting
May 16		Wildlife Resources Natural Resources Building Redwood Room, 14 th Floor 1416 Ninth Street Sacramento, CA 95814
May 16	Teleconference – Arcata, Fairfield, Sacramento, and San Diego	
June 11		Tribal Red Lion Hotel Redding 1830 Hilltop Drive Redding, CA 96002
June 12-13	Red Lion Hotel Redding 1830 Hilltop Drive Redding, CA 96002	
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	
September 5		Wildlife Resources Justice Joseph A. Rattigan State Building Conference Room 410 50 D Street, 4 th Floor Santa Rosa, CA 95404
October 8		Tribal San Diego
October 9-10	San Diego	
November 5		Marine Resources Natural Resources Building 12 th Floor Conference Room 1416 Ninth Street, Room 1206 Sacramento, CA 95814
December 11-12	Natural Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	

OTHER 2019 MEETINGS OF INTEREST

Association of Fish and Wildlife Agencies

- September 22-25, Saint Paul, MN

Pacific Fishery Management Council

- June 18-25, San Diego, CA
- September 11-18, Boise, ID
- November 13-20, Costa Mesa, CA

Pacific Flyway Council

- August 23, Clackamas, OR

Western Association of Fish and Wildlife Agencies

- July 11-16, Manhattan, KS

Wildlife Conservation Board

- 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 year marks the beginning of the 150th 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 April 4, 2019**. 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 12, 2019**. 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

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.