

California Fish and Game Commission
Wildlife Resources Committee
Meeting Binder

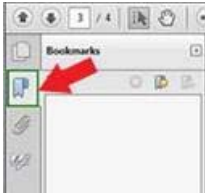


May 16, 2019

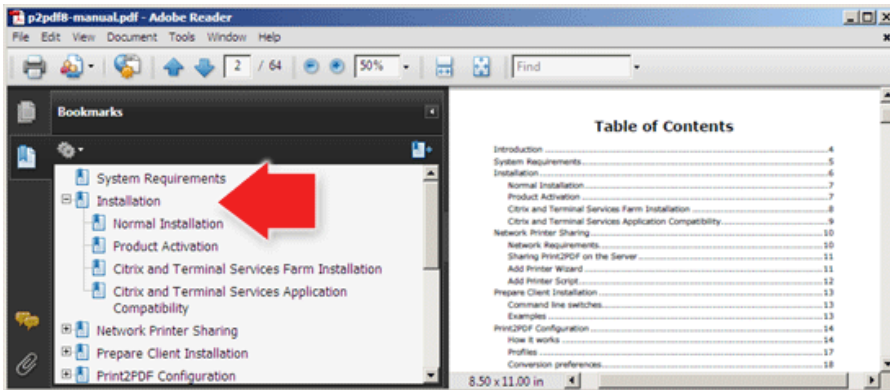
Sacramento

EASY GUIDE TO USING THE BINDER

1. Download and open the binder document using your Adobe Acrobat program/app.
2. If a bookmark panel does not automatically appear on either the top or left side of the screen, click/tap on the “bookmark symbol” located near the top left-hand corner.



3. To make adjustments to the view, use the Page Display option in the View tab. You should see something like:



4. We suggest leaving open the bookmark panel to help you move efficiently among the staff summaries and numerous supporting documents in the binder. It’s helpful to think of these bookmarks as a table of contents that allows you to go to specific points in the binder without having to scroll through hundreds of pages.
5. You can resize the two panels by placing your cursor in the dark, vertical line located between the panels and using a long click /tap to move in either direction. ←|→
6. You may also adjust the sizing of the documents by adjusting the sizing preferences located on the Page Display icons found in the top toolbar or in the View tab.
7. Upon locating a staff summary for an agenda item, notice that you can obtain more information by clicking/tapping on any item underlined in blue.
8. Return to the staff summary by simply clicking/tapping on the item in the bookmark panel.
9. Do not hesitate to contact staff if you have any questions or would like assistance.

OVERVIEW OF FISH AND GAME COMMISSION COMMITTEE MEETING

- Welcome to this meeting of the _____ Committee. The Committee is comprised of up to two Commissioners who co-chair each meeting; members are assigned by the Commission annually.
- Our goal today is informed discussion to guide future decision making, and, we need your cooperation to ensure a lively and comprehensive dialogue.
- We are operating under Bagley-Keene Open Meeting Act, but it is important to note that the Committee chairs cannot take action independent of the full Commission; instead, the chairs make recommendations to the full Commission at regularly scheduled meetings.
- These proceedings may be recorded and posted to our website for reference and archival purposes.
- Items may be heard in any order pursuant to the determination of the Committee Co-Chairs.
- In the unlikely event of an emergency, please locate the nearest emergency exits.
- Restrooms are located _____.
- As a general rule, requests for regulatory change need to be redirected to the full Commission and submitted on the required petition form, FGC 1, titled “Petition to the California Fish and Game Commission for Regulation Change” (Section 662, Title 14, CCR). However, at the Committee’s discretion, the Committee may request that staff follow up on items of potential interest to the Committee and possible recommendation to the Commission.
- Committee meetings operate informally and provide opportunity for everyone to provide comment on agenda items. If you wish to speak on an agenda item, please follow these guidelines:
 1. Raise your hand and wait to be recognized by the Committee.
 2. Provide your name, affiliation (if any), and the number of people you represent.
 3. Time is limited; please keep your comments precise to give others time to speak.
 4. If several speakers have the same concerns, please appoint a group spokesperson.
 5. If you would like to present handouts or written materials to the Committee, please provide five copies to the designated staff member just prior to speaking.
 6. If speaking during public comment, the subject matter you present should not be related to any item on the current agenda (public comment on agenda items will be taken at the time the Committee members discuss that item).
- **Warning!** Laser pointers may only be used by a speaker doing a presentation.

INTRODUCTIONS FOR FISH AND GAME COMMISSION WILDLIFE RESOURCES COMMITTEE

FISH AND GAME COMMISSIONERS

Russell E. Burns	Co-Chair (Napa)
Eric Sklar	Co-Chair (Saint Helena)

COMMISSION STAFF

Melissa Miller-Henson	Acting Executive Director
Ari Cornman	Wildlife Advisor
Sergey Kinchak	Staff Services Analyst
Maggie McCann	Sea Grant State Fellow

DEPARTMENT OF FISH AND WILDLIFE

Stafford Lehr	Deputy Director, Wildlife and Fisheries Division
Kevin Shaffer	Chief, Fisheries Branch
Kari Lewis	Chief, Wildlife Branch
Patrick Foy	Captain, Law Enforcement Division

I would also like to acknowledge special guests who are present:
(i.e., key DFW staff, elected officials, tribal chairpersons, other special guests)

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

WILDLIFE RESOURCES COMMITTEE

Committee Chairs: President Sklar and Commissioner Burns

Meeting Agenda
May 16, 2019, 1:00 p.m.

Natural Resources Building
Redwood Room, 14th Floor
1416 Ninth Street
Sacramento, CA 95814

This meeting will be audio-recorded and made available to the public.

NOTE: Please see important meeting procedures and information at the end of the agenda. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department. All agenda items are informational and/or discussion only. The Committee develops recommendations to the Commission but does not have authority to make policy or regulatory decisions on behalf of the Commission.

Call to order

1. Approve agenda and order of items

2. Public comment for items not on the agenda

The Committee may not discuss or take action on any matter raised during this item, except to consider whether to recommend that the matter be added to the agenda of a future meeting. [Sections 11125, 11125.7(a), Government Code]

3. Department updates

The Department will highlight items of note since the last Committee meeting.

- (A) Wildlife Branch
 - I. Connectivity and wildlife corridors
 - II. Gray wolf updates
- (B) Fisheries Branch
- (C) Law Enforcement Division

- 4. Initial recommendations for 2020-21 regulations**
Discuss and consider approving recommendations for the following regulations for the 2020-21 seasons:
 - (A) Mammal hunting
 - (B) Waterfowl hunting
 - (C) Central Valley Chinook salmon sport fishing
 - (D) Klamath River Basin salmon sport fishing
- 5. Committee recommendations for Department lands regulations**
Discuss and consider approving recommendations for changes to public use regulations on Department lands.
- 6. Simplification of statewide inland fishing regulations**
Receive an update on the statewide sportfish regulations revision and simplification.
- 7. Bullfrogs and non-native turtles**
Receive an update on the stakeholder engagement plan.
- 8. Committee recommendations for sportfishing licenses**
Review and consider possible recommendations on AB 1387, regarding 12-month sport fishing licenses.
- 9. Delta Fisheries Management Policy**
Discuss a potential Delta Fisheries Management Policy and repeal of the Commission's Striped Bass Policy.
- 10. Future agenda items**
 - (A) Review work plan agenda topics and timeline
 - (B) Potential new agenda topics for Commission consideration

Adjourn

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
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 COMMITTEE MEETING PROCEDURES INFORMATION

Welcome to a meeting of the California Fish and Game Commission's Wildlife Resources Committee. The Committee is chaired by up to two Commissioners; these assignments are made by the Commission.

The goal of the Committee is to allow greater time to investigate issues before the Commission than would otherwise be possible. Committee meetings are less formal in nature and provide for additional access to the Commission. The Committee follows the noticing requirements of the Bagley-Keene Open Meeting Act. It is important to note that the Committee chairs cannot take action independent of the full Commission; instead, the chairs make recommendations to the full Commission at regularly scheduled meetings.

The Commission's goal is the preservation of our heritage and conservation of our natural resources through informed decision-making; Committee meetings are vital in developing recommendations to help the Commission achieve 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.

SUBMITTING WRITTEN MATERIALS

The public is encouraged to attend Committee meetings and engage in the discussion about items on the agenda; the public is also welcome to comment on agenda items in writing. You may submit your written comments by one of the following methods (only one is necessary): **Email** 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 Committee meeting**.

COMMENT DEADLINES:

The **Written Comment Deadline** for this meeting is **5:00 p.m. on May 3, 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 May 10, 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 five (5) copies of written comments to the meeting.

The Committee **will not** consider comments regarding proposed changes to regulations that have been noticed by the Commission. If you wish to provide comment on a noticed item, please provide your comments during Commission business meetings, via email, or deliver to the Commission office.

Note: Materials provided to the Committee may be made available to the general public.

REGULATION CHANGE PETITIONS

As a general rule, requests for regulatory change need to be redirected to the full Commission and submitted on the required petition form, FGC 1, titled "Petition to the California Fish and Game Commission for Regulation Change" (Section 662, Title 14, CCR). However, at the Committee's discretion, the Committee may request that staff follow up on items of potential interest to the Committee and possible recommendation to the Commission.

SPEAKING AT THE MEETING

Committee meetings operate informally and provide opportunity for everyone to comment on agenda items. If you wish to speak on an agenda item, please follow these guidelines:

1. Raise your hand and wait to be recognized by the Committee co-chair(s).
2. Once recognized, please begin by giving your name and affiliation (if any) and the number of people you represent.
3. Time is limited; please keep your comments concise so that everyone has an opportunity to speak.
4. If there are several speakers with the same concerns, please try to appoint a spokesperson and avoid repetitive comments.
5. If you would like to present handouts or written materials to the Committee, please provide five copies to the designated staff member just prior to speaking.
6. If speaking during public comment, the subject matter you present should not be related to any item on the current agenda (public comment on agenda items will be taken at the time the Committee members discuss that item). As a general rule, public comment is an opportunity to bring matters to the attention of the Committee, but you may also do so via email or standard mail. At the discretion of the Committee, staff may be requested to follow up on the subject you raise.

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 or delivered to the Commission on a USB flash drive by the deadline.
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.

COMMITTEE STAFF SUMMARY FOR MAY 16, 2019

2. GENERAL PUBLIC COMMENT**Today's Item****Information** **Action**

Receive public comments for items not on the agenda.

Summary of Previous/Future Actions (N/A)**Background**

WRC generally receives two types of correspondence or comment under general public comment: requests for WRC to consider new topics, and informational items. As a general rule, requests for regulatory change need to be directed to FGC and submitted on the required petition form, FGC 1, titled "Petition to the California Fish and Game Commission for Regulation Change" (Section 662, Title 14, CCR). However, at the discretion of WRC, staff may be requested to follow up on items of potential interest to WRC and possible recommendation to FGC.

Significant Public Comments (N/A)**Recommendation**

FGC staff: If WRC wants to recommend any new future agenda items based on issues raised and within FGC's authority, staff recommends holding for discussion under today's Agenda Item 10, Future Agenda Items.

Exhibits (N/A)**Motion/Direction (N/A)**

COMMITTEE STAFF SUMMARY FOR MAY 16, 2019

3. DEPARTMENT UPDATES**Today's Item**Information Action

Receive updates on DFW activities.

Summary of Previous/Future Actions (N/A)**Background**

This is a standing agenda item for DFW to provide updates on activities of interest related to wildlife and inland fisheries.

- (A) Wildlife Branch: Branch Chief Kari Lewis. Updates will include:
 - I. Connectivity and wildlife corridors; and
 - II. Gray wolf, as requested by FGC.
- (B) Fisheries Branch: Senior Environmental Scientist Karen Mitchell
- (C) Law Enforcement Division: Captain Patrick Foy

Significant Public Comments (N/A)**Recommendation (N/A)****Exhibits (N/A)****Committee Direction/Recommendation (N/A)**

COMMITTEE STAFF SUMMARY FOR MAY 16, 2019

4. REGULATIONS FOR 2020-21 SEASONS

Today's Item	Information <input checked="" type="checkbox"/>	Action <input type="checkbox"/>
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Discuss initial recommendations for regulation changes for:

- (A) Mammal hunting
- (B) Waterfowl hunting
- (C) Central Valley sport fishing
- (D) Klamath River Basin sport fishing

Summary of Previous/Future Actions

- | | |
|---|--|
| <ul style="list-style-type: none"> • Today's discussion • WRC potential recommendations • FGC notice hearings | <p>May 16, 2019; WRC, Sacramento
 Sep 5, 2019; WRC; Santa Rosa
 Dec 11-12, 2019; Sacramento</p> |
|---|--|

Background

This item is to provide the public an opportunity for an initial discussion of proposed changes for regulations for the following seasons:

- (A) Mammal hunting (2020-21): Proposed changes to hunting regulations for various big game mammals, including deer, Nelson bighorn sheep, antelope and elk, are combined for concurrent action under a single rulemaking.
- (B) Waterfowl hunting (2020-21): FGC annually adopts migratory waterfowl hunting regulations to conform State regulations with federal regulations. The U.S. Fish and Wildlife Service adopts federal regulations each Oct based, in part, on recommendations from four regional flyway councils. Migratory waterfowl include American coot, common moorhen, ducks, black brant and geese, among others.
- (C) Central Valley sport fishing (2020): FGC annually adopts Central Valley sport fishing regulations for the American, Feather, and Sacramento rivers to conform State regulations with federal regulations; future rulemakings will also include the Mokelumne River. The National Marine Fisheries Service (NMFS) adopts federal recommendations each Apr based, in part, on recommendations from the Pacific Fishery Management Council (PFMC).
- (D) Klamath River Basin sport fishing (2020): FGC annually adopts regulations to conform State regulations with federal fishing regulations in the Klamath River Basin. NMFS adopts federal recommendations each Apr based, in part, on recommendations from PFMC.

This meeting is an opportunity to make suggestions to DFW and WRC regarding potential changes to consider in each rulemaking. A second opportunity will be provided in Sep 2019, before the respective notice hearings scheduled for Dec 2019. Today, WRC will discuss anticipated regulation changes beyond the specific season and bag limits for the 2020-21 seasons.

COMMITTEE STAFF SUMMARY FOR MAY 16, 2019

Significant Public Comments (N/A)

Recommendation (N/A)

Exhibits (N/A)

Committee Direction/Recommendation (N/A)

COMMITTEE STAFF SUMMARY FOR MAY 16, 2019

5. DEPARTMENT LANDS REGULATIONS**Today's Item**Information Action

Discuss and potentially recommend designation or removal of DFW public lands and changes to public use regulations on DFW lands.

Summary of Previous/Future Actions

- Initial discussion Jan 10, 2019; WRC, Ontario
- **Discussion and potential recommendation May 16, 2019; WRC, Sacramento**

Background

Section 550 et seq. regulates the public uses on all lands under the jurisdiction of DFW, including wildlife areas and ecological reserves. DFW is developing proposed regulations focused on designating acquired properties as ecological reserves or wildlife areas, and to designate the allowable public activities on those properties, as well as to remove several properties. DFW is also proposing minor changes to clean up existing regulations governing public uses on lands under its jurisdiction. This is intended to be a narrowly-focused rulemaking; a broader review of public uses on individual designated lands will be reserved for subsequent rulemaking efforts.

Today, DFW will present a more detailed proposal for WRC discussion and possible recommendation.

Significant Public Comments

A commenter requests that DFW re-open a parking lot at the Fremont Weir Wildlife Area that previously provided access to the wildlife area and Sacramento River from the west (Exhibit 1).

Recommendation

FGC staff: Recommend that FGC advance a rulemaking with changes to DFW lands regulations, once a schedule is determined, focused on designating acquired properties, removing other properties, and minor changes to clean up existing regulations governing public uses.

Exhibits

1. Email and attachment from Francis Coats, received May 4, 2019

Committee Direction/Recommendation

The Wildlife Resources Committee recommends that the Commission advance a rulemaking with changes to Department lands regulations as discussed during today's meeting.

STAFF SUMMARY FOR MAY 16, 2019

6. SIMPLIFICATION OF STATEWIDE INLAND FISHING REGULATIONS**Today's Item****Information** **Action**

Receive an update on the simplification of statewide inland fishing regulations rulemaking.

Summary of Previous/Future Actions

- | | |
|--|--------------------------------------|
| • Initial WRC introduction | Sep 20, 2018; WRC, Sacramento |
| • Discussion and “menu” recommendation | Jan 10, 2019; WRC; Ontario |
| • FGC support of “menu” concept | Feb 6, 2019; Sacramento |
| • Today's update and discussion | May 16, 2019; WRC, Sacramento |

Background

For years, FGC and DFW have received complaints from anglers about the complexity of freshwater sport fishing regulations. Some anglers (or potential anglers) may be dissuaded from fishing due to actual or perceived difficulty in complying with the regulations. For example, currently there are 212 special regulation waters in Section 7.50(b), including 88 different seasons, 13 different size restrictions, 10 different gear restrictions, and 6 different bag and possession limits.

To help address angler concerns, DFW has proposed to change and simplify inland sportfishing seasons and bag limits, for trout waters only; the proposal excludes anadromous waters. The goals for the revisions are:

- maintain or increase angling opportunity;
- improve regulatory consistency across waters;
- align sport fishing regulations with DFW's fisheries management goals and objectives;
- reduce complexity and confusion; and
- protect fishery resources.

In basic terms, DFW designed a framework for the simplification based on a “menu” concept, where one of several predefined season and bag limit combinations would be chosen for specific waterways. In Jan 2019, DFW presented its proposed menu approach to WRC. In Feb 2019, FGC approved WRC's recommendation to support the menu concept, with an expectation that DFW would return to WRC with a more detailed proposal after public outreach meetings.

To date, DFW has held six outreach meetings across the state to solicit input from the public, and has received considerable feedback during and subsequent to the meetings. DFW is currently analyzing and integrating the feedback into its proposal. Today, DFW will update WRC on its efforts to date, outline its future plans for the proposal, and discuss implications for the overall timeline. FGC staff supports the additional effort DFW has made to reach and engage recreational fishermen across the state, and believes that such efforts will ultimately result in a proposal that can be more broadly supported during the rulemaking process.

Significant Public Comments (N/A)

STAFF SUMMARY FOR MAY 16, 2019

Recommendation

FGC staff: Recommend that FGC consider today's discussion regarding potential adjustments to next steps, WRC vetting, and timeline for the statewide inland fishing regulations development and rulemaking. If appropriate, recommend that FGC revise the regulatory timetable to reflect modifications.

Exhibits (N/A)**Committee Direction/Recommendation (N/A)**

COMMITTEE STAFF SUMMARY FOR MAY 16, 2019

7. BULLFROGS AND NON-NATIVE TURTLES**Today's Item**Information Direction

Receive an issue overview and an update on the bullfrog and non-native turtle stakeholder engagement plan.

Summary of Previous/Future Actions

- FGC stakeholder engagement plan approved Oct 11-12, 2017; Atascadero
- FGC referred plan to WRC Dec 12-13, 2018; Oceanside
- **Update and discussion May 16, 2019; WRC; Sacramento**

Background

Annually there are approximately two million non-native American bullfrogs and 300,000 non-native turtles (mostly red-eared sliders and softshell turtles) imported into California for food and the pet trade. Even though these species are not imported into California with the intention of being released, they have established wild populations that threaten native amphibians, fish, and wildlife by direct predation, competition for resources and habitat, and disease. See Exhibit 1 for further background.

In Feb 2015, DFW prepared a report regarding the implications of American bullfrog importation and notified FGC of its decision to stop issuing long-term importation permits and to only issue short-term individual event permits, consistent with Section 236(c)(6)(I) of Title 14. In Apr 2017, FGC directed FGC staff and DFW to develop a proposal for stakeholder engagement to further evaluate possible solutions to address the impacts of American bullfrogs and non-native turtles on native wildlife. The staff proposal was presented to FGC in Oct 2017, revised in Oct 2018 (Exhibit 2), and referred to WRC in Dec 2018.

Participants for the agency and environmental/animal welfare non-governmental organization meetings have been identified. The agency group has met once and its planning process is underway, while the first of the environmental/animal welfare meeting is in the process of being scheduled. Participants for the industry group are still being identified, and strategies to inform and consult with legislative committees are being developed.

Today, staff will provide additional updates on the implementation of the stakeholder engagement plan.

Significant Public Comments (N/A)**Recommendation (N/A)****Exhibits**

1. FGC *American Bullfrog Overview*, dated Jun 2, 2016
2. Bullfrog stakeholder engagement plan, revised Oct 5, 2018

Committee Direction/Recommendation (N/A)

COMMITTEE STAFF SUMMARY FOR MAY 16, 2019

8. SPORT FISHING LICENSES (AB 1387)**Today's Item**Information Action

Review and consider possible recommendations related to Assembly Bill 1387, regarding 12 consecutive-month sport fishing licenses (also known as 365-day licenses).

Summary of Previous/Future Actions

- FGC referred discussion to WRC Apr 17, 2019; Santa Monica
- **Today's discussion and potential recommendation** **May 16, 2019; WRC; Sacramento**

Background

FGC's policy on legislation states that public requests for FGC to take a position on pending legislation must first be vetted through one of its committees (MRC, WRC or TC) for a recommendation to FGC. At FGC's Apr 2019 meeting, a stakeholder requested that FGC take a position to support AB 1387, a bill to implement 365-day fishing licenses instead of calendar-year licenses, as currently issued. The bill aims to remove barriers to recreational anglers and reverse the trend in declining sport fishing license sales.

To help achieve the legislature's stated goals, the bill would make several provisions operative beginning on Jan 1, 2021, including:

- Instead of calendar year licenses, require issuance of sport fishing licenses that expire 12 consecutive months after the date specified on the license.
- Require license applicants to provide their email address and agree to be contacted via email regarding purchase, renewal, or reactivation.
- Require DFW to submit to the legislature a written report no later than Jan 1, 2024 regarding progress in implementing these provisions.

The bill would also require DFW, no later than Jan 1, 2021, to enable licenses and validations to be displayed on an electronic mobile device.

Today's meeting represents an opportunity to discuss the intent of the bill, to receive additional information from DFW to support the discussion, and for WRC to potentially recommend that FGC support the concept of 365-day fishing licenses.

Significant Public Comments

Assemblyman Jim Wood urges WRC to support AB 1387, to increase fishing participation and support programs funded by license sales.

Recommendation

FGC staff: Recommend that FGC communicate to the California State Legislature its conceptual support for 365-day licenses, with such support dependent upon minimizing fiscal

COMMITTEE STAFF SUMMARY FOR MAY 16, 2019

impacts to DFW, establishing achievable timelines, providing greater flexibility in license and tag pricing, and funding a public communications and outreach effort.

Exhibits

1. AB 1387, as introduced on Feb 22, 2019
2. Letter from Assemblyman Jim Wood, received May 6, 2019

Committee Direction/Recommendation

The Wildlife Resources Committee recommends that the Commission communicate to the California State Legislature its conceptual support for 365-day licenses, with such support dependent upon the factors discussed today.

COMMITTEE STAFF SUMMARY FOR MAY 16, 2019

9. DELTA FISHERIES MANAGEMENT POLICY**Today's Item****Information** **Action**

Discuss a draft FGC Delta Fisheries Management Policy and potential repeal of FGC's Striped Bass Policy.

Summary of Previous/Future Actions

- | | |
|-----------------------------|--------------------------------------|
| • Delta Fisheries Forum | May 24, 2017; Sacramento |
| • WRC discussion | Sep 20, 2018; WRC, Sacramento |
| • Further WRC discussion | Jan 10, 2019; WRC, Ontario |
| • Today's discussion | May 16, 2019; WRC, Sacramento |

Background

FGC adopted a Striped Bass Policy in 1996 focused on restoring and maintaining striped bass for recreational fishing opportunity (Exhibit 1). In Jun 2016, FGC received a regulation change petition from the Coalition for a Sustainable Delta and others requesting to increase the bag limit and reduce the minimum size limit for striped bass and black bass in the Sacramento-San Joaquin Delta (Delta) and rivers tributary to the Delta. The expressed intent of the petition was to reduce predation by non-native bass on fish that are native to the Delta and are listed as threatened or endangered under the federal or California endangered species acts, including winter-run and spring-run Chinook salmon, Central Valley steelhead, and delta smelt. While the petition was formally withdrawn prior to FGC action, FGC requested that WRC schedule a discussion to explore the issue more comprehensively, including a review of the existing FGC policy.

WRC directed staff to hold a half-day forum focused on the State's vision for managing fisheries in the Delta for the benefit of native fish species and sport fisheries, implementation of the State's vision, and soliciting stakeholder input on potential actions FGC could consider related to this topic.

Held on May 24, 2017 in Sacramento, the forum was publicized and open to the public. The forum included a state agency panel discussion, an overview of FGC's policies and regulations for sport fisheries in the Delta, and a full group discussion. The discussion included two presentations by representatives for the original petition, consistent with direction provided by FGC. One of the recommendations that emerged from that forum was FGC adoption of a policy for fisheries management in the Delta that would provide science-based guidance to balance native fish needs with sport fishing opportunities in management decisions. The Coalition for a Sustainable Delta offered a proposed draft policy which, together with stakeholder input, formed the basis for the initial draft policy.

At its Sep 2018 meeting and again in Jan 2019, WRC discussed the draft policy. In Jan, WRC directed FGC staff to review the comments to date and suggest revisions to the draft policy; those revisions are shown in the staff-revised draft policy in Exhibit 2, along with explanations for suggestions not integrated, for discussion today.

COMMITTEE STAFF SUMMARY FOR MAY 16, 2019

Significant Public Comments (N/A)

Recommendation

FGC staff: Review staff-recommended changes to the draft policy; solicit input and provide direction for any further revisions; and provide an opportunity for public review and input to refine the draft before WRC advances a recommendation to FGC.

Exhibits

1. FGC Striped Bass Policy, adopted Apr 5, 1996
2. Draft Delta Fisheries Management Policy and response to comments, revised May 3, 2019

Committee Direction/Recommendation (N/A)

COMMITTEE STAFF SUMMARY FOR MAY 16, 2019

10. FUTURE AGENDA ITEMS**Today's Item****Information** **Direction**

Review upcoming agenda items scheduled for the next and future WRC meetings, hear requests from DFW and interested stakeholders for future agenda items, and identify new items for consideration.

Summary of Previous/Future Actions

- | | |
|--|--------------------------------------|
| • Today's discussion | May 16, 2019; WRC; Sacramento |
| • FGC potentially approves WRC recommendations | Jun 12-13, 2019; Redding |
| • Next WRC meeting (subject to change) | Sep 5, 2019; WRC; Santa Rosa |

Background

Committee topics are referred by FGC and scheduled as appropriate. FGC-referred topics and the current schedule are shown in Exhibit 1. WRC agendas currently include two complex and time-intensive topics. The committee has placed emphasis on issues of imminent regulatory importance and, thus, consideration of new topics will require planning relative to existing committee workload.

WRC Work Plan

Agenda topics identified for the Sep 2019 WRC meeting include:

1. Agency updates
2. Proposed rulemakings – review and recommendations:
 - mammal hunting,
 - waterfowl hunting,
 - Central Valley sport fishing, and
 - Klamath River Basin sport fishing.
3. Proposed rulemakings – initial review:
 - Resident upland game birds.
4. Draft Delta Fisheries Management Policy – review and recommendation
5. American bullfrog and non-native turtles stakeholder engagement – update

Discuss and Recommend New WRC Topics

Today provides an opportunity to identify any potential new agenda topics to recommend to FGC for referral to WRC.

Next Meeting Date and Location

With the change in committee co-chairs, there is a scheduling conflict for the Sep WRC meeting; staff has identified Sep 10 as a potential new date that does not require changes to any other FGC meetings or deadlines. Additionally, the meeting is scheduled for Santa Rosa, but WRC may want to consider recommending other locations after today's discussions.

COMMITTEE STAFF SUMMARY FOR MAY 16, 2019

Significant Public Comments (N/A)**Recommendation**

FGC staff: Review WRC work plan (Exhibit 1) and current FGC rulemaking timetable (Exhibit 2), consider updates to scheduling of topics, consider whether any approved topics should be added to or replace existing agenda topics for Sep 2019, decide whether to request FGC refer any new topics for WRC evaluation, and provide staff direction for potential recommendations to FGC for the Sep 2019 WRC meeting.

Exhibits

1. WRC work plan, updated May 8, 2019
2. *Perpetual Timetable for California Fish and Game Commission Anticipated Regulatory Actions*, updated Apr 30, 2019

Committee Direction/Recommendation (N/A)

Cornman, Ari@FGC

From: Francis Coats
Sent: Saturday, May 4, 2019 10:12 AM
To: Donnelly, John@Wildlife; Natural Resources Agency & Department of Water Resources; cvfpbquestion@water.ca.gov; Blevins, James@DWR; Dua, Jit@CVFPB; Karen Hull; Dunnigan, John@DWR; garry.kelly@wildlfe.ca.gov; Bush, Joshua@Wildlife; Holley, Jason@Wildlife; Malcolm, Ann@Wildlife; Smith, Sarah(Sadie)@Wildlife; Bogdan, Wendy@Wildlife; FGC
Subject: Comments on the YOLO BYPASS, Conservation Opportunity Region Overview
Attachments: YOLO BYPASS, Conservation Opportunity Region Overview.docx

Please see the attached comments. While the document emphasizes the need for trust among stakeholders, it makes very little reference to members of the public who use or might use the bypass; and, treats the public more as a problem to be managed than as legitimate stakeholders with legal rights which must be considered. Further, it does not address the problem of false and misleading information provided to the public by state agencies concerning access to the Fremont Weir Wildlife Area and the Sacramento River, nor the complete neglect by involved agencies as far as protecting public rights in the face of false and fraudulent claims by private landowners.

That is, the experience of the public with regard to the ongoing dispute regarding public access to the Sacramento River and the Fremont Weir Wildlife Area from the west, suggests strongly that the public agencies and their staff cannot be trusted to provide correct information, nor to protect the public's rights to access and use the river and the wildlife area, whether those rights are based on the constitution or on easements for public road access reserved in deeds and agreements recorded in the real property records

Thank you for your time.

Francis Coats

Sent from [Mail](#) for Windows 10

Francis E. Coats
3392 Caminito Avenue
Yuba City, CA 95991
(530) 701-6116
fecoats@msn.com

May 4, 2019

California Department of Fish and Wildlife
California Department of Water Resources
Central Valley Flood Protection Board

Re: Comments on "YOLO BYPASS, Conservation Opportunity Region Overview; and, the public users and potential users as stakeholders.

To the agencies::

I recently stumbled over an eight page document on the Department of Fish and Wildlife website title "YOLO BYPASS, Conservation Opportunity Region Overview," which identified stakeholders and opportunities for conservation planning in the Yolo Bypass. I became concerned upon reading it because, it seemed to me, it failed to identify the recreation users, and potential recreational users as legitimate stakeholders; and, because it identified the public as a problem to be managed, without mentioning landowners, private club members, and state-agencies and staff as problems to be managed.

"Sustainable Solutions Needed in Yolo Bypass, How to best: ... Manage public access, especially in light of potential nuisance (e.g., trash, law enforcement).

Further, the idea that public access must be managed before a problem arises is frightening. Is the public to be excluded because of someone's fear of what the public might do?

The members of the public are the citizens and voters of the state. They are entitled to be fully informed regarding the activities of the agencies that serve them and the public employees paid by them. Too often, agencies and public employees in managing the public use of public land end up concealing that which the public has a right to know, and unnecessarily interfering with what the public has a right to do.

Members of the public have a constitutional right to be on state-owned land to fish, excepting only those lands being used by the government for purposes incompatible with public fishing – for example, prisons or mental institutions. (section 25, article I, Cal. Const., *California v. San Luis Obispo Sportsman's Assc.*, 22 Cal. 3d 440; 584 P.2d 1088; 149 Cal. Rptr. 4. State agencies cannot exclude the public from state-owned land simply because it makes sense under a broader plan for managing state-owned lands.

Members of the public have a constitutional right to insist that no land owned by the state may ever be sold or transferred without reserving in the people the absolute right to fish thereupon. (section 25,

article I, Cal Const.,) This has been part of the constitution since November 8, 1910. It is likely that any sale or transfer of state-owned land after that date without the reservation is void (the land still belongs to the state, the transferee may be entitled to recover any consideration given for the transfer). IN the alternative it is possible that the courts might uphold the transfer but impose the fishing rights, giving the transferees less than they bargained for – they or their successors may own the land, but subject to an absolute right, in any member of the public, to enter and fish. (see *People ex rel U. S. Webb v. California Fish Co. Inc.* (1913) 166 Cal. 576).

Note that the right to fish is not limited to “navigable waters,” but applies to all land owned by the state now, or formerly owned by the state and transferred after November 8, 1910.

Under the Public Trust Doctrine, agencies must consider the effect of their decisions on the public trust interests. The core of the Public Trust Doctrine is the navigable easement, the right in the people of to be on the navigable waters of the state, including the temporarily dry beds and banks of those waters below ordinary high water mark, and there engage in hunting, fishing, boating, swimming, wading, picnicking, camping, and other recreational pursuits. An agency making a decision which would limit or impair those interests must consider the effect of its decision on those interests, and refrain from a decision impairing those interest when ever feasible, to the extent feasible. Further, the decision must be made in a public and transparent fashion. In the even a dispute later arises, it is the agencies burden to establish compliance with these requirements. (see *San Francisco Baykeeper, Inc., v. State Lands Commission, Hanson Marine Operations, Inc.*, (November 2015) 242 Cal. App. 4th 202; 194 Cal. Rptr. 3d 880; 2015 Cal. App. LEXIS 1024 *National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419, 441-443 [189 Cal. Rptr. 346, 658 P.2d 709]82; 1978 Cal. LEXIS 297; 9 ELR 20012, October 13, 1978.

Many other statutes govern.

Section 1528 and subdivision (d) of section 1745 provide that it is appropriate to allow multiple- use recreation (hunting, fishing, birding, boating, swimming, wading, camping on state wildlife areas, and require the Fish and Game Commission to encourage these activities. Public recreation is a legitimate primary use of a wildlife area, not something to be accommodated if everything else falls into place.

Sections 6210.4 and 6210.5 require agencies to reserve easements for access when transferring land or near navigable water or which provide access to other state-owned land. The state may not manage public access by transferring out the access.

Sections 84.5, 991 and 1809 of the Streets and Highways Code require the state, counties and cities when planning a new bridge over navigable water to consider the feasibility of providing a means of public access to the water for public recreational purposes.

The Trust of the Public

The article suggests that:

“The cornerstone for successful conservation planning and implementation in the Delta are: 1) establishing and maintaining trust among stakeholder through continuous communication and evaluation of goal based progress; 2) an agreed upon structure for roles and responsibilities to govern an implementation partnership; and 3) science based decision support.”

Any trust the public might place in the Department of Fish and Wildlife, the Department of Water Resources, or the Central Valley Flood Protection Board, would be misplaced.

At the Fremont Weir, the mouth of the Yolo Bypass, the Department of Fish and Wildlife operates a 1400 acre wildlife area on land leased from the Central Valley Flood Protection Board. From at least as early as 1978, the public was able to access the Sacramento River and the Fremont Weir Wildlife Area over an easement for public road running along the travelled way on the levee crown west of the Fremont Weir and east of the eastern end of Yolo County Road 116A. The easement for public road was reserved by the Reclamation Board in 1978 at the time it conveyed the underlying land into private ownership (possibly in an effort to comply with Public Resources Code sections 6210.4 and 6210.5). As part of that agreement the transferees agreed for themselves and their successors to refrain from any claims based on the burden of the public's exercise of its rights to use the access.

In 2007, upon the inclusion of recently acquired additional lands in the lease, the Reclamation Board require the Department of Fish and Wildlife to have visitors access the wildlife area from the west, and park in an existing designated parking lot on the west side.

In late 2013, the successors in interest of the original transferees, complained to the state about the presence of a state-maintained parking lot on their land.

In response, the Department of Fish and Wildlife closed the parking lot to public use, apparently with no consideration of the possibility that the state might have a right to use the lot after 35 years of maintenance and use of the lot, perhaps under subdivision (d) of section 1009 of the Civil Code, and without any public notice and opportunity to participate in the decision.

The Department also changed the information provided to the public on website. Since at least as early as 1995, the Department had told the public to enter the area from the west, and park in the designated parking lot on the west side.

In 2014 the Department abruptly change its directions, requiring the public to access the wildlife area only from the east side, and to park in a parking lot over one mile from the river. This new access route required the public to travel two miles over a dirt road, dusty in the dry periods and muddy during wet period. The Department advises use only by four-wheel drive vehicles after heavy rains. The old route was paved all the way to the parking lot. The new parking lot is about 17 miles from Woodland (the nearest large population center) as opposed to about 10 miles for the old parking lot.

Public Records Act requests have not uncovered any communication between the Department of Fish and Wildlife and the Central Valley Flood Protection Board relating to the DFW's apparently unilateral decision to change the access and parking provisions.

At the same time, the private landowner posted "no-trespassing signs and installed a gate at its western boundary line, and has since then kept the gate locked. On September 15, 2018, the landowner's manager arrested a member of the public and initiated a criminal complaint for trespassing, for simply walking over the easement (the Yolo County District Attorney subsequently notified the visitor that the matter would not be pursued).

Note that the landowner had been previously provided with copies of the agreement and deeds of 1978. The landowner directed this arrest with no good faith belief that any violation had occurred.

In the Davis Enterprise for November 26, 2014, the Department of Fish and Wildlife's representative, Josh Bush, state that there was no easement on the west side, a false statement. The Department has not advised the public that the statement was false, and many members of the public still believe there is not easement based on that false statement.

In the same newspaper article, a representative of the Department of Water Resources stated that there was no agreement for the use of the parking lot. This is misleading, though true. There was no agreement; but, after 35 years of use it is highly likely that the state had acquired a permanent right to use the parking lot under subdivision (d) of section 1009 of the Civil Code or otherwise.

A small group of members of the public have been talking to Central Valley Flood Control Board staff, Department of Water Resources staff, and Department of Fish and Wildlife staff, for the past three years. The agencies were provided copies of the 1978 deeds and agreement three years ago. The agencies response has been to stonewall. Although the 1978 deeds and agreement were provided to the agencies, the staff appear at the meeting unfamiliar with the documents and under the impression that there is no easement. Agency staff seem to forget commitments made at prior meetings to look into alternative parking solutions. Department of Water Resources staff insist there is no record of public agency maintenance of the old parking lot, although that agency's own maintenance staff say they maintained the lot, and the Department of Fish and Wildlife indicates the lot was built by the Department of Water Resources in about 1978 and maintained by that agency since that time. Somehow, Department of Water Resources staff neglect to inquire of staff at DWR's Sacramento Maintenance Yard as to whether any maintenance had actually been done by DWR. Department of Water Resources staff have a key to a lock on the landowners gate, and lock the public off the easement and away from the parking lot every time they pass through the gate.

In summary, the agencies involved (Central Valley Flood Protection Board, Department of Water Resources, and Department of Fish and Wild) have neglected to protect the public's right to access and use the Sacramento River and the Fremont Weir Wildlife Area, have misled the public as to the situation and neglected to subsequently provide full, clear correct information to the public, and on a daily basis lock the public out of access to the Sacramento River and the Fremont Weir Wildlife Area.

So, it appears to me that the public who use, or might use, the public lands and waters of the Yolo Bypass, are not treated as legitimate stakeholders, but rather as a problem to be managed, managed by false and misleading statements and neglectful failures to comply with the law. Any member of the public who trusts the state agencies, or the private landowners for that matter, on matters relating to public access to and use of lands and waters of the Yolo Bypass, is being taken for a ride.

Sincerely,

RE. YOLO BYPASS, Conservation Opportunity Region Overview Comments

May 4, 2019

Page 5

Francis E. Coats

California Fish and Game Commission

American Bullfrog Overview

June 2, 2016

FGC policy on Non-Native Turtles and Frogs (adopted 4/08/2010) – highlights

- Recognizes that importation of non-native turtles and frogs poses threats to native turtles and frogs as well as native source populations of imported turtles and frogs. Threats include, but not limited to, disease, hybridization, competition, and predation.
- DFW shall cease issuing importation permits for any live non-native turtles and frogs pursuant to Section 236, Title 14, CCR.

Fish and Game Code – highlights

- Division 3, Chapter 3, Article 3. Importation and Transportation of Live Aquatic Plants and Animals
 - Section 2270 – unlawful to bring in any amphibian for purposes of propagation from any place where infected/diseases/parasitized amphibia are known to exist.
 - Section 2270.5 – provides an exemption to 2270 for aquaculture, with DFW approval
 - Section 2271 – prohibits importation of live animal without prior written approval from DFW pursuant to FGC regulations. Section does not apply to registered aquaculturists.
 - Section 2272 – requires clearly tagging all packages containing live animals
- Division 6, Chapter 7, Article 1. Frogs
 - Section 6852 – any business that sells frogs for food or person who possesses frogs for sale to, or use by educational or scientific purposes, may possess only the frogs legally obtained pursuant to this code or regulations adopted by FGC
 - Section 6685 – DFW may issue permit to take or dispose of frogs when such frogs are polluting an area's water supply or are a nuisance, subject to FGC limitations.
- Note: Food and Agriculture and Penal Codes also apply but are not included here

Current Regulations (CCR Title 14) - highlights

- Section 5.05 – amphibians
 - Subsection (a) – specifies species that can be taken under a sport fishing license. Prohibits take from ecological reserves under Section 630, state parks, and national parks or monuments.
 - Subsection (b)(20) – no daily bag or possession limit for bullfrogs
 - Subsection (e)(1) – amphibians may be taken only by hand, hand-help dip net, or hook-and-line, except bullfrogs may also be taken with lights, spears, gigs, grabs, paddles, bow and arrow, or fishing tackle
- Section 236 – importation of live aquatic plants and animals

- Subsection (c) lays out the terms and conditions for the importation of live animals, exempting those species identified in subsections (a) and (b)
 - (1) Requires standard importation permit from DFW with fee of \$25. This fee is independent of inspection fees.
 - (2) Permit required for each lot or load, and each shipment must have copy of original permit. Permit required for those receiving the shipment.
 - (4) Shipments may be inspected by DFW. Person importing may be required to provide facilities for inspection and may be required to pay inspection costs.
 - (5) Any lot or load found to be diseased/ parasitized must be immediately destroyed or transported out of California. Results in revocation of permit.
 - (6) Long-term permits (up to 1 year) may be issue by DFW. (A)- (I) identifies specific species to which this may apply. (I) applies to species that DFW determines represent no significant risk to fish and wildlife resources of the state.
 - Note: this applied to bullfrogs until Nov 2014. In Oct 2014 DFW released a report stating that bullfrogs do pose a significant risk and decided to stop issuing long-term permits. Decision publically stated by DFW at Feb 2015 FGC meeting.
 - (8) Only animals lawfully obtained in another state or country may be imported.
- Section 243 – take of bullfrogs from wild for use as broodstock for aquaculture
 - Pursuant to Fish and Game Code sections 5503 and 15300, bullfrogs may be taken from the wild for aquaculture purposes. Subsections address permit conditions, collection, DFW notifications, reporting, inspections, permit denial/revocation, violations, and appeals.
- Section 658 – commercial take of bullfrogs for sale to scientific/educational intuitions
 - Subsections address permit requirements, licenses/permits for employees, market orders, reporting, collection areas and seasons, restricted sale, delivery, capture, application requirements, warden notifications, and cancellation/suspension of permits.

Background

- American bullfrog was introduced into California in the 1910s for aquaculture production and has become established throughout the state. Bullfrogs negatively impact several native species (competition and predation).
- American bullfrog is one of the largest frogs in the U.S. and is highly adaptive. They have a broad climatic and habitat tolerances, generalist diet, strong defenses against predation, and high fecundity contributing to their successful establishment in California.
- Approximately two million bullfrogs are imported annually and are often sold in live food markets. Escapees have likely contributed to the spread of bullfrogs within California and may have contributed to the introduction of the amphibian disease, *Batrachochytrium dendrobatidis* (Bd). Bullfrogs have tested positive for both Bd and ranaviruses at aquaculture facilities in countries of origin and in endpoint markets, including California.

These diseases contribute significantly to the amphibian mass death events occurring worldwide.

- There are diverse public opinions on the import/sale of bullfrogs with three primary conflicting interests. One segment of the public is involved in marketing bullfrogs for human consumption (cultural significance). Another is opposed to live animal markets due to threats to native amphibians from disease, hybridization, competition, and predation; a portion of this segment is also opposed due to animal welfare concerns. Finally, pet industry sales of non-native frogs and turtles are significant in California and occur with minimal disease monitoring or regulatory restrictions.

Previous FGC Actions

- FGC actions 1997-1999 – authorized notice of intent to amend Section 236 in Oct 1997, discussion hearing in Dec 1997, adoption hearing moved from Feb to Apr 1998 due to conflict with Chinese New Year celebration. In Apr 1998 FGC, after lengthy deliberation, decided against taking regulatory action and directed 1) DFW assist in enforcement at live animal markets, 2) FGC staff assist in developing signage, and 3) DFW and FGC staff develop amendments to existing regulations to clarify permit procedures and require appropriate signage be displayed. Progress report aigenized for Oct 1998. Oct 1998, FGC staff provided input regarding possible legislation to authorize FGC to adopt appropriate regulations. FGC deferred action on a ban until Legislature could address the issues raised in FGC staff report and aigenized legislative update in Feb 1999. Feb 1999, FGC received status report form Assembly Member Honda's office regarding introduction of AB 238. FGC authorized notice of intent to reconsider banning importation for live market. AB 238 was approved by the governor in Sep 2000. Bill allows city, county, or city and county to adopt an ordinance to regulate the disposition of bullfrogs and turtles imported for sale in live animal market.
- FGC meetings 2006
 - Mar – DFW provided update on the status of the Live Animal Market report
 - May – DFW submitted Live Animal Market report. DFW memo (dated April 25, 2006) stated that with current staffing levels and increased demands on enforcement live animal market cases are not the enforcement priority list. DFW provided a list of various federal, state, and local agencies with various authorities to enforce and oversee live animal markets.
 - Jun – Special public hearing to be scheduled in July 2006 in the Bay Area
 - Aug – Eric Mills (Actions for Animals) submitted request for authorization to publish notice of intent to amend Section 236, Title 14, CCR to prohibit importation of turtles and frogs for the live animal market. FGC authorized notice of intent.
 - Oct – Dec – DFW coordinated with other agencies, work on ISOR stalled
- FGC meetings 2007
 - Feb – DFW suggested FGC wait to take action on issue until Section 671 opened in Oct to add additional restricted species. FGC agreed.
 - Oct – DFW requested FGC authorized notice of intent to amend Section 671. FGC authorized notice of intent but amendments did not include bullfrogs.

- Nov – Discussion hearing on amendments to Section 671
 - Dec – FGC adopted amendments to Section 671 as proposed
- FGC meetings 2009
 - Mar – update and possible action on Aug 2006 authorization to publish notice of intent to amend Section 236.
 - May – DFW update on possible course of action regarding exotic frogs and turtles
 - Sep - DFW update on possible course of action regarding exotic frogs and turtles
 - Oct – update on scoping meeting and request for clarification on possible regulatory action to prohibit the importation of non-native frog and turtle species
- FGC meetings 2010
 - Feb – scoping of possible options to ban non-native frog and turtle species
 - Mar – consideration and possible action on DFW's draft finding regarding detrimental effects of non-native frogs and turtles
 - Apr – FGC adopted policy on non-native frogs and turtles
 - May – FGC directed staff to provide recommendations on regulatory, legislative, and/or policy solutions to close the loop hole to ensure that purchased non-native animals are humanely euthanized prior to leaving food market premises; to increase penalties for violations; and to comprehensively explore the non-native species importation issues.
 - Sep – FGC receives staff recommendations and directs DFW to prepare an ISOR.
 - Dec - DFW update on ISOR regarding non-native frogs and turtles. Deputy Director Mastrup reported that in order to continue with rulemaking package a costly EIR would be required and that DFW recommends against this due to lack of funding.
 - Note: DFW amended its policies on issuing importation permits, requiring all animals sold be euthanized before leaving the retail premises in 2010.
- FGC meetings 2011
 - Feb – update and possible FGC action on ISOR regarding non-native frogs and turtles. FGC passed a motion to rescind Sep 2010 direction to prepare an ISOR; allow permits with DFW changes (see note above); and enable joint meeting with Invasive Species Council.
- FGC meetings 2015
 - Feb – DFW presentation on the implications of importing American bullfrogs. DFW announced decision to stop issuing long-term permits (Section 236, subsection (c)(6)(I)). FGC directed staff to work with DFW to identify a list of potential actions FGC can take to address the identified problems and report back in June.
 - Note: DFW and FGC staff began work on this but effort stalled due to other work obligations.

California Fish and Game Commission

Stakeholder Engagement on American Bullfrogs and Non-native Turtles

Revised October 5, 2018

Purpose

California Fish and Game Commission (Commission) and California Department of Fish and Wildlife (CDFW) staff recommendation on a process and timeline for stakeholder engagement to identify potential regulatory and statutory changes, funding mechanisms, and strategies for existing wild populations of American bullfrogs and non-native turtles to reduce the impacts on California's native wildlife.

Possible Participants

- Environmental / Animal welfare Non-Governmental Organizations
 - Petitioners – Center for Biological Diversity and Save-the-Frogs!
 - Action for Animals
 - Humane Society of the United States
 - Rescue group representative – TBD
- Industry Representatives
 - Live Food Market – TBD
 - Aquaculture – TBD
 - Pet trade – TBD
- Agency Representatives
 - Commission - Executive Director, Wildlife Advisor, and Legal Counsel
 - CDFW - Wildlife Branch, Wildlife Investigations Lab, Fisheries Branch, and Law Enforcement Division
 - California Department of Food and Agriculture (CDFA) - TBD
 - California Department of Public Health (CDPH) - TBD
 - U.S. Fish and Wildlife Service (USFWS) – TBD; Region 1 and Region 8
 - Santa Cruz County and/or City - TBD
 - State of Washington and/or Oregon – Fish and Wildlife departments
- Legislature
 - California Asian and Pacific Islander Legislative Caucus staff
 - Natural Resources Committee staff
 - Joint Committee on Fisheries and Aquaculture staff

Proposed Process

- Agency Outreach - Commission staff hold several meetings (2-4) with agency staff to discuss implementation, management, enforcement, and regulatory consistency and compatibility.
 - One or two conference calls with implementing agencies CDFW, USFWS, Santa Cruz, Washington, and Oregon to discuss management strategies, implementation, and enforcement

- One or two meetings with state agencies CDFW, CDFA, CDPH to discuss regulatory consistency and compatibility and enforcement of regulations (Sacramento)
- Stakeholder Outreach - Commission staff hold series of small meetings (2-4) with key stakeholders to solicit input on options, including possible statutory and regulatory changes and management strategies.
 - Invitation only
 - Size – limit to 10-12 people each
 - Locations – Sacramento, Bay Area, Southern California
 - Structure
 - One or two meetings with environmental/animal welfare organizations, CDFW staff, and Commission staff (Sacramento)
 - One to two meetings with industry representatives, California Asian and Pacific Islander Legislative Caucus staff, CDFW staff, and FGC staff (Bay Area and Southern California)
- Legislative Outreach – Commission staff meetings (3) with California Asian and Pacific Islander Legislative Caucus, Natural Resources Committee, and Joint Committee on Fisheries and Aquaculture staff
- Commission and CDFW staff compile meeting outcomes and draft proposal
- Commission and CDFW staff co-host one-day public workshop to present draft proposal
 - Open to all interested parties
 - Location – Bay Area
 - Facilitated by FGC staff
 - Attendance by 1-2 Commissioners
- Commission and CDFW staff prepare and present final proposal to Commission
- Commission action on final proposal

Proposed Timeline

- ***Oct-Dec 2018***
 - Identify and confirm stakeholders for small group and agencies meetings
 - Commission and CDFW staff preparation for meetings (logistics, materials, format, etc.)
- ***Jan-Apr 2019***
 - Hold stakeholder and agencies meetings
- ***May-Oct 2019***
 - Outreach meetings with legislative caucus/committees
 - CDFW and FGC staff draft proposal
 - CDFW and FGC staff preparation for workshop
- ***Nov 2019***
 - Public workshop

- ***Dec-Feb 2019***
 - CDFW and FGC finalize proposal
- ***May-June 2019***
 - Staff presentation and possible action on proposal by Commission

ASSEMBLY BILL

No. 1387

Introduced by Assembly Member Wood
(Principal coauthor: Assembly Member Gallagher)
(Coauthors: Assembly Members Bigelow, Brough, Cunningham,
Kiley, Mathis, Mayes, and Salas)
(Coauthors: Senators Archuleta, Bates, Borgeas, Galgiani, and Nielsen)

February 22, 2019

An act to amend Section 7149.3 of, and to amend, repeal, and add Sections 1053.1, 1764, 6596.1, 7149.05, 7149.2, and 7150 of, the Fish and Game Code, relating to sport fishing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1387, as introduced, Wood. Sport fishing licenses: 12 consecutive month licenses.

Existing law requires every person 16 years of age or older who takes any fish, reptile, or amphibian for any purpose other than profit to first obtain a sport fishing license for that purpose, with specified exceptions, and to have that license on their person or in their immediate possession when engaged in carrying out any activity authorized by the license. Existing law governs the issuance of calendar year and short-term sport fishing licenses, including the fees for those licenses. Under existing law, a calendar year license expires at the end of the calendar year, regardless of when issued.

This bill, instead of calendar year licenses, would require issuance of sport fishing licenses that expire 12 consecutive months after the date specified on the license. The bill would require license applicants to provide their email address and agree to be contacted regarding purchase, renewal, or reactivation. The bill would require the

Department of Fish and Wildlife to submit to the Legislature a written report on the implementation of these provisions. The bill would make these provisions operative beginning on January 1, 2021. The bill would also require the department, no later than January 1, 2021, to enable licenses and validations to be displayed on an electronic mobile device. The bill would repeal all general statutory provisions governing issuance of annual and short-term sport fishing licenses on January 1, 2026, for both residents and nonresidents who are 16 years of age and older. The bill would make related legislative findings and declarations and a related statement of legislative intent. The bill would also make nonsubstantive and conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) The number of annual sport fishing licenses sold in
4 California has declined by 55 percent since 1980, even though the
5 population of the state has increased by 60 percent. Sale of sport
6 fishing licenses annually provides the Department of Fish and
7 Wildlife (department) approximately \$59 million in revenue at
8 current levels, but if sales per capita had remained constant since
9 1980, this number would be increased by \$54 million. Additionally,
10 federal grant moneys under the Dingell-Johnson Sport Fish
11 Restoration Act (SFRA) (16 U.S.C. Sec. 777 et seq.) add
12 approximately \$17 million to the department's annual operating
13 budget, averaging \$17,069,333 each year from 2015 to 2017,
14 inclusive. Combined, revenue from sport fishing license sales and
15 SFRA grants is approximately \$76 million. By comparison, the
16 department annually receives approximately \$20 million in revenue
17 from the sale of hunting licenses and \$20 million in revenue from
18 federal hunting-related grants.

19 (2) A new vendor contract for the department's Automated
20 License Data System (ALDS) will be implemented on January 1,
21 2021. By upgrading ALDS requirements before a new system and
22 vendor are selected, the department will be able to take advantage
23 of state-of-the-art software without needing expensive upgrades

1 to an existing system, saving many hundreds of thousands of
2 dollars.

3 (3) The department should be using the most current forms of
4 electronic communication and outreach to contact potential anglers,
5 currently licensed anglers, and anglers whose licenses have expired,
6 in order to achieve the goals of the department's recruitment,
7 retention, and reactivation (R3) program.

8 (4) In 2018, the department convened a stakeholder group to
9 make recommendations on recruitment, retention, and reactivation
10 of recreational anglers. Seventy percent of recreational anglers
11 surveyed said that unavailability of a 365-day license is their
12 greatest deterrent to purchasing or renewing an annual fishing
13 license. In addition, 51 percent said that licenses were too
14 expensive, 40 percent said that there are too many confusing
15 regulations, and 39 percent said that the fish from department
16 hatcheries were too small and too few in number.

17 (5) Information technology, including the new ALDS system
18 that will be implemented on January 1, 2021, can be instrumental
19 in the R3 effort to increase annual sport fishing license sales.
20 Increased sales will provide critical revenue for conservation
21 efforts, including wild fishery stock assessments and habitat
22 restoration, and will enable the department to increase the output
23 of department hatcheries.

24 (6) By issuing 365-day sport fishing licenses, implementing a
25 new ALDS system that has an auto-renewal feature and enables
26 licenses and validations to be displayed on mobile devices such
27 as smartphones, and establishing email communication with
28 recreational anglers, the department will drive sales and be able
29 to proactively solicit prospective licensees to achieve the goals of
30 the R3 program.

31 (b) It is the intent of the Legislature to recruit, retain, and
32 reactivate recreational anglers to increase revenues to the
33 department for conservation efforts, fishery management, and
34 increased hatchery production, and for economic benefits to the
35 people of the state.

36 SEC. 2. Section 1053.1 of the Fish and Game Code is amended
37 to read:

38 1053.1. (a) A person shall not obtain more than one license,
39 permit, reservation, or other entitlement of the same class, or more

1 than the number of tags authorized by statute or regulation for the
2 same license year, except under one of the following conditions:

3 (1) Nonresident hunting licenses issued pursuant to paragraphs
4 (4) and (5) of subdivision (a) of Section 3031, and short-term sport
5 fishing licenses issued pursuant to ~~paragraphs (3), (4), and (5) of~~
6 ~~subdivision (a) of Section 7149, and paragraphs (3), (4), and (5)~~
7 of subdivision (a) of Section 7149.05.

8 (2) The loss or destruction of an unexpired license, tag, permit,
9 reservation, or other entitlement, except a stamp or endorsement,
10 as certified by the applicant's signed affidavit and proof, as
11 determined by the department, that the original license, tag, permit,
12 reservation, or other entitlement was issued, and payment of a base
13 fee of five dollars (\$5). The base fee shall be adjusted annually
14 pursuant to Section 713, not to exceed the fee for the original
15 entitlement, as follows:

16 (A) The adjustment shall apply to the hunting license years
17 commencing on or after July 1, 1996.

18 (B) The adjustment shall apply to the fishing license years
19 commencing on or after January 1, 1996.

20 (3) The loss or destruction of a stamp or endorsement imprinted
21 on a base license and payment of a base fee of three dollars (\$3)
22 for each stamp or endorsement replaced on any base license
23 document, adjusted annually pursuant to Section 713, not to exceed
24 the fee for the original entitlement. The base fee in this paragraph
25 shall apply to the 2011 license year.

26 (b) This section applies only to licenses, permits, reservations,
27 tags, and other entitlements issued through the Automated License
28 Data System.

29 (c) *This section shall remain in effect only until January 1, 2026,*
30 *and as of that date is repealed.*

31 SEC. 3. Section 1053.1 is added to the Fish and Game Code,
32 to read:

33 1053.1. (a) A person shall not obtain more than one license,
34 permit, reservation, or other entitlement of the same class, or more
35 than the number of tags authorized by statute or regulation for the
36 same license year, except under one of the following conditions:

37 (1) Nonresident hunting licenses issued pursuant to paragraphs
38 (4) and (5) of subdivision (a) of Section 3031.

39 (2) The loss or destruction of an unexpired license, tag, permit,
40 reservation, or other entitlement, except a stamp or endorsement,

1 as certified by the applicant’s signed affidavit and proof, as
2 determined by the department, that the original license, tag, permit,
3 reservation, or other entitlement was issued, and payment of a base
4 fee of five dollars (\$5). The base fee shall be adjusted annually
5 pursuant to Section 713, not to exceed the fee for the original
6 entitlement, as applicable, to the hunting license years commencing
7 on or after July 1, 1996.

8 (3) The loss or destruction of a stamp or endorsement imprinted
9 on a base license and payment of a base fee of three dollars (\$3)
10 for each stamp or endorsement replaced on any base license
11 document, adjusted annually pursuant to Section 713, not to exceed
12 the fee for the original entitlement. The base fee in this paragraph
13 shall apply to the 2011 license year.

14 (b) This section applies only to licenses, permits, reservations,
15 tags, and other entitlements issued through the Automated License
16 Data System.

17 (c) This section shall become operative on January 1, 2026.

18 SEC. 4. Section 1764 of the Fish and Game Code is amended
19 to read:

20 1764. (a) The director shall designate those particular areas
21 of land managed by the department at which possession of a valid
22 annual wildlife pass or day use pass shall be required. No
23 designation shall be effective until a management plan for the area
24 has been presented at a public meeting and the plan has been
25 approved by the director.

26 (b) No person shall enter the designated area unless that person
27 possesses an annual wildlife area pass or a day use pass issued
28 pursuant to Section 1765, a valid hunting license issued pursuant
29 to Section 3031, a valid trapping license issued pursuant to Section
30 4006, or a valid sport fishing license issued pursuant to Section
31 7149.05, 7150, or 7151, or that person is a member of a tour by
32 an organized youth or school group that has been issued a day use
33 pass.

34 (c) Notwithstanding subdivision (b), possession of a license or
35 pass shall not be required of any person who:

- 36 (1) Is passing through the area on a public right-of-way.
- 37 (2) Possesses authorization by the commission or the department
38 to conduct scientific or educational research.
- 39 (3) Is discharging duties in the course of employment, as
40 specified by the department.

1 (4) Possesses written authorization from the department to enter
2 the area for a specific purpose.

3 (d) *This section shall remain in effect only until January 1, 2026,*
4 *and as of that date is repealed.*

5 SEC. 5. Section 1764 is added to the Fish and Game Code, to
6 read:

7 1764. (a) The director shall designate those particular areas
8 of land managed by the department at which possession of a valid
9 annual wildlife pass or day use pass shall be required. No
10 designation shall be effective until a management plan for the area
11 has been presented at a public meeting and the plan has been
12 approved by the director.

13 (b) No person shall enter the designated area unless that person
14 possesses an annual wildlife area pass or a day use pass issued
15 pursuant to Section 1765, a valid hunting license issued pursuant
16 to Section 3031, a valid trapping license issued pursuant to Section
17 4006, or a valid sport fishing license issued pursuant to Section
18 7150, 7151, or regulations adopted by the commission, or that
19 person is a member of a tour by an organized youth or school group
20 that has been issued a day use pass.

21 (c) Notwithstanding subdivision (b), possession of a license or
22 pass shall not be required of any person who:

- 23 (1) Is passing through the area on a public right-of-way.
- 24 (2) Possesses authorization by the commission or the department
25 to conduct scientific or educational research.
- 26 (3) Is discharging duties in the course of employment, as
27 specified by the department.

28 (4) Possesses written authorization from the department to enter
29 the area for a specific purpose.

30 (d) This section shall become operative on January 1, 2026.

31 SEC. 6. Section 6596.1 of the Fish and Game Code is amended
32 to read:

33 6596.1. (a) In addition to a valid California sport fishing
34 license and any other applicable license validation issued pursuant
35 to this code, a person taking fish from ocean waters south of a line
36 extending due west from Point Arguello for purposes other than
37 for profit shall have a valid sport fishing ocean enhancement
38 validation permanently affixed to ~~his or her~~ *their* fishing license.
39 A sport fishing ocean enhancement validation shall be issued upon
40 payment of a base fee of three dollars and fifty cents (\$3.50). A

1 sport fishing license issued pursuant to paragraph (4) or (5) of
2 subdivision (a) of Section 7149.05 is not subject to this subdivision.

3 (b) In addition to a valid California commercial passenger
4 fishing boat license issued pursuant to Section 7920, the owner of
5 any boat or vessel who, for profit, permits any person to fish
6 ~~therefrom~~, *from that boat or vessel*, south of a line extending due
7 west from Point Arguello, shall have a valid commercial fishing
8 ocean enhancement validation issued for that vessel that has not
9 been suspended or revoked.

10 (c) Any person who takes, possesses aboard a boat, or lands any
11 white sea bass for commercial purposes south of a line extending
12 due west from Point Arguello, shall have a valid commercial
13 fishing ocean enhancement validation issued to that person that
14 has not been suspended or revoked.

15 (d) The base fee for a commercial ocean fishing enhancement
16 validation is thirty-five dollars (\$35).

17 (e) This section applies only to licenses, permits, reservations,
18 tags, and other entitlements issued through the Automated License
19 Data System.

20 (f) The base fees specified in this section are applicable to the
21 2004 license ~~year~~, *year* and shall be adjusted annually thereafter
22 pursuant to Section 713.

23 (g) The commission shall adjust the amount of the fees specified
24 in subdivision (f), as necessary, to fully recover, but not exceed,
25 all reasonable administrative and implementation costs of the
26 department and the commission relating to those licenses.

27 (h) *This section shall remain in effect only until January 1, 2026,*
28 *and as of that date is repealed.*

29 SEC. 7. Section 6596.1 is added to the Fish and Game Code,
30 to read:

31 6596.1. (a) In addition to a valid California sport fishing
32 license and any other applicable license validation issued pursuant
33 to this code, a person taking fish from ocean waters south of a line
34 extending due west from Point Arguello for purposes other than
35 for profit shall have a valid sport fishing ocean enhancement
36 validation permanently affixed to their fishing license. A sport
37 fishing ocean enhancement validation shall be issued upon payment
38 of a base fee of three dollars and fifty cents (\$3.50).

39 (b) In addition to a valid California commercial passenger
40 fishing boat license issued pursuant to Section 7920, the owner of

1 any boat or vessel who, for profit, permits any person to fish from
 2 that boat or vessel, south of a line extending due west from Point
 3 Arguello, shall have a valid commercial fishing ocean enhancement
 4 validation issued for that vessel that has not been suspended or
 5 revoked.

6 (c) Any person who takes, possesses aboard a boat, or lands any
 7 white sea bass for commercial purposes south of a line extending
 8 due west from Point Arguello shall have a valid commercial fishing
 9 ocean enhancement validation issued to that person that has not
 10 been suspended or revoked.

11 (d) The base fee for a commercial ocean fishing enhancement
 12 validation is thirty-five dollars (\$35).

13 (e) This section applies only to licenses, permits, reservations,
 14 tags, and other entitlements issued through the Automated License
 15 Data System.

16 (f) The base fees specified in this section are applicable to the
 17 2004 license year and shall be adjusted annually thereafter pursuant
 18 to Section 713.

19 (g) The commission shall adjust the amount of the fees specified
 20 in subdivision (f), as necessary, to fully recover, but not exceed,
 21 all reasonable administrative and implementation costs of the
 22 department and the commission relating to those licenses.

23 (h) This section shall become operative on January 1, 2026.

24 SEC. 8. Section 7149.05 of the Fish and Game Code is
 25 amended to read:

26 7149.05. (a) A sport fishing license granting the privilege to
 27 take any fish, reptile, or ~~amphibia~~ *amphibian* anywhere in this
 28 state for purposes other than profit shall be issued to any of the
 29 following:

30 (1) A resident, 16 years of age or older, for the period of a
 31 calendar year, or, if issued after the beginning of the year, for the
 32 remainder thereof, upon payment of a base fee of thirty-one dollars
 33 and twenty-five cents (\$31.25).

34 (2) A nonresident, 16 years of age or older, for the period of a
 35 calendar year, or, if issued after the beginning of the year, for the
 36 remainder thereof, upon payment of a base fee of eighty-four
 37 dollars (\$84).

38 (3) A nonresident, 16 years of age or ~~older~~ *older*, for the period
 39 of 10 consecutive days beginning on the date specified on the
 40 license upon payment of the fee set forth in paragraph (1).

1 (4) A resident or nonresident, 16 years of age or older, for two
2 designated days, upon payment of one-half the fee set forth in
3 paragraph (1). Notwithstanding Section ~~1053~~, 1053.1, more than
4 one single day license issued for different days may be issued to,
5 or possessed by, a person at one time.

6 (5) A resident or nonresident, 16 years of age or older, for one
7 designated day upon payment of a base fee of ten dollars (\$10).

8 (b) *No later than January 1, 2021, the department shall enable*
9 *licenses and validations to be displayed on an electronic mobile*
10 *device.*

11 ~~(b)~~

12 (c) California sport fishing license validations shall be issued
13 by authorized license agents in the same manner as sport fishing
14 licenses, and no compensation shall be paid to the authorized
15 license agent for issuing the validations except as provided in
16 Section 1055.1.

17 ~~(c)~~

18 (d) This section applies only to licenses, permits, reservations,
19 tags, and other entitlements issued through the Automated License
20 Data System.

21 ~~(d)~~

22 (e) The base fees specified in this section are applicable to the
23 2004 license year, and shall be adjusted annually thereafter
24 pursuant to Section 713.

25 ~~(e)~~

26 (f) The commission shall adjust the amount of the fees specified
27 in subdivision ~~(d)~~; (e), as necessary, to fully recover, but not
28 exceed, all reasonable administrative and implementation costs of
29 the department and the commission relating to those licenses.

30 (g) *This section shall remain in effect only until January 1, 2021,*
31 *and as of that date is repealed.*

32 SEC. 9. Section 7149.05 is added to the Fish and Game Code,
33 to read:

34 7149.05. (a) A sport fishing license granting the privilege to
35 take any fish, reptile, or amphibian anywhere in this state for
36 purposes other than profit shall be issued to any of the following:

37 (1) A resident, 16 years of age or older, for the period of 12
38 consecutive months beginning on the date specified on the license,
39 upon payment of a base fee of thirty-one dollars and twenty-five
40 cents (\$31.25).

1 (2) A nonresident, 16 years of age or older, for the period of 12
2 consecutive months beginning on the date specified on the license,
3 upon payment of a base fee of eighty-four dollars (\$84).

4 (3) A nonresident, 16 years of age or older, for the period of 10
5 consecutive days beginning on the date specified on the license
6 upon payment of the fee set forth in paragraph (1).

7 (4) A resident or nonresident, 16 years of age or older, for 2
8 designated days, upon payment of one-half of the fee set forth in
9 paragraph (1). Notwithstanding Section 1053.1, more than one
10 single day license issued for different days may be issued to, or
11 possessed by, a person at one time.

12 (5) A resident or nonresident, 16 years of age or older, for 1
13 designated day upon payment of a base fee of ten dollars (\$10).

14 (b) An applicant for a sport fishing license issued pursuant to
15 this section shall provide, with the application, the applicant's
16 email address. An applicant shall agree to receive email
17 communications from the department, or, on the department's
18 behalf, from the contractor operating the department's Automated
19 License Data System, regarding purchase, renewal, or reactivation
20 of sport fishing licenses.

21 (c) The department shall provide applicants the option to sign
22 up for automatic renewal of a sport fishing license issued pursuant
23 to paragraph (1) or (2) of subdivision (a) by automatic credit card
24 or debit card payment or electronic funds transfer. The department
25 shall provide a person who signs up for automatic renewal with
26 advance notice of renewal, including the date of the scheduled
27 renewal fee charge.

28 (d) The department shall enable licenses and validations to be
29 displayed on an electronic mobile device.

30 (e) California sport fishing license validations shall be issued
31 by authorized license agents in the same manner as sport fishing
32 licenses, and no compensation shall be paid to the authorized
33 license agent for issuing the validations except as provided in
34 Section 1055.1.

35 (f) This section applies only to licenses, permits, reservations,
36 tags, and other entitlements issued through the Automated License
37 Data System.

38 (g) The base fees specified in this section are applicable to the
39 2004 license year and shall be adjusted annually thereafter pursuant
40 to Section 713.

1 (h) The commission shall adjust the amount of the fees specified
2 in subdivision (g), as necessary, to fully recover, but not exceed,
3 all reasonable administrative and implementation costs of the
4 department and the commission relating to those licenses.

5 (i) This section shall become operative on January 1, 2021.

6 (j) (1) On or before December 1, 2024, the department shall
7 submit to the Legislature a written report on the implementation
8 of the 12-month licensing periods that are reflected in paragraphs
9 (1) and (2) of subdivision (a) and the requirements imposed by
10 subdivisions (b) to (d), inclusive.

11 (2) A report to be submitted pursuant to paragraph (1) shall be
12 submitted in compliance with Section 9795 of the Government
13 Code.

14 (k) This section shall remain in effect only until January 1, 2026,
15 and as of that date is repealed.

16 SEC. 10. Section 7149.2 of the Fish and Game Code is
17 amended to read:

18 7149.2. (a) In addition to Section 7149.05, the department
19 shall issue a lifetime sport fishing license under this section. A
20 lifetime sport fishing license authorizes the taking of fish,
21 amphibians, or reptiles anywhere in this state in accordance with
22 the law for purposes other than profit for the life of the person to
23 whom issued unless revoked for a violation of this code or
24 regulations adopted under this code. A lifetime sport fishing license
25 is valid for a one-year period from January 1 through December
26 31 and may be renewed annually, regardless of any lapse of the
27 license, at no additional cost to the licensee. A lifetime sport fishing
28 license is not transferable. A lifetime sport fishing license does
29 not include any special tags, stamps, or fees.

30 (b) A lifetime sport fishing license may be issued to residents
31 of this state, as follows:

32 (1) To a person 62 years of age or over, upon payment of a base
33 fee of three hundred sixty-five dollars (\$365).

34 (2) To a person 40 years of age or over and less than 62 years
35 of age, upon payment of a base fee of five hundred forty dollars
36 (\$540).

37 (3) To a person 10 years of age or over and less than 40 years
38 of age upon payment of a base fee of six hundred dollars (\$600).

39 (4) To a person less than 10 years of age upon payment of a
40 base fee of three hundred sixty-five dollars (\$365).

1 (c) Nothing in this section requires a person less than 16 years
2 of age to obtain a license to take fish, amphibians, or reptiles for
3 purposes other than profit.

4 (d) Nothing in this section exempts a license applicant from
5 meeting other qualifications or requirements otherwise established
6 by law for the privilege of sport fishing.

7 (e) Upon payment of a base fee of two hundred forty-five dollars
8 (\$245), a person holding a lifetime sport fishing license shall be
9 entitled annually to the privileges afforded to a person holding a
10 second-rod stamp or validation issued pursuant to Section 7149.45,
11 a sport fishing ocean enhancement stamp or validation issued
12 pursuant to subdivision (a) of Section 6596.1, one steelhead trout
13 ~~report-restoration~~ *fishing report-restoration* card issued pursuant
14 to Section 7380, and one salmon report card issued pursuant to
15 regulations adopted by the commission. Lifetime privileges issued
16 pursuant to this subdivision are not transferable.

17 (f) The base fees specified in this section are applicable
18 commencing January 1, 2004, and shall be adjusted annually
19 thereafter pursuant to Section 713.

20 (g) *This section shall remain in effect only until January 1, 2026,*
21 *and as of that date is repealed.*

22 SEC. 11. Section 7149.2 is added to the Fish and Game Code,
23 to read:

24 7149.2. (a) In addition to other sport fishing licenses, if any,
25 issued pursuant to regulations adopted by the commission, the
26 department shall issue a lifetime sport fishing license under this
27 section. A lifetime sport fishing license authorizes the taking of
28 fish, amphibians, or reptiles anywhere in this state in accordance
29 with the law for purposes other than profit for the life of the person
30 to whom this license is issued unless revoked for a violation of
31 this code or regulations adopted under this code. A lifetime sport
32 fishing license is valid for a one-year period from January 1
33 through December 31 and may be renewed annually, regardless
34 of any lapse of the license, at no additional cost to the licensee. A
35 lifetime sport fishing license is not transferable. A lifetime sport
36 fishing license does not include any special tags, stamps, or fees.

37 (b) A lifetime sport fishing license may be issued to residents
38 of this state, as follows:

39 (1) To a person 62 years of age or over, upon payment of a base
40 fee of three hundred sixty-five dollars (\$365).

1 (2) To a person 40 years of age or over and less than 62 years
2 of age, upon payment of a base fee of five hundred forty dollars
3 (\$540).

4 (3) To a person 10 years of age or over and less than 40 years
5 of age upon payment of a base fee of six hundred dollars (\$600).

6 (4) To a person under 10 years of age upon payment of a base
7 fee of three hundred sixty-five dollars (\$365).

8 (c) Nothing in this section requires a person under 16 years of
9 age to obtain a license to take fish, amphibians, or reptiles for
10 purposes other than profit.

11 (d) Nothing in this section exempts a license applicant from
12 meeting other qualifications or requirements otherwise established
13 by law for the privilege of sport fishing.

14 (e) Upon payment of a base fee of two hundred forty-five dollars
15 (\$245), a person holding a lifetime sport fishing license shall be
16 entitled annually to the privileges afforded to a person holding a
17 second-rod stamp or validation issued pursuant to Section 7149.45,
18 a sport fishing ocean enhancement stamp or validation issued
19 pursuant to subdivision (a) of Section 6596.1, one steelhead trout
20 fishing report-restoration card issued pursuant to Section 7380,
21 and one salmon report card issued pursuant to regulations adopted
22 by the commission. Lifetime privileges issued pursuant to this
23 subdivision are not transferable.

24 (f) The base fees specified in this section are applicable
25 commencing January 1, 2004, and shall be adjusted annually
26 thereafter pursuant to Section 713.

27 (i) This section shall become operative on January 1, 2026.

28 SEC. 12. Section 7149.3 of the Fish and Game Code is
29 amended to read:

30 7149.3. Notwithstanding ~~Section 7149.05, 7145~~, a sport fishing
31 license is not required for a resident to take a rattlesnake (genus
32 *Crotalus* or *Sistrurus*).

33 SEC. 13. Section 7150 of the Fish and Game Code is amended
34 to read:

35 7150. (a) Upon application to the department's headquarters
36 office in Sacramento and payment of a base fee of four dollars
37 (\$4), as adjusted pursuant to Section 713, the following persons,
38 who have not been convicted of any violation of this code, shall
39 be issued a reduced fee sport fishing license that is valid for one
40 year as specified in paragraphs (1) and (2) of subdivision (a) of

1 Section 7149.05 and that authorizes the licensee to take any fish,
2 reptile, or amphibians anywhere in this state as otherwise
3 authorized pursuant to this code and regulations adopted pursuant
4 thereto for purposes other than profit:

5 (1) A disabled veteran having a 50 percent or greater
6 service-connected disability upon presentation of proof of an
7 honorable discharge from military service and proof of the
8 disability. Proof of the disability shall be by certification from the
9 United States Veterans Administration or by presentation of a
10 license issued pursuant to this paragraph in the preceding license
11 year.

12 (2) A member of the military who is a “recovering service
13 member” pursuant to *paragraph (7) of Section 1602(7) 1602* of
14 the federal National Defense Authorization Act for Fiscal Year
15 2008 (~~Public Law 110-181~~). (*10 U.S.C. Sec. 1071 note*). A person
16 shall be eligible for a reduced fee sport fishing license pursuant to
17 this paragraph upon the submission of a letter, online or in
18 hardcopy, to the department from that person’s commanding officer
19 or from a military medical doctor stating that the person is a
20 recovering service member.

21 (3) A person over 65 years of age who is a resident of this state
22 and whose total monthly income from all sources, including any
23 old age assistance payments, does not exceed the amount in effect
24 on September 1 of each year contained in subdivision (c) of Section
25 12200 of the Welfare and Institutions Code for single persons or
26 subdivision (d) of Section 12200 of the Welfare and Institutions
27 Code combined income for married persons, as adjusted pursuant
28 to that section. The amount in effect on September 1 of each year
29 shall be the amount used to determine eligibility for a reduced fee
30 license during the following calendar year.

31 (b) A person applying for a reduced fee sport fishing license
32 shall submit adequate documentation for the department to
33 determine whether the applicant is, in fact, eligible for a reduced
34 fee sport fishing license. The documentation shall be in the form
35 of a letter or other document, as specified by the department, from
36 a public agency, except as provided in paragraphs (1) and (2) of
37 subdivision (a). The department shall not issue a reduced fee sport
38 fishing license to any person unless it is satisfied that the applicant
39 has provided adequate documentation of eligibility for that license.

1 (c) The adjustment of the base fee pursuant to Section 713
2 specified in subdivision (a) shall be applicable to the fishing license
3 years beginning on or after January 1, 1996.

4 (d) *This section shall remain in effect only until January 1, 2026,*
5 *and as of that date is repealed.*

6 SEC. 14. Section 7150 is added to the Fish and Game Code,
7 to read:

8 7150. (a) Upon application to the department's headquarters
9 office in Sacramento and payment of a base fee of four dollars
10 (\$4), as adjusted pursuant to Section 713, the following persons,
11 who have not been convicted of any violation of this code, shall
12 be issued a reduced fee sport fishing license that is valid for one
13 year and that authorizes the licensee to take any fish, reptile, or
14 amphibians anywhere in this state as otherwise authorized pursuant
15 to this code and regulations adopted pursuant thereto for purposes
16 other than profit:

17 (1) A disabled veteran having a 50 percent or greater
18 service-connected disability upon presentation of proof of an
19 honorable discharge from military service and proof of the
20 disability. Proof of the disability shall be by certification from the
21 United States Department of Veterans Affairs or by presentation
22 of a license issued pursuant to this paragraph in the preceding
23 license year.

24 (2) A member of the military who is a "recovering service
25 member" pursuant to paragraph (7) of Section 1602 of the federal
26 National Defense Authorization Act for Fiscal Year 2008 (10
27 U.S.C. Sec. 1071 note). A person shall be eligible for a reduced
28 fee sport fishing license pursuant to this paragraph upon the
29 submission of a letter, online or in hardcopy, to the department
30 from that person's commanding officer or from a military medical
31 doctor stating that the person is a recovering service member.

32 (3) A person over 65 years of age who is a resident of this state
33 and whose total monthly income from all sources, including any
34 old age assistance payments, does not exceed the amount in effect
35 on September 1 of each year contained in subdivision (c) of Section
36 12200 of the Welfare and Institutions Code for single persons or
37 subdivision (d) of Section 12200 of the Welfare and Institutions
38 Code combined income for married persons, as adjusted pursuant
39 to that section. The amount in effect on September 1 of each year

1 shall be the amount used to determine eligibility for a reduced fee
2 license during the following calendar year.

3 (b) A person applying for a reduced fee sport fishing license
4 shall submit adequate documentation for the department to
5 determine whether the applicant is, in fact, eligible for a reduced
6 fee sport fishing license. The documentation shall be in the form
7 of a letter or other document, as specified by the department, from
8 a public agency, except as provided in paragraphs (1) and (2) of
9 subdivision (a). The department shall not issue a reduced fee sport
10 fishing license to any person unless it is satisfied that the applicant
11 has provided adequate documentation of eligibility for that license.

12 (c) The adjustment of the base fee pursuant to Section 713
13 specified in subdivision (a) shall be applicable to the fishing license
14 years beginning on or after January 1, 1996.

15 (d) This section shall become operative on January 1, 2026.

O

COMMITTEES
CHAIR: HEALTH
BUDGET
HOUSING AND COMMUNITY DEVELOPMENT
JOINT LEGISLATIVE AUDIT
WATER, PARKS, AND WILDLIFE

SUBCOMMITTEE
BUDGET SUBCOMMITTEE NO. 1 ON HEALTH
AND HUMAN SERVICES

SELECT COMMITTEE
HEALTH CARE DELIVERY SYSTEMS AND
UNIVERSAL COVERAGE

Assembly California Legislature



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May 1, 2019

Chairman Erik Sklar & Chairman Russ Burns
Fish and Game Commission
Wildlife Resources Committee
P.O. Box 944209
Sacramento, CA, 94244

RE: Support for AB 1387 (Wood): 365-Day Sport Fishing Licenses

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Dear Co-Chairs Sklar and Burns,

I write to you today seeking the committee's support for AB 1387 which would require the Department of Fish and Wildlife to issue 365-day sport fishing licenses beginning January 1, 2021.

Since 1980, annual resident sport fishing license sales have declined 55%, despite the state's population boom over that same period of time. While California has a population of more than 39.8 million people, over 840 miles of coastline, and thousands of rivers, lakes and streams, we have the lowest per-capita fishing participation rate in the country. This is a troubling trend both for the future of sport fishing in California and for the financial future of the programs supported by these licenses.

There are many factors that contribute to whether or not a person decides to purchase a fishing license and there is not a silver-bullet solution that will reverse the current trend all at once, however, the fact that the vast majority of all sport fishing licenses are sold before July 1, and that the purchase of one-and two-day sport fishing licenses spikes during the second half of the year is a clear indicator that the current annual license dynamics are significant contributors to our current trend.

I am not the first legislator to author a bill proposing a change to a 365-day sport fishing license but am confident that this year, with your support, we have a unique opportunity to finally push this issue across the finish line.

Sincerely,

JIM WOOD
Assemblymember, District 2



California Fish and Game Commission

Striped Bass Policy

Adopted April 5, 1996

It is the policy of the Fish and Game Commission that:

I. The Department of Fish and Game shall work toward stabilizing and then restoring the presently declining striped bass fishery of the Sacramento-San Joaquin Estuary. This goal is consistent with Commission policy that the Department shall emphasize programs that ensure, enhance, and prevent loss of sport fishing opportunities.

II. The Department shall ensure that actions to increase striped bass abundance are consistent with the Department's long-term mission and public trust responsibilities including those related to threatened and endangered species and other species of special concern. Recognizing issues associated with potential incidental take of these species, an appropriate interim objective is to restore the striped bass population to the 1980 population level of 1.1 million adults within the next 5-10 years.

III. The long-term striped bass restoration goal, as identified in the Department's 1989 Striped Bass Restoration Plan, is 3 million adults.

IV. The Department shall work toward these goals through any appropriate means. Such means may include actions to help maintain, restore, and improve habitat; pen-rearing of fish salvaged from water project fish screens; and artificial propagation.

(Adopted 4/5/96)

California Fish and Game Commission

Developing a Delta Fisheries Management Policy

Updated May 3, 2019

Since 2012, the California Fish and Game Commission (Commission) has been engaged with stakeholders and the California Department of Fish and Wildlife (Department) in discussions about managing fisheries in the Sacramento-San Joaquin Delta (Delta). In response to a petition (#2016-001) to change fishing regulations for striped and black bass in the Delta, the Commission requested that its Wildlife Resources Committee (WRC) explore the issue more comprehensively with stakeholders and the Department.

In May 2017, WRC held a half-day forum focused on the State's vision for managing fisheries in the Delta for the benefit of native fish species and sport fisheries, the implementation of the State's vision, and soliciting stakeholder input on potential actions FGC could consider related to this topic. In October 2017, the Commission approved WRC's recommendation to approve the recommendations from the forum, including developing and adopting a Delta fisheries management policy that:

1. aligns with the State's goals for the Delta,
2. supports more holistic management of the Delta,
3. encourages interagency coordination and collaboration,
4. requires integration of the best available science into decision-making, and
5. clarifies the Commission's management goals for both listed species and sport fisheries in the Delta.

A draft policy has been developed to reflect the stated goals, taking into consideration the original petition and stakeholder input.

Draft Delta Fisheries Management Policy

Revised May 3, 2019

Revisions made to the December 18, 2018 draft version based on public comment are provided in ~~strikeout~~/underline. A table of comments considered but not included follow the draft policy.

It is the policy of the Fish and Game Commission that:

- I. The Commission and Department shall seek to collaborate and coordinate with other agencies with jurisdiction over species and other resources in the Sacramento-San Joaquin Delta (Delta) and its tributaries as they manage fisheries, state and federally listed fish species, such as salmonids and smelt, and other aquatic resources.
- II. The Commission and Department shall strive to manage these resources holistically, sustainably, and consistent with the direction of the legislature to protect, restore, and enhance the Delta ecosystem.
- III. The Department shall rely on the best available science to develop strategies and recommendations for managing fisheries and listed species in the Delta. Using this information, the Department shall strive to improve habitat conditions for and alleviate threats to listed species.
- IV. The Department shall manage listed fish species to protect and enhance each species' abundance, distribution, and genetic integrity to support each species' resiliency and recovery.
- V. The Department shall manage Delta fisheries in a manner that provides for angling opportunities ~~and minimizes~~ while minimizing adverse effects to native and listed species and recovery activities.
- VI. Based on current best available science and evaluations of past management of Delta fisheries, the Commission and Department shall not develop or enhance fisheries in the Delta which may pose a direct threat to the survival of, or significantly limit, recovery of a listed species.
- VII. To the extent feasible, the Commission and Department shall support scientific research to help advance the policy goals set forth herein. The Department should consider identified research needs when developing research plans, making research funding decisions, and when reviewing and/or authorizing research projects. The Department may consider the permitted scientific sampling of non-native fish outside sport fishing size and bag limits to advance scientific research to support native species in the Delta, where statutorily permitted and practical. Where feasible, the Department should encourage and permit recreational anglers to contribute to scientific research on predator-prey relationships to help inform efforts to protect native species.

Response to public comment

Suggestions from public comment that were not incorporated into the draft policy are summarized below, with rationale for not incorporating the comment.

Suggestion	Rationale
Incorporate aquatic vegetation into the policy.	While aquatic vegetation does affect Delta fisheries, this is beyond the scope of the policy.
Add “where science demonstrates” to IV before “a direct threat”.	Already captured by “Based on current best available science”.
Add “by those holding a valid scientific collection permit” to VII before “outside sport fishing”.	There may be other types of permits, now or in the future, that allow the activity. Also captured by the addition of “permitted scientific”.
California should institute slot limits for some of its fishing.	This comment is more germane to recreational fisheries rather than fisheries management, and is beyond the scope of this policy.

**Wildlife Resources Committee (WRC) 2019-20 Work Plan
Scheduled Topics and Timeline for
Items Referred to WRC by the California Fish and Game Commission
Updated May 8, 2019**

Topic	Category	2019			2020
		JAN	MAY	SEP	JAN
		Ontario	Sacramento	Santa Rosa	TBD
Annual Regulations					
Upland (Resident) Game Birds	Annual	X/R		X	X/R
Sport Fishing	Annual				
Mammal Hunting	Annual		X	X/R	
Waterfowl Hunting	Annual		X	X/R	
Central Valley Salmon Sport Fishing	Annual		X	X/R	
Klamath River Basin Sport Fishing	Annual		X	X/R	
Regulations & Legislative Mandates					
Falconry	Referral for Review				
Department Lands Regulations	Informational	X	X/R		
Simplification of Statewide Inland Fishing Regulations	Informational	X/R	X		
Special Projects					
Bullfrogs and Non-native Turtles	Referral for Review		X	X	X
Emerging Management Issues					
Wild Pig Management	Referral for Review				
Policies					
Delta Fisheries Forum Recommendations and Delta Fisheries Policy	Referral for Review	X	X	X	
Legislation					
365-Day Fishing Licenses (AB 1387)	Referral for Review		X/R		

KEY: X Discussion scheduled X/R Recommendation developed and moved to FGC

California Fish and Game Commission – Perpetual Timetable for Anticipated Regulatory Actions

(dates shown reflect the date intended for the subject regulatory action)

Updated: 04/30/19

For FGC Staff Use				2019												2020											
QUARTERLY EFFECTIVE	DFWR/J ANALYST	FGC ANALYST	LEAD	REGULATORY CHANGE CATEGORY	ACTION DATE, TYPE AND LOCATION	APR 17	MAY 16	MAY 16	JUN 11	JUN 12	JUN 13	JUL 11	AUG 7	AUG 8	SEP 5	OCT 8	OCT 9	OCT 10	NOV 5	DEC 11	DEC 12	JAN TBD	FEB TBD	FEB TBD	MAR TBD	MAR TBD	
						FGC SANTAMONICA	WRC SACRAMENTO	TELECONFERENCE SACRAMENTO, FARRFIELD, ARCATA, SAN DIEGO	TC REDDING	FGC REDDING	MRC SAN CLEMENTE	FGC SACRAMENTO	WRC SANTA ROSA	TC SAN DIEGO	FGC SAN DIEGO	MRC SACRAMENTO	FGC SACRAMENTO	WRC TBD	TC	FGC	MRC	FGC TELECONFERENCE					
					File Notice w/OAL by						02/19/19																
					Notice Published						03/01/19																
					Title 14 Section(s)																						
*	MR	ST	HCB	Coast Yellow Leptosiphon and Lassics Lupine	670.2	E 4/1																					
*	MR	ST	MR	Commercial Logbooks	107, 174 and 176	E 4/1					and E 7/1																
	OA	SF/CC	MR	Sheephead Fillet	27.65(b)	E 4/1																					
	MR	JS	WLB	Mammal Hunting, including deer/elk tag validation	362, 364, 364.1, 708.6	D	V	A				E 7/1			R												
	MR	JS	LED	Archery Equipment and Crossbow	354	A						E 7/1															
	MR	JS	WLB	Waterfowl (Annual)	502, 509	A	V					E 7/1			R												
	OA	SF	FB	Klamath River 2084 (Emergency)(First 180 days)	7.50(b)(91.2)	A						E 7/1															
	OA	SF/CC	FB	Klamath River Basin Sport Fishing (Annual)	7.50(b)(91.1)	D	V	A				E 7/1			R												
	OA	SF/CC	FB	Central Valley Salmon Sport Fishing (Annual)	7.50(b)(5), (68), (124), (156.5)	D	V	A				E 7/1			R												
*	OA	CC	MR	Hagfish traps	180.6	N					D/A				E 10/1												
*	MR	ST	MR	Recreational and Commercial Pacific Herring (fishery management plan implementation)	27.60, 28.60, 28.62, 163, 163.1, 163.5, 164						N			D				A			E 1/1						
	OA	JS	FB	Simplification of Statewide Inland Fishing Regulations	5.00, 7.00, 7.50, 8.10		R					N					D			A				E 3/1			
	OA	SF/CC	FB	Central Valley Salmon Sport Fishing (Annual)	7.50(b)(5), (68), (124), (156.5)		V								R					N				D			
	MR	JS	WLB	Mammal Hunting (Annual)	362, 364, 364.1, 708.6										R					N				D			
	MR	JS	WLB	Waterfowl (Annual)	502		V								R					N				D			
	MR	JS	WLB	Upland Game Bird (Annual)	300										R					N				D			

RULEMAKING SCHEDULE TO BE DETERMINED

	OA	SF	FB	Klamath River 2084 (Emergency)(90 day Extension - Phase I)	7.50(b)(91.1)																					
	OA	SF	FB	Klamath River 2084 (Emergency)(90 day Extension - Phase II)	7.50(b)(91.1)																					
	OA	SF	FB	Klamath River 2084 (Implementing Certificate of Compliance)	7.50(b)(91.1)																					
	MR	ST	WLB	Wildlife Areas/Public Lands and Ecological Reserves	550, 550.5, 551 AND 630																					
*			MR	Experimental fishing permit (EFP) program	120.1 and 180							V							V							
*			MR	Commercial Kelp and Algae Harvest Management	165, 165.5, 704							V													V	
*				Possess Game / Process Into Food	TBD																					
*			OGC	American Zoological Association / Zoo and Aquarium Association	671.1																					
				Night Hunting in Gray Wolf Range	474																					
				Shellfish Aquaculture Best Management Practices	TBD				R														V		R	
*				Ban of Neonicotinoid Pesticides on Department Lands	TBD																					
*			MR	Commercial Pink Shrimp Trawl	120, 120.1, 120.2																					
*			MR	Ridgeback Prawn Incidental Take Allowance	120(e)																					

EM = Emergency, EE = Emergency Expires, E = Anticipated Effective Date (RED "X" = expedited OAL review), N = Notice Hearing, D = Discussion Hearing, A = Adoption Hearing, V = Vetting, R = Committee Recommendation, WRC = Wildlife Resources Committee, MRC = Marine Resources Committee, TC = Tribal Committee