

STAFF SUMMARY FOR JUNE 12-13, 2019

2. GENERAL PUBLIC COMMENT (DAY 1)**Today's Item****Information** ☒**Action** ☐

Receive public comments, petitions for regulation change, and requests for non-regulatory actions for items not on the agenda.

Summary of Previous/Future Actions

- | | |
|---|---------------------------------|
| • Today's receipt of requests and comments | Jun 12-13, 2019; Redding |
| • Consider granting, denying or referring | Aug 7-8, 2019; Sacramento |

Background

This agenda item is primarily to provide the public an opportunity to address FGC on topics not on the agenda. Staff also includes written materials and comments received prior to the meeting as exhibits in the meeting binder (if received by written comment deadline), or as late comments at the meeting (if received by late comment deadline), for official FGC "receipt."

Public comments are generally categorized into three types under general public comment: (1) petitions for regulation change; (2) requests for non-regulatory action; and (3) informational-only comments. Under the Bagley-Keene Open Meeting Act, FGC cannot discuss any matter not included on the agenda, other than to schedule issues raised by the public for consideration at future meetings. Thus, petitions for regulation change and non-regulatory requests generally follow a two-meeting cycle (receipt and direction); FGC will determine the outcome of the petitions for regulation change and non-regulatory requests received at today's meeting at the next in-person FGC meeting following staff evaluation (currently Aug 7-8, 2019).

As required by the Administrative Procedure Act, petitions for regulation change will be either denied or granted and notice made of that determination. Action on petitions received at previous meetings is scheduled under a separate agenda item titled "Petitions for regulation change." Action on non-regulatory requests received at previous meetings is scheduled under a separate agenda item titled "Non-regulatory requests."

Significant Public Comments

1. A new petition for regulation change is summarized in Exhibit 1, and the original petition is provided as Exhibit 3.
2. A request for non-regulatory action is summarized in Exhibit 2, and the original request is provided as Exhibit 4.
3. General and informational comments are provided as exhibits 5-15.

Recommendation

FGC staff: Consider whether any new future agenda items are needed to address issues that are raised during public comment.

STAFF SUMMARY FOR JUNE 12-13, 2019

Exhibits

1. [Summary of new petitions for regulation change received by May 30, 2019 at 5:00 p.m.](#)
2. [Summary of requests for non-regulatory action received by May 30, 2019 at 5:00 p.m.](#)
3. [Petition #2019-012: Prohibit the use of hand operated water pumps to take gaper and other clams](#)
4. [Email from Susan Schwartz, representing Friends of Five Creeks, expressing concern over DFW's response to surfactant foam in Codornices Creek, and requesting that FGC examine its policies regarding public contributions to DFW research, received May 10, 2019](#)
5. [Email from Mark Vellutini, thanking FGC for seeking public input on trout fishing, received Apr 22, 2019](#)
6. [Letter from J.P. Garofalo and Nick Mercer, representing Malibu Oyster Company, and application for lease of state water bottoms for aquaculture, received Apr 22, 2019](#)
7. [Letter from Arlene Miller, representing Tenaja Community Services District, opposing the grading of a parcel of land in Riverside County, received Apr 25, 2019](#)
8. [Email from Supervisors Jim Desmond and Kristin Gaspar, representing San Diego County Board of Supervisors, supporting the allowance of cycling within the Carlsbad Highlands Ecological Reserve, received May 3, 2019](#)
9. [Email from Eric Mills, representing Action for Animals, concerning the spread of chytrid fungus, received May 5, 2019](#)
10. [Email from William Bales, Jr., concerning salmon and steelhead in Lake Earl, received May 12, 2019](#)
11. [Email from Louise Gregg, questioning the conduct of Marin Municipal Water District, received May 12, 2019](#)
12. [Email from Jon Schmidt, opposing the Sacramento Valley Special Management Area, received May 16, 2019](#)
13. [Email from David Maillet, opposing Japan resuming commercial whaling, received May 26, 2019](#)
14. [Email from Francis Coats, identifying a possible error in regulations concerning Bobelaine Ecological Reserve, received May 26, 2019](#)
15. [Letter from Alecia Van Atta, representing National Marine Fisheries Service, in support of DFW's proposed development of low-flow closure targets for freshwater fishing in coastal streams of the Santa Cruz Mountains, received May 28, 2019](#)

Motion/Direction (N/A)

CALIFORNIA FISH AND GAME COMMISSION PETITIONS
RECEIPT LIST FOR PETITIONS FOR REGULATION CHANGE: RECEIVED BY 5:00 PM ON MAY 30, 2019
Revised 6/3/2019

General Petition Information					FGC Action	
Tracking No.	Date Received	Name of Petitioner	Subject of Request	Short Description	FGC Receipt Scheduled	FGC Action Scheduled
2019-012	5/30/2019	Carl W. Vogler	Water Pumps	Prohibit the use of hand operated water pumps to take gaper and other clams.	6/12-13/2019	8/7-8/2019

CALIFORNIA FISH AND GAME COMMISSION
RECEIPT LIST FOR NON-REGULATORY ACTION: RECEIVED BY 5:00 PM ON MAY 30, 2019
Revised 6-4-19

FGC - California Fish and Game Commission **DFW** - California Department of Fish and Wildlife **WRC** - Wildlife Resources Committee **MRC** - Marine Resources Committee

Date Received	Name of Requester	Subject of Request	Short Description	FGC Decision
5/10/2019	Susan Schwartz Friends of Five Creeks	Policies regarding public contribution to research	Request for FGC to examine its policies regarding public contributions to DFW research.	Receipt: 6/12-13/2019 Action: 8/7-8/2019



Tracking Number: (2019-012)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: Carl W. Vogler

Address:

Telephone number:

Email address:

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: FGC §200, 202, 205, 210, 219, and 220

3. Overview (Required) - Summarize the proposed changes to regulations: I propose to prohibit the use of hand operated water pumps to take gaper and other clams.

4. Rationale (Required) - Describe the problem and the reason for the proposed change: In the past a person wanting to get a limit of gaper clams needed a daylight tide lower than 0.5' MLLW in order to dig a hole in the mud no longer covered with water. In any given year no more than 45% of the days would have such an opportunity. Hand operated water pumps have become popular with which to jet out the gaper clams. The pumps not only allow users to access clams on higher tides but actually require that some water be present in order to function. Skilled users are able to get their limits of gaper clams on most days. At Lawson's Landing in Dillon Beach on Tomales Bay, we are seeing an average of 40 people per day getting their 10 clam limits, or about 60,000 clams taken by the end of May this year. One of the clammers told me that he thought that there were about two more years of clams left before he'd have to go somewhere else.

SECTION II: Optional Information

5. Date of Petition: May 29, 2019

6. Category of Proposed Change



- ☒ Sport Fishing
- ☐ Commercial Fishing
- ☐ Hunting
- ☐ Other, please specify:

7. **The proposal is to:** (*To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>*)
- ☒ Amend Title 14 Section(s):29.20
 - ☐ Add New Title 14 Section(s):
 - ☐ Repeal Title 14 Section(s):
8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition**
Or ☒ Not applicable.
9. **Effective date:** If applicable, identify the desired effective date of the regulation.
If the proposed change requires immediate implementation, explain the nature of the emergency: February 1, 2020
10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Letter from Carl Vogler of May 13, 2019
11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing:
12. **Forms:** If applicable, list any forms to be created, amended or repealed:

SECTION 3: FGC Staff Only

Date received: [Received by email on Thursday, May 30, 2019 at 8:00 AM.](#)

FGC staff action:

- ☒ Accept - complete
- ☐ Reject - incomplete
- ☐ Reject - outside scope of FGC authority

Tracking Number 2019-012

Date petitioner was notified of receipt of petition and pending action: June 12-13, 2019

Meeting date for FGC consideration: August 7-8, 2019

FGC action:

- ☐ Denied by FGC
- ☐ Denied - same as petition _____
Tracking Number
- ☐ Granted for consideration of regulation change

Received by email on Thursday, May 30, 2019 at 8:00 AM as an attachment to petition 2019-012.

California Fish and Game Commission

May 7, 2019

Marine Resources Committee

P.O. Box 944209

Sacramento, CA 94244-2090

To Whom It May Concern,

I am one of the owners of Lawson's Landing in Dillon Beach. Lawson's Landing is located at the mouth of Tomales Bay and has been providing access to the California coast since the late 1950's. Fishing, crabbing and clamming have been the major attractions with the plentiful gaper clams on Clam and Seal islands being the original and most consistent draw. On a tide low enough for the islands to be exposed, with a little hard work and a short boat ride, most people can dig enough clams for a tasty dinner. Unfortunately, that looks like it's about to change.

In the last few years a new innovation, the hand operated water pump, has allowed clammers to retrieve their limits of gapers even when the tide isn't low enough for the islands to come out of the water. In fact, the pumps only work while in 6" of water or more. Where clams were only attainable 38% to 45% of the days per year, now attainable days approach 80% of the year. The pumps also limit physical damage to the individual clams, making for a more attractive, and therefore more marketable, product that many are tempted to sell. Gaper clams, as unlikely as it sounds, are becoming the new abalone.

Lawson's Landing operated boats to ferry clammers over to the islands for over forty years, but when we saw the increased number of people clamming and the decreasing catches of clams, we ended a very lucrative part of our business in order to preserve the resource. The clams bounced back in the 2000's, but now a new generation of clammers with cheap inflatable boats and hand pumps paddle across almost every day to collect their ten clams each. I'm writing this now because one of the clammers told me today that he thought that there's about two years of clams left on the islands. When they're gone from here he'll go somewhere else, he said.

I would like to see a change in the regulations that would outlaw hand operated water pumps in the same way that hooked devices are illegal to use. The gapers will have a chance to recover again if the number of opportunities to dig them up remain limited.

Carl W. Vogler

Lawson's Landing Inc.

137 Marine View Dr.

Dillon Beach, CA 94929-0067

From: FGC
Sent: Monday, May 13, 2019 7:43 AM
To: FGC
Subject: Fw: Attn: Wildlife Resources Committee, for May 16 meeting, letter, re Apr. 3 fish kill
Attachments: F5CFishGameCommWRCLetterforMay16.pdf

From: Friends of Five Creeks <f5creeks@gmail.com>
Sent: Friday, May 10, 2019 04:06 PM
To: FGC
Cc: Tira, Peter@Wildlife; Garrett, Clint@Wildlife
Subject: Attn: Wildlife Resources Committee, for May 16 meeting, letter, re Apr. 3 fish kill

Dear Commission members:

I hope that the attached letter can be given to members of the Wildlife Resources Committee for their May 16 meeting, and as time permits to all members of the Commission.

Thank you for your time, and for considering these thoughts from our 23-year-old, all-volunteer creek- and watershed group..

Susan Schwartz, President
Friends of Five Creeks
510 848 9358
f5creeks@gmail.com
www.fivecreeks.org



Friends of Five Creeks

*Volunteers preserving and restoring watersheds of
North Berkeley, Albany, Kensington, south El Cerrito and Richmond since 1996
1236 Oxford St., Berkeley, CA 94709*

510 848 9358

f5creeks@gmail.com

www.fivecreeks.org

May 10, 2019

California Fish and Game Commission

Attn.: Wildlife Resources Committee, for May 16 meeting

By email

Members of the Fish and Game Commission:

Twenty years ago, our volunteer group spotted *Oncorhynchus mykiss* (rainbow trout or steelhead) in Codornices Creek, a small but perennial urban creek on the Berkeley-Albany border in Alameda County. Even after we legally electrofished, producing photographic evidence, we found agencies and so-called experts resisted accepting that these trout existed. Yours was the first agency to act, closing the creek to fishing and later requiring that early plans for "restoration" include some provision for trout habitat. Eventually, professionals accepted that the trout were real and found them convenient in obtaining millions of dollars to "restore" the creek and wrap it in tight regulations. (There is no evidence that any of that work or any of those rules helped the trout. Comparing fish counts before restoration¹ to the numbers killed April 3 would indicate that there were more trout before.)

In the decades that followed, we have watched the increasing professionalization of conservation with some concern, as agencies, in our view, increasingly consider citizens useful mainly as sources of support, e.g. for staff, budgets, or rule-making.

We were thus disappointed in the Department of Fish and Wildlife's interactions with us following an April 3 fire in a Berkeley cardboard-recycling truck, where discharge of standard surfactant firefighting foam, using in cities and wildfires, killed many, possibly all, of the trout in this little urban creek.

The Department's public statements have been interpreted by politicians and the media as meaning that not many more than the 64 dead fish spotted in CDFW wardens' quick April 4 survey could have died.² Either wardens failed to pass on, or CDFW chose to ignore, our slower survey, documented by geolocated photos of individual fish, showing just short of 100 unique dead fish in less than half the affected creek reaches.³ Spotting all the dead fish took time – probably more than your wardens spent as they passed us. We offered our photos and information to CDFW with no response. We don't expect that CDFW to accept our findings over their staff's -- but acknowledging uncertainty is basic to science and should be to government.

CDFW also made statements that were interpreted by politicians and the media as saying that you were confident that the trout populations would quickly recover.³ This optimism ignores local conditions which we pointed out (emails available):

- The lethal discharge was below the highest point that trout have ever reached, making restocking from upstream extremely unlikely.

Friends of Five Creeks is a partner project of 501(c)3 Berkeley Partners for Parks

- Very cloudy water⁴ and high mortality more than a mile downstream six hours after the discharge indicates that concentrations of the foam were likely very high, making recovery in this very small creek less likely. (CDFW also has not sought results from the City of Berkeley's timely samples that might establish actual concentrations; emails available.)
- There is significant doubt that these trout are steelhead¹, which would make restocking from downstream less likely.
- Any trout returning from downstream would have to pass a reach where dense camps at the water's edge all but block the creek with trash and pollution including fuels (photos below), again reducing the probability of restocking from downstream.

Again, exclusive reliance on "experts" lacking local knowledge in our view led to inappropriate disregard of uncertainty. These kinds of statements have consequences. In this case, they back the view that everything will soon be fine – so no one needs to look seriously at whether there are policies that could reduce the risk of using these surfactant foams. These foams must be used and will be used increasingly as fires become more frequent. **We are seeking a no-fault inquiry into how to reduce harm.**


Two other exchanges strengthen our impression of CDFW's lack of interest in citizens' potential contributions to knowledge:

- CDFW apparently plans to electrofish the creek this summer – a way to determine whether any trout do survive. We asked to go along in publicly accessible reaches. The response was only that they would keep us informed about the electrofishing (emails available).
- On May 24, we plan to repeat a survey of benthic macroinvertebrates in Codornices done in 2018. We hope to do this again in 2020. We asked whether CDFW was interested in results, but got no response (emails available). These results might increase knowledge of effects of these surfactants on the critters that fish eat.

This is not the first time that, in our estimation, CDFW staff ignored specific local knowledge in favor of generalizations by professionals. **The Fish and Game Commission does not direct CDFW, but it does set policy. We hope that you will examine policies and practice with an eye toward encouraging professionals to take into account citizens' local knowledge and possible contributions, and encouraging that CDFW statements appropriately acknowledge uncertainty.**

We are happy to answer any questions or supply supporting documents. **Thank you for your attention.**

Sincerely,



Susan Schwartz, President
Friends of Five Creeks

Cc: Clint Garrett, Peter Tira, CDFW

References:

Friends of Five Creeks operates under the fiscal sponsorship of 501(c)3 Berkeley Partners for Parks

From: Mark Vellutini
Sent: Monday, April 22, 2019 5:35 PM
To: FGC
Subject: INPUT

Melissa,

Kudos to the Dept. of Fish and Game Commission !! I'm entirely sure it may have happened before with a few unique scenarios, but reaching out to Anglers, specifically where the trout fishing is concerned, for input, opinions, comments etc. is more than refreshing.

I've been lucky enough to fish most of the "Best" creeks & lakes in No. Ca. for the last 50+ yrs, both with fly & traditional baits and there is no question that many, if not most of these waters, are in decline, for one reason or another. I'm a believer that the vast majority of

Environmental causes are nearly impossible to overcome without big Government \$\$. It's the lack of etiquette that a high percentage of people that are fishing, not Anglers, that is troubling. The littering, poaching, excessive limits, blatantly breaking the law, is frustrating.

As much as I hate to admit it, Ca. has a much bigger problem than many other states, or so it appears. I hunt and fish out of state, (4 other states) and a high percentage of those populations are respectful of the laws and regulations. They may not be the most cordial to Ca.

Hunters, but they seem to be much more ethical. I know that Ca.'s Hunting and Fishing population is, for the most part, a great collection of ethical sportsmen and women. I've seen what a blatant disregard for the recourse can result in, look no further than the Abalone. I'm

Forever stunned every time I read the sentence that is handed down to those idiots from the Bay Area that come up to the Coast , harvest 75-80 Ab's and return time after time. Jail them for 10yrs or fine them \$250 k, I bet they never think about returning, again. I'm sure that

you are aware of the fact that the vast majority of Outdoor Enthusiasts are pretty savvy people and they would be more than happy to follow the "new" direction that the FGC chooses. I'm sure that I speak for many of them when I say that it would sure be nice to see the

HAMMER drop on the ones that habitually and without conscience, ruin it for the majority of us. Thank you for letting me vent.....Mark

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION

2019 APR 17 1:31

Malibu Oyster Company

April 17th 2019
California Fish and Game Commission

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Dear Fish and Game Commission:

Please find enclosed two copies of Malibu Oyster Companies application for lease of State water bottoms and a check for the \$500 application fee.

Thank you for your consideration of our application! We look forward to hearing from you.

Signature: _____



Signature: _____



J.P. Garofalo & Nick Mercer
Co – Founders Malibu Oyster Company

Date 4/17/2019

PAY to the
order of

California Fish and Game Commission

\$ 500.00

Five Hundred ^{xx}/₁₀₀

Dollars



Security
Features
Details on
Back

For

State Water Bottomless App

MP

Date 4/17/2019

PAY to the
Order of

California Fish and Game Commission

\$ 500.00

Five Hundred ^{xx}/₁₀₀

Dollars

 Security
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Details on
Back

For

State Water Bottomland App

MP

DEPARTMENT OF FISH AND WILDLIFE

DEPARTMENT OF FISH AND WILDLIFE

Valeriya Kryuchkov
4/22/19



Project Proposal & Business Plan

Prepared by J.P. Garofalo & Nick Mercer
April 2019

FORM A

**State of California Fish and Game Commission Application for Lease of State Water Bottoms
for Aquaculture**

Applicant Name: Malibu Oyster Company

Phone: (203) 856-1275 / (310) 339-9114

Address: 902 Washington Avenue, Unit C, Santa Monica, CA 90403

Aquaculture Registration No. To Be Determined

Expiration Date: To Be Determined

Species of plant or animals to be cultured:

- Crassostrea gigas ("Pacific oyster") (Triploid seed only)
- Ostrea lurida ("Olympia oyster")
- Laminaria saccharina ("Sugar kelp")
- Crassostrea sikamea ("Kumamoto oyster")
- Crassadoma gigantea ("Giant rock scallop")
- Macrocystis pyrifera ("Giant kelp")
- Mesocentrotus franciscanus ("Red Sea Urchin")

Application is hereby made to the Fish and Game Commission of the State of California for a lease of State water bottoms in the area described in the attached exhibit entitled "Exhibit A-Legal Description," and as shown on the map attached hereto marked "Exhibit B." Each exhibit bears the name of this applicant. Such lease will be for the purpose of aquaculture involving the species designated above. In support of this application, the applicant hereby submits the following explanation of the type of operation and cultural practices to be employed:

- A. Purpose of operation - Production
- B. Plan of development and proposed production schedule – 5-year plan
- C. Type of cultural method(s) to be employed: long line with buoyed habitats, etc.
- D. Department of Health Services growing water classification: Unclassified

(Please see additional sheets for detailed explanation)

Date: 4/17/2019

Print Name: J.P. Garofalo and Nick Mercer on behalf of Malibu Oyster Company

Signed: J.P. Garofalo Nick Mercer

Introduction & Background

Company Introduction:

The Malibu Oyster Company ("The Company" or "MOC"), a Delaware Corporation, was formed in June of 2018 with the intent of pursuing a California state bottom lease for growing premium oysters for the half shell market, as well as fresh kelp for consumption. The Company plans to provide locally-sourced and sustainably farmed products directly to the sprawling Greater Los Angeles area. Locally cultivated seafood will not only help meet growing demand in the market, but also serve as a source of economic opportunity and employment for the community. Additionally, MOC is a mission-driven company dedicated to promoting a sustainable aquaculture industry in Southern California that supports a regenerative symbiotic relationship with the ocean.

Applicant(s):

J.P. Garofalo



J.P. Garofalo, co-founder of Malibu Oyster Company, grew up in the western part of Connecticut where oyster farming was a constant feature of the landscape. In his teenage years, he spent the summers working on a local oyster farm during its infancy and facilitated the development of their early cultivation methodologies and record-keeping policies. Following graduation from Middlebury College, Mr. Garofalo has worked in the financial services industry. After working in New York for 5 years, he moved to Los Angeles where he works at Ares Management, a leading global private equity firm. His passion for aquaculture and sustainable farming has persisted since his days on the Long Island Sound. With his background in oyster farming and cultivation, Mr. Garofalo will be primarily responsible for the Company's farming operations.

Nick Mercer



Nick Mercer, co-founder of Malibu Oyster Company, is a native Californian and grew up just a few miles from the proposed farm location. He graduated from Connecticut College in 2010 with a degree in Anthropology and moved to NYC to pursue a career in the media industry. Nick moved back to Los Angeles 3 years ago to run west coast sales for Parse.ly, a media analytics company, and has had the privilege to work with Disney, the NFL and Amazon. As an avid aquaculture enthusiast and environmentalist, Nick has always been personally interested in the sustainability of seafood. With a strong sales and marketing background Nick will oversee distribution for MOC.

The Malibu Oyster Company is working alongside GreenWave, a pioneering nonprofit organization dedicated to building a new blue-green economy that creates jobs, mitigates climate change and grows healthy food for local communities. As a farmer and fisherman run organization, GreenWave provides expertise, training and guidance for new farmers in their regenerative polyculture farming program. MOC is working in partnership with GreenWave and thus far has worked with Karen Gray, the California Reef Manager, to advance our site selection and bottom lease process in California. Through this strong working relationship, MOC will leverage access to industry experts across the country and within the state of California to gain insights into best management practices, operations, cultural methodologies and technical implementation. The Company will plan to appoint members of the GreenWave team to a Board of Advisors along with other local specialists, industry cohorts, and local University academics and research specialists.

Project Summary:

The Malibu Oyster Company will launch a commercial offshore aquaculture operation based in Los Angeles County. The site will be located in California state waters approximately one mile offshore of Malibu Lagoon and will encompass ~100 acres. Production will primarily consist of Pacific oysters and Sugar kelp and will be landed in the Marina del Rey Harbor. Cultivation methods will be via surface-level floating cages secured on longlines and anchored to the ocean floor. Kelp will be cultivated on the longlines connecting each floating cage with approximately 8-10 feet between each cage and 10 cages to a longline.

MOC plans to predominately purchase triploid oyster seed or “spat” at 12mm and deploy them in 6mm mesh bags within floating cages. As available, triploid seed will be sourced from San Diego Bay Aquaculture, Northern California as available from Hog Island Oyster Company, Hawaii via the Taylor Shellfish Facility or Goose Point Oysters facilities, and/or Washington State hatcheries such as Whiskey Creek. Any spat sourced will be certified and approved by the California Department of Fish and Wildlife (“CDFW”). In the first 1-2 years of operation, kelp seed will be supplied in partnership with GreenWave as a member of their support network. The Company will seek to source seed from other local sources within California, such as PharmerSea, as well as begin our own small-scale kelp hatchery.

Sorting and tumbling of oysters will occur every 6 – 8 weeks as necessary and dependent on growing conditions. Due to the distance to port, oysters will be hauled onboard the working vessel and tumbled and sorted onsite. Oysters of market size will be culled, graded, cleaned and bagged for harvest and distribution. Kelp will be planted annually in the fall and harvested in the spring. Notably, kelp will only be cut and harvested if it is directly attached to the longlines. Any other marine algae not directly attached to the longline as initially planted will be considered biofoul and will be released accordingly.

Operation and Cultural Practices

Purpose of Operation:

Malibu Oyster Company's primary purpose of operation is for the production, cultivation, harvest, distribution and direct sale of Pacific oysters (*Crassostrea gigas*) and Sugar kelp (*Laminaria saccharina*). In doing so, the Company will be providing a much-needed source of locally-grown seafood to a large economic community through sustainable and regenerative aquaculture practices in Los Angeles County.

Site Selection, Plan of Development and Proposed Production Schedule:

Site Selection:

The proposed site (please see Exhibit A) is approximately 100 acres in size, is in California state waters, is not located in commercial shipping lanes, a marine reserve or conservation area, Halibut Trawling Grounds or an Area of Special Biological Significance, and is within a closed Kelp Bed Boundary with precedent for obtaining a bottom lease and does not conflict with aquaculture activity on state leased parcels.

Further to the Company's site selection process, the proposed site is a judicious and iterative choice given the legal limitations outlined by the California Department of Fish and Wildlife, California Coastal Commission as well as guidance provided by the California Department of Health and considerations regarding recreation within the greater Los Angeles area. To the north in areas serviceable from Ventura Harbor, proposed site locations conflict with existing Halibut Trawling Grounds. From Laguna Point/Point Mugu to Point Dume, the area is zoned as a leasable Kelp Bed Boundary. Upon consultation with CDFW, they determined that the Company, as an owner of an aquaculture lease, would be in conflict with any potential lessee of the Kelp Bed Boundary. Within the western portion of Malibu, state waters consist of the Point Dume State Marine Reserve and Conservation area, as well as another leasable Kelp Bed Boundary (zone 16) [Exhibit C]. Looking to the south of the proposed location towards the Santa Monica Basin, the project would begin to conflict with greater volumes of recreational boaters and fisherman out of Marina del Rey and Redondo harbors. Moreover, storm drains and runoff located directly within the Santa Monica basin provide further concern for consistently diminished water quality. In contrast, the proposed site, as illustrated in Exhibit C, is within 8 miles of the nearest port, thus limiting the natural volume of recreational boaters that would conflict with the site. The proposed site is not within a California Department of Public Health Growing Water Classification area, further testing and ongoing sampling will need to be undergone to classify the area as a "conditionally approved" shellfish growing site. The Malibu Oyster Company has engaged with officials at California Department of Public Health, Eric Trevena and Joe Christen, who indicated that the site will likely not have any major issues after hearing a description of the proposed site. While MOC will have to undergo the process outlined by the CDPH, they expect it will obtain the "conditionally approved" certificate considering the site description, as well as its proximity to Santa Barbara Mariculture (SBMC) and the existing certificate therein.

In regards to growing conditions for the proposed site, we believe depth, wave, currents, temperature and available nutrients have the potential to make this a highly productive area. Within the proposed site, depths are under 90 feet with gradually sloping declines throughout making implementation and

installation of longlines advantageous. Point Dume to the northwest provides further protection from wave action within the predominantly benign conditions of the Southern California Bight. Rich nutrient upwelling from the nearby continental shelf and deep Hueneme and Mugu Canyons should provide productive growing conditions for shellfish and macroalgae alike. As the proposed site is within approximately 60 miles of Santa Barbara Mariculture, an existing operation successfully cultivating Mediterranean mussels and Pacific oysters, we believe growing conditions will not be dissimilar and should provide a proxy for conditions experienced at the proposed site. Additionally, SBMC's operation acts as a significant precedent for the project's potential lack of environmental impact. Lastly, the substrate of the region thus far appears to be completely comprised of sand and mud as illustrated in Exhibit B, which also contains an in-depth video of the landscape available through the USGS website. The USGS survey provided runs directly through the proposed site (see Exhibit B). The substrate shown here is not only beneficial for the anchoring of our site, but also proves that it will not conflict with any existing natural kelp or other cnidarian reefs.

Malibu Oyster Company's site is indicated by points MOC-NW, MOC-SW, MOC-NE and MOC-SE.

Figure 1



Latitude	Longitude	Position	Depth*
34.0258	-118.67280	MOC – NW	74 ft
34.0232	-118.67099	MOC – SW	100 ft
34.0304	-118.66207	MOC – NE	68 ft
34.0275	-118.65971	MOC – SE	86 ft

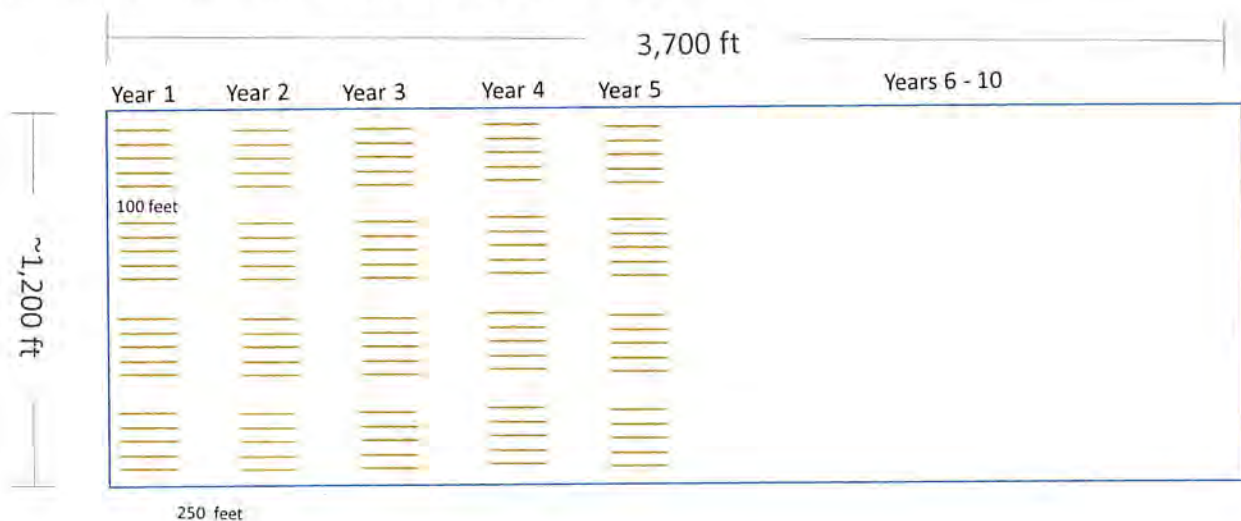
*Depths are approximated based on USGS survey data as illustrated in Exhibit B.

Plan of Development & Cultural Methods:

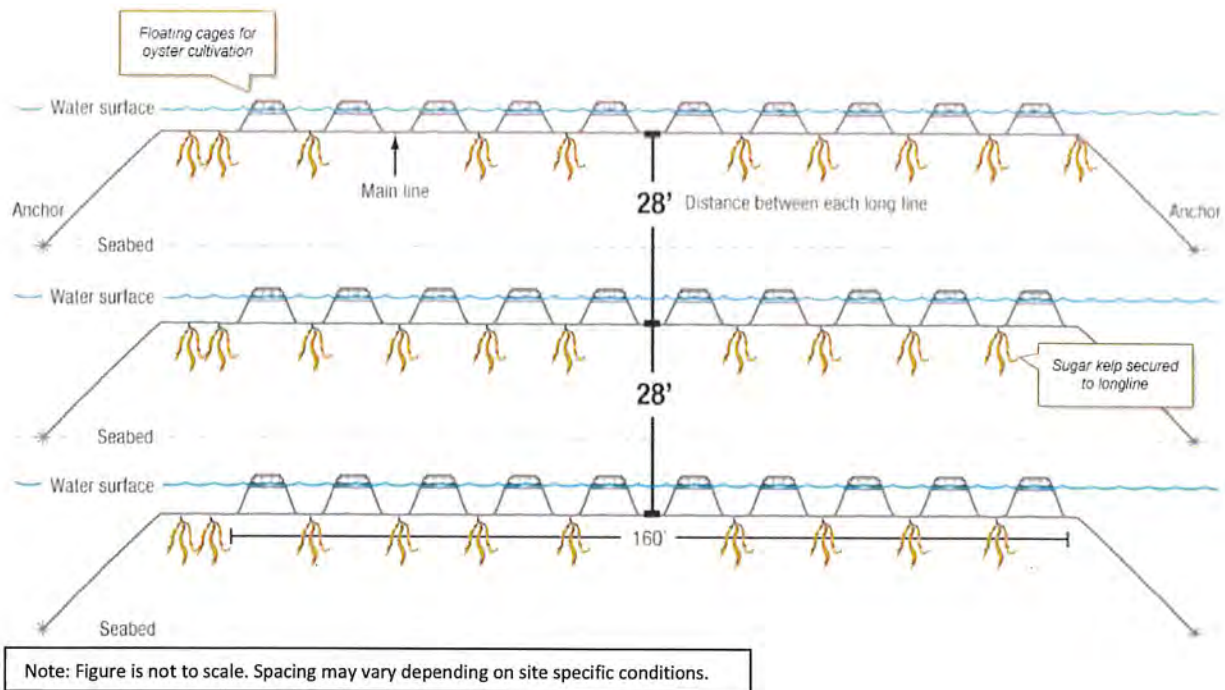
As noted above, the proposed site will occupy approximately 100 acres in eastern Malibu. The farm measures approximately 1,200 feet wide by 3,700 feet long. In accordance with U.S. Coast Guard regulations, site development will commence with the installation of marking buoys on each corner of the lease and a primary marker possessing radar reflecting capabilities within the center of the lease. This will ensure navigational visibility prior to any other activities on the site.

Deployment of longlines will begin with the installation of anchors. MOC will use 50kg Jeyco Stingray anchors, which are capable of holding 17,600 pounds each. Jeyco anchors, as displayed below in Exhibit D, are capable of holding over 10,000 pounds. With market size oysters, fully stocked floating cages will weigh approximately 100 pounds, which equates to a maximum of 1,500 pounds per longline. Jeyco stingray anchors should provide more than adequate holding power based on these projections even in extreme weather conditions. Alternatively, the farm will explore installing helical screw anchors if commercially viable. If severe hurricane conditions occur, MOC has the ability to sink the floating cages and prevent catastrophic damage to the farm and/or the spreading of marine debris.

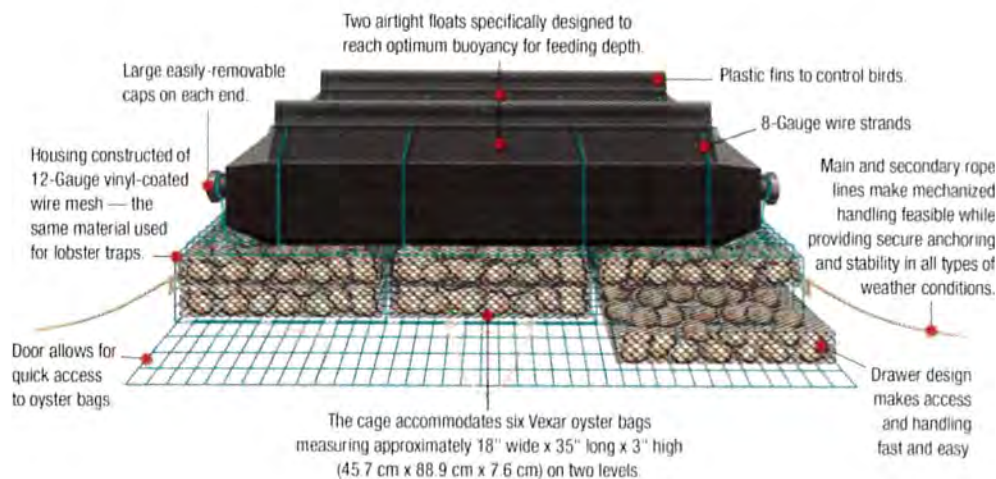
Longlines will be approximately 150 feet long containing 10 floating cages evenly spaced 8/10 feet apart. In addition, longlines will be arranged parallel to each other and facing NW in the direction of prevailing wind patterns in order to minimize impact from wave action. Floating cages will be connected via a ½ inch polyethylene rope, which will be seasonally adorned with Sugar kelp. Spacing between each longline will be between 25 and 30 feet with 5 longlines to a group. Each group will be spaced 100 feet apart to allow ample room for mammals to echolocate these rows and navigate through if necessary. In total, this allows for 4 groupings across the width of the site. Columns will be spaced 250 feet apart. The site will be capable of holding approximately 10 columns. See below for a diagram illustrating the proposed site development, as well as longline construction.



Note: Figure is not to scale. Spacing may vary depending on site specific conditions.



The floating cages will be assembled onshore and deployed as the farm continues to scale. Following conversations with manufacturers (Oystergro & GoDeep, Inc), MOC expects each floating cage to have an expected useful life of approximately 15 years provided they receive proper maintenance. A standard floating cage is equipped to carry six mesh plastic bags housed in a wire cage allowing for ongoing access and maintenance. Mesh bags vary in size and are rotated to maximize water flow for feeding for optimal growth rates. See below a diagram illustrating a common design for a floating cage:



- **Kelp planting & maintenance:** Kelp planting is initiated in October/November as water temperatures begin to drop. Kelp is seeded on cotton spools and wrapped around the ½ polyethylene line that connects each floating cage. Lines are moderately weighted to reach optimal depths (approximately 2 feet for growing conditions). As kelp grows throughout the season, it develops positive buoyancy due to the maturing of stipe hollows and fills with gas. When this is observed, lines will be weighted further to re-position the lines and maintain optimal depths. Kelp requires little other maintenance except from ensuring lines are not crossed or entangled, which will already be undertaken with the maintenance of the farm for oyster culture.
- **Oyster tumbling & grading:** In order to sort oysters by size, MOC will utilize an onsite portable tumbler. Oyster tumblers are generally 4-5 feet long metal tubes with two different sets of sorting sizes. Tumbling and sorting will likely be performed every 6-8 weeks due to the fast-growing conditions typically seen at the top of the water column where algae is more plentiful. Moreover, frequent tumbling of oysters chips the oyster mantle, creating a deeper cup and a higher quality oyster for the half-shell market. If oysters are deemed to be of market size, they will be taken to port at Marina del Rey where they will be graded according to quality.
- **Cage flipping and maintenance:** Floating cages offer a unique and beneficial maintenance method by which cages are periodically (generally bimonthly depending on area productivity) flipped resulting in the floats becoming fully submerged and thus exposing the mesh bags. Cage flipping can be for the immediate removal of biofouling but is also engaged for periods of up to 24-48 hours. Prolonging cage flipping removes *all* biofouling, as well as strengthens oyster adductor muscles promoting a longer post-harvest shelf life.
- **Harvesting (oysters & kelp):** Once oysters are deemed of market size and properly graded, they will be washed with a high pressure seawater hose to clean the shells of debris. The oysters will then be placed in mesh bags and moved to a temporary cold storage facility and promptly delivered fresh to local buyers in accordance with the Shellfish Handling and Marketing Certificate outlined and provided by the California Department of Public Health. Floating cages are flipped on the line for drying and removal of biofouling. They will be inspected, and if additional maintenance is deemed necessary, they will be removed from the longline and brought onshore for further upkeep. Harvesting of kelp occurs in the spring months (March/April) as the water becomes materially warmer. As a result, organisms (primarily algal in nature) begin to grow on the kelp and degrade the quality. When this growth is first observed on a blade, the kelp will be cut at the stipe, removed from the longline and immediately placed in a cooler for harvest.

Proposed Production Schedule:

Production Schedule	Year 1	Year 2	Year 3	Year 4	Year 5
New Lines Installed	20	20	20	20	20
Total Lines Operating	20	40	60	80	100
Outstanding Floating Cages	200	400	500	750	1000
Oysters Harvested (Singles)	0	250,000	500,000	750,000	1,000,000
Kelp Harvested (Tons)	10	20	30	40	50
Acres developed	5	15	25	35	50

Other Notes Regarding Best Management Practices, Community Involvement and Restoration Efforts:

Marine Debris Reduction and Management. MOC shall carry out operations consistent with the following marine debris reduction and management practices:

- **Storm Damage and Debris.** In the event that its shellfish culture gear or equipment becomes displaced or dislodged from culture lines, it shall be MOC's responsibility to retrieve the material from the shoreline, open water, or submerged bottom with minimal damage to the resources affected. Once located, such material shall be removed as soon as feasible and properly disposed of, recycled, or returned to use. As soon as safely and reasonably possible following storm or severe wind or weather events, MOC shall patrol all of its active cultivation areas for escaped or damaged aquaculture equipment. All equipment that cannot be repaired and placed back into service shall be properly recycled or properly disposed of at a certified onshore waste disposal facility. In addition, MOC shall retrieve or repair any escaped or damaged aquaculture equipment that it encounters while conducting routine daily and/or monthly maintenance activities associated with shellfish culture. If the escaped gear cannot be repaired and replaced on the shellfish bed, it shall be properly recycled or disposed of at a certified onshore waste disposal facility.
- **Gear Marking:** MOC shall mark shellfish culture bags (floating cages/bags) identifiable manner with identification information including its company name. Markings shall be securely attached and robust enough to remain attached and legible after an extended period in the marine environment (e.g. heat transfer, hot stamp, etching, etc.).
- **Marine Debris Reduction Training:** Upon receipt of their permit, MOC shall conduct an employee training regarding marine debris issues ,including covering how to identify culture gear or associated materials (longlines, label tags, clasps, etc.) that are loose or at risk of becoming loose, proper gear repair methods, and how to completely remove gear from out-of-production areas. Particular focus shall be placed on management and maintenance practices to

reduce the loss of any gear type that is frequently lost or consistently found during beach cleanup and inspection activities. These trainings shall be repeated on an annual basis throughout the term of the permit. During trainings, MOC's employees shall be encouraged to consider and implement field and management practices that reduce the amount of small plastic gear (such as zip-ties, tags and fasteners) and non-biodegradable materials used in its operations.

- **Cleanup Events:** MOC shall implement quarterly cleanup events in Malibu, Santa Monica and the South Bay in coordination with other interested parties or organizations (Heal the Bay, Oceanic Global etc.) Cleanup events shall include walking different portions of these beaches and shorelines to pick up escaped shellfish gear and other trash (regardless of whether it is generated by the project). The volume and type of shellfish gear collected and the cleanup location (marked on a map) and duration of cleanup activity shall be recorded and documented in the annual report submitted to the Executive Director of the Commission. If persistent discoveries of certain gear types are made, MOC shall evaluate (and if feasible, implement use of) alternative gear types or practices that would reduce these persistent sources of debris.
- **Excessive Gear Loss or Maintenance Failures:** If is evident that MOC is responsible for excessive loss of aquaculture equipment (long equipment, floating cages or cultivation mesh bags) into the marine environment or is consistently failing to maintain its equipment in an intact and serviceable condition, MOC shall, modify its cultivation equipment and/or operational practices to address the issue, or cease operations within a 90 day period.

Conclusion and other Notes on Methods:

As a small-scale farm, we believe floating cages are advantageous for manually flipping and servicing crop in comparison to longlines normally utilized for mussel farming—particularly as it relates to needing a vessel equipped with the ability to lift a heavy backbone line. Notably, we believe floating cages also mitigate issues related to mammalian entanglement. With only floating cages at the surface and ½ inch polyethylene line 6 -12 inches below surface, we believe this greatly lessens the risk for mammalian and/or sea turtle entanglements. Longline systems typically used for growing mussels employ a top floating line of buoys/floats (similar in scale to floating cages), a backbone line 15-20 feet below the surface with another 15-20 feet of cultured ropes hanging below the backbone. While the probability of mammalian entanglement is very low with mussel longlines, we believe the floating cage method employed here will further reduce that probability. In addition, in the case of a large storm or hurricane event, the cages can be sunk and stored on the ocean floor (this is typically done throughout the winter for farmers in northern regions where the water ices over). This not only protects the farm from catastrophic loss, but also ensures that gear and other equipment are not lost and become pollutive to neighboring areas and beaches.

EXHIBIT A

Legal description of the proposed water bottom lease for cultivation of Pacific oysters (*Crassostrea gigas*), Olympia oysters (*Ostrea lurida*), Kumamoto Oysters (*Crassostrea sikamea*) and Sugar kelp (*Laminaria saccharina*), *Crassadoma gigantea* ("Giant rock scallop"), *Macrocystis pyrifera* ("Giant kelp"), *Mesocentrotus franciscanus* ("Red Sea Urchin") by The Malibu Oyster Company.

LOCATION

The area lying offshore of Malibu, California defined by a four-sided rectangle formed by lines connecting the following waypoints (shown in decimal degrees):



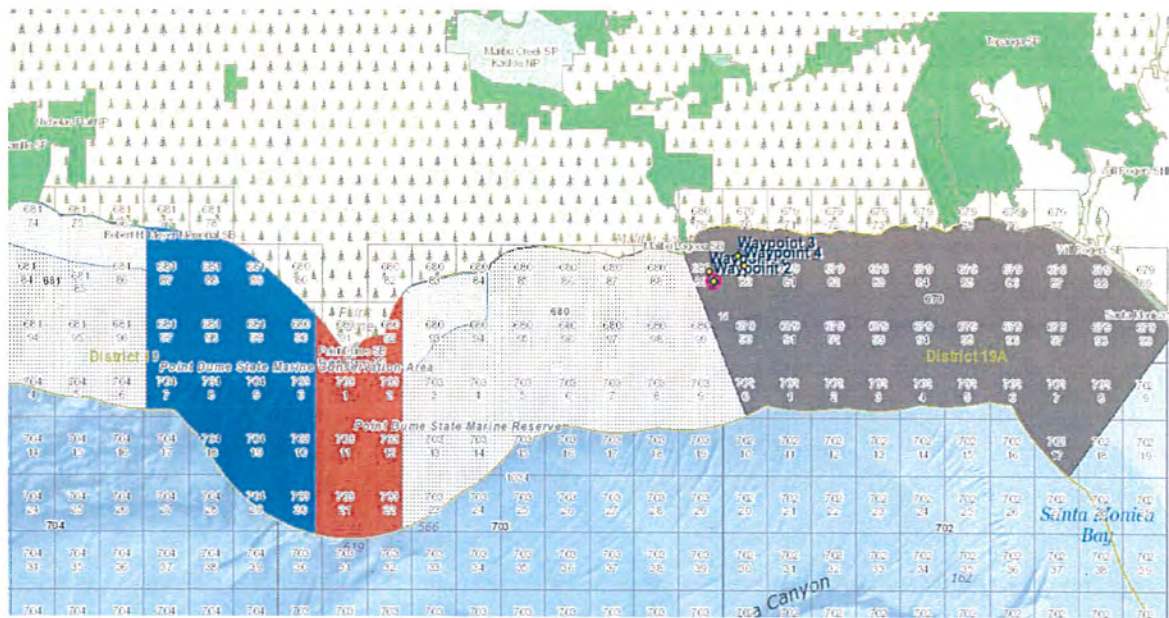
Latitude	Longitude	Position
34.0258	-118.67280	MOC – NW
34.0232	-118.67099	MOC – SW
34.0304	-118.66207	MOC – NE
34.0275	-118.65971	MOC – SE

Exhibit B

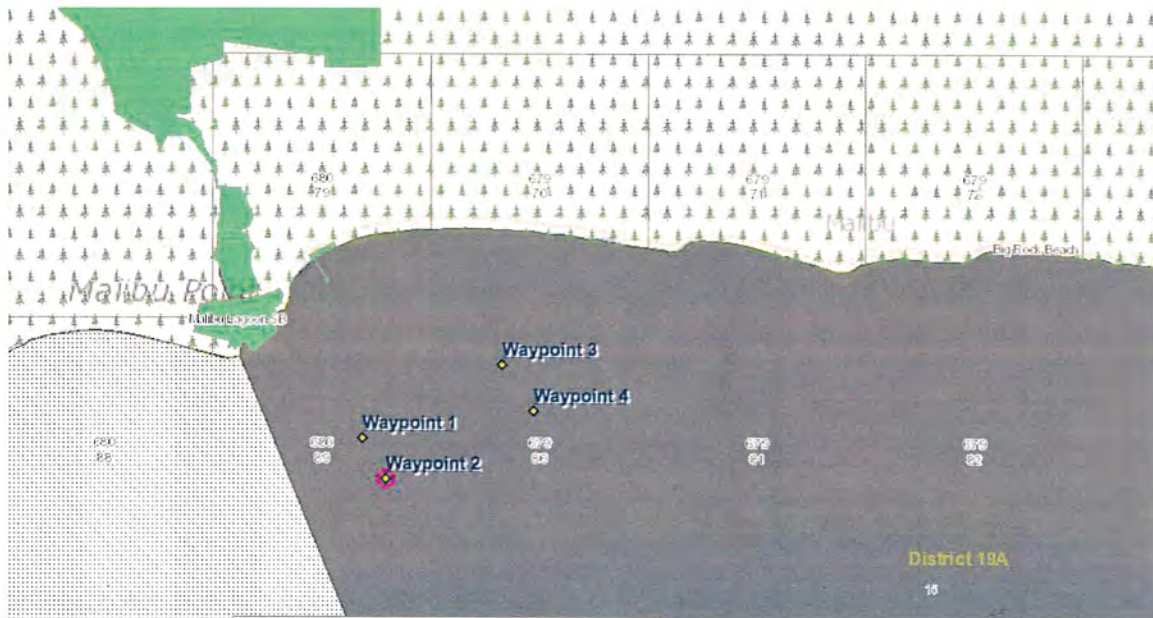


Source: USGS Coastal and Marine Geology Program. Note, the red lines denote areas where the seafloor has been mapped by the USGS. The frame in the bottom left is the view provided by the substrate rover, which provides depth levels as well.

Exhibit C



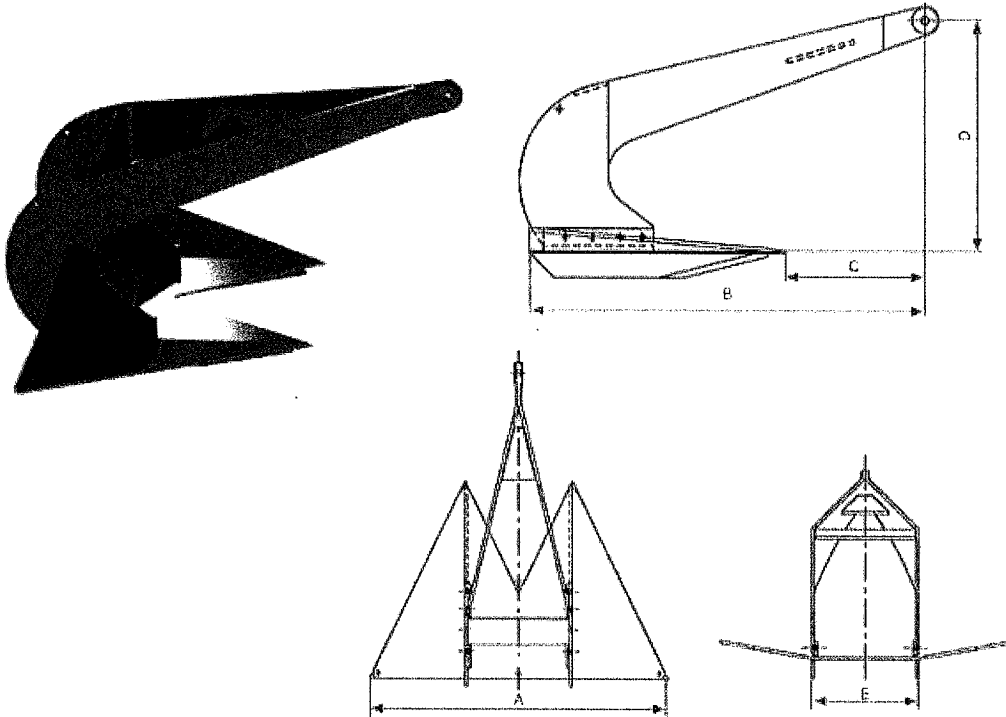
- State Marine Reserve (SMR)
 - State Marine Conservation Area (SMCA) (No-Take)
 - State Marine Conservation Area (SMCA)
 - State Marine Park (SMP)
 - State Marine Recreational Management Area (SMRMA)
 - Special Closure
- ☒ Kelp Administrative Bed Boundaries
☐ Go
STATUS
☐ Closed
☐ Lease Only
☐ Leasable
☒ Leased
☐ Open



Source: California Department of Fish and Wildlife. Note, areas in Marine Reserves and leasable kelp bed boundaries are restricted for aquaculture lease.

Exhibit D

Stingray High Performance Anchors



	Holding Power				Dimensions						
Weight (kg)	Sand (tonnes)	Medium Clay (tonnes)	Silt (tonnes)	Weight (kg)	Color	A	B	C	D	E	F
10	2.39	1.85	1.34	50	Green	1013	1023	347	598	368	54
25	4.95	3.83	2.77	75	Yellow	1060	1070	363	625	385	58
50	8.59	6.65	4.80	100	Blue	1171	1182	401	691	426	64
75	12.03	9.09	6.57	150	Green	1268	1271	432	742	458	69
100	14.91	11.54	8.34	250	Yellow	1515	1530	519	895	556	83
150	20.58	15.93	11.51	375	Blue	1748	1765	599	1031	635	96
175	23.26	18.01	13.01	500	Green	2024	2045	694	1190	736	111
250	30.89	23.92	17.27	750	Yellow	2222	2243	761	1311	808	122
375	42.64	33.01	23.84	1000	Yellow	2491	2516	854	1470	905	136
500	53.60	41.50	29.97	2000	Yellow	3078	3109	1055	1817	1119	168
750	73.99	57.28	41.37	3000	Yellow	3638	3719	1312	2160	1311	197
1000	93.00	72.00	52.00	5000	Yellow	4248	4291	1456	2504	1544	232
1500	128.37	99.39	71.78								
2000	161.36	124.93	90.22								
3000	222.74	172.44	124.54								
4000	279.98	216.76	156.55								
5000	334.32	258.83	186.93								



"In Harmony with Nature"
April 19, 2019

TENAJA

Community Services District

County of Riverside
Grading Department
4080 Lemon Street
Riverside, CA 92502

Subject: 932-130-012 Owner Michael Petro


To Whom it May Concern:

Tenaja Community Services District has already contacted Code Enforcement concerning this parcel. Mr. Jarrod Gibbon, Transportation Department, required the owner to get BMP 1900088. The original "permit" applied for was a BFE1800037 Agricultural Certificate Registration. For over 2 weeks there has been a D-8 Dozer and a D-4 Dozer actively grading the parcel. Three oak trees have been removed and hauled away. Our engineer estimated (before yesterday and today's grading) 250 yards of rock alone have been moved and buried and / or relocated. This is changing the water course. The owner and his contractor attended a meeting yesterday morning concerning this parcel. At the meeting, Tenaja CSD required that they obtain a grading permit for their property. The owner, Mr. Michael Petro, also wants to do some street improvements to Avocado Mesa Road and La Cuesta Road. He was told by the Roads Committee that engineered plans were needed before any work can continue on the parcel or the right of way area. Also the District would need street improvement plans for the roadway.

Shortly after they left they continued grading and was grading yet again today. There is definitely more than 50 yards of material moved. They blatantly disregarded any action that was taken.

The owner said and keeps saying he has talked to Jarrod Gibbon and was given permission to continue grading. We tried to issue a stop order on the job, but the contractor continued. The contractor, according to my records, is unlicensed and uninsured. I am sending photos that was taken today and on April 6th. I am also notifying several other agencies that may have an interest in this project.

Sincerely,
Tenaja Community Services District


Arlene Miller
General Manager

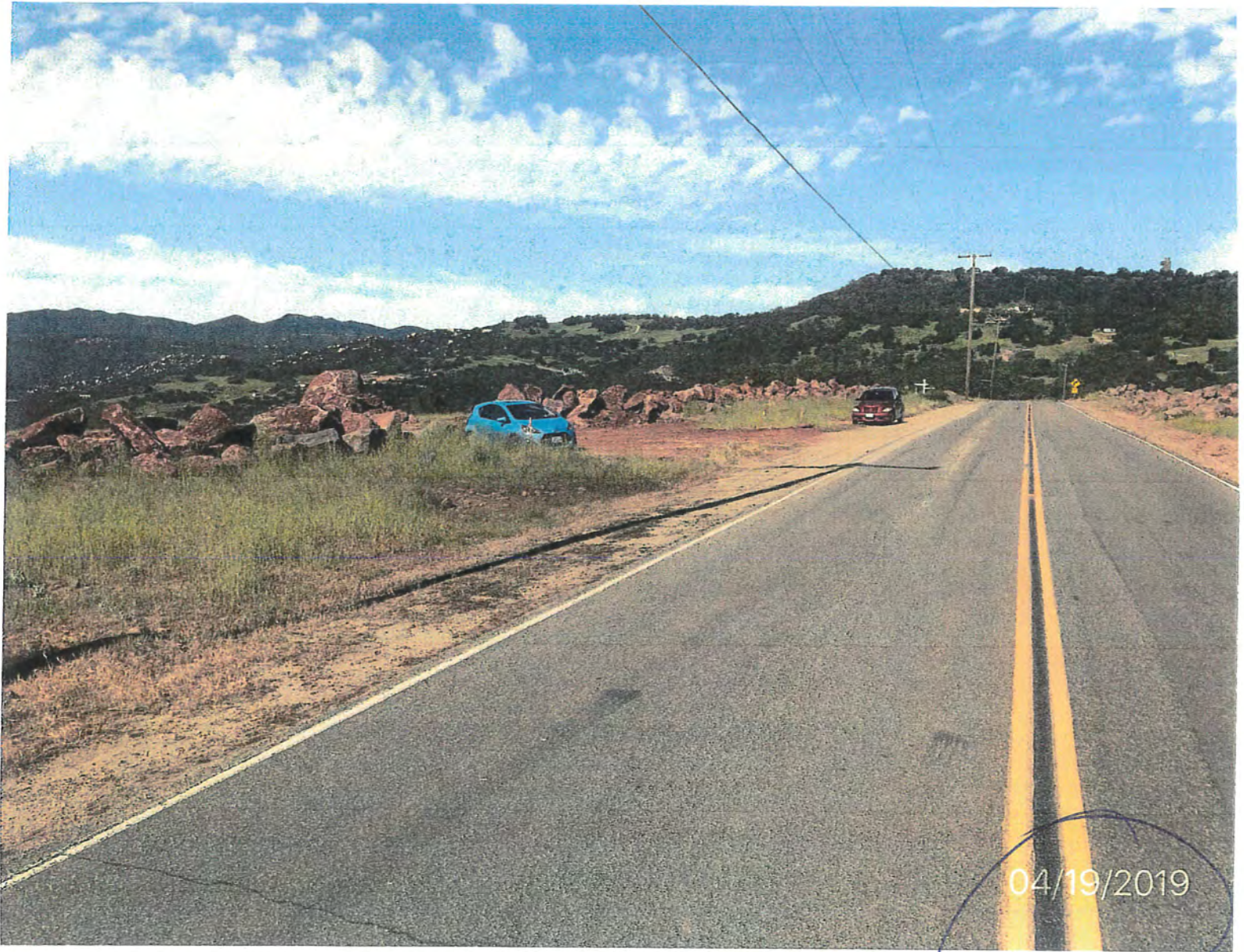
cc: Roads Committee
Tricia Almiron, Kevin Jefferies Office
Code Enforcement Department
Jarrod Gibbon, Transportation Department
Western Riverside County Regional Conservation
California Regional Water Quality
Natural Resources Conservation Service
California Fish and Game

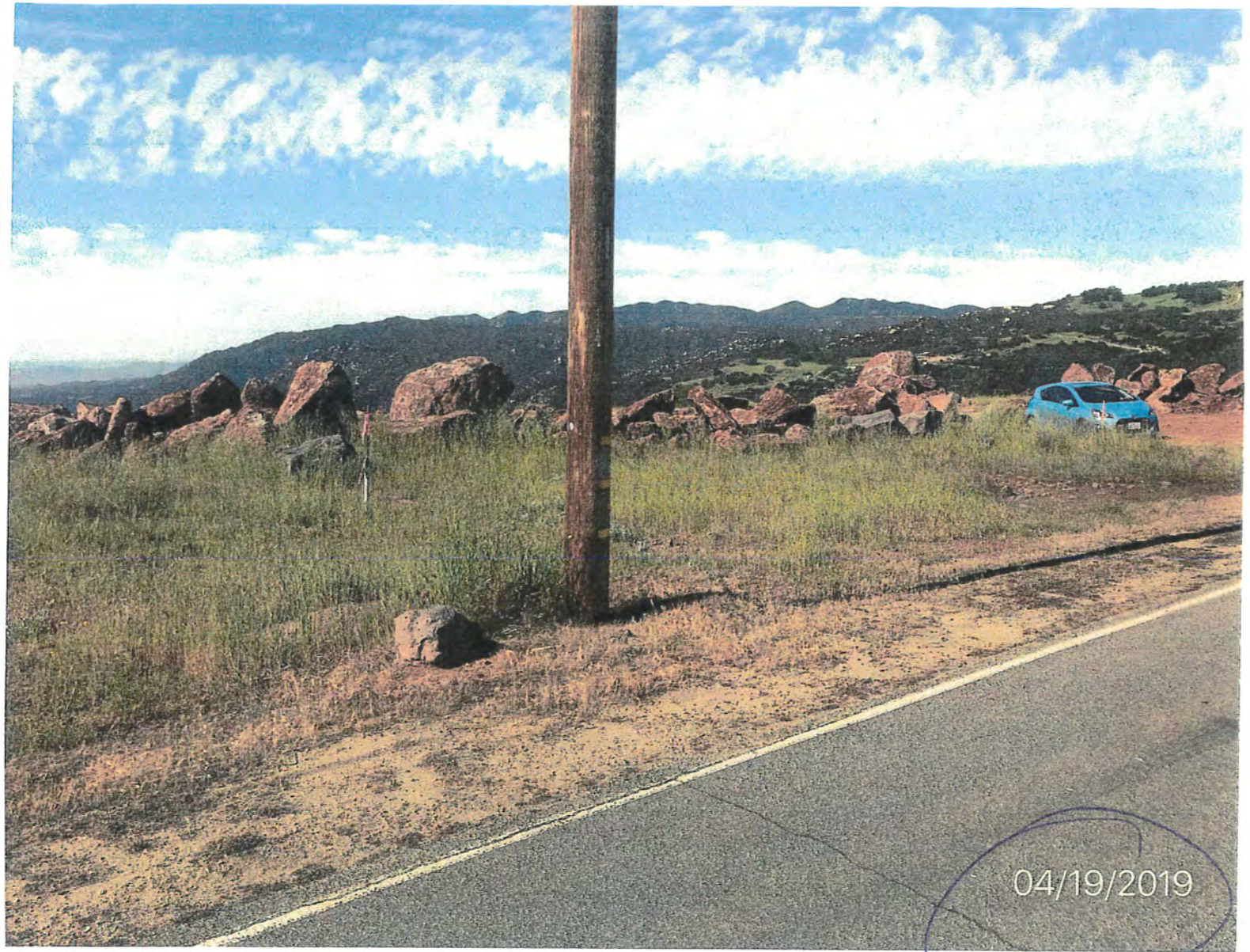
Tenaja Community Services District - Tenajacsd@earthlink.net
24837 Jefferson Ave. # 207/ Murrieta, CA 92562
Phone 951-696-5999
Fax 951-696-0999

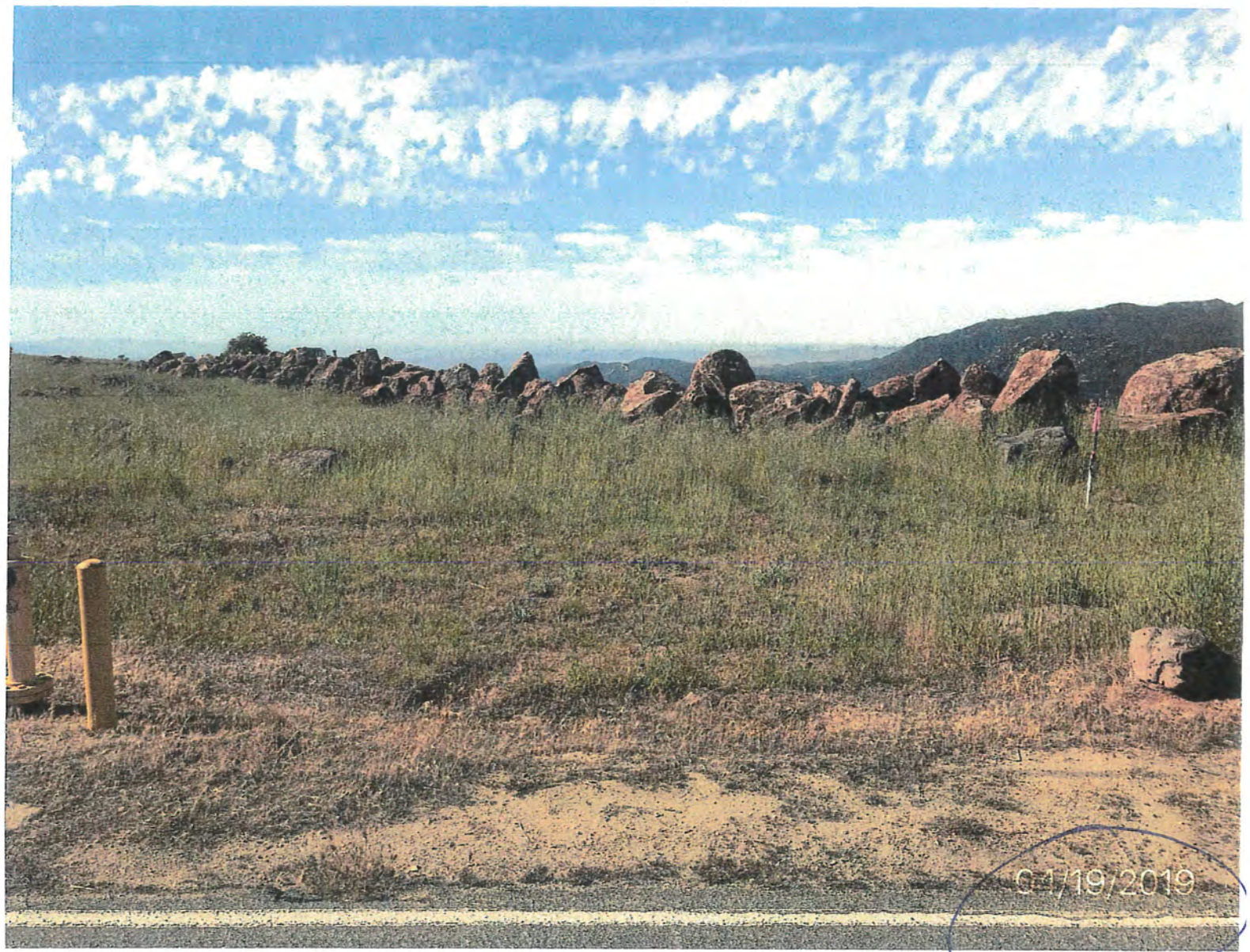


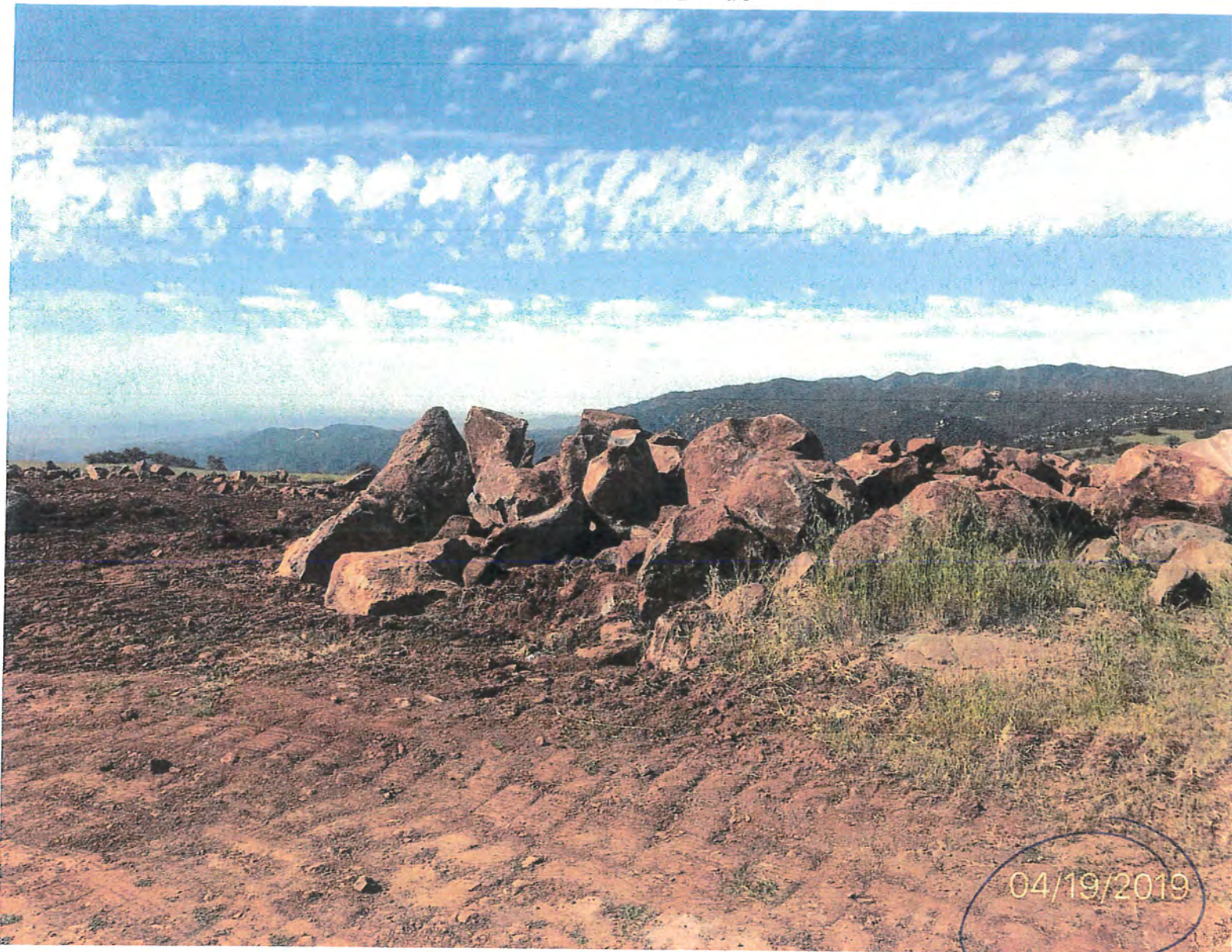
4-19-19

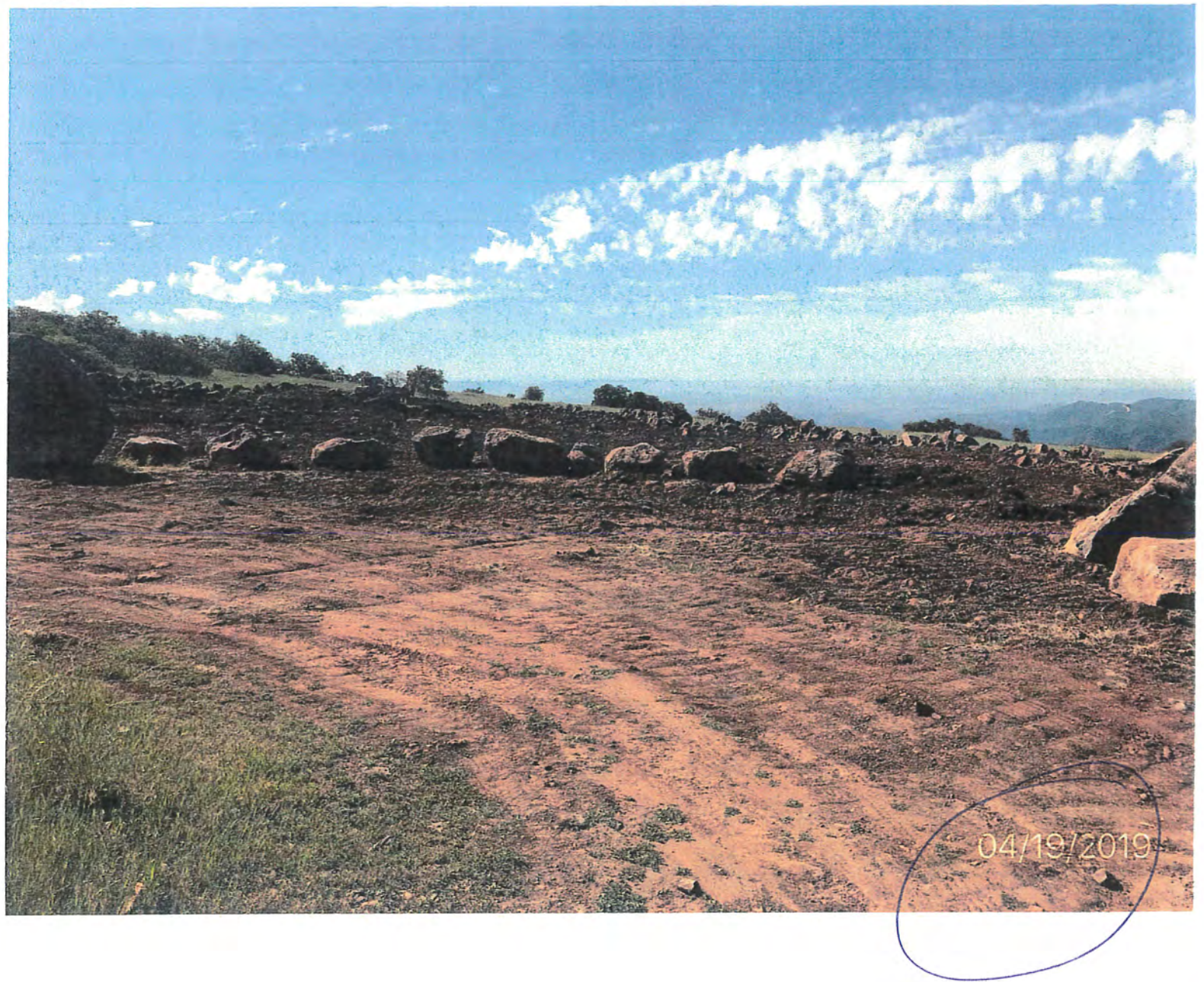


















4-19-19



4/19/2019

Avocado Mesa 2.jpg

4-19-19



4-19-19



4/19/2019

image003.jpg



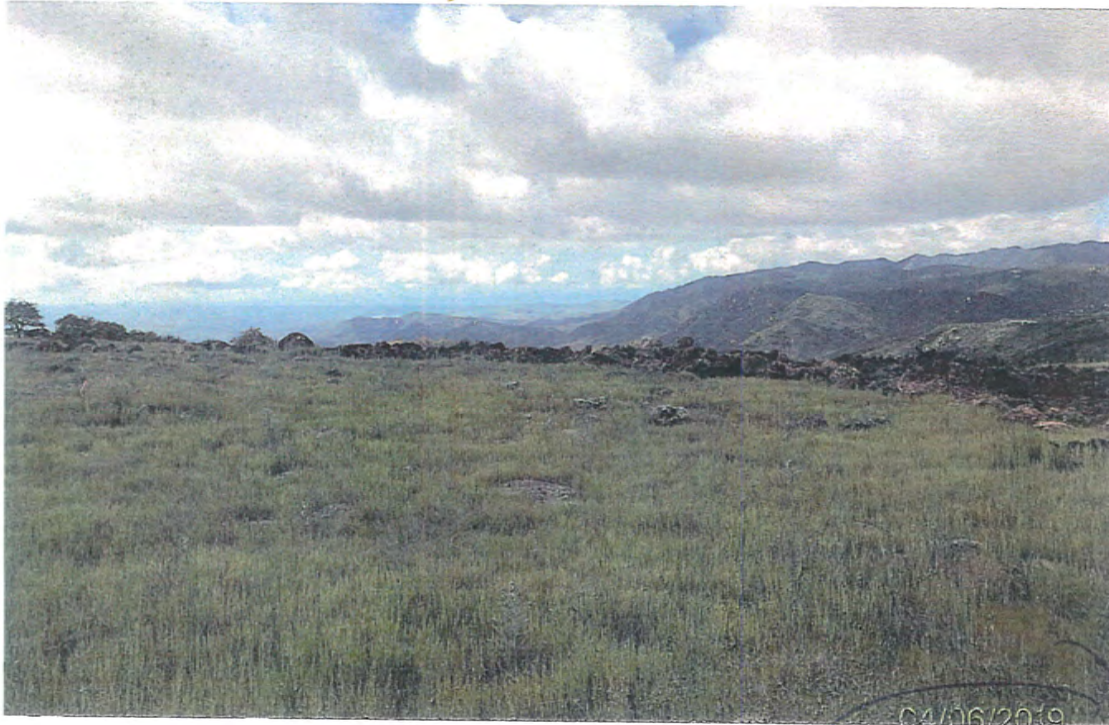




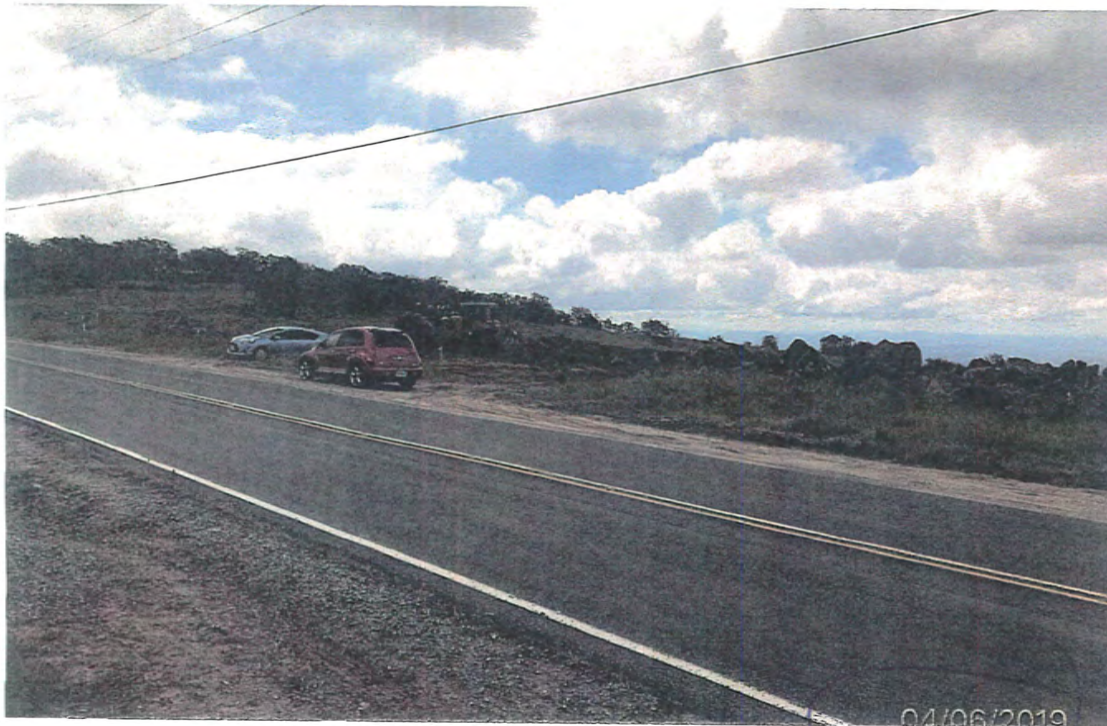




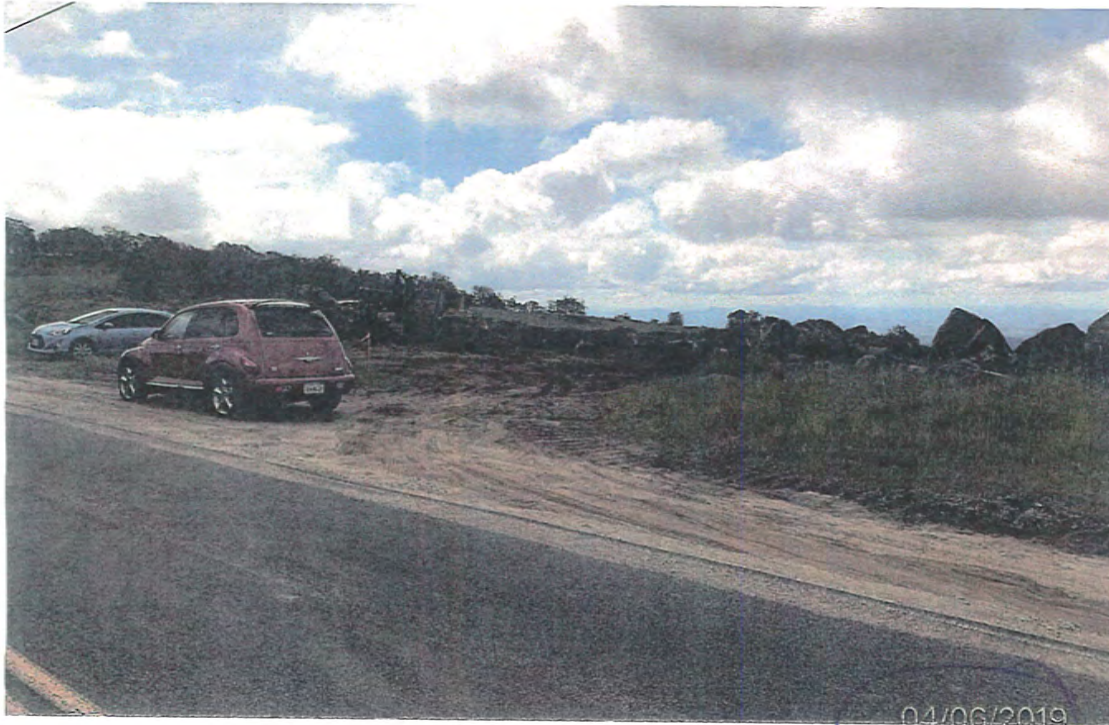




04/06/2019



04/06/2019



FGC

From: Desmond, Jim <Jim.Desmond@sdcounty.ca.gov>
Sent: Friday, May 3, 2019 11:49 AM
To: FGC
Cc: Gaspar, Kristin
Subject: Carlsbad Highlands Ecological Reserve
Attachments: California Fish and Wildlife Commission - CHER Letter.pdf

Dear California Fish and Wildlife Commission,

Supervisor Kristin Gaspar and I send the attached letter to express our support for the inclusion of cycling as an allowable use within the Carlsbad Highlands Ecological Reserve. We request that you reconsider your stance that limits access to the Carlsbad Highlands Ecological Preserve to hikers only.

Sincerely,

Jim Desmond
Supervisor, 5th District
County of San Diego



County of San Diego

BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

May 3, 2019

California Fish and Wildlife Commission
P.O. Box 944209
Sacramento, CA 94244-2090
Via email: fgc@fgc.ca.gov

Dear California Fish and Wildlife Commission,

We send this letter to express support for the inclusion of cycling as an allowable use within the Carlsbad Highlands Ecological Reserve. Open space funded through tax dollars, should be open to all. We support the concept of multi-use trails, allowing access to hikers, cyclers, and equestrians alike. We understand that a balance between preserve and recreation must be met and therefore agree that the use of the land should be limited to approved trails, avoiding sensitive habitat areas where possible. We request that you reconsider your stance that limits access to the Carlsbad Highlands Ecological Preserve to hikers only.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Desmond", is positioned above the printed name.

JIM DESMOND
Supervisor, Fifth District
County of San Diego

A handwritten signature in black ink, appearing to read "Kristin Gaspar", is positioned above the printed name.

KRISTIN GASPAR
Supervisor, Third District
County of San Diego

From: afa@mcn.org
Sent: Sunday, May 5, 2019 5:15 PM
To: Office of the Secretary CNRA; Wildlife DIRECTOR; FGC; Cornman, Ari@FGC
Subject: [Fwd: CHYTRID FUNGUS SPREAD - linked to human transport]

FYI - chytrid fungus and the worldwide spread.

Short audio, 7 minutes or so.

x
Eric Mills, coordinator
ACTION FOR ANIMALS

----- Original Message -----
Subject: CHYTRID FUNGUS SPREAD - linked to human transport
From: afa@mcn.org
Date: Sun, May 5, 2019 4:58 pm
To: afa@mcn.org

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.abc.net.au%2Fradionational%2Fprograms%2Fscienceshow%2Fspread-of-chytrid-fungus-linked-to-human-transport%2F11077608&data=02%7C01%7Cfgc%40fgc.ca.gov%7C5ec0a1d8c526463742bf08d6d1b7dc15%7C4b633c25efbf40069f1507442ba7aa0b%7C0%7C0%7C636926984936685281&sdata=HRxgDfy24%2BO5DxEfZdvra05UQlOm0ZrU0rLn4VUCY%3D&reserved=0>

From: William Bales Jr
Sent: Sunday, May 12, 2019 12:01 PM
To: FGC
Subject: Lake earl project

To bring back the salmon steelhead run.reopen replant. Its sad to see what happens when you keep the lake closed to improve waterfowl and put your sings all over at boat ramps.growing up as a kid we would go down to the creej in the winter to watch the salmon run.was amazing to see how big of fish could run such a small creek.we have been beaching the lake scice 1920.somepmone is in the wrong.

From: louise gregg
Sent: Sunday, May 12, 2019 3:21 AM
To: FGC
Subject: Re: Commission to launch new website Monday, May 13, 2019

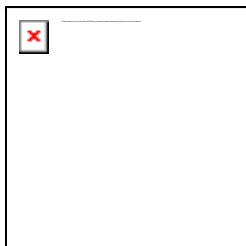
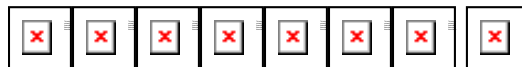
Have you ever had a serious discussion with Marin Co water district? The issue being all the dams ? How can you have any meetings about Salmon without addressing that problem? There is no good faith effort on Marin Co. To save water for salmon. Allowing Composting Toilets and exploring rainwater catchment systems. The fact that Marin Municipal Water District Sells water at the decline of Salmon is unacceptable.

Mono Lake won their case against L.A. because they were protecting the endangered fresh water shrimp. The Salmon is the Native American Eucharist.

The reason we had a "better" salmon year is because we had so much rain the dams overflowed signaling the salmon to come up "papermill" Lagunitus Creek. Why is everyone being so quiet about this genocide? Is Marin's Bussiness of selling water to consumers really our only option?

[Sent from Yahoo Mail on Android](#)

On Fri, May 10, 2019 at 8:34 AM, California Fish and Game Commission
<fgc@fgc.ca.gov> wrote:



www.fgc.ca.gov

California Fish and Game Commission

Dear fish and wildlife stakeholder,

We are excited to announce that the California Fish and Game Commission (Commission) will launch a new website on May 13, 2019, to provide improved content accessibility for the public, consistent with state law. To maintain continuity of service, the website address will remain unchanged at www.fgc.ca.gov. Staff has been working hard to make this transition as smooth as possible: we expect no interruption of service.

The new website will contain information on Commission meetings and proposed regulatory changes for the current and two prior years (in this instance, 2017-2019). California Endangered Species Act (CESA) petitions, notices and reports will continue to be posted on the CESA page but will no longer be posted on the proposed regulations pages. If you have any questions about historical meetings or regulation changes (i.e., prior to 2017), please contact Commission staff at fgc@fgc.ca.gov and we will be happy to assist you with your inquiry.

We look forward to your feedback on the new website. If you have any questions, please do not hesitate to contact our office at (916) 653-4899.

Sincerely,

David Thesell
California Fish and Game Commission
Every Californian should conserve water. Learn how at:
SaveOurWater.com

Know someone else who would be interested in our organization?

SHARE THIS EMAIL

Not yet signed up to receive our informative emails?

SIGN UP

California Fish and Game Commission,
Mailing address: P.O. Box 944209, Sacramento, CA 94244-2090,
Physical address: 1416 Ninth Street, Suite 1320, Sacramento, CA 95814

[SafeUnsubscribe™](#)

[Forward this email](#) | [Update Profile](#) | [About our service provider](#)

Sent by fgc@fgc.ca.gov in collaboration with

From: jonschmidt@theevansgroup.net
Sent: Thursday, May 16, 2019 1:27 PM
To: FGC
Subject: Question

Importance: High

Hello,

When are you going to do away with the Sacramento Valley Special Management Area? This nonsense has been going on for what, 25-30 years? The so called Tule goose is either doing good or they are gone after 25-30 years! Outside of this special area, they can be shot from opening day through the end of the season. Do you really think these birds don't fly outside of this special area? So you throw 5 more days on this season, BIG DEAL! We are back down to 1 sprig. Do you really think that sprig from the other 3 flyways make there way to the pacific flyway? I REALLY do not think you people know what you are doing!!

Jon Schmidt
The Evans Group
(916) 765-3668

From: DAVID MAILLET
Sent: Sunday, May 26, 2019 11:17 AM
To: FGC
Subject: Don't reopen whaling

Dear friends, i would like to have a say on the decision regarding whaling, and i must say it would be unthinkable to greenlight the killing of whales and other marine life because as the United nations report states, a million species of plants and animals will face extinction centuries to come if action is not taken to address the situation. What japan is doing is unacceptable and they need to follow the rules it's bad enough Iceland and norway are outlaws of whaling now Russia and probably Australia will reopen whaling. It's bad enough south Africa's going backwards by allowing trophy hunting of elephants, lions, rhinos and even giraffes and their numbers are declining becauseof it. We should be fighting against the extinction of wildlife not aid it's decline and i understand that extinction is natural phenomena, but right the rate of extinction is increasing because of human activity such as pollution, climate change, habitat destruction, hunting of endangered species (which is not conservation) and agriculture. That so called "killing for research" is a cover up just kill more, in a way it's like trophy hunting, neither is conservation value, they're just old traditions that should've died along time ago. So please don't let japan reopen the whaling industry it's bad for both the sea and people who relie on it.

FC

Francis Coats

Sun 05/26, 08:11 PM

Friends:

The Bobelaine Ecological Reserve on the right bank of the Feather River in Sutter County is owned by National Audubon, not by the State of California. Your regulation (CCR t. 14 sec. 630, (b)(15)) indicating that it is owned and operated by DFW is incorrect.

Francis Coats;

**AGREEMENT TO ESTABLISH BOBELAINE AUDUBON
SANCTUARY AS AN ECOLOGICAL RESERVE**

This Agreement is entered into this 15th day of March, 1984, by and between the State of California Department of Fish and Game (DFG), and the Sacramento Audubon Society (SAS) acting as agent for the National Audubon Society solely with respect to real property designated as the Bobelaine Audubon Sanctuary, hereinafter referred to as the Sanctuary.

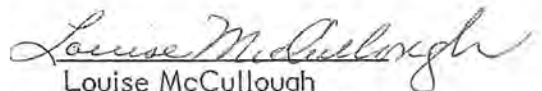
RECITALS

1. The Sanctuary which comprises 430 acres is located in T 13 N, R 3 E, (Nicolaus Quad), Sutter County, California. A legal description of the property is set forth in "Exhibit A," which is attached hereto and by reference made a part thereof.
2. The DFG acknowledges that the National Audubon Society is the owner in fee title of the Sanctuary, and that this Agreement does not convey ownership of the Sanctuary to the DFG.
3. The SAS is responsible for managing, operating, and maintaining the Sanctuary. Further, the foregoing functions are to be consistent with "Exhibit B," more particularly the Bobelaine Audubon Sanctuary Master Plan, First Revision, December 1982, which by reference is made part of this Agreement.
4. Any changes to the Master Plan or proposals to the Fish and Game Commission to change Section 630, Title 14, which pertains to Bobelaine Sanctuary, are subject to review and concurrence by both parties to this Agreement.
5. The major objectives for the Sanctuary are:
 - a. To preserve, to protect, and to manage the Sanctuary in as near natural condition as possible.
 - b. To determine the existence of and to protect rare and endangered plants and animals that occur in the Sanctuary.
 - c. To determine and to preserve the archaeological evidence of early Indians who once lived in the area now occupied by the Sanctuary.
 - d. To permit and to encourage public uses of the Sanctuary that do not conflict adversely with the previously mentioned objectives.
6. State and local law enforcement officials, DFG personnel, California State Department of Water Resources persons, fire suppression agencies, and those individuals designated in the attached legal description of the property, are authorized access to and within the Sanctuary to perform official duties. All other entry shall be at the discretion of the SAS.
7. Hunting and fishing are prohibited.
8. Swimming and boating are prohibited. However, boats and other mechanized equipment may be authorized by the SAS to perform research and scientific projects, or to perform maintenance related activities.
9. The DFG agrees to assist in enforcing the provisions of this Agreement, particularly those listed in item 7, to the extent this assistance conforms to the policies of the Fish and Game Commission and to the Fish and Game Code.
10. Vehicles and other mechanized equipment are to be used in the performance of management of the Sanctuary by the Audubon Staff only. Authorized personnel listed in item 6 are exempt from this restriction only when it is absolutely necessary in the performance of their official duties.
11. All persons authorized entry into the Sanctuary shall observe prudent safety measures and respect for resident wildlife and plant life.

12. The DFG agrees to take necessary action to designate the Sanctuary as an Ecological Reserve in accordance with Section 630, Title 14, California Administrative Code.
13. Upon approval and designating the Sanctuary as an Ecological Reserve by the Fish and Game Commission, the DFG agrees to provide SAS with appropriate signs. The SAS shall be responsible to post these signs in accordance with appropriate regulations.
14. The DFG's obligations are limited to activities inherent to fulfil its statutory mandate to manage the State's wildlife, and are subject to Legislative fund appropriations.
15. This Agreement remains effective until revoked by the written notice. The written notice to terminate this Agreement may be by either party to the other, and must be at least 6 months prior to the effective termination date. If the termination action is initiated by the SAS, the DFG shall be requested to provide formal notification to the Fish and Game Commission to revoke the Ecological Reserve designation for the Bobelaine Audubon Sanctuary.



Don Carper
Director
California Department
of Fish and Game



Louise McCullough
President, Sacramento
Audubon Society



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

NATIONAL MARINE FISHERIES SERVICE

West Coast Region

777 Sonoma Avenue, Room 325
Santa Rosa, California 95404-4731

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May 23, 2019

Melissa Miller-Henson
Acting Executive Director
California Fish and Game Commission
P.O. Box 944209
Sacramento, California 94244-2090

Re: 2019-2020 Special Low Flow Fishing Closures in South Central Coast Streams

Dear Ms. Miller-Henson:

This letter provides NOAA's National Marine Fisheries Service's (NMFS) support of the California Department of Fish and Wildlife's (CDFW) proposed development of numeric, low-flow closure targets for freshwater fishing in coastal streams of the Santa Cruz Mountains (Santa Cruz and San Mateo counties) per *subsection 8.00(c) South Central Coast Streams – Special Low Flow Closures* of the 2019-2020 freshwater fishing regulations. Implementation of low-flow targets would increase protection of salmonids during periods of low stream flow and is in alignment with NMFS' mission to protect and recover salmonids listed under the federal Endangered Species Act (ESA) of 1973, as amended. Coastal streams in these counties support populations of Central California Coast (CCC) coho salmon (*Oncorhynchus kisutch*) and CCC steelhead (*O. mykiss*), which are listed as endangered and threatened species, respectively, under the ESA.

During protracted periods of low stream flow, coho salmon and steelhead are adversely impacted by habitat reduction, suboptimal water quality, increased predation risk, and reduced migration opportunities. Moreover, adult coho salmon and steelhead are likely to receive added stress, injury, and potential mortality from increased angling pressure during low-flow conditions. CDFW has developed and implemented low-flow closure thresholds for streams in Marin, Sonoma, and Mendocino counties to minimize these impacts, and during the recent 2012-2016 drought, implemented complete closures in select watersheds statewide to better protect imperiled salmonid populations. When implemented, NMFS believes listed salmonids will benefit from the necessary protections afforded by such closures during these vulnerable periods.

We thank CDFW for their willingness to pursue this important effort, and we continue to offer our assistance in developing effective measures to minimize impacts from the recreational sport fishery on ESA-listed salmonids. Should you have any questions, please contact Joel Casagrande at (707) 575-6016 or by email at joel.casagrande@noaa.gov.

Sincerely,

Alecia Van Atta
Assistant Regional Administrator
California Coastal Area Office



cc: Kevin Shaffer, Fisheries Branch Chief, CDFW, Sacramento, CA
Gregg Erickson, Regional Manager, CDFW, Fairfield, CA