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STATE OF CALIFORNIA  
Gavin Newsom, Governor

## Fish and Game Commission



*Wildlife Heritage and Conservation*  
*Since 1870*

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### **2<sup>ND</sup> REVISED\* MEETING AGENDA** **August 7-8, 2019**

**California Natural Resources Building – Auditorium, First Floor**  
**1416 Ninth Street, Sacramento, CA 95814**

The meeting will be live streamed; visit [www.fgc.ca.gov](http://www.fgc.ca.gov) the day of the meeting.

**\*Agenda Item 22 (draft aquaculture programmatic environmental impact report) is revised to note that the Department will recommend the item be continued to a future meeting. Under Notes, reference to the strategic planning agenda item is corrected to specify Agenda Item 15.**

**Notes: See important meeting deadlines and procedures at the end of the agenda. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.**

**Agenda Item 15, Strategic Planning, will be in a workshop format at the end of the first day. The item will begin 15 minutes after the next-to-last agenda item is heard that day (approximately between 2 and 3 PM).**

**Invitation: *Water Resilience Portfolio Initiative Listening Session (August 8)***

**The Commission invites interested stakeholders to join a listening session in the auditorium at approximately 11:00 AM, or 15 minutes after the meeting concludes, for the public to share input on building water resiliency and a resilient water portfolio for California, including presentations on recent and current efforts. The listening session is an effort to help implement Governor Newsom's Executive Order N-10-19 which established the State of California Water Resilience Portfolio Initiative, and will contribute to ensuring the long-term sustainability of California's fish and wildlife.**

#### **DAY 1 – AUGUST 7, 2019, 10:30 AM**

Call to order/roll call to establish quorum

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

2. **General public comment for items not on agenda**

Receive public comment regarding topics within the Commission’s authority that are not included on the agenda.

Note: The Commission **may not** discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

**CONSENT ITEMS**

3. **Transgenic zebrafish**

Review and consider action on a restricted species permit approved by the Department for Chapman University to possess transgenic zebrafish.  
(Pursuant to subdivision 15007(e), Fish and Game Code, and subsection 671.1(a)(8)(H), Title 14, CCR)

4. **Northern California summer steelhead**

Consider approving the Department’s request for a six-month extension to review the petition to list northern California summer steelhead (*Oncorhynchus mykiss irideus*) as an endangered species under the California Endangered Species Act (CESA).  
(Pursuant to Section 2074.6, Fish and Game Code)

5. **Mountain lion**

- (A) Receive a petition to list mountain lion (*Puma concolor*) as a threatened or endangered species under CESA.  
(Pursuant to Section 2073.3, Fish and Game Code, and subsection 670.1(c), Title 14, CCR)
- (B) Consider approving the Department’s request for a 30-day extension to review the petition to list mountain lion (*Puma concolor*) as a threatened or endangered species under CESA.  
(Pursuant to Section 2073.5, Fish and Game Code)

6. **Acting executive director’s report**

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

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

7. **Tribal Committee**

Discuss and consider approving draft agenda topics for the next committee meeting. Consider approving new topics to address at a future committee meeting.

- (A) Work plan development
  - I. Update on work plan and draft timeline
  - II. Discuss and consider approving new topics

8. **Wildlife Resources Committee**

Discuss and consider approving draft agenda topics for the next committee meeting. Consider approving new topics to address at a future committee meeting.

- (A) Work plan development
  - I. Update on work plan and draft timeline
  - II. Discuss and approve new topics

9. **Possession of nongame animals (nutria)**

Consider authorizing publication of notice of intent to amend possession of nongame animals regulations, in order to exclude nutria (*Myocastor coypus*) from the list of nongame animals that can be possessed alive with a special permit.  
(Section 473, Title 14, CCR)

10. **San Bernardino kangaroo rat**

Consider and potentially act on the petition, Department's evaluation report, and comments received to determine whether listing San Bernardino kangaroo rat as an endangered or threatened species under CESA may be warranted.  
(Pursuant to sections 2074 and 2074.2, Fish and Game Code)  
Note: if the Commission determines listing may be warranted, a one-year status review will commence before the final decision on listing is made.

11. **Delta Fisheries Management Policy**

Discuss the draft Delta Fisheries Management Policy and compatibility of the Commission's Striped Bass Policy.

12. **Prosecutor of the Year**

- (A) Present the Prosecutor of the Year award to Jessica Brown, Supervising City Attorney, City of Los Angeles
- (B) Receive and consider adopting an amended Prosecutor of the Year policy expanding the award eligibility criteria.

13. **Wildlife and inland fisheries non-regulatory requests from previous meetings**

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

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

14. **Departmental informational items (wildlife and inland fisheries)**

The Department will highlight wildlife and inland fisheries items of note since the last Commission meeting.

- (A) Director's report
- (B) Law Enforcement Division
  - I. Fraudulent websites highlight
- (C) Wildlife and Fisheries Division, and Ecosystem Conservation Division
  - I. Update on efforts to eradicate nutria in California

15. **Strategic planning**

This agenda item will be held in a workshop format, where commissioners and members of the public will engage in dialogue about the Commission's strategic plan. See note at beginning of agenda regarding timing.

- (A) Review adopted vision, mission, and core values
- (B) Discuss and make initial recommendations for potential goals
- (C) Discuss next steps in the planning process

Recess

**DAY 2 – AUGUST 8, 2019, 8:30 AM**

Call to order/roll call to establish quorum

16. **General public comment for items not on agenda**

Receive public comment regarding topics within the Commission's authority that are not included on the agenda.

Note: The Commission **may not** discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

17. **Recognition of former Commission Executive Director**

Recognize former Executive Director Valerie Termini for her commitment and service to the Commission.

18. **Marine Resources Committee**

Discuss updates and/or recommendations from the July 11, 2019 committee meeting. Consider approving new topics to address at a future committee meeting.

- (A) July 11, 2019 meeting summary
  - I. Receive and consider adopting recommendations
- (B) Work plan development
  - I. Update on work plan and draft timeline
  - II. Discuss and consider approving new topics

19. **Experimental fishing permit program (Phase 1)**

Consider authorizing publication of notice of intent to adopt experimental fishing permit (EFP) regulations, to allow for issuing of EFPs to fishermen that were issued experimental gear permits in 2018 for the box crab experimental gear permit program, as approved by the Commission.

(Adopt Chapter 5.6, Section 90; and adopt Section 704, Title 14, CCR)

20. **Pacific Herring Fishery Management Plan (FMP)**

Discuss the draft Pacific Herring FMP.

(Pursuant to Fish and Game Code Section 7075, et seq.)

21. **Pacific herring regulations**  
Discuss Pacific herring sport fishing and commercial take regulations that implement the Pacific Herring FMP.  
(Add sections 55.00, 55.01, and 55.02, and amend sections 27.60, 28.60, 28.62, 163, 163.1, 163.5, 164, and 705, Title 14, CCR)
22. **Draft aquaculture programmatic environmental impact report**  
Receive and discuss the draft programmatic environmental impact report for future offshore aquaculture.  
***The Department will recommend that this item be continued to a future meeting.***
23. **Marine petitions for regulation change**  
Consider requests submitted by members of the public to adopt, amend, or repeal a regulation.  
(Pursuant to Section 662, Title 14, CCR)
  - (A) Action on current petitions
    - I. Petition #2019-012: Prohibit hand operated water pumps for take of gaper and other clams
  - (B) Action on pending regulation petitions referred to staff or the Department for review
    - I. Petition #2018-017: Remove minimum fillet size for ocean whitefish and only require the fillet to bear the entire skin intact
24. **Departmental informational items (marine)**
  - (A) Director's report
  - (B) Law Enforcement Division
    - I. Announce recipient of the Department's Wildlife Officer of the Year award
  - (C) Marine Region
25. **Commission and committee meeting dates and locations for 2020**  
Discuss and consider adopting proposed meeting dates and locations of Commission and committee meetings for January through December of 2020.
26. **Commission administrative items**
  - (A) Next meeting – October 9-10, 2019 in Valley Center
  - (B) Rulemaking timetable updates
  - (C) New business

Adjourn

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**EXECUTIVE SESSION**  
(Not open to the public)

At a convenient time during the regular agenda of the meeting listed above, the Commission will recess from the public portion of the agenda and conduct a closed session on the agenda items below. The Commission is authorized to discuss these matters in a closed session pursuant to Government Code Section 11126, subdivisions (a)(1), (c)(3), and (e)(1), and Fish and Game Code Section 309. After closed session, the Commission will reconvene in public session, which may include announcements about actions taken during closed session.

(A) Pending litigation to which the Commission is a Party

- I. Dennis Sturgell v. California Department of Fish and Wildlife, and California Fish and Game Commission (revocation of Dungeness crab vessel permit No. CT0544-T1)
- II. California Cattlemen’s Association and California Farm Bureau Federation v. California Fish and Game Commission (gray wolf listing)
- III. Public Interest Coalition v. California Fish and Game Commission (CEQA compliance during adoption of dog collar regulation)
- IV. Pacific Star Sportfishing, Inc., et al. v. California Fish and Game Commission, et al. (suspension of commercial vessel fishing permit)
- V. Aaron Lance Newman v. California Fish and Game Commission (revocation of hunting and sport fishing privileges)
- VI. Adam Aliotti and Alicia Dawn, Inc. v. California Fish and Game Commission, and California Department of Fish and Wildlife (suspension of commercial fishing license and tier-1 spot prawn trap vessel permit)

(B) Possible litigation involving the Commission

(C) Staffing

(D) Deliberation and action on license and permit items

- I. Consider Agency Case No. 18ALJ11-FGC, the appeal filed by Louis Ferrari regarding the transferability of a nearshore fisheries permit.
- II. Consider Agency Case No. 19ALJ03-FGC, the appeal filed by Warren Wayland regarding the Department’s denial of a request to renew a salmon vessel permit.

## California Fish and Game Commission 2019 Meeting Schedule

**Note:** As meeting dates and locations can change, please visit [www.fgc.ca.gov](http://www.fgc.ca.gov) for the most current list of meeting dates and locations.

Meeting Date	Commission Meeting	Committee Meeting
September 10		<b>Wildlife Resources</b> Justice Joseph A. Rattigan Building Conference Room 410 50 D Street, 4 <sup>th</sup> Floor Santa Rosa, CA 95404
October 8		<b>Tribal</b> Rincon Government Center One Government Center Lane Valley Center, CA 92082
October 9-10	Rincon Government Center One Government Center Lane Valley Center, CA 92082	
November 5		<b>Marine Resources</b> Natural Resources Building 12 <sup>th</sup> 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**

- 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**

- No additional 2019 meetings are scheduled at this time

#### **Wildlife Conservation Board**

- August 28, Sacramento, CA
- November 21, Sacramento, CA

## **IMPORTANT COMMISSION MEETING PROCEDURES INFORMATION**

### **WELCOME TO A MEETING OF THE CALIFORNIA FISH AND GAME COMMISSION**

This year marks the beginning of the 150<sup>th</sup> year of operation of the Commission in partnership with the California Department of Fish and Wildlife. Our goal is the preservation of our heritage and conservation of our natural resources through informed decision making; Commission meetings are vital in achieving that goal. In that spirit, we provide the following information to be as effective and efficient toward that end. Welcome and please let us know if you have any questions.

### **PERSONS WITH DISABILITIES**

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Reasonable Accommodation Coordinator at (916) 651-1214. Requests for facility and/or meeting accessibility should be received at least 10 working days prior to the meeting to ensure the request can be accommodated.

### **STAY INFORMED**

To receive meeting agendas and regulatory notices about those subjects of interest to you, please visit the Commission's website, [www.fgc.ca.gov](http://www.fgc.ca.gov), to sign up on our electronic mailing lists.

### **SUBMITTING WRITTEN COMMENTS**

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: **E-mail** to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov); **mail** to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; **delivery** to California Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814; or **hand-deliver to a Commission meeting**. Materials provided to the Commission may be made available to the general public.

### **COMMENT DEADLINES**

The **Written Comment Deadline** for this meeting is **5:00 p.m. on July 25, 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 August 2, 2019**. Comments received by this deadline will be marked "late" and made available to Commissioners at the meeting.

After these deadlines, written comments may be delivered in person to the meeting – Please bring ten (10) copies of written comments to the meeting.

### **NON-REGULATORY REQUESTS**

All non-regulatory requests will follow a two-meeting cycle to ensure proper review and thorough consideration of each item. All requests submitted by the **Late Comment Deadline** (or heard during public comment at the meeting) will be scheduled for receipt at this meeting and scheduled for consideration at the next business meeting.

## **PETITIONS FOR REGULATION CHANGE**

Any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1, titled, "Petition to the California Fish and Game Commission for Regulation Change" (as required by Section 662, Title 14, CCR). The form is available at <https://fgc.ca.gov/Regulations/Petition-for-Regulation-Change>. To be received by the Commission at this meeting, petition forms must have been delivered by the **Late Comment Deadline** (or delivered during public comment at the meeting). Petitions received at this meeting will be scheduled for consideration at the next business meeting, unless the petition is rejected under staff review pursuant to subsection 662(b), Title 14, CCR.

## **VISUAL PRESENTATIONS/MATERIALS**

All electronic presentations must be submitted by the **Late Comment Deadline** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov).
2. All electronic formats must be Windows PC compatible.
3. It is recommended that a print copy of any electronic presentation be submitted in case of technical difficulties.
4. A data projector, laptop and presentation mouse will be available for use at the meeting.

## **CONSENT CALENDAR**

A summary of all items will be available for review at the meeting. Items on the consent calendar are generally non-controversial items for which no opposition has been received and will be voted upon under single action without discussion. Any item may be removed from the consent calendar by the Commission upon request of a Commissioner, the Department, or member of the public who wishes to speak to that item, to allow for discussion and separate action.

## **LASER POINTERS**

Laser pointers may only be used by a speaker during a presentation; use at any other time may result in arrest.

## **SPEAKING AT THE MEETING**

To speak on an agenda item, please complete a "Speaker Card" and give it to the designated staff member before the agenda item is announced. Cards will be available near the entrance of the meeting room. Only one speaker card is necessary for speaking to multiple items.

1. Speakers will be called in groups; please line up when your name is called.
2. When addressing the Commission, give your name and the name of any organization you represent, and provide your comments on the item under consideration.
3. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. The presiding commissioner will allot between one and three minutes per speaker per agenda item, subject to the following exceptions:
  - a. The presiding commissioner may allow up to five minutes to an individual speaker if a minimum of three individuals who are present when the agenda item is called have

ceded their time to the designated spokesperson, and the individuals ceding time forfeit their right to speak to the agenda item.

- b. Individuals may receive advance approval for additional time to speak if requests for additional time to speak are received by email or delivery to the Commission office by the **Late Comment Deadline**. The president or designee will approve or deny the request no later than 5:00 p.m. two days prior to the meeting.
  - c. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).
  - d. An individual may receive additional time to speak to an agenda item at the request of any commissioner.
5. If you are presenting handouts/written material to the Commission at the meeting, please provide ten (10) copies to the designated staff member just prior to speaking.