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Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

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REVISED* MEETING AGENDA **June 24-25, 2020**

Webinar and Teleconference

The California Fish and Game Commission is conducting this meeting by webinar and teleconference to avoid a public gathering and protect public health during the COVID-19 pandemic, consistent with Executive Order N-33-20.

Pursuant to Executive Order N-29-20, commissioners may participate in meetings remotely. The public may provide public comment during the public comment periods, and otherwise observe remotely consistent with the Bagley-Keene Open Meeting Act.

***This agenda is revised to provide a link to instructions to participate in the webinar, add detail to existing agenda item numbers 8 and 24, update the "amended sections" under agenda item 7, and add agenda item (D)II under Executive Session.**

The meeting will be live streamed; visit www.fgc.ca.gov the day of the meeting. To provide public comment during the meeting, please join via Zoom Webinar or by telephone. Please [click here](#) for instructions on how to join the meeting.

Note: See important meeting deadlines, including written public comment deadlines, and procedures at the end of the agenda starting on page 12. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.

DAY 1 – June 24, 2020, 10:00 AM

Call to order/roll call to establish quorum

- 1. Consider approving agenda and order of items**
- 2. General public comment for items not on agenda**
Receive public comment regarding topics within the Commission's authority that are not included on the agenda.
Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

3. **Executive director's report**
Receive an update from the executive director.
4. **Delegations to staff**
Discuss and potentially approve delegations to the executive director to ensure staff can perform necessary responsibilities.
5. **150th Anniversary**
Discuss the 150th anniversary of the Commission.

CONSENT ITEMS

6. **Pacific leatherback sea turtle**
Receive the Department's 90-day evaluation report for the petition to list Pacific leatherback sea turtle (*Dermochelys coriacea*) as a threatened or endangered species under the California Endangered Species Act (CESA)
(Pursuant to 2073.5, Fish and Game Code, and subsection 670.1(d), Title 14, CCR)
 7. **Groundfish**
Consider authorizing publication of notice of intent to amend recreational and commercial groundfish regulations to conform to federal regulations and modify state-managed fishery regulations.
(Amend sections 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.28, 28.54, 28.55, and 150.16, Title 14, CCR)
8. **Department informational items (marine)**
The Department will highlight marine items of note since the last Commission meeting.
 - (A) Director's report
 - I. Update on actions taken after May 14, 2020 pursuant to the emergency sport and recreational fishing regulations
 - (B) Marine Region
 - I. Update on Drift Gill Net Transition Program
 - II. Update on CARES Act Fisheries Assistance Funding
 - (C) Law Enforcement Division
 9. **Annual tribal planning meeting**
Report on the annual tribal planning meeting to be held pursuant to the Commission's Tribal Consultation Policy.
 10. **Tribal Committee**
Discuss and consider approving new topics for addition to the work plan. Discuss and consider approving draft agenda topics for the next committee meeting.
 - (A) Work plan development
 - I. Update on work plan and draft timeline
 - II. Discuss and consider approving new topics
 - (B) Discuss and consider approving draft agenda topics for the August 18, 2020 meeting

11. Marine Resources Committee

Discuss updates and recommendations from the previous committee meeting. Consider approving new topics to address at a future committee meeting.

- (A) Summary of part 2 of the March 17/April 29, 2020 meeting and recommendations
 - I. Receive the Department's updated marine aquaculture information report
 - II. Consider proposed six-month hiatus on receiving new aquaculture lease applications
 - III. Consider scheduling updates on experimental fishing permits phase 2 and recreational swordfish for July 2020
- (B) Work plan development
 - I. Update on work plan
 - II. Discuss and consider approving new topics

12. Pacific herring eggs on kelp

Discuss and consider adopting regulations for commercial Pacific herring eggs on kelp that implement the Pacific Herring Fishery Management Plan.
(Amend sections 163 and 164, Title 14, CCR)

13. Dungeness crab

Discuss and consider direction on regulatory options and consider authorizing publication of notice to intent to amend recreational Dungeness crab regulations for marine life protection measures.

(Amend sections 1.74, 29.80, 29.85, 29.91, Title 14, CCR)

- (A) Update and consider direction for:
 - I. Criteria for director's action under proposed delegated authority
 - II. Criteria for severe weather extension to proposed service interval
 - III. Inclusion of sunset option for validation stamp
 - IV. Potential recreational lost gear retrieval provision
- (B) Consider staff request to continue notice to August so that direction on regulatory options can be integrated into draft rulemaking

14. Marine items of interest from previous meetings

These items are updates on agenda topics recently heard before the Commission.

- (A) Update on red abalone recreational fishery closure sunset date and consider a potential rulemaking to continue the closure.

15. Marine non-regulatory requests

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

16. Strategic planning

Review feedback provided by Commissioners and the public regarding potential revisions to the mission and draft goals, potentially adopt draft goals and a revised mission statement, and provide direction on a draft plan.

Staff will recommend that this item be continued to a future meeting.

17. Proposed meeting dates and locations for 2021

Receive and discuss proposed meeting dates and locations of Commission meetings for January through December 2021.
(Pursuant to Section 110, Fish and Game Code)

Recess

DAY 2 – June 25, 2020, 9:00 AM

Call to order/roll call to establish quorum

18. 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

19. Private lands wildlife habitat enhancement and management area (PLM) licences and plans (annual and five-year)

Consider approving or amending annual PLM plans and 2020/2021 licenses for:
(Pursuant to Section 601, Title 14, CCR)

- (A) Butte County
 - I. Deseret Farms – Ballard Unit
 - II. Deseret Farms – Wilson Unit
 - III. Soper-Wheeler
- (B) Calaveras County
 - I. Ordway Ranch
- (C) Glenn County
 - I. Anderson Ranch
 - II. Bird Haven Ranch
- (D) Kern/Los Angeles
 - I. Tejon Ranch (correction to season dates only)
- (E) Lassen County
 - I. Ash Valley Ranch
 - II. Clarks Valley Ranch
 - III. Dixie Valley Ranch
 - IV. Five Dot Ranch - Avila
 - V. Kramer Ranch PLM
 - VI. Mendiboure Cold Springs Ranch
 - VII. Observation Peak Ranch
 - VIII. Red Rock Ranch
 - IX. Walton Homestead Family, LLC (formerly Coon Camp Springs)
- (F) Mendocino County
 - I. Four Pines Ranch
 - II. R-R Ranch
 - III. Schneider Ranch

- (G) Modoc County
 - I. Basin View Ranch
 - II. Lookout Ranch
 - III. SL Ranch
- (H) San Bernardino County
 - I. Big Morongo Springs Ranch
- (I) Shasta County
 - I. Black Ranch
 - II. Clover Creek Ranch PLM
 - III. Duncan Creek Ranch
 - IV. Hathaway Oak Run Ranch
 - V. Jerusalem Creek Ranch
 - VI. Rickert Ranch
- (J) Siskiyou County
 - I. Long Prairie Farms
 - II. Pondosa
 - III. Red Rock Valley Farms
- (K) Tehama County
 - I. El Rancho Rio Frio
 - II. Little Dry Creek Ranch
 - III. Salt Creek Ranch
- (L) Yuba County
 - I. Sugarloaf-Bangor Ranch

Consider approving five-year PLM plans and 2020-2024 licenses for:
 (Pursuant to Section 601, Title 14, CCR)

- (M) Butte County
 - I. Llano Seco Rancho
- (N) Butte/Tehama counties
 - I. Rock Creek
- (O) Glenn County
 - I. Spurlock Ranch
- (P) Lassen County
 - I. Five Dot Ranch - Horse Lake
 - II. Five Dot Ranch - School Section
 - III. Five Dot Ranch - Tunnel Springs
 - IV. Five Dot Ranch - Willow Creek
 - V. Mendiboure Ranch
- (Q) Mendocino County
 - I. Ackerman-South Daugherty WMA
- (R) Monterey County
 - I. Bardin Ranch
- (S) Shasta County
 - I. JS Ranch
- (T) Tehama County
 - I. Big Bluff Ranch
- (U) Trinity County
 - I. Stewart Ranch

20. Agassiz's desert tortoise

Receive the Department's 90-day evaluation report for the petition to list Agassiz's desert tortoise (*Gopherus agassizii*) as a threatened or endangered species under CESA.

(Pursuant to Section 2073.5, Fish and Game Code)

The evaluation report is not due until July 12, 2020. Staff mistakenly added this item to the draft list of agenda items the Commission approved at its April 15-16, 2020 meeting and recommends that it be continued to the August 2020 meeting.

21. San Bernardino kangaroo rat

Receive the Department's request for a six-month extension to deliver the one-year status review report on the petition to list San Bernardino kangaroo rat (*Dipodomys merriami parvus*) as threatened or endangered species under CESA.

(Pursuant to Section 2074.6, Fish and Game Code)

22. Owens pupfish

Receive Department's five-year status review for Owens pupfish (*Cyprinodon radiosus*), which is listed as an endangered species under CESA.

(Pursuant to Section 2077, Fish and Game Code)

23. Duck Stamps

Consider approving proposed projects for the Duck Stamp Dedicated Account funds in Fiscal Year 2020-21.

(Pursuant to Section 3702, Fish and Game Code)

24. Department informational items (wildlife and inland fisheries)

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

(A) Director's report

I. Update on actions taken after May 14, 2020 pursuant to the emergency sport and recreational fishing regulations that expired on May 31, 2020

(B) Wildlife and Fisheries Division, and Ecosystem Conservation Division

I. Update on the Strategic Surveillance Plan for the Treponeme-Associated Hoof Disease in California

(C) Law Enforcement Division

25. Wildlife Resources Committee

Discuss updates and recommendations from the May 14, 2020 committee meeting. Consider approving new topics to address at a future committee meeting.

(A) May 14, 2020 meeting summary

(B) Work plan development

I. Update on work plan

II. Discuss and consider approving new topics

26. Simplification of statewide inland fishing

Consider authorizing publication of notice of intent to amend inland sport fishing regulations

(Add sections 5.84, 5.89, 7.40, and amend sections 3.00, 4.00, 5.00, 5.41, 5.85, 7.00,

7.50, and 8.10, Title 14, CCR)

27. Western Joshua tree

Consider and potentially act on the petition, the Department's evaluation report, and comments received to determine whether listing western Joshua tree (*Yucca brevifolia*) as a threatened or endangered 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.

Staff will recommend this item be continued to the August 19-20, 2020 meeting based on conversations with the petitioner, other stakeholders, and the Department.

28. Riparian brush rabbit

Receive overview of the Department's five-year status review of riparian brush rabbit (*Sylvilagus bachmani riparius*), which is listed as an endangered species under CESA.

(Pursuant to Section 2077, Fish and Game Code)

29. Wildlife Prosecutor of the Year

Announce recipient of the Commission's annual Wildlife Prosecutor of the Year award, consistent with the Commission's policy adopted in 2016.

30. Wildlife and inland fisheries petitions for regulation change

Consider requests submitted by members of the public to adopt, amend, or repeal a regulation.

(Pursuant to Section 662, Title 14, CCR)

(A) Action on current petitions

- I. Petition #2020-003: Eliminate authorized recreational uses in Area C and currently allowed parking in existing designated areas at Ballona Wetlands Ecological Reserve
- II. Petition #2020-004: Steelhead fishery opener date change on Trinity River
- III. Petition #2020-005: Striped bass slot limits

(B) Action on pending regulation petitions referred to staff or the Department for review – *None scheduled at this time*

31. Wildlife and inland fisheries non-regulatory requests

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

32. Wildlife and inland fisheries items of interest from previous meetings

These items are generally updates on agenda topics recently heard before the Commission.

(A) Discuss urban coyote issues

Staff will recommend that this item be continued to a future meeting.

33. Commission administrative items

- (A) Next meeting – August 19-20, 2020 in Fortuna
- (B) Rulemaking timetable updates
- (C) New business

Adjourn

EXECUTIVE SESSION

(Not Open to Public)

At a convenient time during the regular agenda of the meeting listed above, the Commission will recess from the public portion of the agenda and conduct a closed session on the agenda items below. The Commission is authorized to discuss these matters in a closed session pursuant to Government Code Section 11126, subdivisions (a)(1), (c)(3), and (e)(1), and Fish and Game Code Section 309. After closed session, the Commission will reconvene in public session, which may include announcements about 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. Aaron Lance Newman v. California Fish and Game Commission (revocation of hunting and sport fishing privileges)
 - III. Almond Alliance of California et al. v. California Fish and Game Commission and California Department of Fish and Wildlife (bumble bees California Endangered Species Act determination)
- (B) Possible litigation involving the Commission
- (C) Staffing
- (D) Deliberation and action on license and permit items
 - I. Consider the appeal filed by Michael Anderson in Agency Case No. 19ALJ14-FGC regarding his request to renew his salmon vessel permit
 - II. Consider the appeal filed by Christian Buschmann in Agency Case No. 20ALJ05-FGC regarding his request to renew his transferable market squid vessel permit

California Fish and Game Commission 2020 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
July 29		Marine Resources California Department of Parks and Recreation Orange Coast District Office Training Room 3030 Avenida del Presidente San Clemente, CA 92672
August 18		Tribal River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540
August 19 - 20	River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540	
September 17		Wildlife Resources Natural Resources Building Redwood Room 1416 Ninth Street, 14 th Floor Sacramento, CA 95814
October 14 - 15	Elihu M Harris Building Auditorium 1515 Clay Street Oakland, CA 94612	
November 9		Tribal Monterey area
November 10		Marine Resources Monterey area
December 9 - 10	San Diego area	

OTHER 2020 MEETINGS OF INTEREST

Association of Fish and Wildlife Agencies

- September 13-16, Sacramento, CA

Pacific Fishery Management Council

- September 10-17, Spokane, WA
- November 13-20, Garden Grove, CA

Pacific Flyway Council

- August 28 (location TBD)

Western Association of Fish and Wildlife Agencies

- July 9-14, Park City, UT

Wildlife Conservation Board

- August 26, Sacramento, CA
- November 18, 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 151st 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) 653-9089. Requests for facility and/or meeting accessibility should be received at least 10 working days prior to the meeting to ensure the request can be accommodated.

Stay Informed

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

Submitting Comments on Agenda Items

The public is encouraged to comment on any agenda item. Verbal comments are only accepted during meetings. Written comments may be submitted by one of the following methods: E-mail to fgc@fgc.ca.gov; mail to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; or deliver to California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814. Materials provided to the Commission may be made available to the general public.

Written Comment Deadlines

The **Comment Deadline** for this meeting is 5:00 p.m. on **June 11, 2020**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Supplemental Comment Deadline** for this meeting is noon on **June 19, 2020**. Written comments received by this deadline will be made available to Commissioners at the 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 **Supplemental Comment Deadline**. 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.

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 **Supplemental Comment Deadline** (or heard during general public comment at the meeting) will be scheduled for receipt at this meeting and scheduled for consideration at the next business meeting.

Speaking at the Meeting

To speak on an agenda item, please “raise” your hand either through the Zoom function or by pressing *9 *once* on your phone when prompted at the beginning of the agenda item.

1. Speakers will be called one at a time; please pay attention to 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. 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 **Supplemental 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.
 - b. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).
 - c. An individual may receive additional time to speak to an agenda item at the request of any commissioner.

Visual Presentations/Materials

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

1. Electronic presentations must be provided by email to fgc@fgc.ca.gov.
2. All electronic formats must be Windows PC compatible.