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Fish and Game Commission



*Celebrating 150 Years of
Wildlife Heritage and Conservation!*

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MEETING AGENDA August 19-20, 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.

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 and procedures, including written public comment deadlines, starting on page 8. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.

DAY 1 – August 19, 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 updates from the executive director.

CONSENT ITEMS

4. Recreational purple sea urchin emergency (90-day extension)

Consider adopting a 90-day extension of the emergency regulations concerning recreational take of purple sea urchin at Caspar Cove, Mendocino County emergency regulations.

(Amend Section 29.06, Title 14, CCR)

5. White Seabass Fishery Management Plan

Receive the Department's White Seabass Fishery Management Plan 2018-2019 annual review.

(Pursuant to Section 5.9, White Seabass Fishery Management Plan)

6. Department informational items (marine)

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

(A) Director's report

(B) Marine Region

I. Marine Species Portal

(C) Law Enforcement Division

7. Annual tribal planning meeting

Report on the annual tribal planning meeting held pursuant to the Commission's Tribal Consultation Policy.

8. Tribal Committee

Receive summary and consider approving recommendations from August 18, 2020 committee meeting. Discuss referred topics and consider revisions to topics and timing.

(A) Previous committee meeting report

(B) Committee work plan

9. Marine Resources Committee

Receive summary and consider approving recommendation from July 29, 2020 committee meeting. Discuss referred topics and consider revisions to topics and timing.

(A) Previous committee meeting report

(B) Committee work plan

10. Recreational red abalone

Consider authorizing publication of notice of intent to amend the recreational take of red abalone fishery closure sunset date regulation.

(Amend Section 29.15, Title 14, CCR)

11. Recreational Dungeness crab

Consider authorizing publication of notice of intent to amend recreational take of Dungeness crab regulations intended to provide additional whale and turtle protections in the trap fishery.

(Amend sections 29.80, 29.85, and 701, Title 14, CCR)

Note: The Department is expected to propose that the regulations apply to all crab species.

12. Recreational and commercial groundfish

Discuss proposed changes to regulations for the recreational and commercial take of federal groundfish and associated species.
(Amend sections 27.30, 27.35, 27.45, 28.27, 28.28, 28.54, 28.55, 28.65, and 150.16, Title 14, CCR)

13. Pacific leatherback sea turtle

Consider and potentially act on the petition, the Department's evaluation report, and comments received, to determine whether listing Pacific leatherback sea turtle (*Dermochelys coriacea*) as a threatened or endangered species under the California Endangered Species Act (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.

14. 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 – *None scheduled at this time*
- (B) Action on pending regulation petitions referred to staff or the Department for review
 - I. Petition #2020-001: Emergency regulation for increased take of purple sea urchin in select sites in Monterey
 - II. Petition #2018-013(b): Commercial ridgeback prawn fishing hours

15. Marine 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*

16. Recreational sea urchin

Consider authorizing publication of notice of intent to amend regulations concerning recreational take of sea urchin at Caspar Cove, Mendocino County and Tanker's Reef, Monterey County.
(Amend sections 29.05 and 29.06, Title 14, CCR)

Recess

DAY 2 – August 20, 2020, 8:30 AM

Call to order/roll call to establish quorum

17. 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

18. Kenwood marsh checkerbloom

Receive Department’s five-year status review for Kenwood marsh checkerbloom (*Sidalcea oregana ssp. valida*), which is listed as an endangered species under CESA. (Pursuant to Section 2077, Fish and Game Code)

19. Quino checkerspot butterfly

- (A) Receive a petition to list Quino checkerspot butterfly (*Euphydryas editha quino*) 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. (Pursuant to Section 2073.5, Fish and Game Code)

20. Mohave desert tortoise

Receive the Department’s 90-day evaluation report for the petition to change the status of the Mohave desert tortoise (also known as Agassiz’s desert tortoise) (*Gopherus agassizii*) from a threatened species to an endangered species under CESA. (Pursuant to Section 2073.5, Fish and Game Code)

21. 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
- (B) Wildlife and Fisheries Division, and Ecosystem Conservation Division
 - I. Bacterial outbreak at fish hatcheries
- (C) Law Enforcement Division

22. Wildlife Resources Committee

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for next committee meeting.

- (A) Committee work plan
- (B) Next committee meeting

- 23. Simplification of statewide inland sport fishing**
 Discuss proposed changes to 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)
- 24. Owens pupfish**
 Receive overview of the Department’s five-year status review of Owens pupfish (*Cyprinodon radiosus*), which is listed as an endangered species under CESA.
 (Pursuant to Section 2077, Fish and Game Code)
- 25. 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.
- 26. Wildlife and inland fisheries items of interest from previous meetings**
 These items are generally updates on topics recently heard before the Commission.
 (A) Discuss urban coyote issues
- 27. 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 #2020-008: Elk hunting suspension
 (B) Action on pending regulation petitions referred to staff or the Department for review – *None scheduled at this time*
- 28. 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*
- 29. Proposed meeting dates and locations for 2021**
 Discuss and consider adopting proposed meeting dates and locations of Commission meetings for January through December 2021.
 (Pursuant to Section 110, Fish and Game Code)
- 30. Commission administrative items**
 (A) Next meeting – October 14-15, 2020; webinar/teleconference
 (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 proposed decision in Agency Case No. 19ALJ17-FGC, the accusation filed against Van Than regarding the revocation of his sport fishing license.

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
September 17		Wildlife Resources Webinar/teleconference
October 14 - 15	Webinar/teleconference	
November 9		Tribal Webinar/teleconference
November 10		Marine Resources Webinar/teleconference
December 9 - 10	Webinar/teleconference	

Other 2020 Meetings of Interest

Association of Fish and Wildlife Agencies

- September 13-16, virtual meeting

Pacific Fishery Management Council

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

Pacific Flyway Council

- August 28, virtual meeting

Wildlife Conservation Board

- August 26, Sacramento, CA
- November 18, Sacramento, CA

Important Commission Meeting Procedures and Deadlines 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 Department's Equal Employment Opportunity (EEO) Office at (916) 653-9089 or EEO@wildlife.ca.gov. Accommodation requests for facility and/or meeting accessibility and requests for American Sign Language (ASL) Interpreters should be submitted at least two weeks prior to the event. Requests for Real-Time Captioners should be submitted at least four weeks prior to the event. These timeframes are to help ensure that the requested accommodation is met. If a request for an accommodation has been submitted but is no longer needed, please contact the EEO Office immediately.

Stay Informed

To receive meeting agendas and regulatory notices about 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 August 6, 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 August 14, 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.