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STATE OF CALIFORNIA  
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## Fish and Game Commission



*Celebrating 150 Years of  
Wildlife Heritage and Conservation!*

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### **MEETING AGENDA December 9-10, 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](http://www.fgc.ca.gov) the day of the meeting to watch or listen to the meeting. To provide public comment during the meeting, please join via Zoom Webinar or by telephone. [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 10. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.**

#### **DAY 1 – December 9, 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.

- 4. Justice, equity, diversity and inclusion**  
Receive and discuss draft plan for developing a justice, equity, diversity and inclusion plan, and provide staff direction.
- 5. Department informational items (marine)**  
The Department will highlight marine items of note since the last Commission meeting.
  - (A) Director's report
  - (B) Marine Region
  - (C) Law Enforcement Division
- 6. Tribal Committee**  
Receive summary and consider approving recommendations from November 16, 2020 committee meeting. Discuss referred topics and consider revisions to topics and timing.
  - (A) Previous committee meeting report
  - (B) Committee work plan
- 7. Marine Resources Committee**  
Receive summary and consider approving recommendation from November 10, 2020 committee meeting. Discuss referred topics and consider revisions to topics and timing.
  - (A) Previous committee meeting report
  - (B) Committee work plan
- 8. Statewide Marine Protected Areas (MPAs) Program**  
Receive annual report from the Department on management activities of its Statewide MPAs Program.
- 9. Annual recreational ocean salmon and Pacific halibut fishing**  
Receive and discuss an update on the Pacific Fishery Management Council process and timeline for recreational ocean salmon and Pacific halibut recommendations, and automatic conformance to federal regulations.  
(Pursuant to Section 1.95, Title 14, CCR)
- 10. Recreational red abalone fishing**  
Consider adopting proposed changes to the recreational red abalone fishery closure sunset date regulation and consider taking final action under the California Environmental Quality Act (CEQA).  
(Amend Section 29.15, Title 14, CCR)
- 11. Recreational crab fishing**  
Consider adopting proposed changes to recreational take of crab regulations intended to provide additional whale and turtle protections in trap fisheries, and consider taking final action under CEQA.  
(Amend sections 29.80, 29.85, and 701, Title 14, CCR)

**12. Recreational sea urchin fishing**

Consider adopting proposed changes to recreational take of sea urchin regulations for Caspar Cove, Mendocino County and Tanker Reef, Monterey County, and consider taking final action under CEQA.

(Amend Section 29.06, Title 14, CCR)

**13. 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 #2020-011 AM1: Set precautionary commercial coonstripe shrimp trap fishing regulations
- II. Petition # 2020-012 AM1: Protect great white shark nursery grounds at Padaro Beach, Carpenteria
- III. Petition # 2020-014 AM1: Authorize unlimited take of *Sargassum horneri* and recreational and research take inside Crystal Cove State Marine Conservation Area

(B) Action on pending regulation petitions referred to staff or the Department for review

- I. Petition #2018-013(b): Commercial ridgeback prawn fishing hours

**14. Marine non-regulatory requests from previous meetings**

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

Recess

**DAY 2 – December 10, 2020, 8:30 AM**

Call to order/roll call to establish quorum

**15. 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**

Note: Items on the consent calendar are expected to be routine and non-controversial. After public comment, the Commission will consider approving items on the consent calendar in a single vote without discussion. The presiding commissioner may choose to remove any item from the consent calendar and allow a separate discussion and potential action on that item in response to a request by a Commission member, staff, or interested person.

**16. Quino checkerspot butterfly**

Receive the Department’s 90-day evaluation report for the petition to list Quino checkerspot butterfly (*Euphydryas editha quino*) as a threatened or endangered species under the California Endangered Species Act (CESA).

(Pursuant to Section 2074.6, Fish and Game Code)

*The Commission is expected to discuss and consider whether listing may be warranted at its February 2021 meeting.*

**17. Owens tui chub**

Receive the Department’s five-year status review report for Owens tui chub (*Siphateles bicolor snyderi*) which is listed as an endangered species under CESA.

(Pursuant to Section 2077, Fish and Game Code)

*The Commission is expected to discuss and consider the five-year status review report at its February 2021 meeting.*

**18. California bighorn sheep**

Receive the Department’s five-year status review for California bighorn sheep (*Ovis canadensis californiana*) which is listed as an endangered species under CESA.

(Pursuant to Section 2077, Fish and Game Code)

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

**19. Milo Baker’s lupine**

Receive the Department’s five-year status review for Milo Baker’s lupine (*Lupinus milo-bakeri*) which is listed as a threatened species under CESA.

(Pursuant to Section 2077, Fish and Game Code)

*The Commission is expected to discuss and consider the five-year status review report at its February 2021 meeting.*

- 20. 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
  - (C) Law Enforcement Division
- 21. 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
- 22. Upper Klamath-Trinity river spring Chinook salmon**  
Consider whether the petitioned action to list upper Klamath-Trinity river spring Chinook salmon as threatened or endangered under CESA is warranted.  
(Pursuant to sections 2075 and 2075.5, Fish and Game Code)
- Staff will recommend this item be continued to a future meeting.***
- 23. Klamath River Basin sport fishing**  
Consider authorizing publication of notice of intent to amend Klamath River Basin sport fishing regulations.  
(Amend subsection 7.40(b)(50), Title 14, CCR)
- 24. Central Valley sport fishing**  
Consider authorizing publication of notice of intent to amend Central Valley sport fishing regulations.  
(Amend subsections 7.50(b)(4), (43), (66), and (80), Title 14, CCR)
- 25. Waterfowl hunting (annual)**  
Consider authorizing publication of notice of intent to amend waterfowl hunting regulations.  
(Amend Section 502, Title 14, CCR)
- 26. Mammal hunting**  
Consider authorizing publication of notice of intent to amend regulations for deer and antelope hunting quotas and seasons, and regulations for elk, antelope, and bighorn sheep tags.  
(Amend sections 360, 363, and 708.19, Title 14, CCR)
- 27. Conditional take of western Joshua tree during candidacy period**  
Consider regulatory action to allow take of western Joshua tree under certain circumstances by either authorizing a notice of intent to adopt a regulation at a future meeting or adopting an emergency regulation at this meeting, and consider taking final action under CEQA.  
(Pursuant to sections 399 and 2084, Fish and Game Code)

**28. 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 – *none scheduled at this time*
- (B) Action on pending regulation petitions referred to staff or the Department for review
  - I. Petition #2012-005 AM 1: Striped bass slot limit

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

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

**30. Commission administrative items**

- (A) Upcoming meetings; January 12, 2021 and February 10-11, 2021
- (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)
  - IV. The Ballona Wetlands Land Trust v California Fish and Game Commission (Ballona Wetlands Ecological Reserve petition for regulation change)
  - V. California Business Properties Association v. California Fish and Game Commission (western Joshua tree California Endangered Species Act determination)
- (B) Possible litigation involving the Commission
  - I. Albert Thomas Paulek v. California Fish and Game Commission (CEQA determination regarding take of western Joshua tree under section 2084)
- (C) Staffing
- (D) Deliberation and action on license and permit items
  - I. Consider the Proposed Decision in the Matter of the Accusation Against Aaron Lance Newman in Agency Case No. 15ALJ07-FGC regarding hunting and sport fishing privileges.
  - II. Consider the petition for reinstatement filed by Jeff Tseng in Agency Case No. 18ALJ13-FGC, regarding hunting and sport fishing privileges.
  - III. Consider the Proposed Decision in the Matter of the Accusation Against John Gary Woodrum and Pursuit Fishing, LLC (Pursuit Sportfishing, LLC) in Agency Case No. 19ALJ05-FGC regarding a commercial passenger fishing vessel license and commercial fishing privileges.
  - IV. Consider the Proposed Decision in the Matter of the Accusation Against Gustavo Gutierrez in Agency Case No. 20ALJ02-FGC regarding sport fishing privileges.

## California Fish and Game Commission 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
January 12, 2021	Webinar/teleconference	
January 12, 2021		<b>Wildlife Resources</b> Webinar/teleconference
February 10-11, 2021	Webinar/teleconference	
March 16, 2021		<b>Marine Resources</b> Webinar/teleconference
April 13, 2021		<b>Tribal</b> Webinar/teleconference
April 14-15, 2021	Webinar/teleconference	
May 11, 2021		<b>Wildlife Resources</b> Webinar/teleconference
May 11, 2021	Webinar/teleconference	
June 16-17, 2021	Webinar/teleconference	
July 20, 2021		<b>Marine Resources</b> Sacramento
August 17, 2021		<b>Tribal</b> Sacramento
August 18-19, 2021	Sacramento	
September 16, 2021		<b>Wildlife Resources</b> Sacramento
October 13-14, 2021	Sacramento	
November 9, 2021		<b>Marine Resources</b> Sacramento
December 14, 2021		<b>Tribal</b> Sacramento
December 15-16, 2021	Sacramento	



## Other Meetings of Interest

### **Association of Fish and Wildlife Agencies**

- September 12-15, 2021, Providence, RI

### **Pacific Fishery Management Council**

- March 3-10, 2021, Seattle, WA
- April 6-13, 2021, San Jose, CA
- June 22-29, 2021, Vancouver, WA
- September 8-15, 2021, Spokane, WA
- November 15-22, 2021, Costa Mesa, CA

### **Pacific Flyway Council**

- March 9, 2021, Grand Rapids, MI
- August or September 2021, TBD

### **Western Association of Fish and Wildlife Agencies**

- January 7-10, 2021, Santa Ana Pueblo, NM
- July 18-23, 2021 Santa Fe, NM

### **Wildlife Conservation Board**

- February 25, 2021
- May 27, 2021
- August 26, 2021
- November 18, 2021

## Important Commission Meeting Procedures and Deadlines Information

### Welcome to a Meeting of the California Fish and Game Commission

This year marks 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](mailto: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](http://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](mailto: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 November 30, 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 December 4, 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](mailto:fgc@fgc.ca.gov).
2. All electronic formats must be Windows PC compatible.