

Commissioners
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Samantha Murray, Vice President
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Jacque Hostler-Carmesin, Member
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Peter S. Silva, Member
Jamul

Vacant, Member

STATE OF CALIFORNIA
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Fish and Game Commission



*Celebrating 150 Years of
Wildlife Heritage and Conservation!*

Melissa Miller-Henson
Executive Director
P.O. Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
fgc@fgc.ca.gov
www.fgc.ca.gov

MEETING AGENDA **February 10, 2021, 8:30 AM**

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 watch or listen. To provide public comment during the meeting, please join via Zoom Webinar or by telephone; [click here](#) for instructions on how to join.

Note: See important meeting deadlines and procedures, including written public comment deadlines, starting on page 9. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.

Call to order/roll call to establish quorum

1. Consider approving agenda and order of items

2. Election of Commission president and vice president

The commissioners annually elect one of their number as president and one as vice president, by a concurrent vote of at least three commissioners.
(Pursuant to Section 102, Fish and Game Code)

3. Committee assignments

The Commission forms three committees from its membership, consisting of at least one commissioner: Marine Resources Committee, Tribal Committee, and Wildlife Resources Committee.

(Pursuant to sections 105, 106 and 106.5, Fish and Game Code)

- 4. 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. New petitions for regulation change submitted since the previous meeting are received under this item.
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).
- 5. Executive director's report**
Receive updates from the executive director on staffing, actions taken under delegated authorities, legislation, and other information of interest.
- 6. Justice, equity, diversity and inclusion**
Receive and discuss an update on the draft plan for developing a justice, equity, diversity and inclusion plan, and consider approving the work plan.

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.

- 7. California bighorn sheep**
Receive the Department's five-year status review for California bighorn sheep (*Ovis canadensis californiana*, also known as Sierra Nevada bighorn sheep) under the California Endangered Species Act (CESA).
(Pursuant to Section 2077, Fish and Game Code)
Staff will recommend this item be continued to a future meeting.
- 8. Upper Klamath-Trinity river spring Chinook salmon**
Receive the Department's one-year status review report on the petition to list upper Klamath-Trinity river spring Chinook salmon (*Onchorhynchus tshawytscha*) as a threatened or endangered species under CESA.
(Pursuant to Section 2074.6, Fish and Game Code)
- 9. Bumble bees**
Receive the Department's one-year status review report on the petition to list Crotch bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as threatened or endangered species under CESA.
(Pursuant to Section 2074.6, Fish and Game Code)
Staff will recommend this item be continued to a future meeting.
- 10. Northern California summer steelhead**
Receive the Department's one-year status review report on the petition to list northern California summer steelhead (*Onchorhynchus mykiss irideus*) as a threatened or endangered species under CESA.
(Pursuant to Section 2074.6, Fish and Game Code)

11. Department informational items

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

- (A) Director's report
- (B) Wildlife and Fisheries Division, and Ecosystem Conservation Division
- (C) Marine Region
 - I. Dungeness crab trap gear retrieval program update
 - II. Marine Life Management Act master plan update
- (D) Law Enforcement Division

12. Tribal Committee

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for next committee meeting on April 13, 2021.

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

13. Wildlife Resources Committee

Receive summary and consider approving recommendations from January 12, 2021 committee meeting. Discuss referred topics and consider revisions to topics and timing.

- (A) Previous committee meeting report
- (B) Committee work plan

14. Waterfowl hunting (annual)

Discuss proposed changes to waterfowl hunting regulations.
(Amend Section 502, Title 14, CCR)

15. Mammal hunting

Consider adopting proposed changes to regulations for deer and antelope hunting quotas and seasons, and regulations for elk, antelope, and bighorn sheep tags.
(Amend sections 360 and 363; and add Section 708.19, Title 14, CCR)

16. Quino checkerspot butterfly

Consider and potentially act on the petition, the Department's 90-day evaluation report, and comments received to determine whether listing Quino checkerspot butterfly (*Euphydryas editha quino*) as a threatened or endangered species under CESA may be warranted.

(Pursuant to sections 2074 and 2074.2, Fish and Game Code)

17. Owens tui chub

Receive overview of the Department's five-year status review for Owens tui chub (*Siphateles bicolor snyderi*) which is listed as endangered under CESA.

(Pursuant to Section 2077, Fish and Game Code)

- 18. Milo Baker's lupine**
Consider and potentially act on the Department's five-year review of Milo Baker's lupine (*Lupinus milo-bakeri*), and consider recommendation and comments received to determine whether a change to the listing status from threatened to endangered under CESA may be warranted.
(Pursuant to Section 2074 and 2077, Fish and Game Code)
- 19. Marine Resources Committee**
Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for next committee meeting on March 16, 2021.
- (A) Committee work plan
 - (B) Next committee meeting
- 20. Recreational clam, sand crab, and shrimp gear emergency**
Discuss and consider adopting emergency regulations to prohibit use of hydraulic pump gear for recreational take of clams, including clarifying amendments to apply the same gear restriction for sand crab and shrimp.
(Amend sections 29.20 and 29.80, Title 14, CCR)
- 21. Petitions for regulation change received at previous meetings**
Consider whether to grant, deny or refer for additional review petitions for regulation change received under general public comment at previous meetings.
Note: New petitions for regulation change will be received under general public comment. Any petitions granted today will be added to the Commission's rulemaking calendar for development and future consideration.
(Pursuant to Section 662, Title 14, CCR)
- (A) Petitions received at previous meetings
 - I. Petition #2020-015 AM1: Request to amend Pacific herring regulations to exempt lampara bait nets from gear restrictions
 - II. Petition #2020-016 AM1: Request to allow use of a crossbow scope by visually-disabled archers
 - III. Petition #2020-017: Request to authorize recreational and commercial take of gooseneck barnacles
 - (B) Pending regulation petitions referred to staff or the Department for review
 - I. Petition #2020-002: Request to allow shore-based angling at particular locations
- 22. Non-regulatory requests from previous meetings**
Consider and potentially act on 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*

23. Commission administrative items

- (A) Next meeting – April 14-15, 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 Construction and Industrial Materials Association et al. v. California Fish and Game Commission (western Joshua tree California Endangered Species Act determination)
 - VI. Albert Thomas Paulek v. California Fish and Game Commission (CEQA determination regarding Section 749.10, Title 14, CCR authorizing take of western Joshua tree under section 2084)
 - VII. Albert Thomas Paulek v. California Fish and Game Commission (CEQA determination regarding Sections 749.11 and 749.12, Title 14, CCR authorizing take of western Joshua tree under section 2084)
- (B) Possible litigation involving the Commission
- (C) Staffing
- (D) Deliberation and action on license and permit items
 - I. Consider the Proposed Decision in the Matter of the Accusation Against David Hornbaker in Agency Case No. 17ALJ02-FGC regarding a commercial fishing license, a marine aquaria collector permit, and a tidal invertebrate permit.

California Fish and Game Commission 2021 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
March 16, 2021		Marine Resources Webinar/teleconference
April 13, 2021		Tribal Webinar/teleconference
April 14-15, 2021	Webinar/teleconference	
May 11, 2021		Wildlife Resources Webinar/teleconference
May 11, 2021	Webinar/teleconference	
June 16-17, 2021	Webinar/teleconference	
July 20, 2021		Marine Resources Sacramento
August 17, 2021		Tribal Sacramento
August 18-19, 2021	Sacramento	
September 16, 2021		Wildlife Resources Sacramento
October 13-14, 2021	Sacramento	
November 9, 2021		Marine Resources Sacramento
December 14, 2021		Tribal 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, webinar
- April 6-13, 2021, webinar
- 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, virtual meeting
- August or September 2021, TBD

Western Association of Fish and Wildlife Agencies

- July 18-23, 2021 Santa Fe, NM

Wildlife Conservation Board

- February 25, 2021, videoconference or teleconference
- May 27, 2021, videoconference or teleconference
- August 26, 2021, videoconference or teleconference
- November 18, 2021, videoconference or teleconference

IMPORTANT COMMISSION MEETING PROCEDURES INFORMATION

Welcome to a Meeting of the California Fish and Game Commission

This year marks the beginning of the 150th 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 those subjects of interest to you, visit the Commission's website, 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; mail to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; deliver to California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 (you must call at least 24 hours in advance to arrange delivery).. Materials provided to the Commission may be made available to the general public.

Comment Deadlines

The **Comment Deadline** for this meeting is **5:00 p.m. on January 28, 2021**. 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 February 5, 2021**. 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 regularly-scheduled 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 regularly-scheduled 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.