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Fish and Game Commission



*Celebrating 150 Years of
Wildlife Heritage and Conservation!*

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MEETING AGENDA **April 14, 2021, 9:00 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 10. 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**

PUBLIC COMMENT

- 2. General public comment for items not on the 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).

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 an interested person.

3. **Five-year private lands wildlife habitat enhancement and management (PLM) plans**

Consider approving five-year PLM plans and 2021-2025 licenses for:
(Pursuant to Section 601, Title 14, CCR)

- (A) Lassen County
 - I. Dixie Valley Ranch
- (B) Mendocino County
 - II. R-R Ranch
 - III. Shamrock Ranch
- (C) Merced County
 - I. DeFrancesco - Eaton Ranch
- (D) Monterey County
 - I. Indian Valley Cattle Co. - Lombardo Ranch
 - II. Peachtree Ranch
 - III. Sky Rose Ranch, LLC PLM
- (E) Monterey/San Luis Obispo counties
 - I. Camp 5 Outfitters - Roth Ranch PLM
- (F) San Benito County
 - I. Lone Ranch
 - II. Rancho La Cuesta
- (G) Santa Clara County
 - I. Coon Creek Ranch
- (H) Shasta County
 - I. Clover Creek
- (I) Tehama
 - I. Salt Creek Ranch
 - II. R Wild Horse Ranch

4. **Annual PLM plans**

Consider approving annual PLM plans and 2021/2022 licenses for:
(Pursuant to Section 601, Title 14, CCR)

- (A) Del Norte County
 - I. Alexandre Ecodairy Farms PLM
 - II. Smith River PLM
- (B) Humboldt County
 - I. Big Lagoon PLM
 - II. Cottrell Ranch
 - III. Diamond C Outfitters
 - IV. Hunter Ranch
 - V. Klamath PLM
 - VI. Rainbow Ridge PLM
 - VII. Redwood House Ranch
 - VIII. Schneider Ranch
 - IX. Stover Ranch

- X. Wiggins Ranch
- (C) Kern/Los Angeles counties
 - I. Tejon Ranch
- (D) Mendocino County
 - I. Ackerman-South Daugherty WMA
 - II. Amann Ranch
 - III. Bridges Ranch
 - IV. Capistran Ranch
 - V. Carley Ranch
 - VI. Christensen Ranch
 - VII. Eden Valley Ranch
 - VIII. Miller-Eriksen Ranch
 - IX. Seven Springs Ranch
 - X. Six Point Ranch
 - XI. Spring Valley Ranch
 - XII. Summer Camp PLM
- (E) Monterey County
 - I. Alexander Ranch
 - II. Gabilan Ranch
 - III. Hartnell Ranch
 - IV. San Bartolome Ranch
 - V. Work Ranch
- (F) Monterey/San Benito counties
 - I. Morisoli Ranch
- (G) San Benito County
 - I. Lewis Ranch
 - II. Trincherero Ranch
- (H) San Joaquin County
 - I. Connolly and Corral Hollow Ranch
- (I) San Luis Obispo County
 - I. Avenales Ranch
 - II. Carnaza Ranch
 - III. Carrizo Ranch
 - IV. Chimney Rock Ranch
 - V. Clark & White Ranch
 - VI. D Rafter "L" Ranch
 - VII. Hearst Ranch
- (J) San Luis Obispo/Kern counties
 - I. Temblor Ranch
- (K) Shasta County
 - I. Stackhouse Ranch
- (L) Solano County
 - II. Buckeye Ranch
- (M) Stanislaus County
 - I. Rooster Comb Ranch
- (N) Tehama County
 - I. 3D Ranch
 - II. Bell Ranch
- (O) Trinity County
 - I. Stewart Ranch
 - II. Travis Ranch

- 5. Clara Hunt's milkvetch**
Receive the Department's one-year status review report on the petition to list Clara Hunt's milkvetch (*Astragalus claranus*) as an endangered species under the California Endangered Species Act (CESA).
(Pursuant to Section 2074.6, Fish and Game Code)
- 6. 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)
- 7. 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)
- 8. Shasta snow-wreath**
Receive the Department's request for a six-month extension to deliver the one-year status review report on the petition to list Shasta snow-wreath (*Neviusia cliftonii*) as a threatened or endangered species under CESA.
(Pursuant to sections 2074.6, Fish and Game Code)
- 9. Mountain lion**
Receive the Department's request for a six-month extension to deliver the one-year status review report on the petition to list mountain lion (*Puma concolor*) as a threatened or endangered species under CESA.
(Pursuant to Section 2074.6, Fish and Game Code)
- 10. 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 CESA.
(Pursuant to Section 2077, Fish and Game Code)

DISCUSSION AND ACTION ITEMS

- 11. Waterfowl hunting (annual)**
Consider adopting proposed changes to waterfowl hunting regulations and consider taking final action under CEQA.
(Amend Section 502, Title 14, CCR)
- 12. Central Valley sport fishing**
Discuss proposed changes to Central Valley sport fishing regulations.
(Amend subsections 7.40(b)(4), (43), (66), and (80), Title 14, CCR)
- 13. Klamath River Basin sport fishing**
Discuss proposed changes to Klamath River Basin sport fishing regulations.
(Amend subsection 7.40(b)(50), Title 14, CCR)

- 14. 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)
Staff recommends removing this item from the agenda; the petitioner has withdrawn the petition.
- 15. Justice, equity, diversity and inclusion**
Receive and discuss an update on the draft plan for developing a justice, equity, diversity and inclusion plan, including an update on the recent listening session, and consider approving the work plan.
- 16. Tribal Committee**
Receive summary and consider approving recommendations from April 13, 2021 committee meeting. Discuss referred topics and consider revisions to topics and timing.
(A) Previous committee meeting report
(B) Committee work plan
- 17. Wildlife Resources Committee**
Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for next committee meeting on May 11, 2021.
(A) Committee work plan
(B) Next committee meeting
- 18. Marine Resources Committee**
Receive summary and consider approving recommendations from March 16, 2021 committee meeting. Discuss referred topics and consider revisions to topics and timing.
(A) Previous committee meeting report
(B) Committee work plan
- 19. Items of interest from previous meetings**
These items are generally updates on agenda topics recently heard before the Commission.
(A) Update on urban coyote workshops
- 20. 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) 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 #2020-12: Request to protect great white shark nursery grounds at Padaro Beach, Carpinteria

21. 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

22. Commission administrative items

- (A) Rulemaking timetable updates
- (B) Next meeting – June 16-17, 2021
- (C) New business

INFORMATIONAL ITEMS AND REPORTS

23. Executive director's report

Receive updates from the executive director on staffing, actions taken under delegated authorities, legislation, and other information of interest.

24. Department informational items

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

- (A) Director's report
 - I. Annual report regarding necropsies on mountain lions taken under depredation permits
- (B) Wildlife and Fisheries Division, and Ecosystem Conservation Division
- (C) Law Enforcement Division
- (D) Marine Region

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. 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)
 - III. The Ballona Wetlands Land Trust v. California Fish and Game Commission (Ballona Wetlands Ecological Reserve petition for regulation change)
 - IV. California Construction and Industrial Materials Association et al. v. California Fish and Game Commission (western Joshua tree California Endangered Species Act determination)
 - V. 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)
 - VI. 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
 - I. October 2020 decision regarding inland sport fishing regulation changes
- (C) Staffing
 - I. Executive director performance review process
- (D) Deliberation and action on license and permit items

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 |
|----------------------|------------------------|---|
| 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

- June 22-29, 2021, Vancouver, WA
- September 8-15, 2021, Spokane, WA
- November 15-22, 2021, Costa Mesa, CA

Pacific Flyway Council

- August or September 2021, TBD

Western Association of Fish and Wildlife Agencies

- July 18-23, 2021 Santa Fe, NM

Wildlife Conservation Board

- 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 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 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 April 1, 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 April 9, 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, *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.