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Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

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REVISED* MEETING AGENDA **June 16-17, 2021**

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 was revised on 6/4/21 to add item 28 and revise item 14(A) and revised again on 6/25/21 to correct item 25(A).**

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.

DAY 1 – June 16, 2021, 9:00 AM

CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM

- 1. Consider approving agenda and order of items**

GENERAL 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 six properties.
(Pursuant to Section 601, Title 14, CCR)

- (A) Lassen County
 - I. Kramer Ranch
 - II. Mendiboure Cold Springs Ranch
- (B) Siskiyou County
 - I. Long Prairie Farms
 - II. Pondosa
 - III. Red Rock Valley Farms
- (C) Tehama County
 - I. Little Dry Creek Ranch

4. **Annual PLM plans**

Consider approving annual PLM plans and 2021/2022 licenses for 37 properties.
(Pursuant to Section 601, Title 14, CCR)

- (A) Butte County
 - I. Deseret Farms – Ballard Unit
 - II. Deseret Farms – Wilson Unit
 - III. Llano Seco Rancho
 - IV. Soper-Wheeler
- (B) Butte/Tehama counties
 - I. Rock Creek
- (C) Calaveras County
 - I. Ordway Ranch
- (D) Glenn County
 - I. Anderson Ranch
 - II. Bird Haven Ranch
 - III. Spurlock Ranch
- (E) Lassen County
 - I. Ash Valley Ranch
 - II. Clarks Valley Ranch
 - III. Five Dot Ranch – Avila Unit
 - IV. Five Dot Ranch – Horse Lake Unit
 - V. Five Dot Ranch – School Section Unit
 - VI. Five Dot Ranch – Tunnel Springs Unit
 - VII. Five Dot Ranch – Willow Creek Unit
 - VIII. Mendiboure Ranch
 - IX. Observation Peak Ranch
 - X. Red Rock Ranch
 - XI. Walton Homestead Family, LLC (formerly Coon Camp Springs)
- (F) Los Angeles County
 - I. Santa Catalina Island

- (G) Mendocino County
 - I. Antler Hill Ranch
 - II. Four Pines Ranch
- (H) Modoc County
 - I. Basin View Ranch
 - II. Lookout Ranch
 - III. SL Ranch
- (I) Monterey County
 - I. Bardin Ranch
- (J) San Bernardino County
 - I. Big Morongo Springs Ranch
- (K) Shasta County
 - I. Black Ranch
 - II. Duncan Creek Ranch
 - III. Hathaway Oak Run Ranch
 - IV. Jerusalem Creek Ranch
 - V. JS Ranch
 - VI. Rickert Ranch
- (L) Tehama County
 - I. Big Bluff Ranch
 - II. El Rancho Rio Frio
- (M) Yuba County
 - I. Sugarloaf-Bangor Ranch

5. Initial PLM plans

Consider approving initial PLM plans and 2021-2025 licenses for two properties. (Pursuant to Section 601, Title 14, CCR)

- (A) Humboldt/Trinity counties
 - I. Wilkinson Hunting Club
- (B) Modoc County
 - I. Roberts Ranch

6. Western Joshua Tree

Consider approving the Department’s request for a six-month extension to deliver the one-year status review report on the petition to list western Joshua tree (*Yucca brevifolia*) as a threatened or endangered species under the California Endangered Species Act (CESA). (Pursuant to Section 2074.6, Fish and Game Code)

7. Duck stamps

Consider approving proposed projects for the Duck Stamp Dedicated Account funds in Fiscal Year 2021-22. (Pursuant to Section 3702, Fish and Game Code)

DISCUSSION AND ACTION ITEMS

8. California bighorn sheep

Receive an overview of the Department’s five-year status review of California bighorn sheep (*Ovis canadensis californiana*, also known as Sierra Nevada bighorn sheep) which is listed as endangered under CESA. (Pursuant to Section 2077, Fish and Game Code)

9. Clara Hunt’s milkvetch

Consider the petition, Department’s status review report, and comments received to determine whether listing Clara Hunt’s milkvetch (*Astragalus claranus*) as an endangered species under CESA is warranted.

(Pursuant to sections 2075 and 2075.5, Fish and Game Code)

Note: Findings will be adopted at a future meeting.

10. Upper Klamath-Trinity river spring Chinook salmon

Consider the petition, Department’s status review report, and comments received to determine whether listing upper Klamath-Trinity river spring Chinook salmon (*Oncorhynchus tshawytscha*) as a threatened or endangered species under CESA is warranted.

(Pursuant to sections 2075 and 2075.5, Fish and Game Code)

Note: Findings will be adopted at a future meeting.

11. Northern California summer steelhead

Consider the petition, Department’s status review report, and comments received to determine whether listing northern California summer steelhead (*Oncorhynchus mykiss irideus*) as a threatened or endangered species under CESA is warranted.

(Pursuant to sections 2075 and 2075.5, Fish and Game Code)

Note: Findings will be adopted at a future meeting.

DAY 2 – June 17, 2021, 8:30 AM

CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM

PUBLIC COMMENT

12. 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.

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).

DISCUSSION, ACTION, AND INFORMATIONAL ITEMS

13. Committee assignments

Consider assignments from the Commission’s membership to its three committees, consisting of at least one commissioner: Marine Resources, Wildlife Resources, and Tribal. (Pursuant to sections 105, 106 and 106.5, Fish and Game Code)

14. Executive director’s report

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

- (A) Discuss potential support for legislation
- (B) Update on committee prioritization project
- (C) Recognize former Regulatory Analyst Jon Snellstrom for over 29 years of service to the Commission

15. **Department informational items: Director's and Law Enforcement Division reports**
The Department will highlight items of note since the last Commission meeting.
16. **Experimental Fishing Permit (EFP) Program Phase II**
Consider authorizing publication of notice of intent to establish the Experimental Fishing Permit (EFP) Program Phase II.
(Add Section 91, amend sections 90, 120.1, 149, 180, and 704, and repeal Section 149.3, Title 14, CCR)
Staff will recommend this item be continued to a future meeting.
17. **Justice, equity, diversity and inclusion**
Receive and discuss an update on developing the justice, equity, diversity and inclusion plan.
18. **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.
19. **Tribal Committee**
Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on August 17, 2021.
 - (A) Committee work plan
 - (B) Next committee meeting
20. **Department informational item: Wildlife and Fisheries Division, and Ecosystem Conservation Division**
The Department will highlight items of note since the last Commission meeting.
 - (A) Impacts of drought conditions
21. **Wildlife Resources Committee**
Receive summary and consider approving recommendations from the May 11, 2021 committee meeting. Discuss referred topics and consider revisions to topics and timing.
 - (A) Previous committee meeting report
 - (B) Committee work plan
22. **Department informational item: Marine Region Report**
The Department will highlight items of note since the last Commission meeting.
 - (A) Update on detection of invasive marine algae species, *Caulerpa prolifera*, in Newport Harbor
 - (B) Update on marine aquaculture state water bottom leases and projects under review
 - (C) Update on annual recreational ocean salmon and Pacific halibut regulations established through automatic conformance to federal regulations
23. **Marine Resources Committee**
Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on July 21, 2021.
 - (A) Committee work plan
 - (B) Next committee meeting

24. Items of interest from previous meetings

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

- (A) Urban coyote workshops

25. 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
 - I. Petition #2021-001: Request to restore recreational and commercial red abalone harvest, San Miguel Island
 - II. Petition #2021-003: Request to change East Walker River special fishing regulations
 - III. Petition #2021-004: Request to remove *Xenopus amietae* from the restricted species list
- (B) Action on pending regulation petitions referred to staff or the Department for review
 - I. Petition #2020-011: Request to establish limited entry and precautionary regulations for commercial coonstripe shrimp trap fishery

26. 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*

27. Commission administrative items

- (A) Rulemaking timetable updates
- (B) Next meeting – August 18-19, 2021
- (C) Discuss draft meeting dates and locations for 2022
- (D) New business

28. Chinook salmon in anadromous waters of the Klamath River Basin downstream of Iron Gate and Lewiston dams

If the Commission determines that listing upper Klamath-Trinity river spring Chinook salmon (*Oncorhynchus tshawytscha*) as a threatened or endangered species under CESA *is not warranted*, consider authorizing publication of notice of intent to continue the Klamath River Basin spring Chinook salmon special regulations.

(Amend subsection 7.40(b)(50) and repeal subsection 7.40(b)(51), Title 14, CCR)

Staff will recommend this item be heard Day 1 of the meeting at some point following Agenda Item 10.

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. 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)
 - II. The Ballona Wetlands Land Trust v. California Fish and Game Commission (Ballona Wetlands Ecological Reserve petition for regulation change)
 - III. California Construction and Industrial Materials Association et al. v. California Fish and Game Commission (western Joshua tree California Endangered Species Act determination)
 - IV. 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)
 - V. 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)
 - VI. Fall River Conservancy and California Trout v. California Fish and Game Commission and California Department of Fish and Wildlife (CEQA determination regarding amendments to inland trout regulations)
- (B) Possible litigation involving the Commission
- (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
July 21, 2021		Marine Resources Webinar/teleconference
August 17, 2021		Tribal Webinar/teleconference
August 18-19, 2021	Webinar/teleconference	
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 21-26 and 28-30, 2021, videoconference or teleconference
- September 8-15, 2021, videoconference or teleconference
- November 15-22, 2021, Costa Mesa, CA

Pacific Flyway Council

- August 27, 2021, Bozeman, MT

Western Association of Fish and Wildlife Agencies

- July 4-29, 2021, videoconference or teleconference

Wildlife Conservation Board

- 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 152nd 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 and we provide this 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 June 3, 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 June 11, 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), 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.