

STAFF SUMMARY FOR JUNE 16-17, 2021

2. GENERAL PUBLIC COMMENTS**Today's Item****Information** ☒**Action** ☐

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.

Summary of Previous/Future Actions

- | | |
|---|--|
| <ul style="list-style-type: none"> • Today receive requests, petitions and comments • Consider granting, denying, or referring | <p>Jun 16-17, 2021; Webinar/Teleconference</p> <p>Aug 18-19, 2021; Webinar/Teleconference</p> |
|---|--|

Background

This item is to provide the public an opportunity to address FGC on topics not on the agenda. Staff may include written materials and comments received prior to the meeting as exhibits in the meeting binder (if received by written comment deadline), or as supplemental comments at the meeting (if received by the supplemental comment deadline).

General public comments are categorized into three types: (1) petitions for regulation change; (2) requests for non-regulatory action; and (3) informational-only comments. Under the Bagley-Keene Open Meeting Act, FGC cannot discuss or take action on any matter not included on the agenda, other than to schedule issues raised by the public for consideration at future meetings. Thus, petitions for regulation change and non-regulatory requests generally follow a two-meeting cycle (receipt and direction); FGC will determine the outcome of the petitions for regulation change and non-regulatory requests received at today's meeting at the next regularly-scheduled FGC meeting, following staff evaluation (currently Aug 18-19, 2021).

As required by the Administrative Procedure Act, petitions for regulation change will be either denied or granted and notice made of that determination. Action on petitions received at previous meetings is scheduled under a separate agenda item, *Petitions for regulation change*. Action on non-regulatory requests received at previous meetings is scheduled under a separate agenda item, *Non-regulatory requests*.

Significant Public Comments

1. New petitions for regulation change are summarized in Exhibit 1, and the original petitions are provided as exhibits 2 through 5.
2. New non-regulatory requests are summarized in Exhibit 6, and the original requests are provided in exhibits 7 and 8.
3. Fifty-three commenters oppose the recently-approved changes in fishing regulations for the East Walker River, part of the simplification of statewide inland sportfishing rulemaking that became effective on Mar 1, 2021. Commenters are concerned with the reintroduction of barbed hooks and doubling the number of fish that could be taken, stating that both will have a detrimental impact on the fishery. Representative examples are provided in Exhibit 9.

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4. Additional informational comments are provided in exhibits 10 through 19.

Recommendation

FGC staff: Consider whether to add any future agenda items to address issues that are raised during public comment.

Exhibits

1. [Summary of new petitions for regulation change received by Jun 3, 2021 at 5:00 p.m.](#)
2. [Petition #2021-005: Amend Title 14 Section 7.5 \(b\)\(2\)\(B\) to remove Alameda Creek tributaries upstream of San Antonio, Calaveras, and Del Valle reservoirs. Delete Title 14 Section 7.5 \(b\)\(2\)\(C\), to remove San Antonio and Calaveras reservoirs, received Mar 29, 2021.](#)
3. [Petition #2021-006: Separate deer tag fees from processing fees to bring costs and refunds in line with other big game tags, received Apr 23, 2021](#)
4. [Petition #2021-007: Allow hunting of wild pig with "big bore" BB guns, allow ammunition flexibility for big game, and eliminate the designation of wild pig as big game, received May 10, 2021](#)
5. [Petition #2021-008: Return East Walker River in Bridgeport regulations to those established in 2007, received May 6, 2001](#)
6. [Summary of requests for non-regulatory action received by Jun 3, 2021 at 5:00 p.m.](#)
7. [Email from Mike McCorkle, Southern California Trawlers Association, expressing concern over the continued delay designating the halibut trawl grounds listed in SB 1309 \(Chapter 985, Statutes of 2018\) and requesting time on the Jun FGC meeting agenda to review progress in implementing SB 1309, received Jun 1, 2021.](#)
8. [Email from Terrance Healey requesting that the Commission reconsider his rejected petition #2020-002 and rebutting the rationale for the rejection, received May 20, 2021](#)
9. [Emails opposing the regulation changes for the East Walker River fishery, received between Apr 11, 2021 and Jun 2, 2021](#)
10. [Email from a member of the public regarding the new commissioner appointments, stating that there is no representation for the Central Valley, received Apr 14, 2021](#)
11. [Email from Zhuo Chen, forwarding a letter to DFW Director Bonham, expressing concern over the decline of California's amphibian population, and encouraging DFW to take steps to protect endangered and threatened amphibians, received Apr 26, 2021](#)
12. [Letter from a deer hunter stating the belief that most forest fires are caused by marijuana farmers rather than drought conditions and climate change. Additionally, they ask that deer hunters not be restricted from entering national forest as this impacts forest management agencies' revenue, received Apr 27, 2021.](#)
13. [Email from Marie Corbett expressing concern over nesting killdeer in Aliso Viejo being killed by brush clearing, received Apr 30, 2021](#)

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14. [Email from Bobby K expressing concern about fines related to fishing regulations in Mono county, received May 4, 2021](#)
15. [Email from Anna Weinstein, National Audubon Society, and Geoff Shester, Oceana, submitting their "Herring FMP Lessons Learned" report, received May 10, 2021](#)
16. [Email from Valerie Margerum expressing her support for listing western Joshua tree under the California Endangered Species Act, received May 25, 2021](#)
17. [Email from Andrew Guiliano requesting that FGC reconsider, remove, or postpone additional fees and gear changes for recreational Dungeness crab \(Sections 29.80, 29.85, and 701 Title 14, CCR\), stating that the approved regulations create financial hardships for commercial passenger fishing vessels and increase risk to marine life, received May 31, 2021](#)
18. [Email from Frank Kusiak writing in support of permanently banning the use of hydraulic pumps for clamming, received Jun 1, 2021](#)
19. [Email from Russel Marlow, California Trout, Inc., alerting FGC that California Trout is finalizing its petition to list southern steelhead as an endangered species under the California Endangered Species Act, received Jun 1, 2021 \(petition has since been received\)](#)

Motion (N/A)

CALIFORNIA FISH AND GAME COMMISSION
RECEIPT LIST FOR PETITIONS FOR REGULATION CHANGE: RECEIVED BY 5:00 PM
ON JUNE 3, 2021
Revised 06/08/2021

Tracking No.	Date Received	Name of Petitioner	Subject of Request	Short Description	FGC Receipt Scheduled	FGC Action Scheduled
2021-005	3/29/2021	Jeff Miller	Alameda Creek	Amend Title 14 Sect 7.50 (b)(2)(B) to remove Alameda Creek tributaries upstream of San Antonio, Calaveras, and Del Valle reservoirs. Delete Title 14 Sec 7.5 (b)(2)(C) removing San Antonio and Calaveras reservoirs. The landlocked trout populations in and above Calaveras and San Antonio reservoirs are descendants of the original migratory steelhead run in Alameda Creek and represent the best native gene pool for restoring a migratory steelhead run below the dams.	6/16-17/2021	8/18-19/2021
2021-006	4/23/2021	County of Siskiyou Matt Parker – County of Siskiyou Natural Resources	Deer Tag Fees	Separate deer tag fees from processing fees to bring costs/refunds in line with other big game tags where hunters apply for a tag without being required to pay the full cost of the tag unless successfully drawn.	6/16-17/2021	8/18-19/2021
2021-007	5/10/2021	Colin Gallagher	Wild pig	Allow hunting of wild pig with "big bore" BB guns, allow ammunition flexibility for big game, and eliminate the designation of wild pig as big game.	6/16-17/2021	8/18-19/2021
2021-008	6/1/2021	Carmine DeCicco	East Walker River Special Fishing Regulations	Return E. Walker River in Bridgeport to regulations established in 2007 (use of artificial barbless hooks, a bag limit of one fish, and allow fishing from November 16 through the last Friday of April, zero take and use of barbless hooks and artificial lures only).	6/16-17/2021	8/18-19/2021



Tracking Number: (2021-005)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. **Person or organization requesting the change: Alameda Creek Alliance**
Name of primary contact person: Jeff Miller
Address:
Telephone number:
Email address:
2. **Rulemaking Authority (Required)** - Reference to the statutory or constitutional authority of the Commission to take the action requested: ~~Title 14, CCR, Section 7.50-~~
Sections 200, 205, 265, 270, 315 and 399, Fish and Game Code.
3. **Overview (Required)** - Summarize the proposed changes to regulations: Amend Title 14, CCR, Section 7.50 (b)(2)(B), to remove Alameda Creek tributaries upstream of San Antonio, Calaveras, and Del Valle reservoirs. Delete Title 14, CCR, Section 7.50 (b)(2)(C), removing San Antonio and Calaveras reservoirs.
4. **Rationale (Required)** - Describe the problem and the reason for the proposed change: The landlocked trout populations in and above Calaveras and San Antonio reservoirs are the descendants of the original migratory steelhead run in Alameda Creek and represent the best native gene pool for restoring a migratory steelhead run below the dams. There has been extensive evaluation of the genetic legacy and conservation importance of these fish.

U.S. Geological Survey studies in 1999 and 2003 analyzed fin clips from adult steelhead captured in lower Alameda Creek, resident rainbow trout populations in upper Alameda Creek and its tributaries below the major dams, and the landlocked trout in and above both SFPUC reservoirs (Nielsen and Fountain 1999; Nielsen 2003). These USGS studies demonstrated that native Alameda Creek rainbow trout and the reservoir fish are genetically related to wild steelhead trout in the federally listed Central California Coast population. Fish geneticists with NMFS conducted a much more extensive evaluation of fin clips collected over a decade in Alameda Creek, including samples from trout populations in lower and upper creek tributaries



below major dams, as well as the adfluvial trout populations above both SFPUC reservoirs (Garza et al. 2017). The trout populations above and below barriers in the Alameda Creek watershed show shared ancestry and close genetic relationships with each other, indicating a lack of introgression from non-native rainbow trout or hatchery steelhead (Garza et al. 2017). In addition to their native ancestry, above-barrier fish populations upstream of Calaveras and San Antonio reservoirs still possess adaptive genomic variation associated with anadromy (Garza et al. 2017). Garza et al. (2017) specifically highlighted the importance of these adfluvial populations for the conservation of life-history variation in this species.

As far back as 2002 the Alameda Creek Fisheries Restoration Workgroup called out the unique genetic legacy and conservation significance of the adfluvial trout in and above the SFPUC reservoirs, in a steelhead restoration plan for the watershed outlining their possible role in increasing the size and genetic diversity of the future steelhead run. The Workgroup is currently evaluating whether to use these adfluvial trout from the reservoirs to help jump-start a steelhead trout run in the ocean-accessible portions of Alameda Creek and its tributaries.

The waters in and above Calaveras and San Antonio reservoirs should be protected, given the conservation and restoration significance of the adfluvial populations.

The number of spawning adfluvial trout in each reservoir numbers in the low hundreds and both reservoir populations have existing limiting factors that need to be considered before introducing fishing pressure. The most recent population surveys by the SFPUC in 2009 estimated the population sizes of the landlocked trout as 408 adult fish in San Antonio Reservoir and 373 adult fish in Calaveras Reservoir (SFPUC 2011). The Calaveras Reservoir trout population is constrained by extremely limited spawning and rearing habitat, confined entirely to the lower mile of Arroyo Hondo Creek; a major landslide in lower Arroyo Hondo Creek prevents spawning more than one mile upstream from Calaveras Reservoir (Entrix 2003, SFPUC 2003a). The San Antonio Reservoir trout population is impacted by livestock grazing and trampling of spawning habitat, and predation by nonnative fish (SFPUC 2003b).

The Endangered Species Act listing of Central California Coast (CCC) steelhead trout as a threatened species in 1997 excluded resident rainbow trout and landlocked steelhead trout above dams. However, NMFS revisited this issue from 2004-2006. NMFS initially proposed including resident trout and some landlocked steelhead, including those in the Alameda Creek watershed, as part of the listed CCC steelhead population, based on genetic evidence that Alameda Creek's resident fish are similar to adult ocean-run steelhead (NMFS 2004). NMFS proposed a case-by-case evaluation of resident trout populations and their ESU relationships, where there is evidence showing a close genetic relationship to adjacent below-man made barrier steelhead populations or where landlocked trout exhibit continued "steelhead" behavior, as is demonstrably the case with Alameda Creek fish. NMFS noted that the Nielson (2003) genetic data regarding native trout populations above Rubber Dam 1 on Alameda Creek strongly suggested that they are part of the listed CCC steelhead ESU. Although NMFS ultimately decided not to include Alameda Creek resident and adfluvial trout in the listed CCC steelhead population (NMFS 2006), this decision was based on questions about the validity of the genetic data and analysis upon which NMFS based the proposal, and concerns that genetic similarity alone was insufficient to support the inclusion of these above-dam resident populations in the ESU. However, the 2003 genetic data and analysis has now been confirmed and bolstered by more robust analysis by Garza et al. (2017). NMFS could reconsider whether



the adfluvial reservoir and tributary trout populations that could now be subject to fishing pressure under the new state fishing regulations are deserving of protection under the Endangered Species Act as part of the federally listed CCC steelhead population.

References

Center for Ecosystem Management and Restoration (CEMAR). 2002. Draft Steelhead Restoration Action Plan for the Alameda Creek Watershed. Prepared for the Alameda Creek Fisheries Restoration Workgroup, March 11, 2002. <http://www.alamedacreek.org/reports-educational/pdf/CEMAR%202002.pdf>

Entrix, Inc. 2002. Preliminary Report on Alameda Creek Watershed Fish Trapping, 2002. Unpublished report prepared for the San Francisco Public Utilities Commission, April 10, 2002. Entrix, Inc., Sacramento, California.

Garza, J.C., M. Leitwein, and D.E. Pearse. 2017. Ancestry and Adaptive Evolution of Anadromous, Resident, and Adfluvial Rainbow Trout (*Oncorhynchus mykiss*) in the San Francisco Bay Area: Application of Adaptive Genomic Variation to Conservation in a Highly Impacted Landscape. *Evolutionary Applications* 2017; 10: 56–67.
[http://www.alamedacreek.org/reports-educational/pdf/Leitwein et al-2016.pdf](http://www.alamedacreek.org/reports-educational/pdf/Leitwein_et_al-2016.pdf)

National Marine Fisheries Service (NMFS). 2004. Proposed Listing Determinations for 27 ESUs of West Coast Salmonids; Proposed Rule. *Federal Register* Vol. 69, No. 113, June 14, 2004.

National Marine Fisheries Service (NMFS). 2006. Final Listing Determinations for 10 Distinct Population Segments of West Coast Steelhead. *Federal Register* Vol. 71, No. 3, January 5, 2006.

Nielsen, J.L. 2003. Population Genetic Structure of Alameda Creek Rainbow/Steelhead Trout - 2002. U.S. Geological Survey, Alaska Science Center, Anchorage, Alaska.
<http://www.alamedacreek.org/reports-educational/pdf/USGS%202003.pdf>

Nielsen, J.L. and M. Fountain. 1999. Microsatellite Analyses of Alameda Creek Rainbow/Steelhead Trout. <http://www.alamedacreek.org/reports-educational/pdf/USGS%201999.pdf>

San Francisco Public Utilities Commission (SFPUC). 2003a. Fish Trapping Study Data Summary for San Antonio Creek, Indian Creek, and Arroyo Hondo 2002-2003. Prepared by San Francisco Public Utilities Commission Water Quality Bureau, Sunol, CA. November 2003.

San Francisco Public Utilities Commission (SFPUC). 2003b. Predation of Rainbow Trout by Largemouth Bass in San Antonio Reservoir. Pilot Study Summary. Prepared by San Francisco Public Utilities Commission Water Quality Bureau, Sunol, CA. September 2003.

San Francisco Public Utilities Commission (SFPUC). 2011. 2009 Population Size Estimates for Adult Rainbow Trout (*Oncorhynchus mykiss*) in San Antonio and Calaveras Reservoirs. Water Enterprise Natural Resources and Lands Management Division, Fisheries and Wildlife Section.
<http://www.alamedacreek.org/reports->



[educational/pdf/Population%20Size%20Estimates%20for%20Adult%20Rainbow%20Trout%20in%20San%20Antonio%20and%20Calaveras%20Reservoirs%202009.pdf](#) Click here to enter text.

SECTION II: Optional Information

5. **Date of Petition:** April 12, 2021
6. **Category of Proposed Change**
 - ☒ Sport Fishing
 - ☐ Commercial Fishing
 - ☐ Hunting
 - ☐ Other, please specify: Click here to enter text.
7. **The proposal is to:** (To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)
 - ☒ Amend Title 14 Section(s): Section 7.50 (b)(2)(B)
 - ☐ Add New Title 14 Section(s): Click here to enter text.
 - ☒ Repeal Title 14 Section(s): Section 7.50 (b)(2)(C)
8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** Click here to enter text.
Or ☒ Not applicable.
9. **Effective date:** If applicable, identify the desired effective date of the regulation.
If the proposed change requires immediate implementation, explain the nature of the emergency: Immediately. The regulations need to be implemented before any fishing impacts are allowed to occur for a genetically unique adfluvial steelhead trout population that has regional conservation significance. The new freshwater sport fishing regulations for 2021-2022 that opened up catch-and-release fishing of landlocked steelhead trout populations in San Antonio and Calaveras Reservoirs were implemented with absolutely no notification or engagement of the multiple stakeholders that have been working for 22 years to restore steelhead trout in the Alameda Creek watershed. The regulations were implemented without coordination or concurrence from the landowner of the reservoirs. These regulations were implemented without evaluating their potential impacts on the most genetically valuable populations of steelhead/rainbow trout in the Alameda Creek watershed and steelhead populations with regional restoration significance for the entire Bay Area.
10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Supporting information is linked in references.
11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: None.



State of California – Fish and Game Commission

PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE

FGC 1 (Rev 06/19) Page 5 of 5

12. Forms: If applicable, list any forms to be created, amended or repealed:

[Click here to enter text.](#)

SECTION 3: FGC Staff Only

Date received: [Click here to enter text.](#)

FGC staff action:

- ☐ Accept - complete
- ☐ Reject - incomplete
- ☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: _____

FGC action:

- ☐ Denied by FGC
- ☐ Denied - same as petition _____
- ☐ Granted for consideration of regulation change

Tracking Number



Tracking Number: (_2021-006_)

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Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Organization requesting: County of Siskiyou

Name of primary contact person: Matt Parker – County of Siskiyou Natural Resources

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

2. Rulemaking Authority (Required) - Division 1, Chapter 2 §200 (Commission's Power to Regulate Taking Fish and Game) and §203 (Bird and Mammal Regulations) and §1050 (Preparation, Issuance, Displaying and Establishment of Fees)

3. Overview (Required) – Existing statute requires a fee to obtain a deer tag. Title 14 Section 702(c)(1) identifies a dollar amount for the tag fee and a separate fee for processing. This processing fee is presumed to be what is also referred to as the tag application fee when described in the Big Game Digest and license sales website when purchasing other big game tags such as elk, antelope, and sheep. It is unclear why the deer tag fee and the processing fee are both required when applying for premium and restricted deer tags. It is unclear what authority the Department has to require the deer tag fee in addition to the processing or application fee in order to apply for a deer tag and obtain a preference point if unsuccessful. There is no refund mechanism if the applicant is unsuccessful and requires applicants to purchase a tag and pay a fee beyond that authorized in Fish and Game Code Section 1050(f). The proposed change would establish an application fee consistent with what is already defined in Section 702 that does not also include the cost of the tag and be consistent with the intent of Fish and Game Code Section 1050(f). The tag fee would become a separate item and paid if the applicant is successful. This would be consistent with how



controlled sheep, elk, and pronghorn hunt fees in California and most if not all other western states.

4. **Rationale (Required) - Deer** tag allocation and associated fees has been unchanged for the last 30 + years while tag definitions have changed. The current tag allocation system was developed when there was an open gate to all zones during the general season. There are now premium, restricted, junior, and additional hunts that make drawing a preferred tag more complicated and difficult. There is growing number of hunters that are forced into selecting a tag choice that they have no real desire or intention of using. It is inequitable with other big game tags where an applicant applies for a tag without being required to pay the full cost of the tag unless successfully drawn.

It is apparent in Fish and Game Code Section 4332 that a fee is required to obtain a deer tag. It is not clear, however, why the entire deer tag fee is required up front and then lumped together with the processing fee (aka application fee) and deemed non-refundable.

While we recognize that there are a lot more deer tags than the other species, there is growing sentiment that the system is cost prohibitive by requiring hunters to pay the same fee for a preference point as hunters who receive a tag. Has the Department looked at this inconsistency compared to the other tags and considered the potential impact to hunter retention? It is unclear to the hunters why the cost of a deer tag is required up front, in addition to the processing fee (as defined in 702) and not refundable while the other tag fees are not required in addition to the processing fee (as defined in 702). It is also not clear why the deer tag fee and the processing fee are then identified as a single fee for a first deer tag or as the drawing application fee. That is a very different approach to how the elk, antelope, and sheep tags are handled despite how each fee is defined in Section 702.

SECTION II: Optional Information

5. **Date of Petition:** April 22, 2021.

6. **Category of Proposed Change**

☐ Sport Fishing

☐ Commercial Fishing

X Hunting

☐ Other, please specify: [Click here to enter text.](#)



7. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*
X Amend Title 14 Section(s): 702(c)(1) |
☐ Add New Title 14 Section(s): [Click here to enter text.](#) |
☐ Repeal Title 14 Section(s): [Click here to enter text.](#) |
8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.](#)
Or, X Not applicable.
9. **Effective date:** If applicable, identify the desired effective date of the regulation.
If the proposed change requires immediate implementation, explain the nature of the emergency: Hunting year 2022
10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: A further economic analysis is needed.
11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: The proposed action is expected to increase revenue for the Department by reinitiating big game hunters who will now at least apply for big game drawings that aren't applying currently.
12. **Forms:** If applicable, list any forms to be created, amended or repealed:
[Click here to enter text.](#) |

SECTION 3: FGC Staff Only

Date received: [Click here to enter text.](#) |

FGC staff action:

- ☐ Accept - complete
☐ Reject - incomplete
☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: _____ |

Meeting date for FGC consideration: _____ |

FGC action:

- ☐ Denied by FGC
☐ Denied - same as petition _____ |
Tracking Number
☐ Granted for consideration of regulation change



Tracking Number: (_2021-007_)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

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SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: Colin Gallagher

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested:

~~The Fish and Game Commission's regulatory process is governed by the California Administrative Procedure Act (APA). APA is a series of acts of the California Legislature, first enacted June 15, 1945. Chapter 3.5 of the APA requires California State agencies to adopt regulations in accordance with its provisions.~~

~~The Commission is the proper entity to review and act upon proposed changes to Fish and Game regulations. The interpretations and changes requested in this case have first been sent to staff for review and were also sent as a timely public comment on the May 11, 2021 Wildlife Resources Committee agenda item 4(a) – Discuss Potential Regulatory Options for 2021-2022 Seasons for Mammal Hunting. My comments are now sent to the Commission as a request (petition) for interpretation and change to regulations, after first having asked the Wildlife Resources Committee to recommend my proposals to the full Commission.~~

Authority cited: Sections 200, 203 and 265, Fish and Game Code, and in context of the proposal, note in particular Sections 200(a), 203(d), and 265 of Fish and Game Code. (Reference: Sections 2005, 2055, 3004.5 and 3950, Fish and Game Code.)

Authority for Commission to enact changes to California Code of Regulations Title 14, Section 353 (for 14 CCR § 353 subsection (c), 14 CA ADC § 353 subsection (c))

3. Overview (Required) - Summarize the proposed changes to regulations:



There should be rendered by the Commission an interpretation of Mammal Hunting Regulations §353. Methods Authorized for Taking Big Game subsection (c) so that it will be considered to be legal to utilize a BB device for hunting wild pig in California, so long as the BB device is at least .40 caliber in designation, or larger.

My second request is that the Commission alter the .40 caliber minimum designation formally to .30 minimum (whether for rifle centerfire, muzzleloader, or BB device) in 353(c).

Alternatively, the Commission could make a change that would require .357 caliber minimum for BB devices to hunt wild boar (this would not alter any California lead free regulations), and clarify that hunting boar with centerfire cartridges with softnose or expanding projectiles of .30 caliber or greater in designation is permitted (lead free would still be required as the law currently requires if we are using centerfire rounds).

My third request is distinct than my first and second and should be evaluated separately. This request is for an actual change, not an interpretation. This request, for a change in Mammal Hunting Regulations, is simply to remove wild pig (feral pigs, European wild pigs, and their hybrids (genus *Sus*)) from Big Game as defined in the Mammal Hunting Regulations at §350. I request that the Commission agendaize this change for discussion then finalize the change.

See also previous legislation on the matter from 2017 - 2018 (AB 2805):

https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill_id=201720180AB2805

4. Rationale (Required) -

item 1 rationale.

Currently it is not legal to hunt boar with a BB device in California. However, it is legal to own BB devices in California, and is legal to hunt with them for some animals in California such as turkey. It is legal in many other States to hunt boar with what are called "big bore airguns," which would be as proposed by this comment, BB devices as defined in law by California, with the caveat that the interpretation would require that the caliber equivalent for BB devices to be used on wild boar be .40 caliber in designation or larger.

This would not circumvent any hunter safety requirement, hunter license, or tag requirement in California, as all these laws still exist and would need to be followed regardless.

item 2 rationale.

to allow formally for flexibility of ammunition in the highly constrained market of lead-free products, ranging from .308 down to 7.62x39. This is due to the current language of 353(c) of Fish and Game Code which reads, "(c) Except for the provisions of the following subsections (d) through (j), big game may only be taken by rifles using centerfire cartridges with softnose or expanding projectiles; bow and arrow (see Section 354 of these regulations for archery equipment regulations); or wheellock, matchlock, flintlock or percussion type, including "in-line" muzzleloading rifles using black powder or equivalent black powder substitute, including pellets, with a single projectile loaded from the muzzle and at least .40 caliber in designation" - Currently the language of this provision appears flexible on centerfire cartridges but should be rewritten to expand the flexibility to allow for "centerfire, muzzleloader, and BB device" including any wheellock, matchlock, flintlock, or percussion type or "in-line" muzzleloaders as the case may be, to allow for use of those instruments to hunt big game with .30 caliber minimum designation. In the market, as some examples, the Airforce Texan BB device (big bore airgun) is available in .30, .357, and .45; the Benjamin Bulldog BB device is available in



.357, and the Umarex Hammer, a BB device (big bore airgun) can deliver three .50 caliber rounds one after the other. In the case of BB devices, California law does not require lead-free ammunition (though a few BB device users have explored it), in the case of firearms, it remains required when hunting.

The 7.62x39 round, one of which is perfectly suitable to take down a boar with (example: 7.62X39 RUSSIAN 123GR DT LEAD FREE SC-HP, 2400fps - 1574 ft./lbs), is roughly equivalent to a 30-30 and is essentially a .30 caliber round (7.85–7.9 mm (0.309–0.311") SAAMI 7.92 mm (0.312") CIP). The .308 Winchester, often used on big game, is (0.308" (7.8 mm)). The 7.62x54mmR, used by many in North America today who are owners of Mosin-Nagant bolt-action rifles, is the largest of the three ammunition types mentioned here, and the 7.62x39mm is the smallest cartridge in terms of case length, overall length, rim diameter, and case capacity. However, the 7.62x39 and 7.62x54mmR both have the same bullet diameter. 7.62x39mm factory loads typically use bullet weights in the 120-125 grain range, with 122 and 123 grain bullets being the most common. 7.62x54R factory loads most often use 147-203 grain bullets and 148, 150, and 180 grain bullets are the most popular. Finally, typical .308 Winchester factory loads use bullets in the 110-180 grain range. 150 grain, 165 grain, 168 grain, and 180 grain bullets are the most common. However, all of this ammunition in centerfire is very hard to find (normally out of stock for months) if you are looking for lead-free.

item 3 rationale.

The numbers of wild pigs are exceedingly high, there is damage from the growth of non-native species, and removing them from big game rules at §350 would help encourage more hunters to get back into the field.

SECTION II: Optional Information

5. Date of Petition: May 10, 2021

6. Category of Proposed Change

☐ Sport Fishing

☐ Commercial Fishing

• **Hunting**

☐ Other, please specify:

7. The proposal is to: (*To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>*)

- **Amend Title 14 Section(s): Division 1, Subdivision 2, Sections 350, 353, and 353(c).**

☐ Add New Title 14 Section(s):

☐ Repeal Title 14 Section(s):

8. If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition

Or ***Not applicable.***



9. **Effective date:** If applicable, identify the desired effective date of the regulation.
If the proposed change requires immediate implementation, explain the nature of the emergency: I'd say it's kind of urgent. Desired effective date would be by end of July 2021.
10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: N/A
11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: *Would increase your revenue based on increased anticipated hunter activity despite reduced tag revenue if implemented as proposed. Would result in greater number of license renewals, ammo purchases, and hunters accessing, using, and thus paying for the maintenance and conservation of public lands.*
12. **Forms:** If applicable, list any forms to be created, amended or repealed:
No new forms. If third proposal were to be adopted (see "third request" / "item 3 rationale"), would effectively repeal requirement to apply online for wild pig tag.

SECTION 3: FGC Staff Only

Date received: [Click here to enter text.](#)

FGC staff action:

- ☐ Accept - complete
☐ Reject - incomplete
☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: _____

FGC action:

- ☐ Denied by FGC
☐ Denied - same as petition _____
Tracking Number
☐ Granted for consideration of regulation change



Tracking Number: (2021-008)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: Carmine DeCicco

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: **Title 14 Section 200.**

3. Overview (Required) - Summarize the proposed changes to regulations: I propose that the regulations put in place on March 1, 2021, for the East Walker River in Bridgeport, CA., be halted and returned to the prior regulations established in 2007. Expressly, use of artificial barbless hooks, a bag limit of one fish and allow fishing from November 16 through the last Friday of April, zero take and use of barbless hooks and artificial lures only.

4. Rationale (Required) - Describe the problem and the reason for the proposed change: There are several problems: Allowing a 2 fish 18" minimum take will deplete the fish population rapidly. The East Walker River will become just another fishing hole and will attract a much larger number of less than expert fly-fishers. Barbless hooks will insure that more fish are caught and not released because they have been harmed—some probably under the 18" limit—and they will be taken illegally—this river has seen few wardens over the years so who will be watching? And the attraction to the River by experienced fly-fishers will diminish and that will have an economic impact to the Bridgeport community, businesses and guide services, after all this is only one of very few Rivers one can hope to catch AND release a very large trophy fish.



SECTION II: Optional Information

5. **Date of Petition:** June 1, 2021.
6. **Category of Proposed Change**
X Sport Fishing
☐ Commercial Fishing
☐ Hunting
☐ Other, please specify: [Click here to enter text.](#)
7. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*
X Amend Title 14 Section(s): Section 7.50 (b) body of water 163
☐ Add New Title 14 Section(s): [Click here to enter text.](#)
☐ Repeal Title 14 Section(s): [Click here to enter text.](#)
8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.](#)
Or X Not applicable.
9. **Effective date:** If applicable, identify the desired effective date of the regulation.
If the proposed change requires immediate implementation, explain the nature of the emergency: The changes needed are immediate. The longer the delay, the more damage will be done to the East Walker River fishery and the Bridgeport economy.
10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: [Click here to enter text.](#)
11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: The impact on the DFW is unknown to me. The Bridgeport community and surrounding businesses related to fishing will suffer the impact of drawing many fewer serious fly-fishers to the area from California and beyond. This will have a definite impact on jobs in this area (Guide services, hospitality, food services, sports and boating facilities, retailers and ultimately the survival of a vibrant community and County. Job growth and sustenance and fishing enhancement under a watchful eye of DFW should be the goal.
12. **Forms:** If applicable, list any forms to be created, amended or repealed:
Section 7.50 (b) 163.

SECTION 3: FGC Staff Only

Date received: [Click here to enter text.](#)

FGC staff action:

- ☐ Accept - complete



- ☐ Reject - incomplete
- ☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: _____

FGC action:

- ☐ Denied by FGC
- ☐ Denied - same as petition _____

Tracking Number

- ☐ Granted for consideration of regulation change

CALIFORNIA FISH AND GAME COMMISSION
RECEIPT LIST FOR NON-REGULATORY REQUESTS: RECEIVED BY 5:00 PM ON JUNE 3, 2021

Revised 6/4/2021

Date Received	Name/Organization of Requestor	Subject of Request	Short Description	FGC Receipt Scheduled	FGC Action Scheduled
5/20/2021	Terrance Healey	Petition #2020-002	Requests that FGC reconsider previously rejected petition #2020-002.	6/16-17/21	08/18-19/21
6/1/2021	Mike McCorkle, Southern California Trawlers Association	Halibut trawl grounds	Asks FGC to schedule a discussion for the June FGC meeting on implementation of the 2018 California halibut trawl grounds legislation (SB 1309) outside of California halibut management review.	6/16-17/21	08/18-19/21

From: McCorkle Fishing Enterprises <[REDACTED]>
Sent: Tuesday, June 1, 2021 10:26 AM
To: FGC
Cc: Keith; [REDACTED]
Subject: Request Halibut Trawl Bill to be Placed on Agenda for June 17, 2021 Meeting
Attachments: SCTA_2021_Agenda Request_FGCommission.docx

Dear Ms. Miller-Henson,

I would like to request that you forward the attached letter to the Commissioners and place this request on the July 17, 2021 agenda. I will be attending the meeting via Zoom. Please contact me by phone if you have questions about my request. [REDACTED]

Thank you,

Mike McCorkle

Southern California Trawlers Association

Santa Barbara, CA



Southern California Trawlers Association

May 30, 2021

Melissa Miller-Henson
Executive Director
California Fish & Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Dear Ms. Miller-Henson

I would like to request time on the Commission's June 17, 2021 agenda to review progress on Sections 8495(a) and 8496(a) of the following bill SB 1309, which designated specific areas in Monterey Bay and offshore of Port San Luis as "designated halibut trawl grounds." This language was signed by the Governor and filed with the Secretary of State on September 30, 2018. So, the directive to designate these grounds for sustainable halibut trawl to provide fresh local halibut to coastal markets has been "on the books" for a few months short of three years.

Despite the fact that our Association has reached out to all the major ocean conservation groups and come to accord on this issue, I am here to report to the Commission that absolutely no progress has been made to designate these grounds by the Department of Fish and Wildlife. Each time I call the Department to discuss this, there is a different reason given for the lack of progress: "we don't have staff to do this," "we have to develop a halibut plan first," or some other excuse for delaying progress executing this legislative directive.

I respectfully request that the Commission direct the Department to "get off the dime" and execute this legislation by the end of 2021. Thank you for agendizing some time on the next Commission agenda to discuss this.

Sincerely,

Mike McCorkle, President
Southern California Trawlers Association
P.O. Box 713
Summerland, CA 93067

P.O. Box 713



Summerland, California



93067

Senate Bill No. 1309

CHAPTER 985

An act to amend Sections 7863, 8183, 8494, 8495, 8496, 9002.5, and 9005 of, and to add and repeal Section 8276.1 of, the Fish and Game Code, relating to fishing.

[Approved by Governor September 30, 2018. Filed
with Secretary of State September 30, 2018.

8495.

(a) The following areas are designated as the California halibut trawl grounds:

(1) The ocean waters lying between one and three nautical miles from the mainland shore lying south and east of a line running due west (270° true) from Point Arguello and north and west of a line running due south (180° true) from Point Mugu.

(2) The ocean waters of Monterey Bay delineated by straight lines connecting the following points in the following order and excluding federal waters as defined by the order entered by the United States Supreme Court in the case of United States of America v. State of California, 135 S.Ct. 563 (2014):

Latitude	Longitude
36° 54.146' N	122° 4.244' W
36° 52.910' N	122° 4.225' W

36° 52.024' N	122° 2.117' W
36° 51.680' N	121° 59.321' W
36° 52.230' N	121° 57.810' W
36° 48.974' N	121° 52.474' W
36° 49.835' N	121° 51.840' W
36° 54.250' N	121° 54.883' W
36° 54.287' N	121° 58.062' W
36° 53.956' N	122° 2.117' W

(3) The ocean waters offshore of Port San Luis lying between one and three nautical miles from the mainland shore, as described by an area circumscribed by a line connecting the following points in clockwise order, with the line connecting the last two points approximately parallel to the lines connecting the preceding points:

Latitude	Longitude
35° 08' N	120° 46' W
35° 08' N	120° 40.1' W
35° 06.6' N	120° 39.2' W
35° 02.2' N	120° 39.3' W
34° 57' N	120° 40.7' W
34° 57' N	120° 43.5' W
35° 06.4' N	120° 46' W

8496.

(a) Unless otherwise specified by the commission pursuant subdivision (b), within the California halibut trawl grounds the following requirements shall apply to the use of trawl nets:

(1) Open season and hours of operation shall be as follows:

(A) Open season shall be June 16 to March 14, inclusive.

(B) In the designated halibut trawl grounds within Monterey Bay and offshore of Port San Luis, trawl fishing gear may only be deployed to capture fish between sunrise and sunset.

May 9, 2021

Ms Melissa Miller-Henson. Executive Director
California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION
2021 MAY 20 AM 9:49

Re: Petition for regulation change (TR 2020-002)

Dear Ms Henson:

This is my rebuttal to the November 20, 2020 memo sent to the Fish and Game Commission from the Department of Fish and Wildlife. I appreciate having received an email copy from Susan Ashcraft of your staff.

The memo doesn't reveal any disagreement with any of the historical evidence I have presented and even acknowledges the main problem I have identified (need for clarity) but has taken a position of indifference toward correcting it.

The purpose of my petition is misstated as a proposal "to allow shore based angling in ocean waters" when in fact shore based angling is already "allowed" under the provisions of Section 27.75. My petition is not to change the regulation but to add 5 words to each subsection to clarify its intent.. Presently Section 27.75 does not disallow salmon fishing by shore anglers because eastern (shore boundaries) at each site have been omitted by design.

The memo addresses two issues, one of which is irrelevant and neither were supported with detailed evidence to provide a valid basis for recommending denial of my petition.

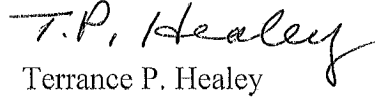
The first issue, the lack of precisely defined boundaries is acknowledged by the DFW and they admit that there is confusion by anglers because of it.. They present no evidence to show that Section 27.75 is intended to regulate shore based angling. They also admit (as I have shown in my petition) that shore based anglers have in fact been issued citations for violation of Section 27.75. Because they are few in number (no data given) they see no reason for correction of the problem. . The fact that they issue any citations at all to shore anglers for violation for section 27.75 indicates that some enforcement personnel believe they are justified in doing so when in fact the regulation is not enforceable in a court of law against shore anglers. Furthermore, such citations would appear to be in violation of the Administrative Procedures Act, Section 11340.5 of the Government Code..

The second issue addressed in the last paragraph stating that DFW could designate landmarks to define boundaries is irrelevant because my petition does not recommend

the addition of any more boundaries at any of the river mouths. Such a proposal cannot be justified anyway since the legislative intent (regulation of commercial and sport vessels) is being met with the three boundaries that have been in place since the enactment of the regulation.

Since there is no valid basis for denial of my petition I am hereby requesting that the Fish and Game Commission review and give further consideration for approval of my petition.. Thank you.

Sincerely,


Terrance P. Healey

From: ARIEL LEVIN <[REDACTED]>
Sent: Friday, May 7, 2021 10:01 AM
To: FGC
Subject: East Walker River

I'm sending this pre-written response regarding the new regulations for the East Walker river in California because it states my sentiments exactly. I love my California rivers and as a fly fisher I do my best to protect what I love. Our state is in a drought. Our waters and the wild life are dependent on how we protect our state resources. I my opinion by giving free rein to barbed hooks fishing and changing the 'daily bag limit' these regulation undermine so many tenants philosophically of wilderness management. The harm barbs do to the younger population of trout will be devastation just by the nature of such a hook.

Please reconsider the regulations and allow us to maintain one of the better waters in this region. Help California and it commerce by keeping the 'year round' status of this fishery. Not only does it foster good well for the merchants, but allows all participants who use this small river an opportunity to enjoy it to the fullest.

Thank you.

Ms. Ariel M. Levin
Los Angeles, CA.

Dear Commissioner,

As an angler and one who has fished the East Walker River in the Eastern Sierra, I want to ensure that you and your fellow Commissioners are aware of the negative impacts the latest DFW regulations will have on the East Walker, its fish population, and the local economy. The new regulations ignore the historic management of the East Walker as a trophy Brown trout fishery. These regulations not only double the legal daily take, they also permit the use of barbed hooks. For good reason, California has not allowed barbed hooks on a water with special regulations. Undersized trout hooked and then released from barbed hooks have a high mortality rate. That, coupled with the doubling of the daily take, will not improve the health of the East Walker fishery as populations of both large and small fish will be negatively impacted. Since 2006 the river has been open to winter fishing. No adverse effects from this year round access have been documented. In addition, winter fishing allows increased angler opportunity and local businesses to enjoy welcomed income during the long "off" season. The East Walker flows into Nevada which has managed the river as a year-round, artificial, single barbless, catch and release water. Nevada has seen no harmful impacts from these regulations. The East Walker fish in California should enjoy the same protections as their Nevada cousins. There are very few rivers in our state that have the potential to grow 30-inch Brown trout. The East Walker is one of them. I encourage the Commission to review these regulation changes and return this river to its former status as a year-round angling destination with regulations that protect - rather than harm - the fish.

Thank you!

Sincerely,

From: jason perfectloopproductions.com <[REDACTED]>
Sent: Monday, May 10, 2021 1:59 PM
To: FGC
Subject: East Walker River

Dear Commissioner,

As an angler and one who has fished the East Walker River in the Eastern Sierra, I want to ensure that you and your fellow Commissioners are aware of the negative impacts the latest DFW regulations will have on the East Walker, its fish population, and the local economy. The new regulations ignore the historic management of the East Walker as a trophy Brown trout fishery. These regulations not only double the legal daily take, they also permit the use of barbed hooks. For good reason, California has not allowed barbed hooks on a water with special regulations. Undersized trout hooked and then released from barbed hooks have a high mortality rate. That, coupled with the doubling of the daily take, will not improve the health of the East Walker fishery as populations of both large and small fish will be negatively impacted. Since 2006 the river has been open to winter fishing. No adverse effects from this year round access have been documented. In addition, winter fishing allows increased angler opportunity and local businesses to enjoy welcomed income during the long "off" season. The East Walker flows into Nevada which has managed the river as a year-round, artificial, single barbless, catch and release water. Nevada has seen no harmful impacts from these regulations. The East Walker fish in California should enjoy the same protections as their Nevada cousins. There are very few rivers in our state that have the potential to grow 30-inch Brown trout. The East Walker is one of them. I encourage the Commission to review these regulation changes and return this river to its former status as a year-round angling destination with regulations that protect - rather than harm - the fish. I've been fishing the east walker for close to 25 years and just because of the increase in fishing popularity it has already suffered quite a bit, I fear that this new change in regulations will be the nail in the coffin for what was once a great fishery.

Thank you!

Sincerely,

Jason Shields

Jason Shields

From: Chris Walowski <[REDACTED]>
Sent: Monday, April 26, 2021 7:48 PM
To: FGC
Subject: East Walker River

Dear Commissioner,

As an angler and one who has fished the East Walker River in the Eastern Sierra, I want to ensure that you and your fellow Commissioners are aware of the negative impacts the latest DFW regulations will have on the East Walker, its fish population, and the local economy. I was very disappointed with the new regulations. The East Walker is one of the very few trout streams in California that contain a healthy population of trout. I believe the prior regulations are what allowed this stream to become what it is today. The new regulations ignore the historic management of the East Walker as a trophy Brown trout fishery. These regulations not only double the legal daily take, they also permit the use of barbed hooks. For good reason, California has not allowed barbed hooks on a water with special regulations. Trout hooked and then released from barbed hooks have a high mortality rate. That, coupled with the doubling of the daily take, will not improve the health of the East Walker fishery as populations of both large and small fish will be negatively impacted. Since 2006 the river has been open to winter fishing. No adverse effects from this year round access have been documented. In addition, winter fishing allows increased angler opportunity and local businesses to enjoy welcomed income during the long "off" season. The East Walker flows into Nevada which has managed the river as a year-round, artificial, single barbless, catch and release water. Nevada has seen no harmful impacts from these regulations. The East Walker fish in California should enjoy the same protections as their Nevada cousins. There are very few rivers in our state that have the potential to grow 30-inch Brown trout. The East Walker is one of them. I encourage the Commission to review these regulation changes and change this river to a year-round, artificial, single barbless, catch and release only angling destination. These regulations will protect the fish and the resource for future generations.

Thank you,
Chris Walowski

From: suzibus4 [REDACTED]
Sent: Wednesday, April 14, 2021 4:07 PM
To: FGC
Subject: RE: Commissioner appointments

No representation for the central valley.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: California Fish and Game Commission <fgc@fgc.ca.gov>
Date: 4/14/21 08:20 (GMT-08:00)
To: [REDACTED]
Subject: Commissioner appointments



California

Fish and Game Commission

Celebrating 150 Years of Wildlife Heritage and Conservation!

Greetings fish and wildlife stakeholder,

On March 24, Governor Newsom announced the reappointment of Vice President Samantha Murray and Commissioner Jacque Hostler-Carmesin to the California Fish and Game Commission. In addition, he announced the appointment of Commissioner Erika S. Zavaleta. All three commissioners are expected to attend today's meeting with newly-elected President Peter S. Silva and former president and Commissioner Eric Sklar.

Please join the Commission in congratulating its returning commissioners and welcoming its newest member. Additional details can be found on the commission website at <https://fgc.ca.gov/>.

Sincerely,

Melissa Miller-Henson
Executive Director
California Fish and Game Commission



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From: Zhuo Chen [REDACTED]
Sent: Monday, April 26, 2021 8:37 PM
To: FGC
Subject: Urging the protection of local amphibians
Attachments: Urging the protection of amphibians.pdf

04/11/2021

Charlton H. Bonham
California Department of Fish and Wildlife

Dear Charlton, the head of *California Department of Fish and Wildlife*

The decline of amphibian population has been a serious issue in California (and globally as well), and the environmental pressures on amphibians came from multiple aspects. On one hand, not only do local salamanders, toads, and frogs suffer from infectious diseases caused by various types of fungus such as *Batrachochytrium dendrobatidis*, but their aquatic offspring also face predation from invasive species such as troutⁱ. On the other hand, deforestation and water contamination bring about severe habitat destruction of amphibians, since they require clean water with a strict pH rangeⁱⁱ. Uncontrolled human captures cannot be ignored as well, and amphibians also suffer from reproduction difficultiesⁱⁱⁱ. Under these pressures, by April 2021 nearly 20 amphibian species are identified as endangered or threatened^{iv}.

Amphibians are important for both the ecological system and our society as well. While their aquatic larvae, tadpoles, are important food sources for fish, adult frogs, toads, and salamanders are prey of birds, lizards, and snakes, playing a key role in the energy flow and nutrient recycling both aquatically and terrestrially. They also serve as potential pollinators, dispersing the offspring of flowers and trees. At the same time, amphibians feed on and thus help control the population of pests for agriculture, while frogs provide meat, skins, and oil for us. Additionally, venom from toads and salamanders are widely studied and used by medical industries^v. That is, the decline of amphibian population should not only be an environmental concern but also an economic and social one.

To improve the status of these invaluable creatures, we need to take actions addressing multiple aspects that lead to their decline. To begin with, as mentioned above water contaminations and deforestations have led to wide habitat destruction, thus preservation policies should be set up and executed. On one hand, we need to limit reclamation and logging activities to protect current forests and wetlands, which are home to thousands of amphibians. On the other hand, restoring farmland back to their original state is also important. Further, we should control the industrial pollution outflow and try implementing more effective methods to address current contaminations. The use of pesticides, which both pollutes water and harms amphibians' skins directly, need to be reduced as well^{vi}.

Aside from those habitual restoring plans above, human captures should also be controlled. Since these endangered or threatened amphibians are now under the protection of federal laws, people should obey the corresponding policies strictly. Additionally, predation of tadpoles from invasive species should be addressed as well. Furthermore, reproduction difficulties occurring in some species should also be examined and studied by biologists and geneticists, who can thus provide corresponding recovery plans. From the very beginning of our history, we humans have brought about the extinction of thousands of species such as Dodo, Steller's Sea Cows, and Tasmanian tigers directly or indirectly. Amphibians are also sufferers under pressures from us, and currently nearly 70% of amphibian species are in decline. Nevertheless, we humans are not the only inhabitants on earth, and our well beings are dependent on the

University of Southern California



balance of the environmental and ecological system. Amphibians who provide invaluable ecological and social services shall thus be guaranteed a right to prosper in wetlands and along the riverbanks of forests.

California Department of Fish and Wildlife, which is responsible for the living conditions of local animals and plants, should thus take a concrete step upon the protection of endangered and threatened amphibians by urging people to follow protection laws, conducting habitat restoring and species recovery plans, and prompting effective methods to control and deal with contaminations.

Best wishes,

Chen, Zhuo

Zhuo Chen

Junior

Applied and Computational Mathematics

Sent date: 04/26/2021

Notes

- ⁱ Bedwell, M. E., and C. S. Goldberg. (2020) Spatial and Temporal Patterns of Environmental Dna Detection to Inform Sampling Protocols in Lentic and Lotic Systems. *Ecology and Evolution*, vol. 10, no. 3, 2020, pp. 1602–1612.
- ⁱⁱ Bashir, Ishrat, et al. (2020) Concerns and Threats of Contamination on Aquatic Ecosystems. *Bioremediation and Biotechnology*, 2020, pp. 1–26.
- ⁱⁱⁱ Hayes, T. B., et al. (2010) The Cause of Global Amphibian Declines: A Developmental Endocrinologist's Perspective. *Journal of Experimental Biology*, vol. 213, no. 6, 2010, pp. 921–933.
- ^{iv} (2021) State and federally listed endangered and threatened animals of California. *California Natural Diversity Database*.
- ^v Valencia-Aguilar, A., et al. (2013) Ecosystem Services Provided by Amphibians and Reptiles in Neotropical Ecosystems. *International Journal of Biodiversity Science, Ecosystem Services & Management*, vol. 9, no. 3, 2013, pp. 257–272.
- ^{vi} Knapp, R. A., et al. (2016) Large-Scale Recovery of an Endangered Amphibian despite Ongoing Exposure to Multiple Stressors. *Proceedings of the National Academy of Sciences*, vol. 113, no. 42, 2016, pp. 11889–1189.

Deer Hunter of California.

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FISH AND GAME
COMMISSION

Regarding Forest Fire.

2021 APR 27 AM 10:21

I am California Deer hunting for more than 30 years. You people keep complaining about forest fire cost by climate change due to drought. Some is true but most is not.

The most forest fire costing these days is by marijuana planner every time you saw the Facebook Sheriff haul tons of marijuana then in the next two weeks time you will see huge forest burning.

Even though very bad drought but somebody have to lit the fire right fire won't start by it's own.

I been hunting in California for very long time, before marijuana doesn't became legal in California never happend like this.

yes, some forest fire but not happend every year start from September, September and October months that's when the Sheriff start haul people marijuana that's the month when the fire begins.

So it's the California's law maker's fault don't keep blame on climate.

And please don't keep restrict Deer hunter from go into national forest hunt Deer when the season come, because Deer hunter never burn forest, and also Deer hunter contribute million's of dollar to help California to fund the Forest Service ranger. You people get nothing from these marijuana planner.

You people keep restrict Deer hunter soon there's no more Deer hunter and you guy no more fund for Forest ranger too.

So, for those California law maker.

From: MARIE CORBETT
Sent: Friday, April 30, 2021 1:49 PM
To: FGC
Subject: Kill Deer Babies & Gardeners

To Whom It May Concern,

I am in the city of Aliso Viejo in the county of Orange, CA.

It is a shame that the city gardeners (I assume they are from the city of Aliso Viejo) are being told to clear the hillsides including all the spaces around them, when there are baby Kill Deer birds who have spent weeks guarding their eggs & babies on the ground - which is where they nest. I am a hiker in that area, and saw the birds every single day, morning to evening, guarding them. One day I came out and all the area had been cleared, which would have destroyed the nest and killed the babies. This happened a few weeks ago. I am hoping very much, this will not happen again during the springtime, when birds are having babies. Same for tree trimming. Let's get these people on board with how life works in nature.

Thank you in advance for any help getting to the right people.

Marie Corbett

From: Bobby K [REDACTED]
Sent: Tuesday, May 4, 2021 9:21 PM
To: FGC
Subject: Re: Too Late

UPDATE WHAT A CRACK UP..! \$500 measly dollars.. Nicely done.. At least that's the reaction of the people that we told about your unproductive, worthless, one-dimensional \$500 fee for endangering no one. I'm a catch and release guy as well as most everyone that we bring up to Mono Co. I now successfully had three of my friends (8 more people, 19 total) cancel Bridgeport and June Lake reservations this month and in July..!! Make that a fourth person as he just called as we were composing this email.. He was going to be up there this weekend. Hmmmmm. The best part is the inadequate, subtle, and nearly undetectable signage. With no real foresight, warning or consideration to the long standing legal fishing regulations that quietly, sort of the back stage way the regulations were changed over this past winter. Fish and Game does good things in some areas while being all taxpayer funded. This is a shame for the county to change directions like this. Talikg about funding.. Lets, of course, not forget about all of my friends and families monetary support that was going to the Mono county area fishing camping related area businesses.!! KEEP UP THE GOOD WORK....!!!! Consider it a new trend to come .I have several more people to contact about the conduct of Mono County official regulations behavior and enforcement in 2021..We will keep you updated and informed.. .

On Mon, Apr 26, 2021 at 9:33 AM Bobby K <[REDACTED]> wrote:

Yeah. Sorry It's a little late for my friends and family because of the way the your community has adopted these obviously un-welcomed regulations. I now have three groups now canceling their fishing plans. One would think that BIGGER signs and a verbal warning would be the norm. I now know my money is not welcomed here. But I hope my few hundred dollar fine will help the community because now it's costing local businesses and county SEVERAL THOUSAND DOLLARS I was planning to spend each year.. Well done. Keep up the good business practices..!

From: Weinstein, Anna <Anna.Weinstein@audubon.org>

Sent: Monday, May 10, 2021 2:02 PM

To: Ashcraft, Susan@FGC <Susan.Ashcraft@fgc.ca.gov>; FGC <FGC@fgc.ca.gov>; Ramey, Kirsten@Wildlife <Kirsten.Ramey@wildlife.ca.gov>; Greiner, Tom@Wildlife <Tom.Greiner@wildlife.ca.gov>; Weltz, Andrew@Wildlife <Andrew.Weltz@wildlife.ca.gov>; Shuman, Craig@Wildlife <Craig.Shuman@wildlife.ca.gov>

Cc: Shester, Geoff <GShester@oceana.org>

Subject: Pacific herring fishery management plan lessons learned

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Dear Fish and Game Commissioners, Commission staff, and Department of Fish and Wildlife staff,

Audubon and Oceana had the privilege of serving as conservation NGO representatives on California's Herring Fishery Management Plan Steering Committee. The Herring FMP was a unique opportunity that served as a testing ground for new ideas for FMP development and stakeholder engagement, concurrently with the Marine Life Management Act Master Plan Revision. Not only will this FMP benefit the Herring fishery and marine ecosystem, but it can also serve as a model to inform future FMP efforts.

With this in mind, Audubon and Oceana are submitting the attached "Herring FMP Lessons Learned" report. Written from our perspective as conservation NGO stakeholders and Steering Committee participants, the report identifies successful elements of the FMP process as well as an honest appraisal of the main challenges we encountered, with constructive ideas and suggestions for how to improve future FMP processes. We appreciated and were able to incorporate feedback on the document from the Department on earlier drafts.

We hope this document can provide a helpful perspective as the Commission and Department embark in future fishery management processes. We would welcome the opportunity to present and discuss this report at a future Marine Resource Committee or Commission meeting perhaps along with a review of other FMP processes. Specifically, we would like to offer to give a joint presentation at the November 2020 MRC meeting.

Thank you for the opportunity to submit this report. Please let us know if you have any questions or other feedback.

Sincerely,
Anna Weinstein and Geoff Shester

[Anna Weinstein](#)

Director, Marine Conservation
National Audubon Society
Protecting seabirds on the [west coast](#) and [around the nation](#)
C: 510-735-6835

**Herring Hindsight 2021:
Lessons Learned from California's Pacific Herring Fishery Management Plan
Development Process**

Anna Weinstein (Audubon) and Geoff Shester (Oceana) – FMP Steering Committee Members

[Acknowledgement: We appreciate CDFW's informal input and review, which strengthened this report, but note the views herein represent only those of Audubon and Oceana.]

Summary:

California's Pacific Herring Fishery Management Plan (FMP) was a test case for new concepts in the FMP development process. This document represents the best effort of the NGO members of the FMP Steering Committee to characterize the outcomes of this test case. Overall, we consider the FMP successful both in terms of its final adopted content, and as a testing ground. Some new concepts worked exceptionally well and should be considered for use in the development of future FMPs. Other aspects of the process created challenges and learning experiences, and we recommend ways to address these challenges through changes in future FMP efforts. This document summarizes our view of what went well, challenges that arose and what can be learned from them.

Things that worked well and would be valuable in future FMP development efforts

- An FMP Steering Committee comprised of a small group of stakeholder representatives that have buy-in from their constituencies was valuable for building trust, providing early and continued input on the FMP process and content, and navigating the FMP process. This increased external stakeholder buy-in to the FMP process and outcomes, while reducing challenges common to larger committees.
- We identified areas of early agreement on areas of mutual benefit. These included: reducing management/political uncertainty, making ecosystem considerations more explicit, and enshrining precautionary management.
- After these initial agreements, the Steering Committee drafted and agreed upon an FMP Blueprint describing the process, initial agreements, roles, and responsibilities. This important tool outlined the focal components of the FMP and a process and timeline that CDFW and all stakeholders could agree on. It served as a durable and invaluable guide and touchstone through the development process. It was also a compelling fundraising tool because it demonstrated stakeholder collaboration and laid out a pathway from initiation to implementation. The Blueprint was ultimately adhered to by the Steering Committee throughout the process, which in turn helped to build trust among the participants.

- An agreement by the key stakeholders on a conceptual approach to Harvest Control Rule before the FMP was initiated helped to front-load controversy, reduced controversy during the FMP process, and expedited drafting.
- An external Project Management Team was chosen by consensus of the Steering Committee to facilitate Steering Committee meetings, draft sections of the FMP, manage external contractors, and manage the completion of a full draft FMP. The Project Management Team was paid under contract with CDFW through a Fiscal Agent, the California Wildlife Foundation. The Project Management Team had a representative trusted by fishermen who could help facilitate the Steering Committee through areas of disagreement.
- The roles and responsibilities of the Department and the Steering Committee were clearly defined (nine specific responsibilities each) providing invaluable clarity throughout (see attached narrative). In addition, the roles and responsibilities of the Project Management Team were included in its scope of work for the contract, which was reviewed by the Steering Committee. Future FMPs should include these Roles and Responsibilities and other information within a Terms of Reference and/or Blueprint document agreed upon at the outset.
- Contingency plans and sideboards in the event of Steering Committee disagreement were established and agreed upon early on. While consensus was an agreed goal when possible, the Herring FMP Blueprint clearly laid out the process for what happens if consensus on key issue was not reached, partnership erodes, and/or the Steering Committee breaks down (e.g., the Department will continue to make decisions). Hence, the operating model was to strive toward consensus-based decision making yet ensure the Department and/or Commission are ultimate arbitrators if consensus not reached. We developed a process where differing views by Steering Committee members would be reflected in recommendations to the Department, but ultimately the Department had decision-making authority over what was presented to the Commission.
- The Department and Project Management Team acted as facilitators which provided opportunities for Steering Committee stakeholders to fully explain their views and perspectives to each other. For example, the NGOs learned a lot about the precautionary management currently in place that we weren't aware of at the beginning, which helped us buy in.
- The Blueprint included a workplan with explicit junctures, milestones, and checkpoints in each phase of FMP development, providing invaluable clarity. For example:
 - The Steering Committee and Department selected a Project Manager to be contracted by the fiscal agent.
 - A draft scoping document outlined the proposed focal aspects of Pacific herring management to be addressed in the FMP, for example permitting overhaul, harvest control rule development, habitat assessment, etc. The scoping document indicated how resources would be prioritized across the MLMA-required

elements of FMP. These elements were compiled by the Project Management Team.

- The scoping document was approved by Steering Committee and Department.
- The scopes of work for all contracts and chapters were agreed to by Steering Committee in advance, before proceeding.

Challenges, and recommendations to avoid future pitfalls and improve future FMP development processes:

Oversight of Project Management Team

- The Steering Committee unanimously selected a Project Management Team after working with the fiscal agent - the California Wildlife Foundation - to develop and disseminate a Request for Proposals and a competitive bidding process. While some elements were well executed, the Project Management Team at times fell short of contractual obligations. Shortfalls included lack of timely communication with Steering Committee; untimely completion of contracts; incomplete work products, and deviation from agreed upon scope of work for external contracts. One major repercussion of these shortfalls is that the Ocean Science Trust Peer Reviewers did not have a completed Ecosystem Considerations Chapter to evaluate, which resulted in key stakeholder agreements regarding Ecosystem Considerations not being able to move forward in the FMP (see Peer Review Process section below). By the time the Steering Committee realized the section was incomplete, the contract was complete and the money was spent.
- On multiple occasions, contractors did not complete work products by agreed upon timelines, resulting in delays. We recommend stronger accountability checkpoints and contingency plans and reserving a portion of total FMP budgets to address unforeseen circumstances like completing work, getting additional peer reviews, etc. as needs and/or unanticipated challenges arise in the process. We recommend the Blueprint and/or Terms of Reference clearly indicate that the Steering Committee will review draft sections of the FMP and work products to determine whether work is complete, before the process moves to the next stage. Timelines for completion of draft work products should be clear up front, with contingencies built in in the event of unanticipated delays in completing satisfactory work products. If a product will be delayed by more than two weeks, the Steering Committee should be notified so they can recommend the best course of action.

Facilitation, and Documenting Steering Committee Decisions

- There does not necessarily need to be a contracted facilitator, but there needs to be a person involved who is designated as trusted, neutral facilitator to ensure agreements are adhered to and people stay on point. Also, we recommend Steering Committee facilitation be extended throughout the peer review until the FMP is adopted by the Commission.
- On numerous occasions Steering Committee, Project Management Team, and Department participants had different recollections of prior discussions and agreements. There need to be good minutes taken at each meeting that document key decisions that

are agreed upon by Steering Committee members promptly after each meeting. In addition, the meetings could be recorded.

Department Sharing of FMP Drafts with Steering Committee

- The Department shared versions of the draft FMP with peer reviewers, then subsequently to the public without prior review by the Steering Committee. Per the FMP Blueprint, the Steering Committee should have been given the chance to ensure that the completed work by the Project Management Team and Department achieved the agreed upon Scopes of Work, and should have been able to direct revisions prior to sharing with peer review, and then again prior to sharing publicly. We recommend this Steering Committee review step be explicitly included in future FMP Blueprints, and that the timeline for the submission process to the Commission is clear.

Peer Review Process

- Prior to the CDFW formally initiating the development of the FMP, NGO and Industry stakeholders reached an agreement about the conceptual, qualitative approach to a Harvest Control Rule. This can be summarized as our agreeing to the need for a harvest control rule that codified existing management by putting in place a precautionary harvest rate tied to stock condition, and a cutoff to ensure fishing would not occur when the stock was too depressed. The conceptual agreement evolved into a precise Harvest Control Rule, informed by analysis in the FMP process including a formal Management Strategy Evaluation that examined economic and biological trade-offs. Industry and NGOs agreed on a precise rule that included a 15,000 ton hard cutoff, a linearly increasing harvest rate of 5-10%, a maximum harvest amount of 3000 tons, and an area of bounded flexibility according to ecosystem indicators. The condition of these indicators would affect annual quotas (see Appendix). This suite of tools ensured protection of the stock, ecosystem, and provided consistent opportunity to a properly sized fleet.
- Problems arose when the Ecosystem Considerations chapter of the Draft FMP was provided to the peer reviewers in an incomplete form that did not reflect the FMP Blueprint or the expectations and agreements of the Steering Committee. Specifically, the draft FMP provided to the peer reviewers did not provide sufficient guidance, triggers, or criteria for adjusting annual catch limits based on ecological conditions. It had not been seen or reviewed by the Steering Committee to ensure it achieved the agreed upon scope of work. The Peer Review thus unsurprisingly found the guidance and criteria were inadequate. However, instead of correcting the concern by developing clearer guidance and criteria, the Department used the Peer Review conclusions as the basis for abandoning the Steering Committee's agreed upon Harvest Control Rule and replacing it with a substitute harvest control rule that diminished the role of Ecosystem Considerations. By the time this became clear, there was no longer time or funding to improve the guidance and criteria, which could have allowed the Steering Committee's original agreement to proceed while addressing deficiencies identified in the Peer Review. In our view, this undermined the spirit and intent of the Steering Committee's agreement about the Harvest Control Rule.

- Our recommendations to avoid this type of problem in the future are as follows. Before a document is peer-reviewed, it should be a complete draft, including a narrative, that has been approved for review by the Steering Committee and Department.
- We also recommend that future Blueprints or Terms of Reference clearly spell out that for any concerns raised by peer reviewers, the Department, Project Management Team, and Steering Committee should consider the best way to respond and make changes to the FMP to satisfy the peer review. Discretionary funding should be built into the budget and available for this purpose, particularly if the response to the peer review requires additional analysis or work. In addition, the contracts with the peer reviewers should include a second phase of review for the purpose of determining whether the peer review has been sufficiently addressed. The FMP should not proceed until it satisfies peer reviewer concerns in the opinion of the reviewers. This approach would make the state consistent with the federal process at the Pacific Fishery Management Council, through analysis and vetting at STAR panels and the Science and Statistical Committees.
- There were issues with the transparency of Peer Review Report. FMP Chapters were not posted on the Ocean Science Trust website for public to compare peer review with work product. This meant that the public only saw the review of the document, but not the document itself. The draft FMP that was reviewed should be publicly available at the time of peer review. If the FMP is not complete, then wait until it is completed and publicly available even if that means extending the timeline.

Stakeholder Concerns During FMP Adoption

- Issues arose with both commercial Herring Eggs on Kelp (HEOK), and Recreational interests. For recreation, the DFW had conducted robust scoping and public outreach to recreational herring fishermen, through interviews, a survey and a town hall. Yet, at the adoption phase, recreational fishermen came forward with new proposals that had not previously been considered. That is out of the control of the Department and it is unclear to us what could fix that for future FMPs, as the public can always behave unpredictably. For HEOK, the Blueprint stated that Industry members of the Steering Committee were charged with ensuring this sector was represented. This functioned well, until the DFW did not share with the Steering Committee its solution for HEOK regulation changes. Specifically, the Steering Committee did not have an opportunity to review the draft FMP before it was submitted to the Commission. While these issues were raised during the Steering Committee process and in Town Halls, the Department directed the Steering Committee not to address HEOK and assured the Steering Committee that the FMP would address these commercial stakeholder concerns. This led to the need for additional rulemaking following the adoption of the FMP.
- We recommend the Steering Committee directly address issues raised by stakeholders in the scoping and public comment processes. If the Department wishes to propose its own solutions, the Steering Committee should evaluate those and provide an opportunity for stakeholders to respond to proposed solutions before the draft FMP is provided to the Commission.

- However, some issues may not be resolved, and difficult policy decisions must ultimately be made. We recommend for these situations that the Steering Committee clearly lay out the considerations and ensure that the draft FMP provides a range of alternatives for Commission consideration that reflects stakeholder requests.

Summary Table: FMP Elements Tested, Anticipated Outcomes, and Actual Outcomes

Pacific Herring FMP development Element	Anticipated Outcome	Actual Outcome/Result
Creating an FMP blueprint as an initial step	Blueprint will provide bounds on scope and budget, while mustering stakeholder support. Useful funding tool.	This was an invaluable component of the process. It kept the Steering Committee together and allowed stakeholders to overcome unexpected process obstacles that arose, even in the context of a very low stock size. Stakeholders all attempted to keep the process true to the initial blueprint. The Blueprint was the key factor in getting CDFW support and raising sufficient funding to initiate and complete the FMP.
Allocating large portions of FMP drafting responsibility to contractors.	Minimize direct FMP costs to the Department while retaining Department authority for approval of content.	Reduced costs to Department. Ultimately, some FMP contracting by contractors was unsatisfactory as described above.
Heavy investment in an external non-Department project manager who works closely with Department staff.	Provide consistent project management and assume the associated workload, which gains Department support for developing a herring FMP.	PMT did the bulk of drafting. Conservation members of Steering Committee disagreed with some decisions of PM regarding contract management and priorities.
Agreement by major constituents on a conceptual approach to Harvest Control Rule before FMP is initiated- e.g., front load controversy.	Move FMP processes forward with reduced controversy and expedited drafting.	Initial agreement served as basis for Steering Committee agreement on HCR, which was further informed by a Management Strategy Evaluation analysis. The Steering Committee agreement was able to reach consensus due to the early conceptual agreement.
Majority of funding comes from outside groups, based on stakeholder interest.	Allow Department to be responsive to stakeholder requests at reduced Department cost.	External fundraising was successful. However, there are concerns if the raised funds fail to cover costs. It would have been good to keep some funds available for unexpected gaps or incomplete sections.

Accounting for existing protections of spawning habitat through explicit descriptions and analyses in the FMP.	Provide clarity to public on status of existing protections which can reduce future conflicts between agencies and the fleet and between public interests and the fleet.	New maps and analysis done as part of the FMP help clarify existing protections.
Harvest Control Rule that is simple, integrates ecosystem considerations, and provides bounded flexibility.	Reduce annual Department workload associated with rulemaking, establish clearer stakeholder expectations, and reduce conflict.	This is anticipated to reduce Dept workload as rulemaking no longer required. There will still be some work associated with compiling data and applying harvest control rule.
Small, focused stakeholder steering committee provides early and continued input on the FMP process and content.	Increase stakeholder buy-in to FMP process and outcomes, while reducing challenges common to larger committees.	This was successful among those involved. Recreational surveys and Town Hall Meetings provided additional opportunities for stakeholder input.
Department retains responsibility for submitting approved draft to FGC.	Share the workload associated with FMP drafting while maintaining public accountability and transparency.	This proved to be important to keep the process moving forward, however, stakeholders experienced problems with the Department not sharing its proposed edits until it nearly became too late. A clear timeline should be available to stakeholders that includes the opportunity to respond to Department's proposed edits.
Narrowing the scope of areas of key focus early to FMP workload on specific priority areas, while still achieving minimum MLMA requirements.	Make FMP processes efficient and the document shorter, requiring less editing/revision at later stages.	This was successful and should be retained in future processes; it helps prioritize funding and reduce overall budget, while being responsive to stakeholder and management priorities. It is always important, however, to be able to address new things that may not come up at first. Habitat, HCR, and ecosystem considerations were identified from among all MLMA required elements as priorities, allowing us to focus. We picked a subset by providing minimum to ensure bases are covered. Blueprint articulated this.
Annual quota-setting moved to authority of Director instead of Commission.	Streamlines the annual quota setting process, reducing Commission workload, while constraining annual decision making with a harvest control rule established in the FMP.	There is general agreement this is a preferable outcome for the Commission, Dept, and Stakeholders relative to the pre-FMP quota setting process. We anticipate this will streamline the quota-setting process due to the narrowed bounds for discretion and the absence of annual rulemaking.

Appendix: Initial Harvest Control Rule agreement for Pacific Herring management in San Francisco Bay by the FMP Steering Committee, informed by results from Management

Strategy Evaluation and FMP analysis. Note, this version was not adopted in the FMP, but is included for reference in Appendix R to the FMP.

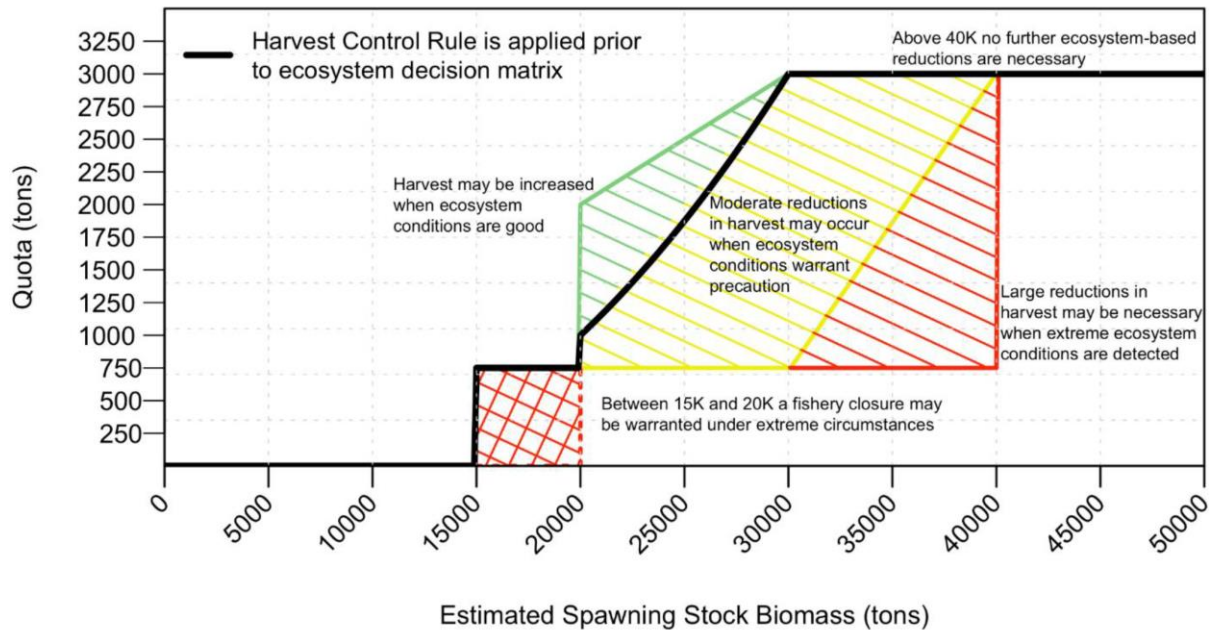


Figure R-2. Initial Harvest Control Rule framework, as proposed by the SC.

From: Valerie Margerum <[REDACTED]>
Sent: Tuesday, May 25, 2021 3:04 PM
To: FGC
Subject: RE: PLEASE HELP PROJECT OUR JOSHUA TREES

Joshua Trees are sacred and NEED to be protected. They are worth infinitely more than another beige block of suburbia. Please read below and take action to save and protect these desert treasures.

This important species is under a barrage of threats, including climate change impacts, wildfire risk, and large-scale development projects. Four published studies have concluded that without intervention, climate change alone creates a high risk of losing western Joshua tree habitat almost entirely.

The presence of the western Joshua tree benefits our economy. Its iconic presence attracts people to visit, live and work in the high desert. Its protection will encourage responsible development, preventing urban sprawl and overcrowding, increase property values, and preserve the rural quality of life which attracts people to our area.

While some protection is provided by local ordinances, these are inadequate to respond to the multitude of threats that could lead to its disappearance. Not all Joshua trees are within National Park and National Monument boundaries. In fact, 40% of Joshua tree habitat is on private land, where it has only modest protection at best. · We are at a critical juncture for the western Joshua tree. A collection of scientific studies predict the widespread decline of this iconic endemic species.

Joshua trees don't grow anywhere else on Earth. They attract visitors and new residents which, in turn, support our economy. In 2018, visitors to the National Park created an economic benefit of nearly \$196 million both within the Park and its vicinity — that's almost double the expenditure in 2014. For the local communities adjacent to the Park, 1,823 jobs were related to visitation.

Attracted by the area's scenic beauty and Joshua trees, the real estate market in the Joshua Tree region has steadily increased. New residents generally are not seeking a home in densely developed areas such as a subdivision, but instead are looking for a more rural lifestyle, ideally with proximity to the National Park, and Joshua trees are a very desirable feature.

We recognize that the rapid growth of our communities and the dramatic increase in visitation at the National Park has resulted in its own issues such as traffic. These issues need to be addressed, but protection of the Joshua tree will help, not hurt our communities. Its listing will encourage local governments to develop a regional approach to conservation through a Natural Communities Conservation Plan. These plans focus on the conservation of large undeveloped areas, while encouraging new development on vacant land in already developed areas. This helps prevent sprawl and overdevelopment.

From: info@fishemeryville.com
Sent: Monday, May 31, 2021 12:51 PM
To: Bartling, Ryan@Wildlife
Cc: Juhasz, Christy@Wildlife; FGC
Subject: Recreational Crab Regulations

California Fish and Wildlife Commission,

At the December 9, 2020 meeting the Commission recommended changes to sections (29.80, 29.85, and 701, Title 14, CCR) related to Recreational Dungeness Crab. In spite of the near unanimous testimony from recreational anglers and the CPFV community in opposition of the changes, the Commission approved several changes which are detrimental to the fishery and marine life. At the epicenter of the disagreement were two primary regulations which the Recreational and CPFV community continue to ask the Commission to reconsider, remove or postponed for further discussion.

1. Creation of a new \$2.50 "Recreational Crab Trap Validation" tag for one day and annual license holders. The Commission's justification for the Trap Validation is *"to identify sport fishers that use crab traps so that the Department could conduct outreach on entanglement minimization efforts and collect essential fishery information"*. The CPFV community offered testimony stating the unnecessary and punitive cost the tag is for charter boat anglers. Anglers aboard a CPFV offer little insight into crabbing activity and are a poor, inconsistent source of insight related to marine life and whale entanglement prevention. Additionally CPFV currently submit daily data on catch rate, overall harvest and location through their electronic logbooks. Log Books data contains the number of anglers on board, number of crab harvested and fishing block location. Logbooks have been required for over 25 years and provide superior information compared to the Commercial fishery or private boat crabber. A CPFV customer should be exempt from a Trap Validation tag while fishing aboard a CPFV vessel. An alternative to the individual trap validation would be a CPFV "Crab Stamp", a suggestion made by several boat owners and a superior alternative.

It should also be pointed out 5 months into 2021, the Trap Validation remains unavailable for anglers to purchase from DFW. Expect an abundance of enforcement issues in November should the Commission fail to postpone pending legislation.

1. Recreational gear marking changes. In an effort to identify recreational crab gear, new regulations will require a single red buoy to be added to each recreational crab pot. An additional buoy increases the risk of marine life entanglement and is counter productive to the Departments mandate to reduce entanglements. Use of a buoy tag, similar but identifiably different from Commercial Crab buoy tags, is a superior option at a much lower risk to marine life.

It should be noted that the CPFV Dungeness crab community was the first crab fishery in the State to operate under a vessel pot limit. As verified by NOAA, the California CPFV fleet has a perfect record of ZERO entanglements in 21+ years of record keeping. This is a fishery which checks its gear regularly, fishes a limited amount of pots and fishes less than 2 months. "Crab Combo's" have become the fleets #1 requested trip, far out distancing King salmon. We ask the Commission to reconsider additional fees and gear changes that create financial hardship and increase risk to marine life.

Sincerely,

Andrew Guiliano
www.FishEemryville.com

From: Kooz <[REDACTED]>
Sent: Tuesday, June 1, 2021 5:00 PM
To: OAL Reference Attorney; Donnelly, John@Wildlife; FGC
Subject: Hydraulic Pumps for Clams Temp Ban - Thank you!

To whom it may concern,

My wife and I just enjoyed a beautiful Memorial Day paddle boarding in Tomales Bay and we found some clam beds! We didn't take any because I didn't know the regulations and so when I returned, I read up on them. But what caught my attention are these hydraulic pumps when foraging for clams and I don't find them very sporting: I really hope this ban becomes permanent because it seems too destructive and it could potentially ruin shellfish foraging for future generations. Thank you and keep up the good work!

Frank Kusiak
[REDACTED]

From: Russell Marlow <rmarlow@caltrout.org>
Sent: Tuesday, June 1, 2021 3:23 PM
To: FGC
Subject: Southern California Steelhead - Petition to List Submission

Good Afternoon,

California Trout, Inc. is in the final stages of finalizing our petition to list Southern steelhead as endangered under CESA.

I have not found any guidance or the requirement for alerting the Commission about the pending submission, but was advised by senior staff that an advance alert may be useful.

We appreciate all of the hard work the commission carries out and look forward to working with you on this petition.

If you have any questions or comments and would like to speak, please do not hesitate to reach out.

Thank you,

Russell Marlow
CalTrout Program Manager - Ventura Office
21 South California St
Suite 305
Ventura CA 93001
P: 734.652.3827