

**Commissioners**  
**Peter S. Silva**, President  
Jamul

**Samantha Murray**, Vice President  
Del Mar

**Jacque Hostler-Carmesin**, Member  
McKinleyville

**Eric Sklar**, Member  
Saint Helena

**Erika Zavaleta**, Member  
Santa Cruz

STATE OF CALIFORNIA  
Gavin Newsom, Governor

## Fish and Game Commission



*Wildlife Heritage and Conservation  
Since 1870*

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### Meeting Outcomes for June 16-17, 2021

This document was prepared by staff as a courtesy to the public.

Official meeting minutes – video and audio recordings – may be obtained at [www.cal-span.org](http://www.cal-span.org).

- 1. Consider approving agenda and order of items**  
***The Commission approved the agenda, continued item 16 to a future meeting, and moved item 28 to the end of the first day.***
- 2. General public comment for items not on the agenda**  
***No action taken.***
- 3. Five-year private lands wildlife habitat enhancement and management (PLM) plans**  
Consider approving five-year PLM plans and 2021-2025 licenses for six properties.  
(Pursuant to Section 601, Title 14, CCR)  
***The Commission approved the five-year plans.***
- 4. Annual PLM plans**  
Consider approving annual PLM plans and 2021/2022 licenses for 37 properties.  
(Pursuant to Section 601, Title 14, CCR)  
***The Commission approved the annual plans.***
- 5. Initial PLM plans**  
Consider approving initial PLM plans and 2021-2025 licenses for two properties.  
(Pursuant to Section 601, Title 14, CCR)  
***The Commission approved the initial plans.***
- 6. Western Joshua Tree**  
Consider approving the Department's request for a six-month extension to deliver the one-year status review report on the petition to list western Joshua tree (*Yucca brevifolia*) as a threatened or endangered species under the California Endangered Species Act (CESA). (Pursuant to Section 2074.6, Fish and Game Code)  
***The Commission approved a six-month extension.***

**7. Duck stamps**

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

***The Commission approved the proposed projects.***

**8. California bighorn sheep**

Receive an overview of the Department's five-year status review of California bighorn sheep (*Ovis canadensis californiana*, also known as Sierra Nevada bighorn sheep) which is listed as endangered under CESA. (Pursuant to Section 2077, Fish and Game Code) Note: Findings will be adopted at a future meeting.

***No action taken.***

**9. Clara Hunt's milkvetch**

Consider the petition, Department's status review report, and comments received to determine whether listing Clara Hunt's milkvetch (*Astragalus claranus*) as an endangered species under CESA is warranted. (Pursuant to sections 2075 and 2075.5, Fish and Game Code) Note: Findings will be adopted at a future meeting.

***The Commission found listing Clara Hunt's milkvetch as an endangered species under CESA is warranted.***

**10. Upper Klamath-Trinity river spring Chinook salmon**

Consider the petition, Department's status review report, and comments received to determine whether listing upper Klamath-Trinity river spring Chinook salmon (*Oncorhynchus tshawytscha*) as a threatened or endangered species under CESA is warranted. (Pursuant to sections 2075 and 2075.5, Fish and Game Code)  
Note: Findings will be adopted at a future meeting.

***The Commission found listing upper Klamath-Trinity river spring Chinook salmon as a threatened species under CESA is warranted.***

**11. Northern California summer steelhead**

Consider the petition, Department's status review report, and comments received to determine whether listing northern California summer steelhead (*Oncorhynchus mykiss irideus*) as a threatened or endangered species under CESA is warranted. (Pursuant to sections 2075 and 2075.5, Fish and Game Code)  
Note: Findings will be adopted at a future meeting.

***The Commission found listing northern California summer steelhead as an endangered species under CESA is warranted.***

**12. General public comment for items not on the agenda**

Receive public comment regarding topics within the Commission's authority that are not included on the agenda. Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

***No action taken.***

**13. Committee assignments**

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

***The Commission made committee assignments:***

- ***Marine Resources – Vice President Murray and Commissioner Sklar***
- ***Wildlife Resources – President Silva and Commissioner Zavaleta***
- ***Tribal – Jacque Hostler-Carmesin (other commissioners will rotate participation as “visiting” commissioners)***

**14. Executive director's report**

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

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

***Directed staff to work with President Silva to develop letters of support for legislative concepts, including; (1) ensuring California tribes can be granted funds and enter into agreements, loans or contracts with the state to the same extent as any public or private entity, (2) increasing cross-agency attention to and consideration of biodiversity goals, and (3) reducing plastics at the source, promoting product and packaging reusability, and funding clean-up of plastic pollution.***

***Provided direction to staff regarding incorporating concepts such as cultural and tribal benefits and impacts into the draft committee prioritization tool, and directed staff to begin using the draft tool to evaluate projects.***

**15. Department informational items: Director's and Law Enforcement Division reports**  
The Department will highlight items of note since the last Commission meeting.

***No action taken.***

**16. Experimental Fishing Permit (EFP) Program Phase II**

Consider authorizing publication of notice of intent to establish the Experimental Fishing Permit (EFP) Program Phase II. (Add Section 91, amend sections 90, 120.1, 149, 180, and 704, and repeal Section 149.3, Title 14, CCR)

***Item rescheduled to a future FGC meeting.***

**17. Justice, equity, diversity and inclusion**

Receive and discuss an update on developing the justice, equity, diversity and inclusion plan.

***No action taken.***

**18. Wildlife Prosecutor of the Year**

Announce recipient of the Commission's annual Wildlife Prosecutor of the Year award, consistent with the Commission's policy adopted in 2016.

***Announced Lake County Deputy District Attorney Richard Hinchcliff as the recipient for 2020.***

**19. Tribal Committee**

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on August 17, 2021.

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

***The Commission approved the proposed agenda topics for the next meeting.***

**20. Department informational item: Wildlife and Fisheries Division, and Ecosystem Conservation Division**

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

- (A) Impacts of drought conditions

***No action taken.***

**21. Wildlife Resources Committee**

Receive summary and consider approving recommendations from the May 11, 2021 committee meeting. Discuss referred topics and consider revisions to topics and timing.

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

***No action taken.***

**22. Department informational item: Marine Region Report**

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

- (A) Update on detection of invasive marine algae species, *Caulerpa prolifera*, in Newport Harbor
- (B) Update on marine aquaculture state water bottom leases and projects under review
- (C) Update on annual recreational ocean salmon and Pacific halibut regulations established through automatic conformance to federal regulations.

***No action taken.***

**23. Marine Resources Committee**

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on July 21, 2021.

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

***The Commission updated the committee work plan and approved the proposed agenda topics for the next meeting.***

**24. Items of interest from previous meetings**

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

- (A) Urban coyote workshops

***No action taken.***

**25. Petitions for regulation change received at previous meetings**

Consider whether to grant, deny, or refer for additional review petitions for regulation change received under general public comment at previous meetings.

Note: New petitions for regulation change will be received under general public comment. Any petitions granted today will be added to the Commission's rulemaking calendar for development and future consideration. (Pursuant to Section 662, Title 14, CCR)

- (A) Action on current petitions
  - I. Petition #2020-011: Request to restore recreational and commercial red abalone harvest, San Miguel Island
  - II. Petition #2021-003: Request to change East Walker River special fishing regulations
  - III. Petition #2021-004: Request to remove *Xenopus amietae* from the restricted species list

***The Commission referred all three petitions to the California Department of Fish and Wildlife for review and recommendation.***

- (B) Action on pending regulation petitions referred to staff or the Department for review
  - I. Petition #2020-011: Request to establish limited entry and precautionary regulations for commercial coonstripe shrimp trap fishery

***The Commission denied the petition.***

**26. Non-regulatory requests from previous meetings**

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

- (A) Action on non-regulatory requests
- (B) Action on pending non-regulatory requests referred to staff or the Department for review – *None scheduled at this time*

***The Commission referred all three requests to the California Department of Fish and Wildlife for review and recommendation.***

**27. Commission administrative items**

- (A) Rulemaking timetable updates

***The Commission approved the proposed amendments.***

(B) Next meeting – August 18-19, 2021

***The Commission approved the draft agenda items for its August 18-19, 2021 meeting, with a modification to receive the legislative report as a separate agenda item.***

(C) Discuss draft meeting dates and locations for 2022

***No action taken.***

(D) New business

***No action taken.***

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

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

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

***The Commission added to the August 18-19, 2021 Commission meeting agenda an item to consider authorizing notice to amend the regulations.***

## **EXECUTIVE SESSION**

(Not Open to Public)

At a convenient time during the regular agenda of the meeting listed above, the Commission will recess from the public portion of the agenda and conduct a closed session on the agenda items below. The Commission is authorized to discuss these matters in a closed session pursuant to Government Code Section 11126, subdivisions (a)(1), (c)(3), and (e)(1), and Fish and Game Code Section 309. After closed session, the Commission will reconvene in public session, which may include announcements about actions taken during closed session.

- (A) Pending litigation to which the Commission is a Party
- I. Almond Alliance of California et al. v. California Fish and Game Commission and California Department of Fish and Wildlife (bumble bees California Endangered Species Act determination)
  - II. The Ballona Wetlands Land Trust v. California Fish and Game Commission (Ballona Wetlands Ecological Reserve petition for regulation change)
  - III. California Construction and Industrial Materials Association et al. v. California Fish and Game Commission (western Joshua tree California Endangered Species Act determination)
  - IV. Albert Thomas Paulek v. California Fish and Game Commission (CEQA determination regarding Section 749.10, Title 14, CCR authorizing take of western Joshua tree under section 2084)

- V. Albert Thomas Paulek v. California Fish and Game Commission (CEQA determination regarding Sections 749.11 and 749.12, Title 14, CCR authorizing take of western Joshua tree under section 2084)
  - VI. Fall River Conservancy and California Trout v. California Fish and Game Commission and California Department of Fish and Wildlife (CEQA determination regarding amendments to inland trout regulations)
- (B) Possible litigation involving the Commission
  - (C) Staffing
    - I. Executive director performance review process
  - (D) Deliberation and action on license and permit items

***The Commission recessed to executive session. The deliberations and actions in executive session are generally not reported.***