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STATE OF CALIFORNIA  
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## Fish and Game Commission



*Wildlife Heritage and Conservation  
Since 1870*

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### Meeting Outcomes for August 18, 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 and continued items 5, 6, 13 and 14 to a future meeting.***

#### 2. General public comment for items not on the agenda

***No action taken.***

#### 3. Southern California steelhead

- (A) Receive a petition to list southern California steelhead (*Oncorhynchus mykiss*) as an endangered species under the California Endangered Species Act (CESA). (Pursuant to Section 2073.3, Fish and Game Code, and Section 670.1(c), Title 14, CCR)
- (B) Consider approving the Department's request for a 30-day extension to review the petition to list southern California steelhead (*Oncorhynchus mykiss*) as an endangered species under CESA. (Pursuant to Section 2073.5, Fish and Game Code)

***The Commission approved the 30-day extension.***

#### 4. Lime Ridge eriastrum

- (A) Receive a petition to list Lime Ridge eriastrum (*Eriastrum erterae*) as an endangered species under CESA. (Pursuant to Section 2073.3, Fish and Game Code, and Section 670.1(c), Title 14, CCR)
- (B) Consider approving the Department's request for a 30-day extension to review the petition to list Lime Ridge eriastrum (*Eriastrum erterae*) as an endangered species under CESA. (Pursuant to Section 2073.5, Fish and Game Code)

***The Commission approved the 30-day extension.***

5. **San Bernardino kangaroo rat**  
Receive the Department's one-year status review report on the petition to list San Bernardino kangaroo rat (*Dipodomys merriami parvus*) as an endangered species under CESA.  
(Pursuant to Section 2074.6, Fish and Game Code)  
***This item was rescheduled to a future Commission meeting.***
  
6. **Desert pupfish**  
Receive the Department's five-year status review report for desert pupfish (*Cyprinodon macularius*), which is listed as endangered under CESA.  
(Pursuant to Section 2077, Fish and Game Code)  
***This item was rescheduled to a future Commission meeting.***
  
7. **Pacific leatherback sea turtle**  
Receive the Department's one-year status review report on the petition to list Pacific leatherback sea turtle (*Dermochelys coriacea*) as endangered under CESA  
(Pursuant to Section 2074.6, Fish and Game Code)  
***No action taken.***
  
8. **White Seabass Fishery Management Plan**  
Receive the Department's White Seabass Fishery Management Plan 2019-2020 Annual Review report.  
(Pursuant to Section 5.9, White Seabass Fishery Management Plan)  
***No action taken.***
  
9. **Executive director's report**  
Receive updates from the executive director on staffing, actions taken under delegated authorities, the upcoming office move, and other information of interest.  
***No action taken.***
  
10. **Department informational items: Reports from the Director, Wildlife and Fisheries Division, Ecosystem Conservation Division, and Law Enforcement Division**  
The Department will highlight items of note since the last Commission meeting.  
***No action taken.***
  
11. **Wildlife Resources Committee**  
Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on September 16, 2021.
  - (A) Committee work plan
  - (B) Next committee meeting***The Commission approved the proposed agenda topics for the next Wildlife Resources Committee meeting.***

**12. Clara Hunt's milkvetch**

Consider ratifying findings on the decision to change the listing status of Clara Hunt's milkvetch (*Astragalus claranus*) from threatened to endangered under CESA.  
(Pursuant to Section 2075.5, Fish and Game Code)

***The Commission ratified findings supporting its previous decision that listing Clara Hunt's milkvetch as an endangered species under CESA is warranted.***

**13. Northern California summer steelhead**

Consider ratifying findings on the decision to list northern California summer steelhead (*Oncorhynchus mykiss irideus*) as endangered under CESA.  
(Pursuant to Section 2075.5, Fish and Game Code)

***This item was rescheduled to a future Commission meeting.***

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

Consider ratifying findings on the decision to list upper Klamath-Trinity river spring Chinook salmon (*Oncorhynchus tshawytscha*) as threatened under CESA.  
(Pursuant to Section 2075.5, Fish and Game Code)

***This item was rescheduled to a future Commission meeting.***

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

Consider authorizing publication of notice of intent to continue the Klamath River Basin spring Chinook salmon (*Oncorhynchus tshawytscha*) special regulations.  
(Amend subsection 7.40(b)(50) and repeal subsection 7.40(b)(51), Title 14, CCR)

***The Commission directed staff to file a non-substantive rulemaking change to retain and relocate the provisions of the Special Order Regarding Take of Chinook Salmon in Anadromous Waters of the Klamath River Basin Downstream of Iron Gate and Lewiston Dams.***

**16. Department informational item: Marine Region report**

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

- (A) Recreational crab fishing validation stamps
- (B) Eradication of invasive *Caulerpa prolifera* in Newport Bay
- (C) Marine protected area network 2022 decadal management review

***No action taken.***

**17. Marine Resources Committee**

Receive summary and consider approving recommendations from the July 21, 2021 committee meeting. Discuss referred topics and consider revisions to topics and timing.

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

***The Commission approved two Marine Resources Committee recommendations:***

- 1. Pink shrimp fishery management plan (FMP): Schedule consideration of a draft pink shrimp FMP as proposed by the California Department of Fish and Wildlife (CDFW), including language to make Section 8842(b) of the California Fish and Game Code inoperable to eliminate ambiguity surrounding trawling in state waters; schedule hearings on a timeline to be determined; and request that CDFW propose a schedule for FMP approval and adoption of implementing regulations that account for FMP requirements and regulatory staff capacity.***
- 2. Commercial harvest of bull kelp: Support proposed regulation measures for commercial bull kelp harvest as recommended by CDFW, including a closure sunset date of between 3–5 years, and schedule a rulemaking on a timeline to be determined.***

***Additionally, the Commission requested that DFW incorporate in the commercial harvest of bull kelp regulation measures a range of 0-2000 pounds of bull kelp harvest in Mendocino and Sonoma counties combined, to allow for additional discussions regarding level of harvest.***

**18. 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)

***The Commission authorized the publication of notice of intent to establish the Marine Fisheries Experimental Fishing Permit (EFP) Program.***

**19. Commercial kelp harvest permit**

Consider approving permit for Lance (Jeff) Maassen to commercially harvest *Sargassum horneri* at Anacapa Island, Ventura County, and Santa Rosa Island, Santa Barbara County, and approve permit conditions and royalty fee.

(Pursuant to subsection 165(f)(1), Title 14, CCR)

***After presentations, public comment, and discussion, the Commission continued this item to its October 13-14, 2021 meeting.***

**20. Annual tribal planning meeting**

Report on the annual tribal planning meeting held in July 2021 pursuant to the Commission's Tribal Consultation Policy.

***No action taken.***

**21. Tribal Committee**

Receive summary and consider approving recommendations from August 17, 2021 committee meeting. Discuss referred topics and consider revisions to topics and timing.

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

***Approved recommendations from the Tribal Committee, and approved changes to the work plan as recommended by the committee, removing the item on pinnipeds and adding a definition of tribal subsistence.***

**22. Legislation and Other Agency Regulations**

Receive updates on recent legislative activity, status of letters of support, and regulatory actions under consideration by other agencies. Consider providing direction to staff on potential actions.

***The Commission directed staff to reach out to the California Air Resources Board to gather more information on proposed amendments to commercial harbor craft regulations and to return with more information at the Commission's October 13-14, 2021 meeting.***

**23. Committee workload prioritization**

Receive an update on committee prioritization project/workload prioritization tool.

***The Commission directed staff to continue applying the workload prioritization tool to Marine Resources Committee projects and bring additional results to the Commission in October.***

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

Receive update on justice, equity, diversity, and inclusion (JEDI) plan implementation, discuss concepts for JEDI policy, and consider approving a working JEDI vision statement.

***Directed staff to develop two options for a JEDI vision statement for the October Commission meeting and to begin developing a draft JEDI policy statement based on Commission feedback. 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 are generally received under general public comment. Any petitions granted today will be added to the Commission's rulemaking calendar for development and future consideration.

(Pursuant to Section 662, Title 14, CCR)

(A) Action on current petitions

- I. Petition 2021-005: Request to revise fishing regulations for Alameda Creek tributaries and San Antonio and Calaveras reservoirs
- II. Petition 2021-006: Request to revise deer tag fee structure
- III. Petition 2021-007: Request to revise authorized methods of take and designation for wild pig
- IV. Petitions 2021-008, 2021-009, 2021-011, and 2021-012: Request to change East Walker River special fishing regulations

***The Commission referred petitions 2021-005, 2021-006, and 2021-007 (in part) to the California Department of Fish and Wildlife for review and recommendation.***

***The Commission denied petition 2021-007 (in part).***

***The Commission denied petitions 2021-008, 2021-009, 2021-010, 2021-011, and 2021-012 based on evaluations and recommendations described in the staff summary for this agenda item.***

(B) Action on pending regulation petitions referred to staff or the Department for review

- I. Petition 2021-003: Request to change East Walker River special fishing regulations

***The Commission denied Petition 2021-003 based on evaluations and recommendations as described in the staff summary for this agenda item.***

**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

***The Commission adopted the recommendations as reflected in Exhibit A1.***

**27. Commission administrative items**

(A) Rulemaking timetable updates

***The Commission approved the proposed amendments to the rulemaking timetable.***

(B) Next meeting – October 13-14, 2021

***The Commission approved the draft agenda items for its October 13-14, 2021 meeting, with modifications to remove the Pink Shrimp Fisheries Management Plan and to add continuation of the commercial kelp harvest permit discussed today.***

(C) Discuss and consider adopting proposed meeting dates and locations of Commission and committee meetings for January through December 2022.  
(Pursuant to Section 110, Fish and Game Code)

***The Commission approved the proposed 2022 Commission and committee meeting dates and locations.***

(D) New business

***No action taken.***

Adjourn

## EXECUTIVE SESSION

(Not Open to Public)

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

- (A) Pending litigation to which the Commission is a Party
  - I. Almond Alliance of California et al. v. California Fish and Game Commission and California Department of Fish and Wildlife (bumble bees California Endangered Species Act determination)
  - II. The Ballona Wetlands Land Trust v. California Fish and Game Commission (Ballona Wetlands Ecological Reserve petition for regulation change)
  - III. California Construction and Industrial Materials Association et al. v. California Fish and Game Commission (western Joshua tree California Endangered Species Act determination)
  - IV. Albert Thomas Paulek v. California Fish and Game Commission (California Environmental Quality Act 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.***