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Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

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REVISED* MEETING AGENDA **December 15-16, 2021**

Webinar and Teleconference

Pursuant to Government Code Section 11133, the California Fish and Game Commission is conducting this meeting by webinar and teleconference. Commission members will participate remotely. The public may provide public comment during the public comment periods and otherwise observe remotely, consistent with the Bagley-Keene Open Meeting Act.

***This agenda was revised on December 3 to amend items 17(A), 24, 29(A) and 29(C).**

The meeting will be live streamed; visit www.fgc.ca.gov the day of the meeting to watch or listen. To provide public comment during the meeting, please join via Zoom Webinar or by telephone; [click here for instructions on how to join](#) or visit www.fgc.ca.gov/meetings/2021.

Note: See important meeting deadlines and procedures, including written public comment deadlines, starting on page 10. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.

DAY 1 – December 15, 2021, 9:00 AM

CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM

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

GENERAL PUBLIC COMMENT

- 2. General public comment for items not on the agenda**

Receive public comment regarding topics within the Commission's authority that are not included on the agenda. New petitions for regulation change submitted since the previous meeting are received under this item.

Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

CONSENT ITEMS

Note: Items on the consent calendar are expected to be routine and non-controversial. After public comment, the Commission will consider approving items on the consent calendar in a single vote without discussion. The presiding commissioner may choose to remove any item from the consent calendar and allow a separate discussion and potential action on that item in response to a request by a Commission member, staff, or an interested person.

3. Temblor legless lizard

Receive a petition to list Temblor legless lizard (*Anniella alexanderae*) as endangered or threatened under the California Endangered Species Act (CESA).
(Pursuant to Section 2073.3, Fish and Game Code)

4. Southern California steelhead

Receive the Department's 90-day evaluation report on the petition to list southern California steelhead (*Oncorhynchus mykiss*) as endangered under CESA.
(Pursuant to Section 2073.5, Fish and Game Code)

5. Lime Ridge eriastrum

Receive the Department's 90-day evaluation report on the petition to list Lime Ridge eriastrum (*Eriastrum eritterae*) as endangered under CESA.
(Pursuant to Section 2073.5, Fish and Game Code)

6. Shasta snow-wreath

Receive the Department's one-year status review report on the petition to list Shasta snow-wreath (*Neviusia cliftonii*) as endangered under CESA.
(Pursuant to Section 2074.6, Fish and Game Code)

7. 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 endangered under CESA.
(Pursuant to Section 2074.6, Fish and Game Code)

8. Western Joshua tree

- (A) Discuss and consider adopting a 90-day extension of emergency regulations for a process to take western Joshua tree (*Yucca brevifolia*) during the CESA candidacy period. (Amend Section 749.11, Title 14, CCR; pursuant to sections 399 and 2084, Fish and Game Code)
- (B) Discuss and consider adopting a 90-day extension of emergency regulations for incidental take of a limited number of western Joshua tree during its candidacy period under certain circumstances. (Amend Section 749.12, Title 14, CCR; pursuant to sections 399 and 2084, Fish and Game Code)

DISCUSSION, ACTION, AND INFORMATIONAL ITEMS

9. Commission executive director and Department reports

Receive updates on items of note since the previous Commission meeting.

- (A) Commission executive director's report
- (B) Department director's and Law Enforcement Division reports.
 - I. Management actions to protect whales and sea turtles
(Pursuant to subsection 29.80(c)(7)(G), Title 14, CCR)

- 10. 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)
- 11. 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)
Staff will recommend that this item be continued to a future meeting.
- 12. Waterfowl hunting**
 Consider authorizing publication of notice of intent to amend waterfowl hunting regulations.
 (Amend Section 502, Title 14, CCR)
- 13. Big game preference points reinstatement and tag refunds**
 Discuss proposed amendments to big game regulations to include preference points reinstatement and tag refunds due to public land closures.
 (Amend Section 708.14, Title 14, CCR)
- 14. Emergency low flow inland sport fishing restrictions**
 Discuss and consider adopting emergency regulations for low flow inland sport fishing restrictions due to drought conditions.
 (Amend subsections 7.40(b)(40)(A)1., 8.00(a), and 8.00(b), Title 14, CCR)
- 15. Wildlife and inland fisheries and administrative regulation change petitions and non-regulatory requests**
- (A) Consider whether to grant, deny, or refer for additional review, petitions for regulation change and non-regulatory requests 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)
 - I. Action on current petitions
 - a. Petition 2021-017: Request to make multiple changes to big game hunting regulations
 - b. Petition 2021-018: Request to implement a new permitting system for the take of barred owls
 - c. Petition 2021-019: Request to change Martis Creek Reservoir to catch and release only
 - d. Petition 2021-020: Request to adopt special regulations for the North Yuba River
 - II. Action on pending regulation petitions referred to staff or the Department for review
 - a. Petition 2021-004: Request to remove *Xenopus amietii* frog from the restricted species list
 - (B) Consider and potentially act on wildlife non-regulatory requests received from members of the public at previous meetings.

- 16. California Waterfowler’s Hall of Fame**
Commission recognition of newly-inducted members of the California Waterfowler’s Hall of Fame.
- 17. Committee and Department reports**
Receive updates on items of note since the previous Commission meeting.
- (A) Wildlife Resources Committee: Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on January 13, 2022.
 - (B) Department Wildlife and Fisheries Division, and Ecosystem Conservation Division

DAY 2 – December 16, 2021, 8:30 AM

CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM

PUBLIC COMMENT

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

DISCUSSION, ACTION, AND INFORMATIONAL ITEMS

- 19. Recreational groundfish emergency**
Discuss and consider adopting emergency regulations for the 2022 recreational fishing season for copper, quillback and vermilion rockfish bag limits, to conform state regulations with federal in-season changes to the 2022 recreational groundfish regulations.
(Amend Section 28.55, Title 14, CCR)
- 20. Recreational clam, sand crab, and shrimp gear**
Consider authorizing publication of notice of intent to implement a certificate of compliance to make permanent the emergency regulations prohibiting use of hydraulic pump gear for recreational take of clams, sand crab and shrimp.
(Amend sections 29.05, 29.20 and 29.80, Title 14, CCR)
- 21. Commercial kelp and other aquatic plants**
Consider authorizing publication of notice of intent to amend regulations for commercial harvest of kelp and other aquatic plants.
(Amend sections 165 and 165.5 and add Section 705.1, Title 14, CCR)
- 22. Recreational California grunion**
Discuss proposed amendments to regulations for grunion limit and season changes.
(Amend subsection 27.60(b) and Section 28.00, Title 14, CCR)

- 23. Experimental Fishing Permit (EFP) Program, Phase II**
Consider adopting Experimental Fishing Permit (EFP) Program, Phase II regulations. (Add Section 91, amend sections 90, 120.1, 149, 180, and 704, and repeal Section 149.3, Title 14, CCR)
- 24. Pink (ocean) shrimp fishery management plan**
Receive and discuss the Department's *Draft Pink (Ocean) Shrimp, Pandalus jordani, Fishery Management Plan*.
(Pursuant to Section 7075, et seq., Fish and Game Code)
- 25. Recreational ocean salmon and Pacific halibut**
Receive and discuss an update on the Pacific Fishery Management Council process and timeline for recreational ocean salmon and Pacific halibut recommendations, and automatic conformance to federal regulations.
(Pursuant to Section 1.95, Title 14, CCR)
- 26. Marine regulation change petitions**
- (A) 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)
 - I. Action on current petitions
 - a. Petition 2021-015: Establish size limit for shortfin corvina and include in list of California game fish species
 - b. Petition 2021-021: Consider reducing recreational California halibut bag limit between Point Reyes and Bodega Head
 - c. Petition 2021-022: Consider authorizing low-volume open access commercial take of market squid using jig, brail or lampara gear north of Point Arena
 - d. Petition 2021-023: Consider authorizing recreational take of gooseneck barnacles
 - (B) Action on pending regulation petitions referred to staff or the Department for review – *none scheduled at this time*
- 27. Marine Protected Areas Management Program**
Receive annual update from the Department on the State's Marine Protected Areas Management Program activities.
- 28. Marine items of interest from previous meetings**
These items are updates on agenda topics recently heard before the Commission.
- (A) Committee workload prioritization tool and application to Marine Resources Committee topics
 - (B) Status of findings on the petition to list the Pacific leatherback sea turtle (*Dermochelys coriacea*) as an endangered species under CESA.
(Pursuant to Section 2075.5, Fish and Game Code)

29. Committee and Department reports

Receive updates on items of note since the previous Commission meeting.

- (A) Marine Resources Committee: Receive summary and consider approving recommendations from the November 9, 2021 committee meeting. Discuss referred topics and consider revisions to topics and timing.
- (B) Department Marine Region
 - I. Update on box crab experimental fishing permit activities
 - II. Update on the federal CARES Act implementation
- (C) Tribal Committee: Receive summary and consider approving recommendations from the December 14, 2021 committee meeting. Discuss referred topics and consider revisions to topics and timing.

30. Justice, equity, diversity and inclusion

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

31. Commission administrative items

- (A) Legislation and other agency regulations
- (B) Rulemaking timetable updates
- (C) Next meeting – February 16-17, 2022
- (D) New business

Adjourn

Executive Session

(Not Open to Public)

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

- (A) Pending litigation to which the Commission is a Party
 - I. Almond Alliance of California et al. v. California Fish and Game Commission and California Department of Fish and Wildlife (bumble bees California Endangered Species Act determination)
 - II. The Ballona Wetlands Land Trust v. California Fish and Game Commission (Ballona Wetlands Ecological Reserve petition for regulation change)
 - III. California Construction and Industrial Materials Association et al. v. California Fish and Game Commission (western Joshua tree California Endangered Species Act determination)
 - IV. Albert Thomas Paulek v. California Fish and Game Commission (CEQA determination regarding Section 749.10, Title 14, CCR authorizing take of western Joshua tree under 2084)
 - V. Albert Thomas Paulek v. California Fish and Game Commission (CEQA determination regarding Sections 749.11 and 749.12, Title 14, CCR authorizing take of western Joshua tree under section 2084)
 - VI. Fall River Conservancy and California Trout v. California Fish and Game Commission and California Department of Fish and Wildlife (CEQA determination regarding amendments to inland trout regulations)
- (B) Possible litigation involving the Commission
- (C) Staffing
 - I. Executive director performance review process
- (D) Deliberation and action on license and permit items

California Fish and Game Commission 2022 Meeting Schedule

Note: As meeting dates and locations can change, please visit www.fgc.ca.gov for the most current list of meeting dates and locations.

Meeting Date	Commission Meeting	Committee Meeting
January 13		Wildlife Resources Webinar/Teleconference
February 16-17	Natural Resources Building Auditorium, First Floor 715 P Street Sacramento, CA 95814	
March 24		Marine Resources Resources Building Auditorium, First Floor 715 P Street Sacramento, CA 95814
April 19		Tribal Monterey /Santa Cruz area
April 20-21	Monterey/Santa Cruz area	
May 19	Redding (teleconference)	
May 19		Wildlife Resources Redding
June 15-16	Los Angeles/Orange County	
July 14		Marine Resources San Diego area
August 16		Tribal Fortuna
August 17-18	Fortuna	
September 15		Wildlife Resources Los Angeles/Inland Empire
October 12-13	Truckee	
November 17		Marine Resources Monterey area
December 13		Tribal San Diego area
December 14-15	San Diego area	

Other Meetings of Interest

Association of Fish and Wildlife Agencies

- September 18-21, 2022 – Fort Worth, TX

Pacific Fishery Management Council

- March 8-14, 2022 – San Jose, CA
- April 6-13, 2022 – Seattle, WA
- June 7-14, 2022 – Vancouver, WA
- September 7-14, 2022 – Boise, ID
- November 2-8, 2022 – Orange County, CA

Pacific Flyway Council

- March 15, 2022 – Spokane, WA
- August or September 2022 – Dates and location TBD

Western Association of Fish and Wildlife Agencies

- January 6-10, 2022 – Tucson, AZ
- July 10-15, 2022 – Oklahoma City, OK

Wildlife Conservation Board

- February 24, 2022 – Location TBD
- May 26, 2022 – Location TBD
- August 25, 2022 – Location TBD
- November 17, 2022 (subject to change) – Location TBD

Important Commission Meeting Procedures Information

Welcome to a Meeting of the California Fish and Game Commission

This year marks the 152nd year of operation of the Commission in partnership with the California Department of Fish and Wildlife. Our goal is the preservation of our heritage and conservation of our natural resources through informed decision-making; Commission meetings are vital in achieving that goal and we provide this information to be as effective and efficient toward that end. Welcome, and please let us know if you have any questions.

Persons with Disabilities

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Department's Equal Employment Opportunity (EEO) Office at EEO@wildlife.ca.gov. Accommodation requests for facility and/or meeting accessibility and requests for American Sign Language (ASL) interpreters should be submitted at least two weeks prior to the event. Requests for real-time captioners should be submitted at least four weeks prior to the event. These timeframes are to help ensure that the requested accommodation is met. If a request for an accommodation has been submitted but is no longer needed, please contact the EEO Office immediately.

Stay Informed

To receive meeting agendas and regulatory notices about those subjects of interest to you, visit the Commission's website, www.fgc.ca.gov, to sign up on our electronic mailing lists.

Submitting Written Comments

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: E-mail to fgc@fgc.ca.gov; mail to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; deliver to California Fish and Game Commission, 715 P Street, 16th Floor, Sacramento, CA 95814 (you must call at least 24 hours in advance to arrange delivery). Materials provided to the Commission may be made available to the general public.

Comment Deadlines

The **Comment Deadline** for this meeting is **5:00 p.m. on December 2, 2021**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Supplemental Comment Deadline** for this meeting is **noon on December 10, 2021**. Comments received by this deadline will be made available to Commissioners at the meeting.

Petitions for Regulation Change

Any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1, *Petition to the California Fish and Game Commission for Regulation Change* (as required by Section 662, Title 14, CCR), available at <https://fgc.ca.gov/Regulations/Petition-for-Regulation-Change>. To be received by the Commission at this meeting, petition forms must be delivered by the **Supplemental Comment Deadline**. Petitions received at this meeting will be scheduled for consideration at the next regularly scheduled business meeting, unless the petition is rejected under staff review pursuant to subsection 662(b), Title 14, CCR.

Non-Regulatory Requests

All non-regulatory requests will follow a two-meeting cycle to ensure proper review and thorough consideration of each item. All requests submitted by the **Supplemental Comment Deadline** (or heard during general public comment at the meeting) will be scheduled for receipt at this meeting and scheduled for consideration at the next regularly scheduled business meeting.

Speaking at the Meeting

To speak on an agenda item, please “raise” your hand either through the Zoom function or by pressing *9 once on your phone when prompted at the beginning of the agenda item.

1. Speakers will be called one at a time; please pay attention to when your name is called.
2. When addressing the Commission, give your name and the name of any organization you represent, and provide your comments on the item under consideration.
3. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. The presiding commissioner will allot between one and three minutes per speaker per agenda item, subject to the following exceptions:
 - a. Individuals may receive advance approval for additional time to speak if requests for additional time to speak are received by email or delivery to the Commission office by the **Supplemental Comment Deadline**. The president or designee will approve or deny the request no later than 5:00 p.m. two days prior to the meeting.
 - b. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).
 - c. An individual may receive additional time to speak to an agenda item at the request of any commissioner.

Visual Presentations/Materials

All electronic presentations must be submitted by the **Supplemental Comment Deadline** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email to fgc@fgc.ca.gov.
2. All electronic formats must be Windows PC compatible.