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Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

Melissa Miller-Henson
Executive Director
P.O. Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
fgc@fgc.ca.gov
www.fgc.ca.gov

Meeting Outcomes for October 14, 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.

1. Consider approving agenda and order of items

The Commission approved the agenda and continued items 3, 4, 5, 10, and 11 to a future meeting.

2. General public comment for items not on the agenda

No action was taken.

3. Cascades frog

Receive the Department's one-year status review report on the petition to list Cascades frog (*Rana cascadae*) as threatened or endangered under the California Endangered Species Act (CESA). (Pursuant to Section 2074.6, Fish and Game Code)

This item was rescheduled to a future Commission meeting.

4. 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)

This item was rescheduled to a future Commission meeting.

5. 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.

6. Mohave desert tortoise

Consider approving the Department's request for a six-month extension to deliver the one-year status review report on the petition to change the status of Mohave desert tortoise (also known as Agassiz's desert tortoise) (*Gopherus agassizii*) from threatened to endangered under CESA. (Pursuant to Section 2074.6, Fish and Game Code)

The Commission approved the six-month extension.

7. **Recreational clam, sand crab, and shrimp gear emergency**
Discuss and consider adopting a 90-day extension of emergency regulations to prohibit use of hydraulic pump gear for recreational take of clams, including clarifying amendments to apply the gear restriction to sand crab and shrimp.
(Amend sections 29.20 and 29.80, Title 14, CCR)
The Commission approved the 90-day extension.
8. **Executive director's report**
Receive updates from the executive director on items of note since the previous Commission meeting, including a resolution recognizing Stafford Lehr, the Department's former liaison to the Commission.
The Commission recognized former Department Deputy Director Stafford Lehr with a resolution as a thank you for his years of service, and adopted a resolution recognizing October 2021 as National Disability Employment Awareness Month.
9. **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.
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)
This item was rescheduled to a future Commission meeting.
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)
This item was rescheduled to a future Commission meeting.
12. **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)
The Commission approved the 90-day extension of emergency regulations.
13. **Department informational item: Wildlife and Fisheries Division, and Ecosystem Conservation Division reports**
The Department will highlight items of note since the last Commission meeting.
No action was taken.

14. Wildlife Resources Committee

Receive summary and consider approving recommendations from the September 16, 2021 committee meeting. Discuss referred topics and consider revisions to topics and timing.

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

The Commission adopted two recommendations from the September 2021 Wildlife Resources Committee meeting.

15. Mammal hunting preference points and tag refunds

Consider authorizing publication of notice of intent to amend regulations for big game species preference points and tag refunds. (Amend Section 708.14, Title 14, CCR)

The Commission authorized the publication of a notice as proposed.

16. Tribal Committee

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on December 14, 2021.

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

The Commission approved the identified agenda topics for the December 2021 Tribal Committee meeting.

17. 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 approved sending a letter, in consultation with President Silva, to the California Air Resources Board outlining concerns with proposed commercial harbor craft regulations while also supporting actions that will have a positive impact on air quality.

18. Committee workload prioritization

Receive an update on the committee workload prioritization tool and its application.

The Commission directed staff to update the prioritization framework to use a multiplier of three for the natural resources category score and to apply the tool for prioritizing future Marine Resources Committee projects.

19. Justice, equity, diversity and inclusion (JEDI)

Receive and discuss an update on developing the JEDI plan.

The Commission adopted a working JEDI vision statement: “All people enjoy safe and equitable access to California’s thriving native wildlife and natural habitats, supported by inclusive decision-making that reflects the needs and values of the state’s diverse communities.”

20. Departmental informational item: Marine Region report

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

No action was taken.

21. Marine Resources Committee

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on November 9, 2021.

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

The Commission approved the updated work plan and the identified agenda topics for the November 2021 Marine Resources Committee meeting.

22. California grunion

Consider authorizing publication of notice of intent to amend regulations for grunion limits and season. (Amend subsection 27.60(b) and Section 28.00, Title 14, CCR)

The Commission authorized the publication of a notice as proposed, with a bag and possession limit of 30 fish and a 3-month closure from April to June .

23. Experimental Fishing Permit (EFP) Program, Phase II

Discuss proposed 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)

No action was taken.

24. 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)

The Commission approved the permit to commercially harvest Sargassum horneri as proposed, on an annual basis subject to renewal.

25. Pacific leatherback sea turtle

Consider the petition, Department's status review report, and comments received to determine whether listing Pacific leatherback sea turtle (*Dermochelys coriacea*) as threatened or endangered under CESA is warranted. (Pursuant to sections 2075 and 2075.5, Fish and Game Code)

The Commission determined that listing Pacific leatherback sea turtle as endangered under CESA is warranted. Findings will be adopted at a future meeting.

26. Petitions for regulation change received at previous meetings

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

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

- (A) Action on current petitions
 - I. Petition 2021-013: Request to revise regulations for commercial market squid fishing in Monterey Bay, including changes to allowed days, times, and lighting

The Commission denied Petition 2021-013.

- (B) Action on pending regulation petitions referred to staff or the Department for review
 - I. Petition 2020-015: Request to amend Pacific herring regulations to exempt lampara bait nets from gear restrictions
 - II. Petition 2021-001: Request to restore recreational and commercial red abalone harvest at San Miguel Island, Santa Barbara County

The Commission approved Petition 2020-015 in concept.

The Commission denied Petition 2021-001.

27. Non-regulatory requests from previous meetings

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

The Commission adopted the staff recommendations.

28. Commission administrative items

- (A) Rulemaking timetable updates

The Commission approved amendments to the rulemaking timetable as proposed.

- (B) Next meeting – December 15-16, 2021

The Commission approved the agenda items for the December 15-16, 2021 Commission meeting as presented.

- (C) New business

No action was 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 (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 deliberation and actions in executive session are generally not reported.