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**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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### **REVISED\* MEETING AGENDA** **February 16-17, 2022**

#### **Webinar and Teleconference**

Pursuant to Executive Order N-1-22 and California 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 February 4 to amend items 3 and 18, and add item 19.*

***The meeting will be live streamed; visit [www.fgc.ca.gov](http://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.](#)***

**Note: See important meeting deadlines and procedures, including written public comment deadlines, starting on page 11. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.**

**DAY 1 – February 16, 2022, 9:00 AM**

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#### **CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM**

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

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#### **GENERAL PUBLIC COMMENT**

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- 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.

Note: *New petitions for regulation change submitted since the previous meeting are now received under the agenda item "Regulation change petitions and non-regulatory requests."*

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).

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## CONSENT ITEMS

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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. **Kelp harvest plan**

Receive updated proposed, 2022-2026 kelp harvest plan from Sustainable Ocean Harvest, LLC for mechanical harvest of giant kelp in administrative kelp beds 29, 30, 31, 32, 114 and 117 in Santa Barbara County.

(Pursuant to sections 165 and 165.5, Title 14 CCR)

*Potential action will be scheduled for a future meeting after receiving the Department's recommendation.*

### 4. **Pending aquaculture lease amendment request**

Receive Department recommendation concerning request from Tomales Bay Oyster Company to add new species and methods for State Water Bottom Lease M-430-05.

(Pursuant to Section 15400, Fish and Game Code)

*Potential action is expected to be scheduled for the April 20-21, 2022 meeting.*

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## DISCUSSION AND ACTION ITEMS

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### 5. **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***

### 6. **Justice, equity, diversity and inclusion**

Receive and discuss an update on developing the justice, equity, diversity, and inclusion (JEDI) plan. Consider adopting a JEDI policy and definitions.

### 7. **Recreational clam, sand crab, and shrimp gear**

(A) 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)

(B) Discuss implementing 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)

### 8. **Commercial kelp and other aquatic plants**

Discuss and consider adopting regulations for commercial harvest of kelp and other aquatic plants.

(Amend sections 165 and 165.5 and add Section 705.1, Title 14, CCR)

- 9. Recreational California grunion**  
 Consider adopting proposed amendments to regulations for grunion limit and season changes.  
 (Amend subsection 27.60(b) and Section 28.00, Title 14, CCR)
- 10. Pink (ocean) shrimp fishery management plan implementing regulations**  
 Consider authorizing publication of notice of intent to adopt new and amend existing prawn or shrimp commercial trawling regulations that implement the *Pink (Ocean) Shrimp, Pandalus jordani, Fishery Management Plan*.  
 (Add sections 56.00 and 56.01 and amend sections 120, 120.1 and 705, Title 14, CCR)
- 11. Regulation change petitions and non-regulatory requests (marine)**
- (A) ***New petitions***  
 Receive new petitions for regulation change.  
 (Pursuant to Section 662, Title 14, CCR)
  - (B) ***Previously received petitions***  
 Consider whether to grant, deny, or refer for additional review, petitions for regulation change received at previous meetings. 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. *Petition 2021-025*: Request to authorize culling of red and purple sea urchin by kelp restoration specialists in Edward F. Ricketts, Pacific Grove Marine Gardens, and Carmel Bay state marine conservation areas.
  - (C) ***Previously received non-regulatory requests***  
 Consider and potentially act on requests for non-regulatory action received from members of the public at previous meetings.
- 12. Committee and Department reports**  
 Receive updates on items of note since the previous Commission meeting.
- (A) ***Marine Resources Committee***  
 Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on March 24, 2022.
  - (B) ***Department Marine Region***
    - I. Marine protected area statewide long-term monitoring project reports received in support of the decadal management review.
    - II. International Pacific Halibut Commission meeting outcomes and next steps in Pacific Fishery Management Council process for Pacific halibut federal regulations.
- 13. Licensing and permitting decisions to rely upon as precedent**  
 Receive and discuss a list of past Commission licensing and permitting decisions for future potential designation by the Commission as precedent.  
 (Pursuant to Section 11425.60, Government Code)
- 14. Election of Commission president and vice president**  
 The commissioners annually elect one of their number as president and one as vice president, by a concurrent vote of at least three commissioners.  
 (Pursuant to Section 102, Fish and Game Code)

**15. Committee assignments**

The Commission forms three committees from its membership, consisting of at least one commissioner: Marine Resources Committee, Wildlife Resources Committee and Tribal Committee.

(Pursuant to sections 105, 106 and 106.5, Fish and Game Code)

**DAY 2 – February 17, 2022, 8:30 AM**

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**CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM**

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**PUBLIC COMMENT**

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**16. 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: *New petitions for regulation change submitted since the previous meeting are now received under the agenda item “Regulation change petitions and non-regulatory requests.”*

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).

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**CONSENT ITEMS**

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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.

**17. Temblor legless lizard**

Consider approving the Department’s request for a 30-day extension to review the petition to list Temblor legless lizard (*Anniella alexanderae*) as threatened or endangered under the California Endangered Species Act (CESA).

(Pursuant to Section 2073.5, Fish and Game Code)

**18. 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)

*The Commission is expected to discuss and consider the five-year status review report at its April 20-21, 2022 meeting.*

**19. Inyo rock daisy**

Receive a petition to list Inyo rock daisy (*Perityle inyoensis*, synonym *Laphamia inyoensis*) as threatened or endangered under CESA.

(Pursuant to Section 2073.3, Fish and Game Code)

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## DISCUSSION, ACTION, AND INFORMATIONAL ITEMS

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**20. San Bernardino kangaroo rat**

Consider the petition, Department's status review report, and comments received to determine whether listing San Bernardino kangaroo rat (*Dipodomys merriami parvus*) as endangered under CESA is warranted.

(Pursuant to sections 2075 and 2075.5, Fish and Game Code)

**21. Southern California steelhead**

Consider and potentially act on the petition, Department's evaluation report and comments received to determine whether listing southern California steelhead (*Oncorhynchus mykiss*) as endangered under CESA may be warranted.

(Pursuant to sections 2074 and 2074.2, Fish and Game Code)

*If the Commission determines that listing may be warranted the Department will undertake a one-year status review before the Commission can make a final decision on listing, and southern California steelhead will become a candidate species pursuant to Section 2074.2, Fish and Game Code.*

**22. Northern California summer steelhead**

Consider ratifying findings for the decision to list northern California summer steelhead (*Oncorhynchus mykiss irideus*) as endangered under CESA.

(Pursuant to Section 2075.5, Fish and Game Code)

**23. Lime Ridge eriastrum**

Consider and potentially act on the petition, Department's evaluation report, and comments received to determine whether listing Lime Ridge eriastrum (*Eriastrum erfterae*) as endangered under CESA may be warranted.

(Pursuant to sections 2074 and 2074.2, Fish and Game Code)

*Findings will be adopted at a future meeting.*

**24. Shasta snow-wreath**

Consider the petition, Department's status review report, and comments received to determine whether listing Shasta snow-wreath (*Neviusia cliftonii*) as endangered under CESA is warranted.

(Pursuant to sections 2075 and 2075.5, Fish and Game Code)

*Findings will be adopted at a future meeting.*

**25. Game fish contests**

Consider authorizing publication of notice of intent to amend game fish contest regulations.

(Amend Section 230, Title 14, CCR)

***Staff will recommend that this item be continued to the April 20-21, 2022 meeting.***

**26. Central Valley sport fishing**

Consider authorizing publication of notice of intent to amend central valley sport fishing regulations.

(Amend subsections 7.40(b)(4), (43), (66) and (80), Title 14, CCR)

- 27. Klamath River Basin sport fishing**  
 Consider authorizing publication of notice of intent to amend Klamath River Basin sport fishing regulations.  
 (Amend subsection 7.40(b)(50), Title 14, CCR)
- 28. Waterfowl hunting**  
 Discuss proposed amendments to waterfowl hunting regulations.  
 (Amend Section 502, Title 14, CCR)
- 29. Big game preference points reinstatement and tag refunds**  
 Consider adopting proposed amendments to big game regulations to include preference points reinstatement and tag refunds due to public land closures for 2021-2022 hunting seasons.  
 (Amend Section 708.14, Title 14, CCR)
- 30. Regulation change petitions and non-regulatory requests (wildlife and inland fisheries)**
- (A) ***New petitions***  
 Receive new petitions for regulation change.  
 (Pursuant to Section 662, Title 14, CCR)  
*Consideration of whether to grant, deny, or refer for additional review is expected to be scheduled for the April 20-21, 2022 meeting,*
- (B) ***Previously received petitions***  
 Consider whether to grant, deny, or refer for additional review, petitions for regulation change received at previous meetings. 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. *Petition 2021-024*: Request to allow retention of some western Joshua trees after disturbance, in consultation with a certified arborist
- II. *Petition 2021-026*: Request to separate Ballona Channel regulations from Ballona Wetlands Ecological Reserve regulations
- III. *Petition 2021-027*: Request to eliminate open hunting season for black bear until the Department's bear management plan is updated with three specific components
- IV. *Petition 2021-028*: Request to add spearfishing as an allowable method of take for American shad
- (C) ***Previously received non-regulatory requests***  
 Consider and potentially act on requests for non-regulatory action received from members of the public at previous meetings.

**31. Committee and Department reports**

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

(A) ***Wildlife Resources Committee***

Receive summary and consider approving recommendations from the January 13, 2022 committee meeting. Discuss referred topics and consider revisions to topics and timing.

(B) ***Department Wildlife and Fisheries Division, and Ecosystem Conservation Division***

I. Annual report regarding Camp Roberts, Camp Pendleton, and Fort Hunter Liggett deer and elk hunts.

(Pursuant to Section 640, Title 14, CCR)

II. Report on necropsies on mountain lions taken under 2021 depredation permits.

(Pursuant to Section 4807, Fish and Game Code)

(C) ***Tribal Committee***

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on April 19, 2022.

**32. Commission administrative items**

(A) Legislation and other agency regulations

(B) Rulemaking timetable updates

(C) Next meeting – April 20-21, 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
- (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](http://www.fgc.ca.gov) for the most current list of meeting dates and locations.

Meeting Date	Commission Meeting	Committee Meeting
March 24		<b>Marine Resources</b> Webinar/teleconference
April 19		<b>Tribal</b> Monterey /Santa Cruz area
April 20-21	Monterey/Santa Cruz area	
May 19	Redding (teleconference)	
May 19		<b>Wildlife Resources</b> Redding
June 15-16	Los Angeles/Orange County	
July 14		<b>Marine Resources</b> San Diego area
August 16		<b>Tribal</b> Fortuna
August 17-18	Fortuna	
September 15		<b>Wildlife Resources</b> Los Angeles/Inland Empire
October 12-13	Truckee	
November 17		<b>Marine Resources</b> Monterey area
December 13		<b>Tribal</b> 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 26, 2022 – Juneau, AK

### **Western Association of Fish and Wildlife Agencies**

- July 10-15, 2022 – Oklahoma City, OK

### **Wildlife Conservation Board**

- February 24, 2022 – Teleconference/webinar
- 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](mailto: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](http://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](mailto: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, 16<sup>th</sup> Floor, Sacramento, CA 95814 (you must call at least one business day 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 February 3, 2022**. 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 February 11, 2022**. 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 have been 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](mailto:fgc@fgc.ca.gov).
2. All electronic formats must be Windows PC compatible.