

Commissioners
Samantha Murray, President
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McKinleyville
Eric Sklar, Member
Saint Helena
Vacant, Member

STATE OF CALIFORNIA
Gavin Newsom, Governor

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

Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

SECOND REVISED* MEETING AGENDA** **June 15-16, 2022**

Participate in Person

California Department of Transportation
Conference Room 1.040 (1st Floor)
100 S. Main Street
Los Angeles, CA 90012

Trinidad Rancheria
Administrative Office Conference Room
1 Cher-Ae Lane
Trinidad, CA 95570

1610 Kearney Street
Saint Helena, CA 94574

Participate via Webinar/Teleconference

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 at an in-person location, via Zoom, or by telephone; [click here for instructions on how to join.](#)

*** This agenda is revised to amend items 11, 12 and 21 (previously item 20), and to move what was previously item 22 to a new consent calendar on day 2 as item 19, with the remainder of the agenda renumbered accordingly.**

****This agenda has been revised to add a third, in-person, meeting location at Commissioner Sklar's residence. Please note, Commissioner Sklar is participating from his home in order to avoid travel and otherwise protect others' health after testing positive for and showing symptoms of COVID-19. The public may join him in his spacious backyard where there is room to physically distance.**

Note: See important meeting deadlines and procedures, including written public comment deadlines, starting on page 12. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.

Invitation: The Commission invites members of the public to join commissioners and staff for a field trip that will take place Wednesday night to observe a California grunion run— a species of marine fish found only along the coast of southern California and northern Baja California. Details will be available

in advance of the Commission meeting. Members of the public are welcome to join, but must provide their own transportation.

Day 1 – June 15, 2022, 8:30 AM

CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM

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

DISCUSSION AND ACTION ITEMS

2. **Recognition of former Commission president**
Recognize former President Peter S. Silva for his commitment and service to the Commission.
3. **Commission executive director and Department reports**
Receive updates on items of note since the previous Commission meeting.
 - (A) **Commission executive director's report**
 - I. Justice, equity, diversity and inclusion update
 - (B) **Department director and Law Enforcement Division**
4. **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.
5. **Western Joshua tree**
Consider the petition, the Department's status review report, and comments received to determine whether listing western Joshua tree (*Yucca brevifolia*) as threatened under the California Endangered Species Act (CESA) is warranted.
(Pursuant to sections 2075 and 2075.5, Fish and Game Code)
Note: Findings will be adopted at a future meeting.
6. **Temblor legless lizard**
Consider and potentially act on the petition, Department's evaluation report, and comments received to determine whether listing Temblor legless lizard (*Anniella alexanderae*) as threatened or endangered under CESA may be warranted.
(Pursuant to sections 2074 and 2074.2, Fish and Game Code)
7. **Milo Baker's lupine**
Consider the petition, the Department's status review report, and comments received to determine whether changing the status of Milo Baker's lupine (*Lupinus milo-bakeri*) from threatened to endangered under CESA is warranted.
(Pursuant to sections 2075 and 2075.5, Fish and Game Code)
Note: Findings will be adopted at a future meeting.

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.

- 8. White Seabass Fishery Management Plan**
Receive the Department’s White Seabass Fishery Management Plan 2020-2021 Annual Review report.
(Pursuant to Section 5.9, White Seabass Fishery Management Plan)
- 9. Pink (ocean) shrimp fishery management plan implementing regulations**
Consider adopting proposed additions and amendments to 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)
- 10. Clarification of allowed and prohibited use for state marine recreational management areas (SMRMAs)**
Consider adopting proposed regulations to clarify allowed and prohibited uses for SMRMAs.
(Amend subsections 632(b)(9), (37), (41), (42) and (91), Title 14, CCR)
- 11. Kelp Harvest Plan**
Receive updated five-year kelp harvest plan proposed by Sustainable Ocean Harvest, LLC for mechanical harvest of giant kelp (*Macrocystis pyrifera*) in leasable administrative kelp beds 29, 30, 31, 32 (Santa Barbara County) and open beds 114 and 117 (Santa Barbara County); and receive Department recommendation.
(Pursuant to Section 165(c)(6), Title 14, CCR)
Potential action is expected to be scheduled for the August 17-18, 2022 meeting.
- 12. Five-year private lands wildlife habitat enhancement and management area (PLM) plans**
Consider approving five-year PLM plans and 2022-2026 licenses for 8 properties.
(Pursuant to Section 601, Title 14, CCR)

 - (A) **Butte County**
I. Deseret Farms
 - (B) **Humboldt County**
I. Stover Ranch
 - (C) **Lassen County**
I. Ash Valley Ranch
II. Walton Homestead Family, LLC
 - (D) **Modoc County**
I. Lookout Ranch
 - (E) **Shasta County**
I. Jerusalem Creek Ranch
II. Rickert Ranch
 - (F) **Tehama County**
I. El Rancho Rio Frio

13. Annual PLM plans

Consider approving annual PLM plans and 2022/2023 licenses for 44 properties.
(Pursuant to Section 601, Title 14, CCR)

- (A) **Butte County**
 - I. Llano Seco Ranch
 - II. Soper-Wheeler Ranch
- (B) **Butte/Tehama Counties**
 - I. Rock Creek Ranch
- (C) **Calaveras County**
 - I. Ordway Ranch
- (D) **Glenn County**
 - I. Anderson Ranch
 - II. Bird Haven Ranch
 - III. Spurlock Ranch
- (E) **Humboldt/Trinity Counties**
 - I. Wilkinson Hunting Club
- (F) **Lassen County**
 - I. Clarks Valley Ranch
 - II. Dixie Valley Ranch
 - III. Five Dot Ranch Avila Unit
 - IV. Five Dot Ranch Horse Lake Unit
 - V. Five Dot Ranch School Section Unit
 - VI. Five Dot Ranch Tunnel Springs Unit
 - VII. Five Dot Ranch Willow Creek Unit
 - VIII. Kramer Ranch
 - IX. Mendiboure Cold Springs Ranch
 - X. Mendiboure Ranch
 - XI. Observation Peak Ranch
 - XII. Red Rock Ranch
- (G) **Los Angeles County**
 - I. Santa Catalina Island
- (H) **Mendocino County**
 - I. Four Pines Ranch
 - II. R-R Ranch
 - III. Spring Valley Ranch
- (I) **Modoc County**
 - I. Basin View Ranch
 - II. Roberts Ranch
 - III. SL Ranch
- (J) **Monterey County**
 - I. Bardin Ranch
- (K) **San Bernardino County**
 - I. Big Morongo Springs Ranch
- (L) **Shasta County**
 - I. Black Ranch
 - II. Clover Creek Ranch
 - III. Duncan Creek Ranch
 - IV. Hathaway Oak Run Ranch

- V. JS Ranch
- (M) **Siskiyou County**
 - I. Long Prairie Farms
 - II. Pondosa
 - III. Red Rock Valley Farms
- (N) **Santa Clara County**
 - I. Coon Creek Ranch
- (O) **San Joaquin County**
 - I. Corral Hollow Ranch
- (P) **Solano County**
 - I. Buckeye Ranch
- (Q) **Tehama County**
 - I. Big Bluff Ranch
 - II. Little Dry Creek Ranch
 - III. Salt Creek Ranch
- (R) **Yuba County**
 - I. Sugarloaf-Bangor Ranch

14. Initial PLM plans

Consider approving initial PLM plans and 2022-2026 licenses for 5 properties.
(Pursuant to Section 601, Title 14, CCR)

- (A) **Butte County**
 - I. Angel Slough
 - II. M&T Chico Ranch
- (B) **Shasta County**
 - I. Kampmann Ranch
- (C) **Tehama County**
 - I. Mill Creek Ranch
- (D) **Yolo County**
 - I. Smith Flat Ranch

15. Inyo rock daisy

Receive the Department's 90-day evaluation report on the petition to list Inyo rock daisy (*Perityle inyoensis* synonym *Laphamia inyoensis*) as threatened or endangered under CESA.

(Pursuant to Section 2074, Fish and Game Code)

16. Duck stamp expenditure proposals

Consider approving proposed Duck Stamp projects from the Duck Stamp Dedicated Account funds for Fiscal Year 2022-23.

(Pursuant to Section 3702, Fish and Game Code)

GENERAL PUBLIC COMMENT

17. **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."

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), California Government Code).

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: *New petitions for regulation change submitted since the previous meeting are now received under the agenda item “Regulation change petitions.”*

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.

19. Game fish contests

Consider adopting proposed amendments to game fish contest regulations.
(Amend Section 230, Title 14, CCR)

DISCUSSION, ACTION, AND INFORMATIONAL ITEMS

20. Recreational sub-bag limits for vermilion, copper and quillback rockfishes emergency

Discuss and consider adopting a 90-day extension of emergency regulations for sub-bag limits for vermilion rockfish, quillback rockfish, and copper rockfish.
(Amend Section 28.55, Title 14, CCR)

21. Recreational fishing regulations for federal groundfish and associated species

Consider authorizing publication of notice of intent to amend (a) recreational regulations for federal groundfish for consistency with federal rules in 2023 and 2024, and (b) recreational seasons, bag and depth limits for associated species.
(Amend sections 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 28.26, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, 28.56, and 28.58, Title 14, CCR)

22. Pending aquaculture lease amendment requests

(A) ***Hog Island Oyster Company***

Consider approving Department recommendation to authorize harvest of edible macroalgal species naturally recruited on aquaculture gear for state water bottom lease nos. M-430-10, M-430-11, M-430-12, and M-430-15 in Tomales Bay.
(Pursuant to Section 15400, Fish and Game Code)

23. Low flow fishing restrictions due to drought conditions

Discuss and consider adopting a 90-day extension of emergency regulations for low flow inland sport fishing restrictions due to drought conditions.

(Amend subsections 7.40(b)(40)(A) and 8.00(a) and (b), Title 14, CCR)

24. Sport fishing regulation updates

Discuss proposed amendments to freshwater and ocean sport fishing regulations.

(Amend sections 2.00, 2.25, 2.30, 5.00, 5.15, 5.41, 5.75, 5.79, 5.85, 5.87, 7.40, 7.50, 8.00, and 29.85, Title 14, CCR)

25. Regulation change petitions

(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 August 17-18, 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 2021-015*: Request to make shortfin corvina an official California game fish and change size limit to 15 inches
- II. *Petition 2022-04*: Request to revise boundaries of Vandenberg State Marine Reserve to allow some shore fishing
- III. *Petition 2022-05*: Request to change the way waterfowl reservations are drawn
- IV. *Petition 2022-06*: Request to rename the Casino Point State Marine Conservation Area to commemorate Dr. Bill Bushing

26. Non-regulatory requests from previous meetings

Consider and potentially act on requests for non-regulatory action received from members of the public at previous meetings.

27. Committee and Department reports

Receive updates on items of note since the previous Commission meeting from Commission committees and Department divisions.

(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 July 14, 2022.

(B) ***Department Marine Region***

(C) ***Wildlife Resources Committee***

Receive summary and consider approving recommendations from the May 19, 2022 committee meeting. Discuss referred topics and consider revisions to topics and timing.

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

(E) ***Tribal Committee***

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on August 16, 2022.

28. Commission administrative items

(A) ***Legislation and other agency regulations***

(B) ***Rulemaking timetable updates***

(C) ***Next meeting – August 17-18, 2022***

(D) ***Receive and discuss draft proposed meeting dates and locations for 2023***

(E) ***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 for the most current list of meeting dates and locations. All Commission meetings will include a webinar/teleconference option for attendance and every effort will be made to ensure that committee meetings include the same.

Meeting Date	Commission Meeting	Committee Meeting
July 14		Marine Resources North Coast Regional Water Quality Control Board 5550 Skylane Blvd Santa Rosa, CA 95403
August 16		Tribal Fortuna
August 17-18	Fortuna	
September 15		Wildlife Resources Los Angeles/Inland Empire
October 12-13	Truckee	
November 17		Marine Resources San Diego area
December 13		Tribal San Diego area
December 14-15	San Diego area	

**** Commission and committee meetings are anticipated to include a teleconference option, via webinar and/or phone.***

Other Meetings of Interest

Association of Fish and Wildlife Agencies

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

Pacific Fishery Management Council

- September 7-14, 2022 – Boise, ID
- November 2-8, 2022 – Orange County, CA

Pacific Flyway Council

- August 26, 2022 – Juneau, AK

Western Association of Fish and Wildlife Agencies

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

Wildlife Conservation Board

- August 25, 2022 – Sacramento, CA
- November 17, 2022 – Sacramento, CA

Important Commission Meeting Procedures Information

Welcome to a Meeting of the California Fish and Game Commission

April marks the beginning 153 years 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 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 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 June 2, 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 June 10, 2022**. Comments received by this deadline will be made available to Commissioners at the meeting.

Written comments will not be accepted after the supplemental comment deadline.

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** (or delivered in person at the meeting during the regulation change petitions agenda item). 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 in-person, please complete a “speaker card” and provide it to the designated staff member before the agenda item is announced. Cards will be available near the entrance of the meeting room. Only one speaker card is necessary for speaking to multiple items.

To speak on an agenda item by webinar/teleconference, pre-registration via Zoom is requested and highly encouraged; please see the [instructions for joining the meeting](#) to pre-register. If you do not pre-register to speak, you will be asked to “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. In-person speakers will be identified in groups; please line up when your name is called. Speakers by webinar/teleconference will be identified two at a time; please pay attention to when your name is called.
2. When addressing the Commission, please 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. The presiding commissioner may allow up to five minutes to an individual speaker if a minimum of three individuals who are present when the agenda item is called have ceded their time to the designated spokesperson, and the individuals ceding time forfeit their right to speak to the agenda item.
 - b. In-person participants ceding their time shall complete a speaker card and approach the staff table with the spokesperson so that staff may confirm the presence of those ceding their time. Those participating via Zoom and ceding their time to another speaker, must pre-register to speak on the agenda item, indicate in their registration to whom they are ceding their time, and be present on Zoom during the agenda item.
 - c. 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.
 - d. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).

- e. An individual may receive additional time to speak to an agenda item at the request of any commissioner.

Agenda items may be heard in any order and on either day pursuant to the discretion of the presiding 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. If the presentation file is too large to send via email, contact staff to identify an alternative method for submitting the file.
2. All electronic formats must be Windows PC compatible.
3. If presenting at the in-person meeting location, it is recommended that a print copy of any electronic presentation be submitted in case of technical difficulties.