

Commissioners
Samantha Murray, President
La Jolla
Erika Zavaleta, Vice President
Santa Cruz
Jacque Hostler-Carmesin, Member
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*

MEETING AGENDA August 17, 2022, 8:30 a.m.

Participate in Person

**Tish Non Community Center
Bear River Band of Rohnerville Rancheria
266 Keisner Road
Loleta, CA 95551**

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.](#)

Pursuant to California Government Code Section 11133, the California Fish and Game Commission is conducting this meeting by webinar/teleconference in addition to the in-person location. Commission members may 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.

Note: See important meeting deadlines and procedures, including written public comment deadlines, starting on page 7. 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 late Wednesday afternoon at the Eel River Wildlife Area. Details will be available in advance of the Commission meeting. Members of the public are welcome to join but must provide their own transportation.

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.

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).

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. **Application to approve a new restricted species permit**

Receive an application for a permit to import, possess, transport or rear, or conduct research on, transgenic zebrafish.

(Pursuant to subdivision 15007(e), Fish and Game Code, and subsection 671.1(a)(8)(H), Title 14, CCR)

4. **Kelp Harvest Plan**

Consider approving 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).

(Pursuant to subsection 165(c)(6), Title 14, CCR)

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

Discuss and consider adopting a second 90-day extension of emergency regulations for sub-bag limits for vermilion rockfish, copper rockfish, and quillback rockfish.

(Amend Section 28.55, Title 14, CCR)

DISCUSSION AND ACTION ITEMS

6. **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 plan

(B) **Department director and Law Enforcement Division**

7. **Sport fishing regulation updates**

Consider adopting proposed amendments to freshwater and ocean sport fishing regulations and consider taking final action under the California Environmental Quality Act.

(Amend sections 2.00, 2.25, 2.30, 5.00, 5.15, 5.20, 5.41, 5.75, 5.79, 5.85, 5.87, 5.88, 7.00, 7.40, 7.50, 8.00, and 29.85, Title 14, CCR)

8. **Inyo rock daisy**
Consider and potentially act on the petition, Department's evaluation report, and comments received to determine whether listing Inyo rock daisy (*Perityle inyoensis* synonym *Laphamia inyoensis*) as threatened or endangered under CESA may be warranted.
(Pursuant to sections 2074 and 2074.2, Fish and Game Code)
9. **Experimental Fishing Permit (EFP) application**
Receive, consider, and potentially act on an application submitted by Nathan Perez, the Department's recommendations, and comments received for an EFP to test the commercial use of deep-set and night-set buoy gear fishing configurations within California state waters.
(Pursuant to Section 91, Title 14, CCR)
10. **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 October 12-13, 2022 meeting.
 - (B) ***Previously received petitions***
Consider whether to grant, deny, or refer for additional review, petitions for regulation change received at previous meetings. 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 2022-07*: Request to increase the bag limit for white-winged doves
 - II. *Petition 2022-08*: Request to change the boundaries of the Ten Mile Estuary State Marine Conservation Area
 - III. *Petition 2022-09*: Request for the Commission to make a compatibility determination regarding existing recreational uses and parking areas at Ballona Wetlands Ecological Reserve
11. **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.
12. **Annual tribal planning meeting**
Report on the annual tribal planning meeting held on July 20, 2022 pursuant to the Commission's Tribal Consultation Policy.
13. **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***
Receive summary and consider approving recommendations from the July 14, 2022 committee meeting. Discuss referred topics and consider revisions to topics and timing.

- I. Commission participation in the California Natural Resources Agency 30x30 Initiative
- (B) **Department Marine Region**
 - I. Planning for decadal management review of the state marine protected areas (MPA) network
 - II. Pre-existing structures in MPAs rulemaking
 - III. Potential change to recreational Dungeness crab hoop net regulations and inclusion in spiny lobster rulemaking
- (C) **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 15, 2022.
- (D) **Department Wildlife and Fisheries Division, and Department Ecosystem Conservation Division**
- (E) **Tribal Committee**

Receive summary and consider approving recommendations from the August 16, 2022 committee meeting. Discuss referred topics and consider revisions to topics and timing.

14. Commission administrative items

- (A) **Legislation and other agency regulations**
- (B) **Rulemaking timetable updates**
- (C) **Next meeting – October 12-13, 2022**
- (D) **Discuss and consider adopting dates and locations for late October 2022 teleconference and January through December 2023 meetings**
- (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. Fall River Conservancy and California Trout v. California Fish and Game Commission and California Department of Fish and Wildlife (California Environmental Quality Act determination regarding amendments to inland trout regulations)
 - IV. United Water Conservation District v. California Fish and Game Commission (southern California steelhead “may be warranted” determination under the California Endangered Species Act and regulation authorizing limited take under Fish and Game Code Section 2084)
- (B) Possible litigation involving the Commission
- (C) Staffing
- (D) Deliberation and action on license and permit items
 - I. Consider the accusation filed against John Crowe regarding revocation of a commercial fishing license and a lobster operating permit in Agency Case No. 19ALJ09-FGC.

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
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	

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

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

This year marks the 153rd 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 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 August 4, 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 August 12, 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. Please complete one speaker card per item. Cards will be available near the entrance of the meeting room.

To speak on an agenda item by webinar/teleconference, 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. In-person speakers will be identified in groups; please line up when your name is called. Speakers by webinar/teleconference will be identified by your Zoom display name or last three digits of your phone number; please pay attention to when your name or number 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. If you are participating via Zoom and ceding your time to another speaker, please notify the Commission at fgc@fgc.ca.gov prior to the start of the agenda item, including to whom you are ceding your 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.