

STAFF SUMMARY FOR AUGUST 17, 2022

2. GENERAL PUBLIC COMMENT**Today's Item****Information** ☒**Action** ☐

Receive public comment regarding topics within FGC authority that are not included on the agenda.

Summary of Previous/Future Actions

- | | |
|--|------------------------------|
| • Today receive requests, petitions, and comments | Aug 17, 2022; Loleta |
| • Consider granting, denying, or referring | Oct 12-13, 2022; Kings Beach |

Background

This item is to provide the public an opportunity to address FGC on topics not on the agenda. Staff may include written materials and comments received prior to the meeting as exhibits in the meeting binder (if received by the written comment deadline), or as supplemental comments at the meeting (if received by the supplemental comment deadline).

General public comments are categorized into two types: (1) requests for non-regulatory action and (2) informational-only comments. Under the Bagley-Keene Open Meeting Act, FGC cannot discuss or take action on any matter not included on the agenda, other than to schedule issues raised by the public for consideration at future meetings. Thus, non-regulatory requests generally follow a two-meeting cycle (receipt and direction); FGC will determine the outcome of the non-regulatory requests received at today's meeting at the next regularly-scheduled FGC meeting, following staff evaluation (currently Oct 12-13, 2022).

Significant Public Comments

1. New, non-regulatory requests are summarized in Exhibit 1, and the original requests are provided as exhibits 2 through 4
2. Informational comments are provided as exhibits 5 through 14.

Recommendation

FGC staff: Consider whether to add any future agenda items to address issues that are raised during public comment.

Exhibits

1. [Summary of new non-regulatory requests received by Aug 4, 2022 at 5:00 p.m.](#)
2. [Email from Kerry Kriger requesting that stakeholder involvement and decision-making on the issue of non-native frogs and turtles be expedited, received Jun 10, 2022.](#)
3. [Email from Hon. Gabrielle Crowe requesting that FGC allow for expanded public access to the Ballona Wetlands Ecological Reserve and increase tribal engagement in the area, received Jun 16, 2022.](#)

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4. [Email from Phoebe Lenhart requesting DFW updates on several matters, including regulations for the take of salmon, nearshore fisheries, elk, and take of crabs, received Jun 27, 2022.](#)
5. [Email from Erin Woolley, Policy Advocate, Sierra Club of California, expressing frustration with FGC's re-ordering of the Jun 15, 2022 meeting agenda to take up the California Endangered Species Act \(CESA\) listing decision for western Joshua tree at the end of the day's proceedings, received Jun 15, 2022.](#)
6. [Email from Kevin O'Connor criticizing a recent court ruling in California pertaining to the classification of bees, received Jun 20, 2022.](#)
7. [Email from Liz Perkin, Native Fish Society, transmitting a notice of intent to file a petition to list Oregon coast and southern Oregon coast northern California coast Chinook under the federal Endangered Species Act, received Jun 21, 2022.](#)
8. [Email from Russell Walsh transmitting a link to a story published in East County Magazine on issues facing Loveland Reservoir, received Jun 22, 2022.](#)
9. [Email from David Wylie calling for a continued closure of abalone fisheries to protect local ecosystems, received Jun 23, 2022.](#)
10. [Email from Hardy Kern, Director of Government Relations, American Bird Conservancy, thanking FGC and DFW for their leadership in the area of non-lead ammunition and transmitting a letter regarding increasing the availability of lead information on state wildlife agency websites, received Jul 15, 2022.](#)
11. [Email from Jane Praysilver expressing concerns about the effect of wildfire prevention plans in El Granada on local waterways and riparian ecosystems, received Jul 25, 2022.](#)
12. [Email from David Zeff expressing support for a slot limit of between 20-30 inches for striped bass, received Jul 29, 2022.](#)
13. [Email from Mike Delaney calling for no limits on the take of striped bass and for it to be classified as an invasive species rather than a game fish, received Jul 30, 2022.](#)
14. [Email from Chris Voss, President, Commercial Fishermen of Santa Barbara, expressing various concerns about DFW's marine management and calling for greater scrutiny by the public and MRC/FGC, received Aug 3, 2022.](#)

Motion (N/A)

CALIFORNIA FISH AND GAME COMMISSION
RECEIPT LIST FOR NON-REGULATORY REQUESTS RECEIVED BY 5:00 PM ON
AUGUST 4, 2022 PUBLIC COMMENT DEADLINE FOR THIS MEETING

Date Received	Name/Organization of Requestor	Subject of Request	Short Description	FGC Receipt Scheduled	FGC Action Scheduled
6/10/2022	Kerry Kriger	Non-native Frogs and Turtles	Requests that stakeholder involvement and decision-making on the issue of non-native frogs and turtles be expedited.	8/17/22	10/12-13/22
6/16/2022	Gabrielle Crowe	Ballona Wetlands	Requests that FGC allow for expanded public access to the Ballona Wetlands Ecological Reserve and increase tribal engagement in that area.	8/17/22	10/12-13/22
6/27/2022	Phoebe Lenhart	Item Update Requests	Requests department updates on several matters including take of salmon, nearshore fisheries, elk, and crabbing regulations.	8/17/22	10/12-13/22

Bullfrog Stakeholder Group

Kerry Kriger [REDACTED]

Fri 06/10/2022 04:37 PM

To: Cornman, Ar [REDACTED] FGC <FGC@fgc.ca.gov>; Madeline Bernstein
[REDACTED] Miller-Henson, Melissa [REDACTED]

 1 attachments (94 KB)

2017 CDFW Bullfrog Stakeholder Group - Item_10_Bullfrogs_and_Turtles (1).pdf;

Hi,

Please see the attached document from 2017 and note that the stakeholder process is more than five years in. Please expedite the process.

Thank you, Kerry

Dr. Kerry Kriger

SAVE THE FROGS!

Founder, Executive Director & Ecologist

www.savethefrogs.com/kerry-kriger

[REDACTED]

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SAVE THE FROGS! protects amphibian populations and empowers ordinary citizens to make extraordinary contributions to the betterment of the planet. We work in California, across the USA and around the world to create a better planet for humans and wildlife.

STAFF SUMMARY FOR OCTOBER 11-12, 2017

10. AMERICAN BULLFROGS AND NON-NATIVE TURTLES**Today's Item****Information** ☒**Action** ☐

Discuss staff proposal for stakeholder engagement on American bullfrog and non-native turtles statutes and regulations.

Summary of Previous/Future Actions

- FGC discussion Feb 8-9, 2017; Rohnert Park
- FGC discussion Apr 26-27, 2017; Van Nuys
- **Today's discussion Oct 11-12, 2017; Atascadero**

Background

Annually there are approximately two million non-native American bullfrogs and 300,000 non-native turtles (mostly red-eared sliders and softshell turtles) imported into California for food and the pet trade. Even though these species are not imported into California with the intention of being released, they have established wild populations that threaten native amphibians, fish, and wildlife by direct predation, competition for resources and habitat, and disease.

In Feb 2015, DFW provided a report regarding the implications of American bullfrog importation and notified FGC of its decision to stop issuing long-term importation permits and to only issue short-term individual event permits, consistent with Section 236(c)(6)(I) of Title 14. At its Feb 2015 meeting, FGC directed staff to work with DFW to identify a list of potential actions FGC could take to further address the issues identified in the DFW report.

In Feb 2017, FGC staff presented four possible regulatory options to address impacts on California's native wildlife resulting from the importation of American bullfrogs and non-native turtles, and provided additional information in a joint memorandum prepared by FGC and DFW staff (Exhibit 1). At the meeting, FGC directed staff to add this topic to the Apr 2017 agenda for further discussion with more information on two of the four options. In Apr 2017, FGC directed FGC and DFW staff to develop a proposal for stakeholder engagement to further evaluate possible solutions to address the impacts of American bullfrogs and non-native turtles on native wildlife. Today, staff will present the stakeholder engagement proposal for FGC consideration.

Significant Public Comments (N/A)**Recommendations**

FGC staff: Provide input on the staff proposal and direction on next steps.

Exhibits

1. [FGC and DFW joint memorandum, dated Jan 26, 2017](#)
2. [Staff proposal on stakeholder engagement, dated Sep 15, 2017](#)

Motion/Direction (N/A)

**STATE OF CALIFORNIA
FISH AND GAME COMMISSION
and
DEPARTMENT OF FISH AND WILDLIFE
JOINT MEMORANDUM**

DATE: January 26, 2017

TO: President Sklar and Members
Fish and Game Commission

FROM: Mike Yaun (Legal Counsel, Commission)
Erin Chappell (Wildlife Advisor, Commission)
Kevin Shaffer (Chief, Fisheries Branch, Department)
Karen Mitchell (Senior Environmental Scientist, Fisheries Branch, Department)

SUBJECT: Importation of live American bullfrogs and non-native turtles

Commission and California Department of Fish and Wildlife (Department) staff drafted this memo to inform the Commission of regulatory options to address impacts on California's native wildlife resulting from the importation of American bullfrogs and non-native turtles.

Background

Approximately two million non-native American bullfrogs and 300,000 non-native turtles (mostly red-eared sliders and softshell turtles) are imported into California annually for the food and pet trade. Even though the species are not imported into California with the intention of being released, these species have established wild populations in California's wetlands and waterways. For instance, the American bullfrog (*Rana catesbeiana*) was introduced into California in the late 19th century and has since established wild populations throughout the state which threaten populations of native amphibians, fish, and wildlife by direct predation and competition for resources and habitat. Bullfrogs are gape-limited generalist predators that will consume anything they can catch and fit in their mouths.

The California red-legged frog (*Rana draytonii*) is an example of a native amphibian that has been severely impacted by the introduction and invasion of American bullfrog populations into California's waterways. Similarly, non-native turtles, in particular red-eared sliders (*Trachemys scripta elegans*) and softshell turtles (*Apalone* spp.), have also established wild populations in California and can out-compete native western pond turtles (*Emys marmorata*) for basking space and food. The western pond turtle is the only freshwater turtle species native to California. It is listed as a Species of Special Concern by the Department and is currently under review for listing under the federal Endangered Species Act. Western pond turtles in California evolved without any other turtles. As a result, interspecific competition and

disease may put them at greater risk from introduced turtles than other areas where sliders and softshell turtles are released. Studies in Europe that investigated the impact of sliders on European pond turtles (related to western pond turtles) found that sliders did out-compete pond turtles for basking spots and reduced their growth. Western pond turtles are documented to aggressively defend their basking space, and less time basking can result in lower metabolic rate, which can affect growth, reproduction, and survival in extreme cases.

Importation of these species also serves as a vector for the introduction of novel diseases into California. One such introduction is chytrid fungus (*Batrachochytrium dendrobatidis*), a waterborne fungus that leads to a potentially fatal amphibian disease Chytridiomycosis. Chytrid fungus has spread from ports of entry across California and into high elevation waters of the Sierra Nevada Mountains, where it has significantly impacted two species of native mountain yellow-legged frogs (*Rana sierrae* and *Rana muscosa*) that are listed under both the California and federal Endangered Species Acts. In the State of Washington, where western pond turtles are listed as endangered under the federal Endangered Species Act, one population declined by a third due to an upper respiratory tract disease that was suspected to have been introduced by sliders.

A ban on the importation of American bullfrogs would bring California in line with the States of Oregon and Washington, which do not allow the importation of American bullfrogs. Also, the State of Oregon does not allow the importation of *Apalone* (softshells) and *Trachemys* (slider) species of non-native turtles.

State regulations must comply with the protections for interstate commerce contained in the United States Constitution. When a state's regulation prohibits importation of an item, but allows continued commercial activity of an item, that regulation disproportionately impacts interstate commerce. To comply with the constitutional protections, such a regulation must be for a legitimate state purpose and the purpose cannot be satisfied by a non-discriminatory method. The U.S. Supreme Court has upheld state regulation prohibiting live importation of species to protect native fish and wildlife species from the consequences of the importation when the state could show harm that could not otherwise be avoided.

Currently the Department is issuing Importation Permits for American bullfrogs and non-native turtles in an effort to provide a level of control to protect the native resources of the state. The conditions for these permits are:

1. Long-term importation permits valid for one month (turtles)
2. Standard importation permits valid for one shipment (bullfrogs)
3. No stocking in waters of the state
4. Operators must retain copies of sales information for one year
5. All products must be killed before leaving the store
6. Operators must keep a distribution report

Recent Commission Actions

There is a long history related to this subject, and the Commission has received considerable testimony on this issue. Periodically since 1998, members of the public have spoken at Commission meetings in opposition to sales of frogs and turtles in the live animal market. On March 3, 2010, the Commission directed the Department to stop issuing importation permits for non-native frogs and turtles pursuant to Section 236, Title 14, CCR, citing potential threats to the state's natural resources as the result of live escapes or releases. The Commission then adopted a formal policy statement on the matter at its April 10, 2010 meeting. In September 2010, the Commission directed the Department to prepare an Initial Statement of Reasons that would ban the importation of live bullfrogs and turtles. At the February 2011 meeting, the Commission rescinded their direction to prepare the Initial Statement of Reasons but approved Department amendments to the permits. These amendments included shortening the permit period from annual to one month, including reporting and documentation provisions, and requiring that animals be killed prior to leaving the stores.

Based on public testimony received at Commission meetings over the last 20 years, there are diverse opinions on the importation and sale of American bullfrogs and non-native turtles with three primary conflicting interests. One segment of the public is involved in marketing bullfrogs and turtles for human consumption. California's Asian-American and Asian immigrant communities are the largest consumers of American bullfrogs and imported turtles in the state. Banning importation for the live animal food market could impact long-standing cultural practices and have financial impacts on the businesses and individuals that profit from importation and retail sale of these animals if the market declines or collapses. The second segment of the public is opposed to the importation and sale of American bullfrogs and non-native turtles due to potential threats to native amphibians from disease, hybridization, competition, and predation; a portion of this segment is also opposed due to animal welfare concerns. Finally, the third segment of the public is involved in marketing bullfrogs and turtles for the pet industry. Pet industry sales of non-native frogs and turtles are significant in California and occur with minimal disease monitoring or regulatory restrictions.

In February 2015, the Commission and Department revisited the issue again. The Department provided an overview of their report, *Implications of Importing American Bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*) into California*. The Department determined that American bullfrogs posed a significant risk to the fish and wildlife resources of the state. At the meeting, the Department notified the Commission of its decision to stop the issuance of long-term importation permits and to only issue short-term individual event permits, consistent with Section 236(c)(6)(I) of Title 14, CCR. At the meeting, the Commission directed staff to work with Department staff to identify a list of potential actions the Commission could take to further address the issues identified in the Department's report.

Since 2015, the Commission and the Department have received numerous requests via e-mail, letter, and public comment, to ban the importation of live bullfrogs and non-native turtles due to the potential threats to native amphibians from disease, hybridization, competition, and predation. Two petitions for regulatory change were submitted to the Commission with requests to add American bullfrogs to the list of restricted species (Section 671(c), Title 14, CCR) in 2016. The first petition (#2016-016) submitted by Save the Frogs was rejected during Commission staff review as incomplete. The second petition (#2016-030) was submitted jointly by the Center for Biological Diversity and Save the Frogs in December. This petition was reviewed and accepted by Commission staff and will be received by the Commission at the February 2017 Commission meeting (see Agenda Item 2 - Public Forum).

Options for Restricting Importation

Per Commission direction, Commission and Department staff evaluated four potential options to restrict the importation of live American bullfrogs and non-native turtles. All of these options will require compliance with California Environmental Quality Act (CEQA; Public Resources Code, Section 21000 et seq.) prior to final Commission action.

- *Option 1*

Ban the importation of live American bullfrogs and *Apalone* and *Trachemys* species of non-native turtles into California, except as allowed under Section 236(b)(2). This option would prohibit the importation of American bullfrogs and non-native turtles for the live food market but allow aquaculture facilities to continue to raise bullfrogs and non-native turtles for commercial purposes, including human consumption, and allow for their importation for personal, pet, or hobby purposes without an importation permit.

This option would require amendments to sections 236 and 41.7 Title 14, CCR. Section 236 regulates the importation of live aquatic plants and animals. Section 41.7 regulates the commercial take and use of frogs for human consumption.

- *Option 2*

Ban the importation of live American bullfrogs and *Apalone* and *Trachemys* species of non-native turtles into California with no exceptions. This option would prohibit the live importation of American bullfrogs and *Apalone* and *Trachemys* species of non-native turtles into California for any purpose but would still allow for them to be sold alive.

This option would require amendments to sections 236 and 41.7, Title 14, CCR and Fish and Game Code sections 2271 and 15300. Fish and Game Code Section 2271(b)(2) allows for the importation of live animals for personal, pet industry, or hobby purposes without an importation permit. Fish

and Game Section 15300 permits the importation of aquatic animals for aquaculture purposes. Therefore, this option would require the Legislature to amend these code sections prior to the Commission adopting regulations to implement it.

- *Option 3*

Ban the importation *and sale* of live American bullfrogs and *Apolone* and *Trachemys* species of non-native turtles in the State of California, with no exceptions. This option would affect businesses that import these animals into the state for use by educational and scientific institutions, the pet industry, and those that raise and/or sell bullfrogs and turtles for human consumption.

This option would require amendments to sections 236 and 41.7 Title 14, CCR and Fish and Game Code sections 2271(b)(2), 15300; 6851 and 6852. Fish and Game Code Section 6851 prohibits the taking or possession of frogs for commercial purposes but does not apply to aquaculture. Section 6852 authorizes possession of frogs, pursuant to the Fish and Game Code or regulations adopted by the Commission, by any person in the business of selling frogs. This section applies to the selling of frogs for food and to educational and scientific institutions. In addition to importation, Section 15300 also allows frogs to be obtained from “(a) A holder of a commercial fishing license (b) A registered aquaculturist or (c) The department.” This option would also require the Legislature to amend these sections of Fish and Game Code prior to the Commission adopting regulations to implement it.

- *Option 4*

Add American bullfrog and *Apalone* and *Trachemys* species of non-native turtles to the list of restricted species, making it unlawful to import, transport, or possess them without a permit issued by the Department.

This option would require amendments to sections 671 and 41.7 Title 14, CCR and Fish and Game Code sections 6881, 6883, and 6885. Fish and Game Code sections 6881, 6883, and 6885 apply to the acquisition, use, and possession of frogs for use in frog-jumping contests. They are found in Division 6, Chapter 7, Article 2 of the Fish and Game Code. Section 6881 allows frogs for use in frog-jumping contests to be taken at any time without a license or permit. Section 6883 allows any person to possess any number of live frogs to use in frog-jumping contests. Section 6885 specifies that the Commission has no power to modify the provisions of this article by any order, rule, or regulation. This option would require the Legislature to amend these sections of Fish and Game Code prior to the Commission adopting regulations to implement it.

Staff Recommendation

Based on the Department's finding that American bullfrogs and non-native turtles pose a significant risk to the fish and wildlife resources of the state, staff recommends Option 1, amending sections 236 and 41.7, Title 14, CCR, to prohibit the live importation of American bullfrogs and non-native turtles into California, except for as allowed under Section 236(a)(2). Option 1 would thereby reduce threats to California's native reptile and amphibian populations. Unlike Options 2-4, Option 1 would allow aquaculture facilities to continue to raise bullfrogs and non-native turtles for commercial purposes and allow the importation of live American bullfrogs and non-native turtles for personal, pet, or hobby purposes without an importation permit. However, because Option 1 is consistent with the Commission's current authority under the Fish and Game Code, the Commission would not have to ask the Legislature to amend any provision of the code to implement the option.

Justification for Staff Recommendation

An importation restriction on American bullfrogs and non-native turtles into California would help protect California's native fauna, especially state-listed species including California red-legged frog, western pond turtle, mountain yellow-legged frog, California tiger salamander, and the giant garter snake, from predation, competition, and disease. These stressors result in significant impacts and declines to native California fauna, particularly native amphibians and reptile species. Imported live American bullfrogs and non-native turtles have served as vectors for the introduction of novel wildlife diseases to California. In addition, ecological restoration efforts benefitting California's native amphibians often involve costly efforts to eradicate American bullfrogs. An importation restriction would reduce the potential for continued introduction of American bullfrogs into these restored habitats and benefit taxpayers from the reduction in costly bullfrog eradication programs implemented by federal, state, and local wildlife protection agencies.

An importation restriction may have cultural as well as fiscal impacts. Businesses and individuals that profit from importation and retail sale of American bullfrogs and non-native turtles for the live animal food market will suffer impacts as the market declines or collapses. It is also possible the market will move underground and will necessitate the use of law enforcement resources to maintain a ban. Therefore, additional funds and wildlife officers may be necessary to enforce the new law.

In addition, it was determined that changes to regulations in Title 14, CCR, would require CEQA compliance, potentially incurring significant cost to the Department in staff time or costs to contract with outside consulting services. The Department would lose about \$7,200 annually in permit fees from an importation ban on American bullfrogs and non-native turtles; however, staff time associated with permitting may then be spent on other issues.

California Fish and Game Commission
Staff Proposal for
Stakeholder Engagement on American Bullfrogs and Non-native Turtles

Purpose: Fish and Game Commission (FGC) and California Department of Fish and Wildlife (CDFW) staff recommendation on a process and timeline for stakeholder engagement to identify potential regulatory and statutory changes, funding mechanisms, and strategies for existing wild populations of American bullfrogs and non-native turtles to reduce the impacts on California's native wildlife.

List of Possible Participants:

- Environmental / Animal welfare Non-Governmental Organizations
 - Petitioners – Center for Biological Diversity and Save-the-Frogs!
 - Action for Animals
 - Humane Society of the United States
 - Rescue group representative – TBD
- Industry Representatives
 - Live Food Market – TBD
 - Aquaculture – TBD
 - Pet trade – TBD
- Agency Representatives
 - FGC - Executive Director, Wildlife Advisor, and Legal Counsel
 - CDFW - Wildlife Branch, Wildlife Investigations Lab, Fisheries Branch, and Law Enforcement Division
 - California Department of Food and Agriculture (CDFA) - TBD
 - California Department of Public Health (CDPH) - TBD
 - U.S. Fish and Wildlife Service (USFWS) – TBD; Region 1 and Region 8
 - Santa Cruz County and/or City - TBD
 - State of Washington and/or Oregon – Fish and Wildlife departments
- Legislature
 - California Asian and Pacific Islander Legislative Caucus staff
 - Natural Resources Committee staff
 - Joint Committee on Fisheries and Aquaculture staff

Proposed Process:

- Agency Outreach - FGC staff hold several meetings (2-4) with agency staff to discuss implementation, management, enforcement, and regulatory consistency and compatibility.
 - One or two conference calls with implementing agencies CDFW, USFWS, Santa Cruz, Washington, and Oregon to discuss management strategies, implementation, and enforcement

- One or two meetings with state agencies CDFW, CDFA, CDPH to discuss regulatory consistency and compatibility and enforcement of regulations (Sacramento)
- Stakeholder Outreach - FGC staff hold series of small meetings (2-4) with key stakeholders to solicit input on options, including possible statutory and regulatory changes and management strategies.
 - Invitation only
 - Size – limit to 10-12 people each
 - Locations – Sacramento, Bay Area, Southern California
 - Structure
 - One or two meetings with environmental/animal welfare organizations, CDFW staff, and FGC staff (Sacramento)
 - One to two meetings with industry representatives, California Asian and Pacific Islander Legislative Caucus staff, CDFW staff, and FGC staff (Bay Area and Southern California)
- Legislative Outreach – FGC staff meetings (3) with California Asian and Pacific Islander Legislative Caucus, Natural Resources Committee, and Joint Committee on Fisheries and Aquaculture staff
- CDFW and FGC staff compile meeting outcomes and draft proposal
- FGC and CDFW staff co-host one-day public workshop to present draft proposal
 - Open to all interested parties
 - Location – Bay Area
 - Facilitated by FGC staff
 - Attendance by 1-2 Commissioners
- CDFW and FGC staff prepare and present final proposal to Commission
- Commission action on final proposal

Proposed Timeline:

- **Oct 2017** - Present stakeholder outreach proposal to Commission
- **Oct-Dec 2017** –
 - Identify and confirm stakeholders for small group and agencies meetings
 - CDFW and FGC staff preparation for meetings (logistics, materials, format, etc.)
- **Jan-Apr 2018** – Hold stakeholder and agencies meetings
- **Apr-Oct 2018** –
 - Outreach meetings with legislative caucus/committees
 - CDFW and FGC staff draft proposal
 - CDFW and FGC staff preparation for workshop
- **Oct 2018** – Public workshop
- **Nov-Dec 2018** – CDFW and FGC finalize proposal
- **Feb 2019** – Staff presentation and possible action on proposal by Commission

Comments for 6/16 meeting

Gabrielle Crowe [REDACTED]

Thu 06/16/2022 11:17 AM

To: FGC <FGC@fgc.ca.gov>

Miyiiha and good morning,

Unfortunately I am unable to stay on the zoom as it is my two sons' last day of school and they are having parents come to the school for a mural reveal. My comments for the meeting today are as follows:

Miyiiha and good morning Honorable Commissioners. My name is Gabrielle Crowe and I am the Vice Chair for the Gabrielino-Shoshone Tribal Council of Southern California. I am here this morning to discuss the access to the Ballona Wetlands Ecological Reserve. Recently I helped lead several field trips to Area A with the Ballona Wetlands Land Trust. We are very appreciative to the CA Department of Fish and Wildlife for the access we have now and we are asking the commission to consider allowing more access to other areas of the Ecological Reserve. These are areas that are already being used by other organizations. As an environmental educator I understand the importance of getting kids outdoors to teach them about conservation (especially after this pandemic). I've been teaching about the cultural significance of the plants and the wetlands of Ballona. We have an opportunity to expand the amount of people that can learn about not only the cultural significance but also the ecological significance of my ancestral lands the Ballona Wetlands. We need your commission to also increase tribal engagement at Ballona. Thank you for your time and consideration.

Much gratitude,

Gabrielle Crowe (she/her)

Vice Chair, Gabrielino-Shoshone Tribal Council of Southern California

Cultural and Environmental Education Consultant

[Ballona Wetlands Land Trust](#)

[REDACTED]

[REDACTED]

Follow up on the meeting, June 16, 2022

Phoebe Lenhart [REDACTED]

Mon 06/27/2022 02:32 PM

To: FGC <FGC@fgc.ca.gov>

Dear FGC,

I am sending this e-mail to your attention to follow up on the "public comments" concerns that I expressed.

First, I am very concerned regarding that matters affecting the populations of the coho and chinook salmon which were not on the FGC Agenda. I think that the critically low population numbers of both species demands more attention from the DFW/FGC. As I expressed, I think these agencies are patronizing too many "special interest groups", including the Tribes, at the risk of the tragic extinction of both the coho and chinook salmon.

As I said, the salmon that are being caught and brought into the Harbor in Crescent City are very small, 5 pounds. In my opinion, I stated, that there should be NO further salmon fishing this year until there is data to support a larger population of salmon and a larger size of salmon. Please consider halting all salmon fishing in 2022. In further consideration, there is no concern that I see from the DFW/FGC regarding the drought and increasing water temperatures. These are grave omissions for the salmon.

Second, it was not addressed on the Agenda this month, the pelicans off of the CA coast are starving! Why are they starving? Where are the anchovies and sardines, among other fish? This is another topic that needs attention and proactive intervention by the DFW/FGC. Why is this not a concern?

Third, according to the DFW's records for 2020-2022, 67 Roosevelt elk in Del Norte County have been euthanized due to the TAHD! I think this is a very high number considering how low the population of elk is, how small the herds are, and how high the number of hunting tags sold! It appears to me that the Roosevelt elk are not respected in this County; this is tragic, because they should be. The Roosevelt elk's history in the USA is a remarkable story of migration across the Bering Strait.

Lastly, in the 2021-2022 crabbing season, 5 ships had their crab hauls seized by the DFW, because the crabbers brought in undersized crabs. Shame on the crabbers! That being said, I fear that these 5 ships are only the few of many boats who brought in undersized crabs. I would like to see more DFW enforcement for the 2022-2023 crabbing season. That being said, I understand that the crabbing regulations approved by the DFW/FGC are partially to blame. Being that it is June, I think it provides the DFW/FGC with a few months to clarify and simplify these poor crabbing regulations.

Thank you for your consideration. I would like to hear from those departments involved in the above 4 areas regarding their efforts to improve circumstances for our wildlife.

Sincerely,

Phoebe Lenhart



Sent from my iPad

June 15 Fish and Game Commission Meeting - Joshua Tree Agenda Item Change

Erin Woolley [REDACTED]

Wed 06/15/2022 10:31 AM

To: FGC <FGC@fgc.ca.gov>

Hello,

I am reaching out regarding the postponement of Item 5: the western Joshua Tree listing at today's Fish and Game Commission meeting.

Many members of the public planned their day around the posted agenda in order to provide public comment on the Joshua Tree item. Because the Joshua tree listing was listed on the agenda as item number 5, members of the public planned to be present in the morning and early afternoon today, with the expectation that it would be one of the first items discussed.

We appreciate your intention to move the agenda item in order to ensure that all Commissioners could be present to hear the presentations and public comment on this important issue. However, it is disappointing that the Commission waited until the meeting had already begun to announce this change and did not offer an accommodation for those that would be unable to participate in the afternoon. Making significant, last-minute changes to the agenda discourages public participation and undermines transparency and inclusion. It requires members of the public to make last-minute adjustments to their schedules in order to participate in the second part of the day, while making it impossible for others to participate at all.

Public engagement and transparency is a key component of this Commission's work, and we urge the Commission to provide more notice or accommodation for public comment when these types of changes are made to ensure that public engagement is prioritized in the Commission's meetings.

All the best,
Erin

Erin Woolley (*she/her*)

Policy Advocate

Sierra Club California

ruling

Kevin O'Connor [REDACTED]

Mon 06/20/2022 01:19 PM

To: FGC <FGC@fgc.ca.gov>

Melissa,

Bees are classified as fish? Absurd, but par for California who is always the laughing stock of the country.

Kevin

Notice of ESA Petition

Liz Perkin [REDACTED]

Tue 06/21/2022 02:08 PM

To: Wildlife DIRECTOR [REDACTED] FGC <FGC@fgc.ca.gov>

Cc: Jennifer Fairbrother [REDACTED] Jeff Miller [REDACTED] Stanley
Petrowski [REDACTED] Mark Sherwood [REDACTED]

Dear Director Bonham,

Please find the attached document providing notice of our intent to file a petition to list Oregon Coast and Southern Oregon Coast Northern California Coast Chinook under ESA.

Thank you,
Elizabeth Perkin

--



LIZ PERKIN, PhD (she/her)

[REDACTED]

[REDACTED]

[REDACTED]

nativefishsociety.org • [Facebook](#) • [Twitter](#) • [Instagram](#)

June 21, 2022

Charlton H. Bonham, Director
California Department of Fish and Wildlife
Director@wildlife.ca.gov

Dear Director Bonham,

Pursuant to 50 C.F.R. § 424.14(b), we hereby provide notice that the Native Fish Society, Center for Biological Diversity, and Umpqua Watersheds intend to file a petition under the federal Endangered Species Act to list and designate critical habitat for Oregon Coast and Southern Oregon Coast Northern California Coast Chinook salmon (*Oncorhynchus tshawytscha*), no sooner than 30 days from the date that this notice is provided.

Please feel free to contact me for more information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'E. Perkin'.

Elizabeth K. Perkin, PhD
Northern Oregon Regional Coordinator
Native Fish Society



Loveland Reservoir Issues Reported in East County Magazine.

Russell Walsh [REDACTED]

Wed 06/22/2022 03:01 PM

To: Preston Brown [REDACTED] Little Joe (NBCUniversal) [REDACTED] Jennifer
Bowman [REDACTED] Holzworth Jody - FS VALLEJO CA
[REDACTED] Chris- FS French [REDACTED] Jeff Solsby
[REDACTED] Randy -FS Moore [REDACTED] Chin Woo Choi
[REDACTED] Becker, Eric [REDACTED] Andrew Hayes
[REDACTED] Victor Gaus [REDACTED] Gail Ramer
[REDACTED] Vilsack Tom - OSEC Washington DC [REDACTED] Robert -FS Heiar
[REDACTED] Scott R. -FS Tangenberg [REDACTED] Carlos Quintero
[REDACTED] DWR Damsafety [REDACTED] Carl DeMaio
[REDACTED] dgotfredson [REDACTED] dplante [REDACTED]
[REDACTED]

Dear Loveland Stakeholders,

The team at ECM did a great write up on Loveland. Please let me know if you have any questions.
<https://www.eastcountymagazine.org/access-lakeside-recreation-loveland-risk-sweetwater-authority-continues-lower-water-level>

Thank you,

Russell

Russell Walsh
[REDACTED]
[REDACTED]
[REDACTED]

From: David Wylie [REDACTED]
Sent: Thursday, June 23, 2022 11:30 PM
To: FGC <FGC@fgc.ca.gov>
Subject: Abalone fishery Mendocino Coast

Did you know?

I am the care taker of the property under the Salmon Creek Bridge in Albion Ca. My name is David Wylie. I am retired so I been able to observe the volume of beach trash plastics etc. and the dead Abalone washing up on the beach over the past six years.

What I have notices since the closing of the abalone fishery there has been far less abalone dying and washing up on the beach particularly the underside abalone. In addition the human generated trash has dropped off dramatically on the beach since the closing.

I write you in consideration of keeping the Abalone fishery closed to protect this ecosystem! Human traffic in the coastal water is damaging the environment more than one realizes when you are able to observe it first hand.

Concerned for my grandkids and the coastal environment!

David Wylie
[REDACTED]
[REDACTED]
[REDACTED]

American Bird Conservancy Thanks California for its Leadership with Nonlead Resources

Edward Hardy Kern [REDACTED]

Fri 07/15/2022 12:52 PM

To: FGC <FGC@fgc.ca.gov>

Dear Ms. Miller Henson and Director Bonham,

American Bird Conservancy, which works to conserve birds throughout the Americas, would like to thank you for your leadership in the area of non-lead ammunition. We are sending the attached information to all state wildlife agencies and governors, asking for more information surrounding the issue of lead toxicity to wildlife be publicly available on a state's website.

Thank you for your efforts to protect wildlife from lead toxicity!

Sincerely,

Hardy Kern

E. Hardy Kern III

(he/him/his)

Director of Government Relations,
Pesticides and Birds Campaign
American Bird Conservancy

[REDACTED]

[REDACTED]





Bringing back the birds

Date: July 15, 2022

Subject: Availability of Lead Resources on State Wildlife Agency Websites

On behalf of American Bird Conservancy, which works to conserve birds throughout the Americas, I am writing to request that your state and its associated wildlife agencies provide more salient resources to its sportspeople around lead toxicity. American Bird Conservancy supports regulated, science-based management of game species and works closely with sportspeople, hunting groups, and State wildlife agencies throughout the country to promote sustainable bird populations and habitat conservation.

Lead is a unique threat to wildlife in that it has a direct solution; switch away from lead ammunition and lead fishing tackle. An ever-growing body of knowledge shows the toxic effects of lead on wildlife, humans, and the environment. Sportspeople have historically been some of the greatest champions of nature and they take their cues on best practice and ethics from their State's wildlife agency. As such, the information State wildlife agencies provide should be as recent as possible and include all relevant scientific information. Lead shot itself is toxic, and the fragments left in game, nuisance species, and in wildlife habitat are all too preventable sources of morbidity and mortality.

Despite this, lead continues to pose a preventable threat to birds in the United States. Bald and Golden Eagles are experiencing population growth suppression from lead¹. California Condors, one of the most endangered birds in the world, are most threatened by lead poisoning after eating remains of animals shot with lead ammunition.² Granivorous birds such as doves, quail, turkeys, and sparrows may ingest lead shot after it is expelled. Waterfowl may *still* suffer if they ingest a fish with a lead sinker trailing off it, or if they ingest legacy lead when looking for gizzard stones or grit.

Education Makes an Impact

Several organizations work tirelessly to educate hunters about the unintended impacts of lead ammunition, and the equivalent efficacy of non-lead ammunition choices. When hunters are provided with all relevant information, they show a willingness to switch ammunition types.

A review conducted by American Bird Conservancy of State wildlife agency websites found opportunities for increased lead impact awareness. Only 20 websites have information about lead ammunition toxicity, and of those only eight are easily found without searching or diligently navigating. Many State health departments have information on lead toxicity from ingesting contaminated venison, but hunters are not likely to easily encounter this information.

¹ Slabe, V.A. et al. (2022). Demographic implications of lead poisoning for eagles across North America. *Science*, 375(6582). Pp. 779-782. <https://www.science.org/doi/epdf/10.1126/science.abj3068>

² Finkelstein, M. E. et al. (2012). Lead poisoning and the deceptive recovery of the critically endangered California condor. *Proceedings of the National Academy of Sciences*, 109 (28). Pp. 11449-11454.



Bringing back the birds

The same review found only 15 State wildlife agency websites to have information on lead toxicity from ingested lead fishing tackle. Maine and New Hampshire have exemplary lead exchange programs where anglers can swap lead sinkers for alternatives like steel, tungsten, ceramic, and natural stone.

When sportspeople are provided with all relevant information they can make more informed decisions for themselves, their quarry, and their families. The [North American Non-lead Partnership](#) promotes effective, sustainable alternatives for sportspeople and works in tandem with many State wildlife agencies to promote voluntary incentive-based outreach and education programs.

Availability of Resources

American Bird Conservancy is asking all State wildlife agencies to make resources on the benefits of non-lead ammunition and tackle in removing preventable lead exposure in wildlife, available on their websites. Hunters and anglers rely on thought leaders and State wildlife agency websites as reliable sources for regulations, ethics, and current events. To further support this reputation, American Bird Conservancy believes additional materials or clarity on the effects of lead will add to the knowledge base from which sportspeople work.

The conversation around lead ammunition is changing. It is no longer an “if” when considering whether lead affects wildlife, it is a fact. Groups such as [The Wildlife Society](#) and the [Boone and Crockett Club](#) are joining the discussion in favor of non-lead ammunition and changing long-held positions. State wildlife agencies are in the best position to make these changes, “including hunter education, voluntary programs, or mandatory programs using suitable ammunition alternatives.”³

Sportspeople accessing State wildlife agency websites while purchasing licenses or researching game seasons could be organically presented with information about the potential effects of lead on wildlife and the environment. Our goal is not to deter anyone from hunting or fishing; we strive to support hunting and fishing in a way that removes these unintended consequences, making nature as safe as possible for birds and other game.

Potential resources may include:

- Non-lead ammunition and tackle which improves stewardship by sportspeople
- Studies on the effects of lead on wildlife
- Studies on the effects of lead on human health
- Success stories about the positive outcomes for wildlife after switching to non-lead products

³ *Boone and Crockett Club Position Statement – Lead in Ammunition for Hunting and Shooting*



Bringing back the birds

Conclusion

Sportspeople have historically been some of the most vocal champions of wildlife conservation. This legacy deserves to be defended by today's hunters and anglers. Providing sportspeople with all relevant information and empowers them to make informed decisions. The safe and sustainable future of hunting and fishing, and all the people and animals they impact, depend on how hunters and anglers choose to interact with nature.

Below are several examples of State wildlife agencies with excellent and easily accessible information on lead ammunition, lead fishing tackle, and alternatives. We appreciate your consideration of this important issue and hope to partner with your agency to keep wildlife safe.

Sincerely,

Hardy Kern
Director of Government Relations
American Bird Conservancy

Minnesota

Hunting Ammunition Index

<https://www.dnr.state.mn.us/hunting/ammo/index.html>

Lead Information for Deer Hunters

<https://www.dnr.state.mn.us/hunting/ammo/lead.html>

Get The Lead Out Loon Poisoning

<https://www.dnr.state.mn.us/eco/nongame/projects/leadout.html>

Lead Sinker Information

<https://www.dnr.state.mn.us/minnaqua/et/sinkers-lead.html>

Maine

Hunting and Trapping Landing Page

<https://www.maine.gov/ifw/hunting-trapping/index.html>

Hunting with Nonlead Ammunition

<https://www.maine.gov/ifw/hunting-trapping/nonlead-ammunition.html>



Bringing back the birds

Fishing Landing Page

<https://www.maine.gov/ifw/fishing-boating/fishing/index.html>

Lead Trade In Program

https://www.maine.gov/ifw/docs/Fish-Lead-Free_2020.pdf

Utah

Hunters Helping Condors

<https://wildlife.utah.gov/hunters-helping-condors.html>

Washington

Game Bird and Small Game Regulations

<https://wdfw.wa.gov/hunting/regulations/migratory-waterfowl-upland-game>

Non-toxic Shot Requirement

<https://wdfw.wa.gov/hunting/regulations/migratory-waterfowl-upland-game/non-toxic-shot>

Non-lead Partnership

Hunters Leading the Way in Conservation

<https://nonleadpartnership.org/home/en>

Non-Lead Ammunition Benefits All Wildlife



Golden Eagle, Jesus Giraldo Gutierrez, Shutter Stock

Lead ammunition easily fragments upon impact, scattering tiny bits of lead and lead alloy through game.

Lead fragments contaminate meat and viscera. There is **no safe level of lead for wildlife or people.**

Scavenging wildlife such as Bald Eagles, Golden Eagles, Condors, and Vultures which ingest parts of animals killed with lead (even gut piles) are poisoned by it. They experience loss of mobility, impaired nervous system function, organ failure, and suppressed immune systems.

- [California Condor recovery](#) is threatened by lead-contaminated prey items
- [Golden Eagle populations are in decline](#) due in part to lead-contaminated prey
- [Bald Eagle population resilience](#) is threatened by lead
- [Scavenging Raptors in Southern States](#) have been found with high levels of lead

- Hunters and their families [may be endangered by ingesting lead](#) in game killed with lead ammunition.

LEAD POISONING FROM AMMUNITION IS PREVENTABLE

Non-lead ammunition is widely available and removes the threat of lead poisoning.



Lead bullet fragmentation upon entry into ballistics gel



Copper bullet upon entry into ballistics gel

- Non-lead ammunition is comparable in price to premium lead bullets
- Non-lead ammunition is just as, if not more, effective as lead ammunition
- Lead ammunition was banned in waterfowl hunting in 1991 with little to no effect on the amount of waterfowl hunting done in the United States

Three Ps of Non-Lead Ammo (From [Arizona Game and Fish](#))

Precision — All non-lead ammunition is milled, one bullet at a time, on metal lathes utilizing uniform tools to ensure each bullet is identical, which improves precision.

Traditional lead-based bullets are created in a brass cup with molten lead. This manufacturing process introduces inconsistencies that can reduce precision in the field.

Performance — Most non-lead bullets peel open rather than mushroom under compression as a lead bullet does. This opening mechanism requires less energy, while retaining nearly 100 percent of the bullet weight. This results in greater impact at reasonable ranges and deeper penetration.

Price — Non-lead bullets are all premium bullets and when compared to premium lead-based bullets are very similar in price. While cheaper lead-based options exist, they do not deliver the same performance on game as premium bullets.

HUNTERS LEADING THE WAY TO CONSERVATION

The North American Non-Lead Partnership empowers hunters with knowledge and resources to conserve wildlife and natural resources.

<https://nonleadpartnership.org/home/en>

RESOURCES

<https://youtu.be/hwQcGLJlhkk>

Scientific Papers on Lead from huntingwithnonlead.org:

<https://huntingwithnonlead.org/research/studies>

Videos from huntingwithnonlead.org: <https://huntingwithnonlead.org/research/videos>

STATES WITH NON-LEAD WEBSITES

California

Hunting in California

<https://wildlife.ca.gov/Hunting>

Minnesota

Hunting Ammunition Index

<https://www.dnr.state.mn.us/hunting/ammo/index.html>

Lead Information for Deer Hunters

<https://www.dnr.state.mn.us/hunting/ammo/lead.html>

Get The Lead Out Loon Poisoning

<https://www.dnr.state.mn.us/eco/nongame/projects/leadout.html>

Maine

Hunting and Trapping Landing Page

<https://www.maine.gov/ifw/hunting-trapping/index.html>

Hunting with Nonlead Ammunition

<https://www.maine.gov/ifw/hunting-trapping/nonlead-ammunition.html>

Utah

Hunters Helping Condors

<https://wildlife.utah.gov/hunters-helping-condors.html>

Washington

Game Bird and Small Game Regulations

<https://wdfw.wa.gov/hunting/regulations/migratory-waterfowl-upland-game>

Non-toxic Shot Requirement

<https://wdfw.wa.gov/hunting/regulations/migratory-waterfowl-upland-game/non-toxic-shot>

NON-LEAD FISHING TACKLE BENEFITS ALL WILDLIFE



Common Loon Fishing, Mircea Costina, Shutterstock

Pathway to Poisoning

- Waterfowl [ingest lead sinkers](#) while foraging
- Lead [enters the environment directly](#) through lost fishing tackle
- Lead can leach into water after acidic rain events
- Lead sinkers have [population-level detrimental effects](#) on loons

A Single Lead Sinker is Enough to Kill a Bird

“A loon with lead poisoning behaves strangely. It may fly poorly, have crash landings or stagger onto the ground. The loon begins to gasp, tremble, and its wings droop as lead is carried through its blood stream. As the poisoning worsens, it eats very little and hides among aquatic vegetation, staying behind when other birds migrate. It becomes emaciated and often dies within two or three weeks after swallowing the lead jig or sinker. It takes only one lead sinker or jig to poison a loon.”

-Minnesota DNR

RESOURCES

Fish Lead Free

<https://fishleadfree.org/me/>

Choosing a Non-lead Sinker

<https://northernwilds.com/lead-sinker-substitutes-which-choice-is-right-for-you/>

Non-Lead Tackle Suppliers/Distributors

<https://loon.org/loons-and-lead/non-lead-tackle-links/>

STATES WITH NON-LEAD WEBSITES

Minnesota

Get The Lead Out Loon Poisoning

<https://www.dnr.state.mn.us/eco/nongame/projects/leadout.html>

Lead Sinker Information

<https://www.dnr.state.mn.us/minnaqua/et/sinkers-lead.html>

Maine

Fishing Landing Page

<https://www.maine.gov/ifw/fishing-boating/fishing/index.html>

Lead Trade In Program

https://www.maine.gov/ifw/docs/Fish-Lead-Free_2020.pdf

New Hampshire

Getting the Lead Out: It's The Law

<https://www.wildlife.state.nh.us/fishing/get-the-lead-out.html>

El Granada Wildfire Scoping Project: Missing Environmental Factors on Creeks

Jane Praysilver [REDACTED]

Mon 07/25/2022 03:13 PM

To: DHorsley [REDACTED] dcanepa [REDACTED]
[REDACTED] wslocum [REDACTED] cgroom [REDACTED]
[REDACTED] dpine [REDACTED] Donne.Brownsey [REDACTED]
[REDACTED] Sara.Aminzadeh [REDACTED] Carl,
Dan [REDACTED] Linda.Escalante [REDACTED]
[REDACTED] Effie.Turnbull-Sanders [REDACTED] <Effie.Turnbull-
Sanders [REDACTED] Rexing, Stephanie [REDACTED] KoppmanNorton,
Julia [REDACTED] Marquez, Maria Elena [REDACTED]
[REDACTED] Hall, Megan [REDACTED]
[REDACTED] >;JMadden [REDACTED] Kellyx Nelson
[REDACTED] >;Armstrong, Nate [REDACTED] b.kelly71 [REDACTED]
[REDACTED] plngbldg [REDACTED] FGC <FGC@fgc.ca.gov>

To:

- Don Horsley and San Mateo County Board of Supervisors
- California Coastal Commission
- CA Fish and Game
- CA Natural Resources – Wade Crowfoot
- San Mateo Planning Department
- Coastside Fire Protection District and San Mateo County Fire/Cal Fire - Chief Nate Armstrong
- San Mateo County Health (Groundwater Protection of Creeks - Jake Madden)
- Fire Service and Public Safety Communications (Treatment Consulting with Property Owners) - Brian Kelly
- San Mateo Resources Conservation District
- Golden Gate National Recreation Area - Landowners

Dear San Mateo County Board of Supervisors, California Coastal Commission, and Agency Recipients,

I am writing you to provide some information regarding Deer Creek in the light of the San Mateo RCD having recently presented their Wildfire Scoping Project recommendations for El Granada. I have serious concerns that the project recommendations could result in an increase in wildfire danger, flooding, and erosion, creating

irreversible damage to the natural riparian creek habitat and permanently effecting the stability of homes in the area. The project identified Deer Creek as a top priority requiring aggressive action.

It is important to note, in the event you are not familiar with this creek, that it is not a man-made drainage ditch, but rather a natural riparian corridor rich in trees, foliage, consistent fresh running water, and a multitude of wildlife. The old growth trees along the entirety of the creek both reinforce many areas of steep embankments against erosion and maintain a characteristically moist habitat due to the massive shade cover they provide.

Original Study Parameters

The project identifies Deer Creek as a top priority requiring aggressive action. However, it was my understanding that the Scoping Project Committee conducted the study taking into consideration ONLY wildfire factors within their modeling. It was explained at community meetings that other environmental factors would only be considered AFTER the recommendations were made and announced to the public. Any resulting projects would include both Environmental Impact Reports and funding availability. I was surprised that including the wider environmental impact would be made only after conclusions and recommendations were announced to the neighborhood. My letter to you identifies critical environment issues that should also be considered.

Does the Small Probability of Diablo Winds causing a Fire Require Stripping the Trees on the Creek?

Several vocal residents expressed concern about Diablo Winds coming from the northeast, down from the heavily forested Quarry Park toward the neighborhood. They equated the small risk of a fire to the trees on Deer Creek. However, the likelihood of Diablo Winds was calculated by Cal Fire as occurring only 4 percent annually. A wildfire would also require an initiating spark as well as an unusually dry environment, so the occurrence is even less likely. Destabilizing the structure of the soil on Deer Creek by stripping out trees seems like an extreme solution to an unlikely occurrence. In fact, the research organization First Street Foundation reported that homes in the flood zone along Deer Creek are at low risk for fire. I cannot imagine that communities across the state will strip their riparian creeks of trees with disregard for the benefits that creeks bring to the environment.

The Protected Riparian Corridor

The results of the Wildfire Scoping Project study identified Deer Creek as a potential fire area, but the creek has been a protected riparian area by the Fish and Game Department. This also falls within the RCD's commitments to the Coastal Commission to protect waterways and soil as part of their resource conservation mission. For many years, builders and homeowners were told that removal of any vegetation would require a permit. This makes

sense due to the creek being a vital wildlife corridor. Neighbors with nighttime cams have video recorded a wide variety of wildlife, including mountain lions and coyotes using the heavily vegetated creek as their hidden pathways. When wildlife uses the heavily vegetated creek bed to move through the neighborhood, rather than sidewalks and roads, separation of pedestrians, animals, and cars lessens possible encounters or collisions.

Flooding of Homes on the Creek

Residents living closer, or downstream from the area look with more caution at the consequences of removing trees and foliage because their the homes are in the projected flood zone around the creek. Many houses built in the late 80s were not required to have the standard 50-foot setback. Some of these homes— (1) have the edge of the house on top of the edge of the creek, (2) have driveways going over the creek, or (3) are built directly over the creek. In fact, in February 2017 several homes were flooded. It was the neighborhood's understanding that someone upstream had removed foliage that had caused this flooding. Trees and foliage keep the banks of the creek stable, by helping the understory stay moist. When the soils are stable they are able to hold more water, which prevents erosion and flash flooding downstream. Cutting too much vegetation would cause increased drying and crumbling of the banks, which would gradually fill the creek bed with sediment and debris, making the creek shallower and more blocked, so flooding of nearby homes would be a more likely.

Poisons in the Creek

When other areas in El Granada have discussed cutting eucalyptus trees, the San Mateo Parks Department and Cal Fire have explained at local community meetings that herbicides have to be used on tree stumps to prevent regrowth on an ongoing and frequent basis. Deer Creek flows directly into the sea, so herbicides would drain into the ocean, creating risks to those participating in recreational and fishing activities. Much of the wildlife uses the creek as their primary water source.

Preventing Fires

The additional removal of vegetation from the creek could very well exacerbate the wildfire danger. Most discussions of "restoration" have been defined as only removing vegetation and then allowing whatever grows naturally to reappear. This includes poison oak and scotch broom (which would require additional herbicides). A dry grass fire in a now dried out creek could spread fire very quickly. Also, during the rainier winters, erosion would be likely, such as this past winter, which caused flash floods along the creek. The removal of larger, older trees also diminishes the carbon sequestration during a time of climate change. According to the local fire department, the strongest protector of wildfires on the Coastsides is the moisture of the marine layer. Trees on the Coastsides are known for dripping atmospheric moisture into the ground. Removing the tree canopy diminishes the very moisture and wind-blocks that protect us from fast moving fires. The ocean fog covers the coastsides frequently throughout the summer, keeping El Granada relatively cool and moist, (unlike many other dry areas in California) and more resistant to fast moving fires.

Property Ownership (Upper, Middle, and Lower Creek)

It is my understanding that the property along the upper creek is owned by the GGNRA. They have been in discussions with Cal Fire representatives on vegetation removal. I am not sure if the Coastal Commission is monitoring any erosion and flooding of homes that might result. The middle area of the creek is owned by private farms. Some of the lower creek areas are owned by the many neighbors whose houses border the creek. Some of the homes in the lower area (like Vallejo Street) have private roads to their houses and retaining walls near the creek that they must maintain. Adding additional retaining walls quickly, once erosion starts, could be costly. If vegetation is stripped from the creek, neighborhood homes could be flooded, foundations undermined, or erosion of embankments and roads could occur, leading to disputes and litigation.

Alternative Solutions

Efforts to reduce fire risk should focus not on the neighborhood areas, but instead on the more mountainous wildlands of El Granada, where the fire risk is higher due to winds. "Figure 4, Fuel Classifications within the Study Area" of the Scoping Project report clearly shows the high-risk areas outside of El Granada, to the east and northeast. The report also points out on page 2 that, "The CWPP identifies wildlands around the perimeter of El Granada as high priority areas for vegetation management efforts." Additional fire breaks on the less populated higher terrain along the perimeter of El Granada would also be a good solution. Reducing the fire risk along the perimeter where the risk is high should be a higher priority, so that all parts of residential El Granada would be protected. Another alternative solution approach would be to trim ladder fuel vegetation while leaving the trees. This would both address fuel reduction while also preserving the vital root structures of live trees in the lower areas near the homes. These trees slow the flow of winter rains near the creek to prevent destructive flash floods. Flood prevention should be valued, as well as fire risk, in the solutions.

Summary

The environmental impact and consequences of treatment on the creek should be considered with the Scoping Project recommendations. It is my hope that the creek can retain the very important trees that preserve the soil moisture and land stability. The trees maintain the integrity of the creek in many ways, preventing erosion and flooding; providing shade for understory health and moisture, offering a healthy wildlife corridor; providing a source of water for wildlife, and a stable creek environment for a significant portion of El Granada homes. The California Coastal Commission and County Superintendents should be aware of the various ramifications of cutting trees and clearing foliage along Deer Creek in El Granada. There are many documented benefits of a stabilized riparian creek:

"Healthy native forest riparian vegetation usually consists of a canopy of large trees accompanied by a thick undergrowth of shrubs and grasses. The thick undergrowth acts as a filter for surface runoff, while canopy trees above a stream can intercept airborne material, such as pesticide or fertilizer sprays, and provide shade that

maintains stream water temperatures. Large canopy trees also have extensive root structures that stabilize stream banks and intercept nutrients in water flowing underground towards the stream.”¹

The problems of wildfire, flooding, climate change, wildlife support, water and soil quality, home protection, and resource investment are increasingly complex ones. It is my sincere hope that the combined expertise of San Mateo County’s varied agencies can combine their high levels of expertise, so quality environmental solutions can be determined for our wildlife/urban interface. I have copied many agencies on this letter in hopes it will further the collaborative efforts that will yield the most balanced solutions. The involvement and input of Fish and Game, the Building Department, Cal Fire, property owners, and other specialists will help avert unintended consequences. Collaborative solutions that are well thought out can be a model of environmental integrity to many other counties struggling with similar problems.

Thank you for your attention and support,
Jane Praysilver

■

July 2022

Support Photos and Resources:

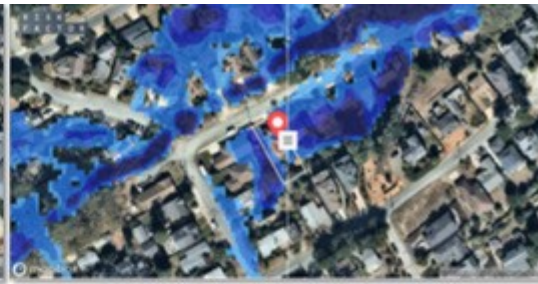
Local Flooding Maps

Images below of the El Granada neighborhood created by First Street Foundations National Modeling of flood risk along Deer Creek. Projected flooding shows neighborhood housing areas affected if creek should expand the current banks (by events such as increased rains, flash flooding from increased downhill waterflow, or creek bed flattening from additional soil erosion sediments). It is worth noting that First Street Foundation’s database shows these homes as having a low risk for fire.

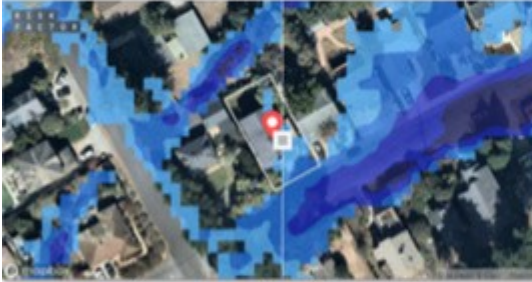
(https://firststreet.org/research-lab/published-research/flood-model-methodology_overview/)



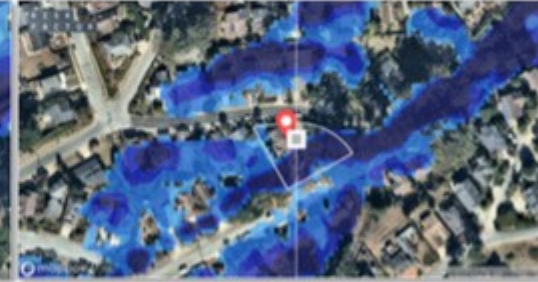
Upper Vallejo Street (from 606 Vallejo Street)



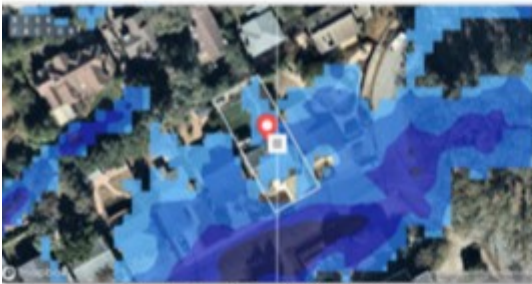
Vallejo, Columbus and San Carlos (From 339 Vallejo)



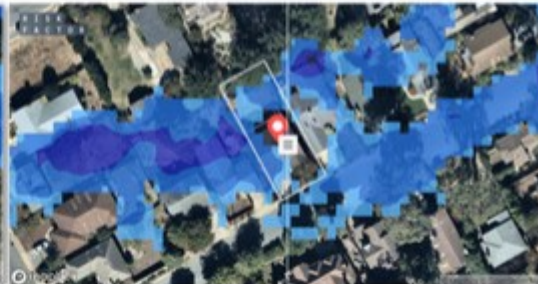
Columbus and Sonoma (from 315 Columbus Street)



Ferdinand Street (from 897 Ferdinand)



Columbus Street (from 355 Columbus Street)



(Lower Vallejo (from 339 Vallejo))



Photo from Half Moon Bay Review Feb. 23, 2017 of Deer Creek flooding onto Vallejo Street

Neighbors believed someone had made changes to the creek upstream that exacerbated the flooding problem.

Prior to the makeshift berm, water was diverted from one home, only to flow into another neighbor's home as streets were already inundated to flow capacity.

Wildlife on Deer Creek Webcam recordings:



<https://www.egadvocates.org/deer-creek>

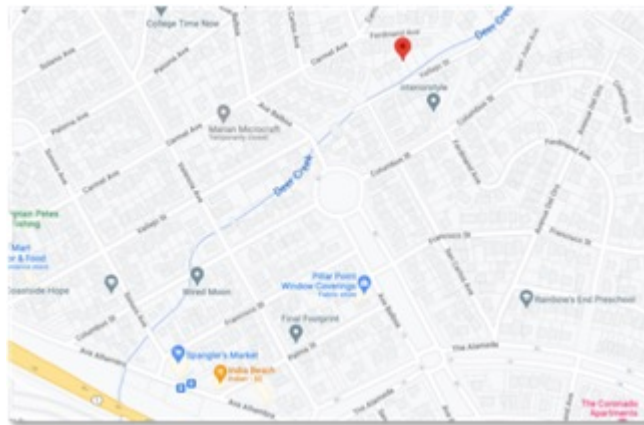
Coyotes, mountain lions, raccoons, deer and foxes can be seen briefly emerging onto the road along Deer Creek. They quickly return to using the heavily vegetated creek as their protected and preferred pathways. Opossums, squirrels, and skunks are also seen utilizing the creek as a water source. Large raptors populate the tall trees and hunt reptiles and rodents in the Deer Creek.

Deer Creek is a well-established wildlife corridor and has a history of receiving protected riparian status. When wildlife uses the heavily vegetated creek bed to move through the neighborhood, rather than sidewalks and roads, separation of pedestrians, animals, and cars lessens possible encounters or collisions.

Deer Creek's path Intermixed with Housing in Lowest Elevations El Granada



Map Showing Homes with Deer Creek Running Under Homes and Driveways



Related References:



1. Loss of Riparian Vegetation

Potential impacts of reducing or removing riparian vegetation on water quality (and local wildlife)

- Increased bank erosion - the loss of roots decreases the stability of the bank, increasing its vulnerability at times of flooding.
- Increased water temperature - loss of shading from trees or overhanging streamside vegetation means waterways become more exposed and are more liable to fluctuate in temperature. (New Zealand native fish generally cannot tolerate temperatures over 25°C and trout need temperatures to be less than 19°C for growth.)
- Decreased dissolved oxygen through increased aquatic plant growth - plants and weeds growing within the waterway are more likely to thrive in unshaded waterways, potentially clogging and stemming flow, which can decrease oxygen levels.
- Modified channel form - erosion through loss of vegetation can lead to scouring and breakdown of stream and river banks, eventually changing the form of the channel.
- Loss of species habitat - many (local) species need the protection and habitat provided by riparian vegetation growing around streams and rivers. (Trees provide wood and roots to the stream that are habitat for fish and (wildlife), and loss of cover can result in loss of breeding and feeding habitat.)
- Decreased water clarity - erosion and increased sediment from bank erosion may contribute to decreased water clarity and reduced visibility for fish to find food.
- Increased nutrients in streams - riparian vegetation filters contaminants and sediment from the land. (Loss of riparian vegetation may also be associated with changes in land use (e.g., farming, forestry) that increase the amount of contaminants that are present in surface water runoff.)

2. EL Granada Wildlife Resiliency Scoping Project Final Report:

https://static1.squarespace.com/static/613d069a1c250f668bd42feb/t/62c76f60e3ba871b113156a9/1657237363777/EL+Granada+Scoping+Report_Final.pdf

Support of Proposal of NorCal Guides for Striper slot limit of 20-30 inches

David Zeff [REDACTED]

Fri 07/29/2022 11:02 AM

To: FGC <FGC@fgc.ca.gov>

Cc: David Zeff [REDACTED]

I write in support of the petition to have a slot limit for Striped Bass at 20-30 inches. This would be for FGC 27.85 in Marine waters West of Carquinez Bridge to outside the Golden Gate in Pacific Ocean. Stripers, like salmon, steelhead and sturgeon, have been decimated by water diversions to unsustainable agriculture. Stripers and these fish all co-existed in abundance before these illegal water diversions. Please stop the diversions now and, for the time being, institute this proposed slot limit for stripers.

David M. Zeff
[REDACTED]
[REDACTED]

CDFW Striped Bass Study

Mike Delaney [REDACTED]

Sat 07/30/2022 12:10 PM

To: FGC <FGC@fgc.ca.gov>

As you may be aware California Department of Fish and Wildlife is currently conducting a Striped Bass Study. One component is an angler survey. The questions on the survey clearly show CDFW is leaning toward managing Striped Bass as a trophy fishery. Doing so would further diminish the endangered steelhead and salmon runs in our rivers.

Striped Bass are non-native top predators which were unfortunately introduced to the west coast by the California Fish and Game Commission in the late 1800's. This cannot be undone. However, they should be managed in a manner to limit their impact on the native species.

Striped Bass should not be classified as a game fish. They are a human introduced invasive species. They should have no limits and be legal to fish commercially. This would at least be a step to tip the balance in favor of our native trout, steelhead, salmon and other species.

Please ensure the non-native predator which kills so many trout, steelhead, salmon and other native/endangered species is properly managed.

DFW marine region reform

Chris Voss [REDACTED]

Wed 08/03/2022 10:03 AM

To: Commissioner Sklar [REDACTED] FGC <FGC@fgc.ca.gov>

Dear Commissioners Sklar and Murray,

First, thank you Eric for trying valiantly to get my comment at the last MRC meeting and for reaching out after.

As you can tell, I am frustrated with the Department's performance on a number of issues. It is well established the Marine Region has an abysmal history in developing workable FMP's. Please reference the MLMA implementation review document for a comprehensive list of the problems surrounding FMP development. The North Coast Recreational Abalone FMP is another example of the Department acting in bad faith.

People, from divers to modelers to abalone fishery experts, worked for 7 years to create the density SPR compromise only to have DFW staff turn the plan on its head like petulant children intent on getting their way. You must know that throughout this entire process DFW staff behaved badly causing unnecessary delay and frustration.

I understand the Commission's power is limited. Yet, you all have the ability to publicly acknowledge the facts and ask the critical questions of staff that shed light on the details. The MRC is the forum to ask Alexis Jackson or Jack Likins to cite the specific language in the FMP that prioritizes density recovery over SPR. Alexis and Jack have devoted years to this process and their expertise should be utilized. Until Department staff face public exposure and admonishment for their deceptive actions this will continue.

Thank you both for your concern and involvement.

Best regards,

Chris Voss

President: Commercial Fishermen of Santa Barbara

RAAC board member