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Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

REVISED* MEETING AGENDA **October 12-13, 2022**

Participate in Person

**North Tahoe Event Center
8318 North Lake Boulevard
Kings Beach, CA 96142**

Participate via Webinar/Teleconference

The meeting will be live streamed; visit <http://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.

*** This agenda is revised to add item 23.**

Note: See important meeting deadlines and procedures, including written public comment deadlines, starting on page 9. 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 currently under development that will take place the afternoon of Wednesday, October 12. Details will be made available in advance of the Commission meeting. Members of the public are welcome to join but must provide their own transportation.

Day 1 – October 12, 2022, 9:00 AM

CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM

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

DISCUSSION AND ACTION ITEMS

2. **Western Joshua tree**

Consider the petition, the Department's status review report, and comments received to determine whether listing western Joshua tree (*Yucca brevifolia*) as threatened under CESA is warranted.

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

Note: Pursuant to Fish and Game Code Section 2075.5, the Commission, at its June 15-16, 2022 meeting, took public comment, closed the public hearing and administrative record for this item, and subsequently reopened the record for the limited issue of seeking further input from tribal nations. The Commission is not expected to take any further comment other than from tribal governments.

Note: Findings will be adopted at a future meeting.

3. **Clear Lake hitch**

Discuss ongoing conservation actions, current status, and tribal engagement to address Clear Lake hitch conservation efforts.

4. **30x30 Initiative**

Update on the California Natural Resources Agency's 30x30 initiative to conserve 30 percent of California's lands and coastal waters by the year 2030.

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.

5. **Pacific leatherback sea turtle**

Consider ratifying findings for the decision to list Pacific leatherback sea turtle (*Dermochelys coriacea*) as endangered under the California Endangered Species Act (CESA).

(Pursuant to Section 2075.5, Fish and Game Code)

6. **Pink (ocean) shrimp fishery management plan implementing regulations**

Consider approving sufficiently-related changes to the regulations adopted by the Commission on June 15, 2022 for prawn or shrimp commercial trawling regulations that implement the *Pink (Ocean) Shrimp, Pandalus jordani, Fishery Management Plan*.

(Add sections 56.00 and 56.01 and amend sections 120, 120.1 and 705, Title 14, CCR)

7. **Wild trout waters**

Receive Department recommendation and consider adopting proposed amendments to the Commission Designated Wild Trout Waters Policy.

(Pursuant to Section 1727, Fish and Game Code)

8. **Southern California steelhead**

Consider approving the Department's request for a six-month extension to deliver the one-year status review report on the petition to list southern California steelhead (*Oncorhynchus mykiss*) as endangered under CESA.

(Pursuant to Section 2074.6, Fish and Game Code)

9. Shasta snow-wreath

Consider ratifying findings for the decision to list Shasta snow-wreath (*Neviusia cliftonii*) as endangered under CESA.

(Pursuant to Section 2075.5, Fish and Game Code)

Staff will recommend this item be continued to a future meeting.

10. Conditional take of southern California steelhead

Consider adopting a 90-day extension of emergency regulations to allow take of southern California steelhead (*Oncorhynchus mykiss*) under certain circumstances.

(Pursuant to sections 399 and 2084, Fish and Game Code)

GENERAL PUBLIC COMMENT

11. 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).

Day 2 – October 13, 2022, 8:30 AM

GENERAL PUBLIC COMMENT

12. 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).

DISCUSSION AND ACTION ITEMS

13. 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

II. Resolution recognizing National Disability Employment Awareness Month

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

14. Electronic display of licenses via mobile application

Consider authorizing publication of notice of intent to amend regulations to implement Assembly Bill 817 (Chapter 607, Statutes of 2021) to enable the Department to accept electronic display of licenses on a Department mobile application.

(Amend Section 700.4, Title 14, CCR)

- 15. Experimental fishing permit (EFP) application**
 Receive, consider, and potentially act on an application submitted by Johnathan Hillstrand, the Department's recommendations, and comments received for an EFP to test the feasibility of capturing king crab and other deepwater crab species using crab pots (traps).
 (Pursuant to Section 91, Title 14, CCR)
- 16. Recreational hoop net regulations**
 Discuss and consider adopting emergency regulations to amend and clarify hoop net regulations in order to minimize entanglement risk of federally-protected species and to expand the current identification requirement in effect south of Pt. Arguello, Santa Barbara County, to apply statewide.
 (Amend subsection 29.80(b), Title 14, CCR)
- 17. Recreational fishing regulations for federal groundfish and associated species**
 Discuss proposed changes to (a) recreational regulations for federal groundfish for consistency with federal rules in 2023 and 2024, and (b) recreational seasons, bag and depth limits for associated species.
 (Amend sections 1.91, 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 28.26, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, 28.56, 28.58, 28.65, and 28.90, Title 14, CCR)
- 18. Commercial kelp and other aquatic plants**
 Consider approving sufficiently-related changes to the regulations adopted by the Commission on February 16, 2022 for commercial harvest of kelp and other aquatic plants.
 (Amend sections 165 and 165.5 and add Section 705.1, Title 14, CCR)
- 19. Regulation change petitions**
- (A) ***New petition***
 Receive new petitions for regulation change.
 (Pursuant to Section 662, Title 14, CCR)
Consideration of whether to grant, deny, or refer petitions for additional review is expected to be scheduled for the December 14-15, 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 2021-018*: Request to establish a DFW-implemented permit system to allow the take of barred owls for management purposes.
- II. *Petition 2022-06*: Request to rename the currently-designated Casino Point State Marine Conservation Area (SMCA) to the Dr. Bill Bushing SMCA at Casino Point.
- III. *Petition 2022-10*: Request to authorize air guns as a method of take for deer.
- IV. *Petition 2022-11*: Request to modify recreational Dungeness crab regulations related to fishery start times, crab trap stamps, and best practices for trap buoy rigging.

- V. *Petition 2022-12*: Request to establish a slot limit for recreational take of striped bass in marine waters.
- VI. *Petition 2022-13*: Request to modify methods of take and bag and possession limits for trout at Willow Creek, upstream from the confluence of West Fork of Carson River (Alpine Co.).

20. 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.

21. Committee and Department reports

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

(A) ***Marine Resources Committee***

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on November 17, 2022.

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

(C) ***Tribal Committee***

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on December 13, 2022.

(D) ***Wildlife Resources Committee***

Receive summary and consider approving recommendations from the September 15, 2022 committee meeting. Discuss referred topics and consider revisions to topics and timing.

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

22. Commission administrative items

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

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

(C) ***Discuss and consider adopting changes to 2023 meeting dates and locations***

(D) ***Future meeting agenda items***

23. Items of interest from previous meetings

These items are generally updates on agenda topics recently heard before the Commission.

(A) ***Wild Pig in California Forum held September 22, 2022***

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

California Fish and Game Commission 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
November 1	Teleconference	
November 17		Marine Resources Handlery Hotel San Diego (Pending) 950 Hotel Circle North San Diego, CA 92108
December 13		Tribal San Diego area
December 14-15	Handlery Hotel San Diego (Pending) 950 Hotel Circle North San Diego, CA 92108	
January 12		Wildlife Resources Los Angeles area
February 8-9	Sacramento	
March 16		Marine Resources Monterey/Santa Cruz area
April 18		Tribal Fresno or Bakersfield area
April 19-20	Fresno or Bakersfield area	
May 17	Teleconference	
May 17		Wildlife Resources
June 14-15	TBD	
July 20		Marine Resources Sonoma/SF Bay area
August 15		Tribal Smith River area/north coast
August 16-17	Smith River area/north coast	
September 21		Wildlife Resources Chico area

Meeting Date	Commission Meeting	Committee Meeting
October 11-12	San Jose area	
November 16		Marine Resources San Diego area
December 12		Tribal San Diego area
December 13-14	San Diego area	

Other Meetings of Interest

Association of Fish and Wildlife Agencies

- September 23-27; 2023 – Calgary, Alberta, Canada

Pacific Fishery Management Council

- November 2-8, 2022 – Orange County, CA
- March 2023 – Seattle, WA
- April 2023 – Foster City, CA
- June 2023 – Vancouver, WA
- September 2023 – Spokane, WA
- November 2023 – Garden Grove, CA

Pacific Flyway Council

- February 2023 – Location TBD
- August 2023 – Location TBD

Western Association of Fish and Wildlife Agencies

- Jan 4-10, 2023 – Santa Ana Pueblo, NM
- July 9-14, 2023 – Santa Fe, NM

Wildlife Conservation Board

- November 17, 2022 – Sacramento, CA
- February 2023 – Sacramento, CA
- May 2023 – Sacramento, CA
- August 2023 – Sacramento, CA
- November 2023 – 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 September 29, 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 October 7, 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.