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Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

REVISED* MEETING AGENDA **December 14-15, 2022**

Participate in Person

Handlery Hotel San Diego
950 Hotel Circle North
San Diego, CA 92108

Participate via Webinar/Teleconference

The meeting will be live streamed; visit www.fgc.ca.gov the day of the meeting to watch or listen. To provide public comment during the meeting, please join at an in-person location, via Zoom, or by telephone; [click here](#) for instructions on how to join.

Pursuant to California Government Code Section 11133, the California Fish and Game Commission is conducting this meeting by webinar/teleconference in addition to the in-person location. Commission members may participate remotely. The public may provide public comment during the public comment periods and otherwise observe remotely, consistent with the Bagley-Keene Open Meeting Act.

*** This agenda is revised to amend items 9(B) and 19.**

Note: See important meeting deadlines and procedures, including written public comment deadlines, starting on page 10. 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 to currently under development that will take place on the afternoon of Wednesday, December 14. Details will be available in advance of the Commission meeting. Members of the public are welcome to join but must provide their own transportation.

DAY 1 – December 14, 2022, 9:30 AM

CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM

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

GENERAL PUBLIC COMMENT

2. **General public comment for items not on the agenda**

Receive public comment regarding topics within the Commission's authority that are not included on the agenda.

Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

DISCUSSION AND ACTION ITEMS

3. **Commission executive director and Department reports**

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

(A) ***Commission executive director's report***

- I. Justice, equity, diversity and inclusion plan
- II. Discuss potential process for revisions to the Commission's Naming Installations Policy

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

- I. Clear Lake hitch emergency summit

4. **Commercial and recreational take of California spiny lobster and recreational hoop net requirements for take of crustaceans**

Consider authorizing publication of notice of intent to amend regulations for (a) commercial and recreational take of California spiny lobster, and (b) recreational hoop net requirements for take of crustaceans.

(Amend sections 29.80, 29.90, 29.91, 121, 121.5, 122, 122.1, 122.2 and 705, Title 14, CCR)

5. **Recreational take of ocean salmon and Pacific halibut**

Receive and discuss an update on the Pacific Fishery Management Council process and timeline for recreational ocean salmon and Pacific halibut recommendations, and automatic conformance to federal regulations.

(Pursuant to Section 1.95, Title 14, CCR)

6. **Marine Protected Areas Management Program**

Receive annual update from the Department on the State's Marine Protected Areas Management Program activities.

7. **Regulation change petitions (marine)**

(A) ***New petitions***

Receive new petitions for regulation change.

(Pursuant to Section 662, Title 14, CCR)

Consideration of whether to grant, deny, or refer for additional review is expected to be scheduled for the February 8-9, 2023 meeting.

(B) ***Previously received petitions***

Consider whether to grant, deny, or refer for additional review, petitions for regulation change received at previous meetings. Petitions granted today will be added to the Commission’s rulemaking calendar for development and future consideration.

(Pursuant to Section 662, Title 14, CCR)

- I. *Petition 2022-04*: Request to revise boundaries of Vandenberg State Marine Reserve to allow some shore fishing.
- II. *Petition 2022-12*: Request to establish a slot limit for recreational take of striped bass in marine waters.
- III. *Petition 2022-14*: Request to add gooseneck barnacles to list of harvestable species.

8. Non-regulatory requests from previous meetings (marine)

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

9. Committee and Department reports

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

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

Receive summary and consider approving recommendations from the November 17, 2022 committee meeting. Discuss referred topics and consider revisions to topics and timing.

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

- I. Public discussion on action taken to close recreational razor clam fishery in Del Norte County due to domoic acid.

(C) ***Tribal Committee***

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

DAY 2 – December 15, 2022, 9:00 AM

CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM

GENERAL PUBLIC COMMENT

10. 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), Government Code).

CONSENT ITEMS

Note: Items on the consent calendar are expected to be routine and non-controversial. After public comment, the Commission will consider approving items on the consent calendar in a single vote without discussion. The presiding commissioner may choose to remove any item from the consent calendar and allow a separate discussion and potential action on that item in response to a request by a Commission member, staff, or an interested person.

11. Shasta snow-wreath

Consider ratifying findings on the decision to list Shasta snow-wreath (*Neviusia cliftonii*) as endangered under the California Endangered Species Act (CESA).
(Pursuant to Section 2075.5, Fish and Game Code)

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

12. Lime Ridge eriastrum

Consider approving the Department's request for a six-month extension to deliver the one-year status review report on the petition to list Lime Ridge eriastrum (*Eriastrum ertterae*) as endangered under CESA.
(Pursuant to Section 2074.6, Fish and Game Code)

13. Temblor legless lizard

Consider approving the Department's request for a six-month extension to deliver the one-year status review report on the petition to list Temblor legless lizard (*Anniella alexanderae*) as threatened or endangered under CESA.
(Pursuant to Section 2074.6, Fish and Game Code)

14. Conditional take of southern California steelhead

Consider adopting a second 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).

15. California State Duck Stamp, 2023-2027

Receive and consider for approval Department recommendations for species to be depicted on the California State Duck Stamp, 2023-2027
(Pursuant to Section 3700.2, Fish and Game Code)

DISCUSSION AND ACTION ITEMS

16. Waterfowl hunting

Consider authorizing publication of notice of intent to amend waterfowl hunting regulations.
(Amend Section 502, Title 14, CCR)

17. Elk hunting

Consider authorizing publication of notice of intent to amend elk hunting regulations.
(Amend sections 364 and 364.1, Title 14, CCR)

18. Bighorn sheep

Consider authorizing publication of notice of intent to amend bighorn sheep regulations.
(Amend Section 362, Title 14, CCR)

19. Game Fish Contests

Consider approving sufficiently related changes to the regulations adopted by the Commission on June 16, 2022 for game fish contests.
(Amend Section 230, Title 14, CCR)

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

20. Electronic display of licenses via mobile application

Discuss proposed amendments to 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)

21. California Waterfowler's Hall of Fame

Commission recognition of newly inducted members of the California Waterfowler's Hall of Fame.

22. Regulation change petitions (wildlife and inland fisheries)

(A) ***New petitions***

Receive new petitions for regulation change.
(Pursuant to Section 662, Title 14, CCR)

Consideration of whether to grant, deny, or refer for additional review is expected to be scheduled for the February 8-9, 2023 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 2021-007*: Request to revise authorized methods of take and designation for wild pig.

II. *Petition 2022-16*: Request to prohibit waterfowl hunting at Lake Earl Wildlife Area (Del Norte County).

23. Non-regulatory requests from previous meetings

Consider and potentially act on non-regulatory requests submitted by members of the public at previous meetings.

24. Committee and Department reports

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

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

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on January 12, 2023.

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

25. Commission administrative items

- (A) ***Legislation***
- (B) ***Rulemaking timetable updates***
- (C) ***Next meeting – February 8-9, 2023***

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)
 - V. Crowe v. California Fish and Game Commission (suspension of a commercial fishing license and a lobster operator permit)
- (B) Possible litigation involving the Commission
- (C) Staffing
- (D) Deliberation and action on license and permit items
 - I. Consider the proposed decision in Agency Case No. 21ALJ01-FGC, the accusation filed against Jonathan Ewart regarding revocation of a commercial fishing license and a lobster operator permit

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
January 12		Wildlife Resources Los Angeles Area
February 8-9	Natural Resources Headquarters Building - Auditorium 715 P Street, 1 st Floor Sacramento	
March 16		Marine Resources Monterey/Santa Cruz area
April 18		Tribal Fresno/Bakersfield area
April 19-20	Fresno/Bakersfield area	
May 17	Teleconference – Sacramento	
May 17		Wildlife Resources Monterey/Santa Cruz area
June 14-15	CalEPA Headquarters Building Coastal Hearing Room, 2 nd Floor 1001 I Street Sacramento	
July 20		Marine Resources Sonoma/San Francisco Bay area
August 21		Tribal Smith River area/North coast
August 22-23	Smith River area/North coast	
September 21		Wildlife Resources Chico area
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

- 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 21, 2023 – St Louis, MO
- 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

- 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 December 1, 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 December 9, 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.