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Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

REVISED* MEETING AGENDA **February 8-9, 2023**

Participate in Person

**Natural Resources Headquarters Building
715 P Street, Auditorium
Sacramento, CA 95814**

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 amend items 8(A), 17(B), 19(B) and 21.**

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 currently under development that will take place in conjunction with the meeting. 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 – February 8, 2023, 8:30 AM

CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM

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

COMMISSION ELECTIONS AND COMMITTEE ASSIGNMENTS

2. Election of Commission president and vice president

The commissioners annually elect one of their number as president and one as vice president, by a concurrent vote of at least three commissioners.
(Pursuant to Section 102, Fish and Game Code)

3. Committee assignments

The Commission forms three committees from its membership, consisting of at least one commissioner: Marine Resources Committee, Wildlife Resources Committee, and Tribal Committee.
(Pursuant to sections 105, 106 and 106.5, Fish and Game Code)

GENERAL PUBLIC COMMENT

4. 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.

5. 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)

6. Greater sage-grouse

Consider approving the Department's request for a 30-day extension to review the petition to list greater sage-grouse (*Centrocercus urophasianus*) as a threatened or endangered species under CESA.
(Pursuant to Section 2073.5(b), Fish and Game Code)

7. Electronic display of licenses via mobile application

Consider adopting regulations to enable the Department to accept electronic display of licenses on a Department mobile application, consistent with Assembly Bill 817 (Chapter 607, Statutes of 2021).
(Amend Section 700.4, Title 14, CCR)

DISCUSSION AND ACTION ITEMS

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

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

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

- I. Update on planning and coordination for reviewing Commission policies
- II. Progress on the justice, equity, diversity and inclusion plan
- III. Public notice that a greater sage-grouse CESA petition was received
- IV. Annual report regarding necropsies on mountain lions taken under 2022 depredation permits

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

9. **Western Joshua tree**

Consider the petition, the Department's status review report, and comments received to potentially 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: At is October 12-13, 2022 meeting, the Commission closed the public hearing and administrative record for the Commission's decision, except for input from and consultation with tribal governments, and continued deliberation to this meeting. The Commission is not expected to take any further comment on this item other than from tribal governments.

Note: Findings will be adopted at a future meeting.

10. **Central Valley sport fishing**

Consider authorizing publication of notice of intent to amend central valley sport fishing regulations.

(Amend subsections 7.40(b)(4), (43), (66) and (80), Title 14, CCR)

11. **Klamath River Basin sport fishing**

Consider authorizing publication of notice of intent to amend Klamath River Basin sport fishing regulations.

(Amend Section 5.87 and subsection 7.40(b)(50), Title 14, CCR)

12. **Waterfowl hunting**

Discuss proposed amendments to waterfowl hunting regulations.

(Amend Section 502, Title 14, CCR)

13. **Elk hunting**

Discuss proposed amendments to elk hunting regulations.

(Amend sections 364 and 364.1, Title 14, CCR)

14. **Bighorn sheep hunting**

Discuss proposed amendments to bighorn sheep hunting regulations.

(Amend Section 362, Title 14, CCR)

15. **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)

- 16. Department update on in-river salmon**
Receive Department presentation and discuss in-river salmon needs and threats.
- 17. 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 April 19-20, 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 2021-017*: Request to make various changes to big game hunting regulations.
- III. *Petition 2022-18*: Request to delay season start dates for deer hunting.
- 18. Non-regulatory requests from previous meetings (wildlife and inland fisheries)**
Consider and potentially act on wildlife and inland fisheries non-regulatory requests submitted by members of the public at previous meetings.
- 19. 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***
Receive summary and consider approving recommendations from the January 11-12, 2023 committee meeting. Discuss referred topics and consider revisions to topics and timing.
- (B) ***Department Wildlife and Fisheries Division, and Department Ecosystem Conservation Division***
- I. Update on Clear Lake hitch efforts
- II. Annual report regarding Camp Roberts, Camp Pendleton, and Fort Hunter Liggett deer and elk hunts.

CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM

GENERAL PUBLIC COMMENT

20. 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.

21. Kelp Harvest

(A) Kelp harvest plan

Consider approving a six-month extension of The Cultured Abalone Farm, LLC’s current five-year kelp harvest plan (2018-2023).
(Pursuant to subsections 165(c) and 165.5(b)(2), Title 14, CCR)

(B) Administrative kelp bed lease

Consider approving a six-month extension of The Cultured Abalone Farm, LLC’s existing lease for Administrative Kelp Bed 26 in Santa Barbara County.
(Pursuant to Section 165.5, Title 14, CCR)

22. Recreational hoop net regulations

Consider adopting a 90-day extension of 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)

DISCUSSION AND ACTION ITEMS

23. Marine protected areas decadal management review

Receive a presentation from the Department on the first decadal management review report for the statewide network of marine protected areas.

- 24. Commercial and recreational take of California spiny lobster and recreational hoop net requirements for take of crustaceans**
Discuss proposed amendments to 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)
- 25. Commercial kelp harvest permit**
Consider approving the renewal of Lance (Jeff) Maassen’s kelp harvest permit for commercial harvest of *Sargassum horneri* and consider adding a new harvesting site at Catalina Island, Los Angeles County.
(Pursuant to subsection 165(f)(1), Title 14, CCR)
- 26. Experimental fishing permit (EFP) application**
Receive, consider, and potentially act on an application submitted by Bart Chadwick, the Department’s recommendations, and comments received for an EFP to test the commercial use of timed and acoustic release pop-up gear systems developed by Sub Sea Sonics in the California Dungeness crab fishery.
(Pursuant to Section 91, Title 14, CCR)
- 27. 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 April 19-20, 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 2022-17*: Request to amend the number and type of buoys required for recreational crab traps.
- 28. Non-regulatory requests from previous meetings (marine)**
Consider and potentially act on marine non-regulatory requests submitted by members of the public at previous meetings.
- 29. 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 March 14 and 16, 2023.

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

- I. Outcomes of International Pacific Halibut Commission annual meeting held January 23-27, 2023
- II. Update and public discussion on Department actions during the recreational Dungeness crab fishing season to protect humpback whales, blue whales, and/or Pacific leatherback sea turtles (Pursuant to Section 29.80)

(C) ***Tribal Committee***

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on April 18, 2023.

- I. Tribal Subsistence Harvest Workgroup structure and process

30. Commission administrative items

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

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

(C) ***Future meetings – April 19-20, 2023 and new business***

Adjourn

EXECUTIVE SESSION

(Not Open to Public)

At a convenient time during the regular agenda of the meeting listed above, the Commission will recess from the public portion of the agenda and conduct a closed session on the agenda items below. The Commission is authorized to discuss these matters in a closed session pursuant to Government Code Section 11126, subdivisions (a)(1), (c)(3), and (e)(1), and Fish and Game Code Section 309. After closed session, the Commission will reconvene in public session, which may include announcements about actions taken during closed session.

- (A) Pending litigation to which the Commission is a Party
 - I. The Ballona Wetlands Land Trust v. California Fish and Game Commission (Ballona Wetlands Ecological Reserve petition for regulation change)
 - II. 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)
 - III. 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)
 - IV. 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. 15ALJ07-FGC, the accusation filed against Aaron Lance Newman regarding revocation of sport fishing and hunting privileges.

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
March 14 and 16		Marine Resources Monterey
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

- March 21, 2023 – St. Louis, MO
- August 2023 – Location TBD

Western Association of Fish and Wildlife Agencies

- July 9-14, 2023 – Santa Fe, NM

Wildlife Conservation Board

- February 16, 2023 – Sacramento, CA
- May 25, 2023 – Sacramento, CA
- August 24, 2023 – Sacramento, CA
- November 16, 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 January 26, 2023**. 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 February 3, 2023**. 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.