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Saint Helena

**Erika Zavaleta**, Vice President  
Santa Cruz

**Jacque Hostler-Carmesin**, Member  
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La Jolla

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Huntington Beach

STATE OF CALIFORNIA  
Gavin Newsom, Governor

## Fish and Game Commission



*Wildlife Heritage and Conservation  
Since 1870*

**Melissa Miller-Henson**  
**Executive Director**  
P.O. Box 944209  
Sacramento, CA 94244-2090  
(916) 653-4899  
[fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)  
[www.fgc.ca.gov](http://www.fgc.ca.gov)

### MEETING AGENDA April 19-20, 2023

#### Participate in Person

**Wyndham Garden Fresno Yosemite Airport  
5090 East Clinton Way  
Fresno, CA 93727**

#### 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](#) or visit [fgc.ca.gov/meetings/2023](http://fgc.ca.gov/meetings/2023).***

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

**Note: See important meeting deadlines and procedures, including written public comment deadlines, starting on page 12. 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 – April 19, 2023, 8:30 AM**

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### **CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM**

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

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## GENERAL PUBLIC COMMENT

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### 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).

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## CONSENT ITEMS

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

### 3. **Five-year private lands wildlife habitat enhancement and management area (PLM) plans**

Consider approving five-year PLM plans and 2023-2027 licenses for:  
(Pursuant to Section 601, Title 14, CCR)

- (A) Humboldt County
  - I. Diamond C Outfitters
  - II. Hunter Ranch
  - III. Wiggins Ranch
- (B) Mendocino County
  - I. Eden Valley Ranch
  - II. Miller-Eriksen
  - III. Spring Valley Ranch
- (C) Monterey County
  - I. Alexander Ranch
  - II. Hartnell Ranch
- (D) Monterey and San Benito counties
  - I. Morisoli Ranch
- (E) San Luis Obispo County
  - I. Carrizo Ranch
  - II. Chimney Rock Ranch
- (F) San Luis Obispo and Kern counties
  - I. Temblor Ranch
- (G) Tehama County
  - I. 3D Ranch
- (H) Trinity County
  - I. Travis Ranch

**4. Annual PLM plans**

Consider approving annual PLM plans and 2023/2024 licenses for:  
(Pursuant to Section 601, Title 14, CCR)

- (A) Del Norte
  - I. Alexandre Ecodairy Farms
  - II. Smith River PLM
- (B) Humboldt
  - I. Big Lagoon
  - II. Klamath PLM
  - III. Rainbow Ridge PLM
  - IV. Redwood House Ranch
  - V. Stover Ranch
- (C) Kern and Los Angeles counties
  - I. Tejon Ranch
- (D) Mendocino County
  - I. Ackerman-south Daugherty WMA
  - II. Amann Ranch
  - III. Antler Hill Ranch
  - IV. Bridges Ranch
  - V. Capistran Ranch
  - VI. Carley Ranch
  - VII. Christensen Ranch
  - VIII. R-R Ranch
  - IX. Seven Springs Ranch
  - X. Shamrock Ranch
  - XI. Six Point Ranch
  - XII. Summer Camp Ranch
- (E) Merced County
  - I. San Luis Reservoir Elk Zone
  - II. DeFrancesco/Eaton Ranch
- (F) Monterey County
  - I. San Bartolome Ranch PLM
  - II. Sky Rose Ranch, LLC PLM
- (G) Monterey and San Luis Obispo counties
  - I. Camp 5 Outfitters – Roth Ranch PLM
  - II. Gabilan Ranch
  - III. Indian Valley Cattle Company (Lombardo Ranch)
  - IV. Peachtree Ranch
  - V. Work Ranch

- (H) San Benito County
  - I. Lewis Ranch
  - II. Lone Ranch
  - III. Rancho La Cuesta
  - IV. Trincherero Ranch
- (I) San Luis Obispo County
  - I. Avenales Ranch
  - II. Carnaza Ranch
  - III. Clark and White Ranches
  - IV. D-Rafter-“L” Ranch, LLC
  - V. Hearst Ranch
- (J) Shasta County
  - I. Stackhouse Ranch
  - II. Stewart Ranch
- (K) Stanislaus County
  - I. Rooster Comb Ranch
- (L) Tehama County
  - I. Bell Ranch
  - II. R Wild Horse Ranch

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## DISCUSSION AND ACTION ITEMS

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### 5. **Commission executive director and Department reports**

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

#### (A) ***Commission executive director***

- I. Update on planning and coordination for reviewing Commission policies
- II. Progress on the justice, equity, diversity and inclusion plan
- III. Public notice that the Department’s 90-day evaluation report on the petition to list greater sage grouse as threatened or endangered under the California Endangered Species Act (CESA) was received

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

### 6. **Permits and draws for special hunts**

Consider authorizing publication of notice of intent to amend regulations regarding special hunt permit issuance and drawings in the Department Automated License Data System. (Amend sections 702 and 715, Title 14, CCR)

### 7. **Wild Trout Waters**

Receive and discuss recommendation for proposed amendments to the Commission’s Commission-Designated Wild Trout Waters Policy.

- 8. Klamath River Basin sport fishing (annual)**  
Discuss proposed amendments to Klamath River Basin sport fishing regulations.  
(Amend Section 5.87 and subsection 7.40(b)(50), Title 14, CCR)
- 9. Central Valley sport fishing (annual)**  
Discuss proposed amendments to central valley sport fishing regulations.  
(Amend subsections 7.40(b)(4), (43), (66) and (80), Title 14, CCR)
- 10. Waterfowl hunting**  
Consider adopting proposed amendments to waterfowl hunting regulations and consider taking final action under the California Environmental Quality Act (CEQA).  
(Amend Section 502, Title 14, CCR)
- 11. Elk hunting**  
Consider adopting proposed amendments to elk hunting regulations and consider taking final action under CEQA.  
(Amend sections 364 and 364.1, Title 14, CCR)
- 12. Nelson bighorn sheep hunting**  
Consider adopting proposed amendments to Nelson bighorn sheep hunting regulations and consider taking final action under CEQA.  
(Amend Section 362, Title 14, CCR)
- 13. Mitigating risks for cervid importation and movement**  
Consider authorizing publication of notice of intent to amend regulations for mitigating risks for chronic wasting disease importation and movement, and clarifications concerning other diseases.  
(Amend sections 257.5, 475, 676, 681, 712 and 714, Title 14, CCR)  
***Staff will recommend that this item be continued to a future meeting.***
- 14. Klamath River dams removal sport fishing**  
Consider authorizing publication of notice of intent to amend regulations for sport fishing in the Klamath River related to the removal of Iron Gate, Copco No. 1, and Copco No. 2 dams.  
(Amend section 5.87 and subsections 7.40(b)(50) and 7.50(b)(73), Title 14, CCR)  
***Staff will recommend that this item be continued to a future meeting.***

**15. 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 June 14-15, 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 2023-01*: Request to create a “night use stamp” for night hunting and fishing with a valid license in Department Region 2 (North Central Region) Type C Wildlife Areas

II. *Petition 2021-005*: Request to change Alameda Creek special fishing regulations

**16. 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.

**17. 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***

Discussed referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on May 17, 2023.

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

**DAY 2 – April 20, 2023, 8:30 AM**

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**CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM**

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**GENERAL PUBLIC COMMENT**

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**18. 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).

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## CONSENT ITEMS

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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.

### 19. Kelp harvest plan and administrative kelp bed lease

- (A) Consider approving The Cultured Abalone Farm, LLC's updated five-year kelp harvest plan required for mechanical harvest of kelp in administrative kelp beds 18-21, 23, 25, and 28-32 between Ventura and Point Conception, and for leasing of Kelp Bed 26 in Santa Barbara County.  
(Pursuant to subsections 165(c) and 165.5(b)(2), Title 14, CCR)
- (B) Consider approving request from The Culture Abalone Farm, LLC to renew the company's lease for Kelp Bed 26 in Santa Barbara County.  
(Pursuant to Section 165.5, Title 14, CCR)

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## DISCUSSION AND ACTION ITEMS

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### 20. Commercial and recreational take of California spiny lobster and recreational hoop net requirements for take of crustaceans

Consider adopting proposed amendments to regulations for (a) commercial and recreational take of California spiny lobsters, 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)

### 21. Experimental Fishing Permit (EFP) Application 2022-04

Receive, consider, and potentially act on EFP Application 2022-04 to test commercial use of Puget Buoy's timed-release ropeless pop-up gear system in the California Dungeness crab fishery. (Pursuant to Section 91, Title 14, CCR)

### 22. 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 June 14-15, 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 2023-02*: Request to prohibit take of groundfish shoreward of 100 feet in the West Coast Central Groundfish Management Area year-round

- 23. 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.
- 24. 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 March 14 and 16, 2023 committee meeting. Discuss referred topics and consider revisions to topics and timing.
- (B) ***Department Marine Region***  
I. Update on annual recreational ocean salmon and Pacific halibut regulations, and automatic conformance to federal regulations.
- (C) ***Tribal Committee***  
Receive summary and consider approving recommendations from the April 18, 2023 committee meeting. Discuss referred topics and consider revisions to topics and timing.
- 25. Marine protected areas decadal management review**  
Receive a Department summary of *MPA Day: Management Review Forum* hosted March 15, 2023; discuss next steps in considering results from the first decadal management review and adaptive management recommendations for California's marine protected areas network and management program.
- 26. Commission administrative items**
- (A) ***Legislation and other agency regulations***  
I. Western Joshua Tree Conservation Act
- (B) ***Rulemaking timetable updates***
- (C) ***Future meetings – May 17 and June 14-15, 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 FGC Case No. 22ALJ002-FGC, the appeal filed by James Taibi regarding denial of a guide license renewal.

## California Fish and Game Commission Meeting Schedule

**Note: As meeting dates and locations can change, please visit [www.fgc.ca.gov](http://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
May 17	Teleconference – Sacramento	
May 17		<b>Wildlife Resources</b> Monterey/Santa Cruz area
June 14-15	CalEPA Headquarters Building Coastal Hearing Room, 2 <sup>nd</sup> Floor 1001 I Street Sacramento	
July 20		<b>Marine Resources</b> Sonoma/San Francisco Bay area
August 21		<b>Tribal</b> River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540
August 22-23	River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540	
September 21		<b>Wildlife Resources</b> Chico area
October 11-12	San Jose area	
November 16		<b>Marine Resources</b> San Diego area
December 12		<b>Tribal</b> 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**

- June 20-27, 2023 – Vancouver, WA
- September 7-14, 2023 – Spokane, WA
- October 31 – November 8. 2023 – Garden Grove, CA

### **Pacific Flyway Council**

- August 2023 – Location TBD

### **Western Association of Fish and Wildlife Agencies**

- July 9-14, 2023 – Santa Fe, NM

### **Wildlife Conservation Board**

- 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 154<sup>th</sup> 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](mailto: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](http://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](mailto: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, 16<sup>th</sup> 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 April 6, 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 April 14, 2023**. Comments received by this deadline will be made available to Commissioners at the meeting.

Written comments received after the supplemental comment deadline will not be included in the meeting materials.

### 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.
    - i. In-person participants ceding their time must complete a speaker card and approach the staff table with the spokesperson so that staff may confirm the presence of those ceding their time.
    - ii. Zoom participants ceding their time must notify the Commission at [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov) prior to the start of the agenda item, including to whom they are ceding time, and must be present on Zoom during the agenda item.
  - b. 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.

- c. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).
- d. 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](mailto: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.