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Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

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REVISED* MEETING AGENDA **June 14-15, 2023**

Participate in Person

**California Natural Resources Agency 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 the in-person location, via Zoom, or by telephone; you may join the webinar directly at <https://us02web.zoom.us/j/81300760652>. For complete instructions on how to join via Zoom or telephone, [click here](#) or visit 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.

*** This agenda is revised to move what was previously item 12 to the consent calendar on day 1 as item 6 and move what was previously item 13 to become current item 9, with the remainder of the agenda renumbered accordingly. Additionally, item 18 was amended.**

Note: See important meeting deadlines and procedures, including written public comment deadlines, starting on page 11. 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.

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).

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.

3. Initial private lands wildlife habitat enhancement and management area (PLM) plans

Consider approving initial private lands wildlife habitat enhancement and management plans and licenses for:

- | | |
|-----------------------------|-------------------------|
| (A) Lassen | (C) Shasta |
| I. Grasshopper Valley Ranch | I. Cow Creek Ranch |
| (B) San Benito | (D) Shasta and Siskiyou |
| I. Pine Mountain Ranch | I. Willow Creek Ranch |

(Pursuant to Section 601, Title 14, CCR)

4. Annual private lands wildlife habitat enhancement and management area PLMs

Consider approving annual PLM plans and 2023/2024 license for:

- | | |
|-----------------------|---------------------------|
| (A) Butte | (C) Calaveras |
| I. Angel Slough | I. Ordway Ranch |
| II. Deseret Farms | (D) Glenn |
| III. Llano Seco Ranch | I. Anderson Ranch |
| IV. M&T Chico Ranch | II. Bird Haven Ranch |
| V. Soper-Wheeler | (E) Humboldt and Trinity |
| (B) Butte and Tehama | I. Wilkinson Hunting Club |
| I. Rock Creek | |

- | | |
|--|--|
| <ul style="list-style-type: none"> (F) Lassen <ul style="list-style-type: none"> I. Ash Valley Ranch II. Clarks Valley Ranch III. Dixie Valley Ranch IV. Five Dot Ranch - Avila V. Five Dot Ranch - Horse Lake VI. Five Dot Ranch - School Section VII. Five Dot Ranch - Tunnel Springs VIII. Five Dot Ranch - Willow Creek IX. Kramer Ranch X. Mendiboure Cold Springs Ranch XI. Mendiboure Ranch XII. Red Rock Ranch XIII. Walton Homestead Family, LLC (G) Los Angeles <ul style="list-style-type: none"> I. Santa Catalina Island (H) Mendocino <ul style="list-style-type: none"> I. Four Pines Ranch II. Schneider Ranch (I) Modoc <ul style="list-style-type: none"> I. Lookout Ranch II. Roberts Ranch | <ul style="list-style-type: none"> (J) Monterey <ul style="list-style-type: none"> I. Bardin Ranch (K) San Joaquin <ul style="list-style-type: none"> I. Corral Hollow Ranch (L) Santa Clara <ul style="list-style-type: none"> I. Coon Creek Ranch (M) Shasta <ul style="list-style-type: none"> I. Clover Creek Ranch II. Duncan Creek Ranch III. Jerusalem Creek Ranch IV. JS Ranch V. Kampmann Ranch VI. Rickert Ranch (N) Siskiyou <ul style="list-style-type: none"> I. Long Prairie Farms II. Pondosa III. Red Rock Valley Farms (O) Tehama <ul style="list-style-type: none"> I. Big Bluff Ranch II. El Rancho Rio Frio III. Little Dry Creek Ranch IV. Mill Creek Ranch V. Salt Creek Ranch (P) Yolo <ul style="list-style-type: none"> I. Smith Flat Ranch |
|--|--|

(Pursuant to Section 601, Title 14, CCR)

5. Five-year private lands wildlife habitat enhancement and management area PLMs

Consider approving five-year private lands wildlife habitat enhancement and management (PLM) plans and 2023-2027 licenses for:

- | | |
|---|--|
| <ul style="list-style-type: none"> (A) Lassen <ul style="list-style-type: none"> I. Observation Peak Ranch (B) Modoc <ul style="list-style-type: none"> I. Basin View Ranch II. SL Ranch | <ul style="list-style-type: none"> (C) San Bernardino <ul style="list-style-type: none"> I. Big Morongo Springs Ranch (D) Shasta <ul style="list-style-type: none"> I. Black Ranch II. Hathaway Oak Run Ranch |
|---|--|

- (E) Yuba
 - I. Sugarloaf Bangor Ranch
- (Pursuant to Section 601, Title 14, CCR)

6. Duck stamp expenditure proposals

Consider approving proposed duck stamp project expenditures from the Duck Stamp Dedicated Account Fund for Fiscal Year 2023-24.
(Pursuant to Section 3702, Fish and Game Code)

DISCUSSION AND ACTION ITEMS

7. Greater sage-grouse

Consider and potentially act on the petition, Department's evaluation report, and comments received to determine whether listing Greater sage-grouse (*Centrocercus urophasianus*) as threatened or endangered under the California Endangered Species Act may be warranted.

(Pursuant to Section 2074 and 2074.2, Fish and Game Code)

8. Commission executive director and Department reports

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

(A) **Commission executive director**

- I. Update on justice, equity, diversity and inclusion plan

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

- I. Update on the Department's beaver program

9. Wildlife Prosecutor of the Year

Announce recipient of the Commission's annual Wildlife Prosecutor of the Year award.

(Pursuant to Commission Wildlife Prosecutor of the Year Policy)

10. Inland sport fish updates (annual)

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

(Amend subsections 7.40(b)(27), 7.40(b)(79), 7.50(b)(7), and 7.50(b)(81), Title 14, CCR)

11. Permits and draws for special hunts

Discuss proposed amendments to regulations regarding special hunt permit issuance and drawings in the Department Automated License Data System.

(Amend sections 702 and 715, Title 14, CCR)

12. Mitigating risks for cervid importation and movement

Consider authorizing publication of notice of intent to amend regulations concerning cervid importation and movement to mitigate risks for importing diseases like chronic wasting disease into California.

(Amend sections 257.5, 475, 676, 712, and add sections 681 and 714, Title 14, CCR)

13. Wild Trout Waters Policy

Consider and potentially adopt proposed amendments to the Commission's Commission-Designated Wild Trout Waters Policy.
(Pursuant to Section 703, California Fish and Game Code)

14. 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 August 22-23, 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 2021-007R*: Request to allow BB devices as an authorized method of take for wild pig.

II. *Petition 2023-03*: Request to add one senior day to existing veteran or youth day hunt for migratory game birds.

15. 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.

16. 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 May 16-17, 2023 committee meeting. Discuss referred topics and consider revisions to topics and timing.

(Pursuant to Section 106, Fish and Game Code)

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

I. Receive update on Clear Lake hitch efforts

CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM

GENERAL PUBLIC COMMENT

17. 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.

18. Experimental Fishing Permit (EFP) 2022-01

Consider amending EFP 2022-01 regarding testing commercial deep-set and night-set buoy gear to target swordfish and other migratory species fishery.
(Pursuant to Section 91, Title 14, CCR)

19. Recreational hoop net regulations

Consider adopting second 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

20. Pre-existing structures in marine protected areas (MPAs) and marine managed areas (MMAs)

Consider authorizing publication of notice of intent to amend regulations for incidental take authorization for work on pre-existing artificial structures within MPAs and MMAs.
(Amend Section 632, Title 14, CCR)

21. Commercial take of Pacific herring with lampara bait nets

Consider authorizing publication of notice of intent to amend regulations to allow limited commercial take of Pacific herring via small-scale lampara gear by Humboldt Bay herring permit holders.
(Amend sections 163 and 163.1, Title 14, CCR)

- 22. EFP Application 2023-01**
Receive, consider, and potentially act on EFP Application 2023-01 for Sustainable Seas Technology pop-up systems testing in the experimental fishery for brown box and king crab.
(Pursuant to Section 91, Title 14, CCR)
- 23. EFP Application 2023-02**
Receive, consider, and potentially act on EFP Application 2023-02 for the National Marine Sanctuary Foundation to test and validate gear innovations in the California Dungeness crab fishery.
(Pursuant to Section 91, Title 14, CCR)
- 24. Commission policies**
Receive update on planning and coordination for reviewing Commission policies.
Discuss and potentially approve first series of policy reviews.
- 25. Coastal Fishing Communities Policy**
Consider and potentially adopt new Commission policy on coastal fishing communities.
(Pursuant to Section 703, California Fish and Game Code)
- 26. 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 August 22-23, 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 2022-11*: Request to modify Dungeness crab regulations related to fishery start times, crab trap stamps, and best practices for trap buoy rigging.
- II. *Petition 2022-17*: Request to amend the number and type of buoys required for recreational crab traps.
- 27. 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 July 20, 2023.
(Pursuant to Section 105, Fish and Game Code)

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

- I. Update on annual recreational ocean salmon regulations, and automatic conformance to federal regulations.
(Pursuant to Section 1.95, Title 14, CCR)
- II. Discuss Department director's management action taken related to recreational Dungeness crab fishing to protect whales
(Pursuant to subsection 29.80(c)(7)(G), Title 14, CCR)

(C) ***Tribal Committee***

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on Monday, August 21, 2023.

- I. Tribal subsistence definition workgroup
(Pursuant to Section 106.5, Fish and Game Code)

28. Commission administrative items

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

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

(C) ***Potential meeting dates and locations for 2024 and 2025***

(D) ***Future meetings – August 22-23, 2023 and new business***

- I. Discuss future Commission meeting formats and procedure for determining meeting locations.
- II. Discuss potentially recognizing the anniversary of the extirpation of California grizzly bear (*Ursus arctos californicus*), California's state animal.

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. 22ALJ006-FGC, regarding revocation of Arthur Esparza’s lobster operator permit and commercial fishing license.

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
July 20		Marine Resources Sonoma area
August 21		Tribal 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		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

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

Pacific Flyway Council

- August 25, 2023 – Winter Park, CO

Western Association of Fish and Wildlife Agencies

- July 9-14, 2023 – Santa Fe, NM

Wildlife Conservation Board

- 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 154th 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 June 1, 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 June 9, 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 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. 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.