

**Commissioners**  
**Eric Sklar**, President  
Saint Helena

**Erika Zavaleta**, Vice President  
Santa Cruz

**Jacque Hostler-Carmesin**, Member  
McKinleyville

**Samantha Murray**, Member  
La Jolla

**Vacant**, Member

STATE OF CALIFORNIA  
Gavin Newsom, Governor

## Fish and Game Commission



*Wildlife Heritage and Conservation  
Since 1870*

**Melissa Miller-Henson**  
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### **SECOND REVISED\* MEETING AGENDA** **October 11-12, 2023**

#### **Participate in Person**

**San Jose Scottish Rite Center**  
**2455 Masonic Drive**  
**San Jose, CA 95125**

**Trinidad Rancheria**  
**Tribal Council Chambers**  
**1 Cher-Ae Lane**  
**Trinidad, CA 95570**

#### **Participate via Webinar/Teleconference**

***The meeting will be live streamed; visit [www.fgc.ca.gov](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; you may join the webinar directly at <https://us02web.zoom.us/j/81722552033>. For complete instructions on how to join via Zoom or telephone, [click here](#) or visit [fgc.ca.gov/meetings/2023](http://fgc.ca.gov/meetings/2023)***

**\* This second revised agenda is amended to add an in-person meeting location in Trinidad, California.**

**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. All section and subsection references are to Title 14 of the California Code of Regulations, unless otherwise noted.**

**Invitation: The Commission invites members of the public to join commissioners and staff for a field trip currently under development that will take place on Wednesday, October 11. 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 – October 11, 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. **Inland sport fish update**

Consider adopting proposed amendments to regulations regarding freshwater sport fishing regulations.

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

### 4. **Mitigating risks for cervid importation and movement**

Consider adopting regulations regarding cervid importation and movement to mitigate risks for importing diseases like chronic wasting disease into California.

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

### 5. **San Bernardino kangaroo rat**

Consider ratifying findings on the decision to list San Bernardino kangaroo rat (*Dipodomys merriami parvus*) as endangered under CESA.

(Pursuant to Section 2075.5, Fish and Game Code)

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## DISCUSSION AND ACTION ITEMS

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### 6. **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 September 19, 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. Clear Lake hitch and scheduled summit

### 7. **Department lands**

Consider authorizing publication of notice of intent to amend regulations for lands owned or managed by the Department.

(Add Section 540 and amend sections 550, 551, and 630)

8. **Exotic game mammals and wild pig validation**  
 Consider authorizing publication of notice of intent to amend regulations for exotic game mammals and wild pig validations.  
 (Amend sections 250, 251.5, 252, 257.5, 258, 350, 352, 353, 401, 465.5, 679, and 708.13, repeal section 368, and add sections 375, 376, 377, 378, and 379)
9. **White sturgeon emergency regulation**  
 Discuss and consider adopting emergency regulations concerning recreational take of White Sturgeon to support recovery of sturgeon populations and to track fishing pressure and success.  
 (Amend sections 5.79, 5.80, 27.90, and 27.92)
10. **Lime Ridge eriastrum**  
 Consider the petition, Department's status review report, and comments received to determine whether listing Lime Ridge eriastrum (*Eriastrum ertterae*) as endangered under the California Endangered Species Act (CESA) is warranted.  
 (Pursuant to sections 2075 and 2075.5, Fish and Game Code)
11. **Inyo rock daisy**  
 Consider the petition, Department's status review report, and comments received to determine whether listing Inyo rock daisy (*Perityle inyoensis* synonym *Laphamia inyoensis*) as threatened or endangered under CESA is warranted.  
 (Pursuant to sections 2075 and 2075.5, Fish and Game Code)
12. **Monterey clover**  
 Receive a presentation on the Department's five-year species review for Monterey clover (*Trifolium trichocalyx*) which is listed as endangered under CESA.  
 (Pursuant to Section 2077, Fish and Game Code)
13. **Wild trout waters**  
 Receive Department presentation and recommendation and consider adopting proposed amendments to the Commission Designated Wild Trout Waters Policy.  
 (Pursuant to Section 1727, Fish and Game Code)
14. **American bullfrog and non-native turtles**  
 Discuss Wildlife Resources Committee recommendations for potential Commission actions on American bullfrog and non-native turtles.
15. **California Waterfowlers Hall of Fame**  
 Commission recognition of newly-inducted members of the California Waterfowlers Hall of Fame.
16. **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 December 13-14, 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)

- I. *Petition 2022-01*: Request to prohibit waterfowl hunting along the shoreline of Benicia, the Benicia State Park waters, or the Southampton Bay waters

**17. Non-regulatory requests from previous meetings (wildlife and inland fisheries)**

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

**DAY 2 – October 12, 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. California halibut emergency**

Discuss and consider adopting 90-day extension of emergency regulations for California halibut recreational daily bag and possession limits.

(Amend Section 28.15)

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**DISCUSSION AND ACTION ITEMS**

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

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

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

**21. Justice, equity, diversity and inclusion**

Receive and discuss an update on developing the justice, equity, diversity, and inclusion plan.

- 22. California halibut**  
Consider authorizing publication of notice of intent to amend regulations for California halibut recreational daily bag and possession limits.  
(Amend Section 28.15)
- 23. Recreational sea urchin**  
Consider authorizing publication of notice of intent to amend regulations for the recreational take of sea urchin to extend the bag limit exemption sunset date.  
(Amend Section 29.06)
- 24. Commission policies**  
Receive update on planning and coordination for review of Commission policies, and consider repealing policies identified for potential repeal during the Commission's August meeting.
- 25. Regulation change petitions (marine)**
- (A) ***New petitions***  
Receive new petitions for regulation change.  
(Pursuant to Section 662)  
*Consideration of whether to grant, deny, or refer for additional review is expected to be scheduled for the December 13-14, 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)  
*None scheduled for action.*
- 26. Non-regulatory requests from previous meetings (marine)**  
Consider and potentially act on non-regulatory requests submitted by members of the public at previous meetings.
- 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 November 16, 2023.
- (B) ***Department Marine Region***
- I. Public discussion on action taken to delay opening of recreational and commercial spiny lobster fisheries in portions of Los Angeles and Orange counties due to human health risk.  
(Pursuant to Section 5523, California Fish and Game Code)
- II. Nearshore groundfish management and take of quillback rockfish

**28. Coastal Fishing Communities Policy**

Consider and potentially adopt new Commission policy on coastal fishing communities.  
(Pursuant to Section 703, California Fish and Game Code)

***Staff will recommend that this item be continued to the December 13-14, 2023 meeting.***

**29. Commission administrative items**

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

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

(C) ***Next meeting – December 13-14, 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. 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. 22ALJ011-FGC, regarding the suspension of Michael Volaski’s commercial fishing license and lobster operator permit.
  - II. Consider the proposed decision in Agency Case No. 20ALJ12-FGC, regarding the denial of an amendment to Joseph Carvalho’s restricted species permit.
  - III. Consider Agency 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](http://www.fgc.ca.gov) for the most current list. All Commission meetings will include a webinar/phone option for attendance and every effort will be made to ensure that committee meetings include the same.

Meeting Date	Commission Meeting	Committee Meeting
November 16, 2023		<b>Marine Resources</b> San Diego area
December 12, 2023		<b>Tribal</b> San Diego area
December 13-14, 2023	San Diego area	
January 18, 2024		<b>Wildlife Resources</b> Southern California
February 14-15, 2024	Natural Resources Headquarters Building Auditorium 715 P Street, 1st Floor Sacramento, CA 95814	
March 14, 2024		<b>Marine Resources</b> San Clemente area
April 16, 2024		<b>Tribal</b> San Jose
April 17-18, 2024	San Jose	
May 15, 2024	Teleconference	
May 16, 2024		<b>Wildlife Resources</b> Yreka
June 19-20, 2024	Mammoth Lakes	
July 18, 2024		<b>Marine Resources</b> Santa Rosa area
August 13, 2024		<b>Tribal</b> Fortuna
August 14-15, 2024	Fortuna	
September 12, 2024		<b>Wildlife Resources</b> San Jose
October 9-10, 2024	Sacramento	
November 7, 2024		<b>Marine Resources</b> Sacramento
December 10, 2024		<b>Tribal</b> San Diego area



Meeting Date	Commission Meeting	Committee Meeting
December 11-12, 2024	San Diego area	

*Revised August 30, 2023*

## Other Meetings of Interest

### **Pacific Fishery Management Council**

- October 31 - November 8, 2023 – Garden Grove, CA
- March 5-11, 2024 – Fresno, CA
- April 5-11, 2024 – Seattle, CA
- June 6-13 – San Diego, CA

### **Pacific Flyway Council**

- August 25, 2023 – Winter Park, CO
- March 2024 – TBD

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

- June 2-7, 2024 – Stevenson, Washington

### **Wildlife Conservation Board**

- November 16, 2023 – Sacramento, CA
- February 2024 – Sacramento, CA
- May 2024 – 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 September 28, 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 October 6, 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](mailto: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](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.