

**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*

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### Revised\* Meeting Agenda

December 13-14, 2023

#### Participate in Person

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

#### Participate via Webinar/Teleconference

***The meeting will be live streamed; visit [www.fgc.ca.gov](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/88135179042>. 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 revised agenda is amended to:

- change the start time on both days to 8:00 a.m.,
- move Commission Policies to become item 10
- move Commission and Department director reports to become item 11,
- add items 15 and 16,
- amend items 8 and 24,
- add a new section for public receipt of documents, and
- renumber the remainder of agenda items accordingly.

**Note: See important meeting deadlines and procedures, including written public comment deadlines, starting on page 9. 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 the afternoon of Wednesday, December 13. Details will be available in advance of the Commission meeting. Members of the public are welcome to join but must provide their own transportation.**

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**Call to Order and Roll Call to Establish a 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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**Discussion and Action Items**

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- 3. Waterfowl hunting**

Consider authorizing publication of notice of intent to amend waterfowl hunting regulations.

(Amend Section 502)

- 4. Mammal hunting**

Consider authorizing publication of notice of intent to amend mammal hunting regulations.

(Amend sections 362, 363, 364, 554, 555 and 708.14)

- 5. Klamath River dam removal sport fishing**

Discuss proposed amendments to Klamath River dam removal sport fishing regulations and consider publication of a notice of sufficiently related changes for the increased protection of returning Chinook salmon.

(Amend sections 5.87 and 8.02, and subsections 7.40(b)(50) and 7.50(b)(73))

- 6. Department lands**

Discuss proposed amendments to regulations for lands owned or managed by the Department.

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

- 7. Exotic game mammals and wild pig validation**

Discuss proposed amendments to 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)

- 8. Permits and draws for special hunts**

Consider approving sufficiently-related changes to the regulations adopted by the Commission on August 22, 2023 regarding special hunt permit issuance and drawings in the Department Automated License Data System. (Amend sections 702 and 715)

***Staff will recommend that this item be continued to the February 2024 meeting.***

**9. American bullfrog and non-native turtles**

Discuss and consider potentially approving strategies for addressing American bullfrog and non-native turtles.

**10. Commission policies**

Receive update on planning and coordination for review of Commission policies, and discuss potential amendments to three policies: *Legislation, Designation of Department Controlled Lands as State Wildlife Areas*, and *Naming Installations*.

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

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

1. *Justice, equity, diversity and inclusion update*

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

1. *Presentation and discussion regarding Commission authority related to water.*

***The Department will request that this presentation be deferred to the February 2024 Commission meeting.***

**12. Committee and Department reports**

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

**(A) Tribal Committee**

Receive summary and consider approving recommendations from the December 12, 2023 Committee meeting. Discuss referred topics and consider revisions to topics and timing.

**(B) Wildlife Resources Committee**

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting to be held on January 11-12, 2024 in Ontario.

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

1. *Update on response to spring-run Chinook salmon cohort collapse in Mill, Deer and Butte creeks.*

**Day 2 – December 14, 2023, 8:00 AM**

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**Call to Order and Roll Call to Establish a Quorum**

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**General Public Comment**

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**13. 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.

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

Consider adopting proposed amendments to regulations regarding incidental take authorization for work on pre-existing artificial structures within MPAs and MMAs, and take final action under the California Environmental Quality Act.  
(Amend Section 632)

**15. Recreational take of California halibut emergency**

Discuss and consider adopting a 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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**16. Recreational fishing regulations for federal groundfish**

Consider authorizing publication of notice of intent to amend (a) recreational fishing regulations for federal groundfish in state waters for consistency with federal rules in 2024, and (b) recreational groundfish seasons, bag and depth limits.  
(Amend sections 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.26, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.55, and 28.56)

**17. Recreational take of California halibut**

Discuss proposed amendments to regulations for California halibut recreational daily bag and possession limits.  
(Amend Section 28.15)

**18. Recreational take of sea urchin**

Discuss proposed amendments to regulations for the recreational take of sea urchin to extend the bag limit exemption sunset date.  
(Amend Section 29.06)

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

Receive and discuss an update on the Pacific Fishery Management Council process and timeline for recreational ocean salmon and Pacific halibut recommendations, and automatic conformance to federal regulations.  
(Pursuant to Section 1.95)

**20. MPA Management Program**

Receive annual update from the Department on the State's MPA Management Program activities.

**21. Coastal Fishing Communities Policy**

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

**22. Regulation change petitions (marine, wildlife, and inland fisheries)**

**(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 February 14-15, 2024 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)

1. *Petition 2021-028*: Request to add spearfishing as an allowable method of take for American shad
2. *Petition 2023-10*: Allow anglers to donate fish to non-profit organizations under a sport-caught fish exchange permit
3. *Petition 2023-11*: Authorize recreational take of groundfish inside 50 fathoms using non-motorized vessels or watercraft (less than or equal to 19 feet) with mandatory descending devices
4. *Petition 2023-12*: Require recreational anglers to possess and use descending devices capable of returning rockfish to the depth taken when fishing for or possessing groundfish

**23. Non-regulatory requests from previous meetings (marine, wildlife, and inland fisheries)**

Consider and potentially act on requests for non-regulatory action received from 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 November 16, 2023 Committee meeting. Discuss referred topics and consider revisions to topics and timing.

**(B) Department Marine Region**

- I. *Public discussion of action taken in the recreational Dungeness crab fishery to temporarily prohibit the use of crab traps between the Sonoma/Mendocino counties line and Lopez Point, Monterey County (fishing zones 3 and 4) and to issue a fleet advisory for all fishing zones (1-6) to protect marine life from entanglement risk.*

(Pursuant to Section 29.80)

- II. *Public discussion of action taken to close the recreational razor clam fishery in Del Norte County due to elevated levels of domoic acid*  
(Pursuant to subsection 5523(a)(2), Fish and Game Code)
- III. *Commercial and recreational groundfish fisheries*

**25. Commission administrative items**

- (A) ***Legislation and other agency regulations***
- (B) ***Rulemaking timetable updates***
- (C) ***Future meetings – February 14-15, 2024 Commission, request for March 2024 Marine Resources Committee date change, request to add a March 2024 teleconference, and request for August and October 2024 Commission meeting location changes***

Adjourn

### **Public Receipt of Documents**

This section of the agenda highlights reports or other documents received by the Commission since the previous meeting. Any Commission discussion or action on these documents will be noticed and placed on the agenda of a future meeting. Since October 6, 2023, the Commission received two documents:

1. A petition from Jonathan Rosenfield, Ph.D., San Francisco Baykeeper to list white sturgeon (*Acipenser transmontanus*) as threatened under the California Endangered Species Act.
2. A recommendation from the Department regarding the major amendment of EFP #2022-03, testing of Sub Sea Sonics pop-up gear in the California Dungeness crab and hagfish fisheries.

## 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

## 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
January 18, 2024		<b>Wildlife Resources</b> Department of Fish and Wildlife Inland Deserts Region Field Office 3602 Inland Empire Boulevard, C220 Ontario, CA 91764
February 14-15, 2024	Natural Resources Headquarters Building Auditorium 715 P Street, 2nd 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
December 11-12, 2024	San Diego area	



## Other Meetings of Interest

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

- September 22-25, 2024 – Madison, WI

### **Pacific Fishery Management Council**

- March 5-11, 2024 – Fresno, CA
- April 5-11, 2024 – Seattle, CA
- June 6-13, 2024 – San Diego, CA
- September 18-24, 2024 – Spokane, WA
- November 13-19, 2024 – Costa Mesa, CA

### **Pacific Flyway Council**

- March 26, 2024 – Grand Rapids, MI
- August 2024 – Date and Location TBD

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

- June 3-7, 2024 – Stevenson, WA

### **Wildlife Conservation Board**

- February 15, 2024 – Sacramento, CA
- May 23, 2024 – Sacramento, CA
- August 22, 2024 – Sacramento, CA
- November 21, 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 will be available to the general public.

### Comment Deadlines

The **Comment Deadline** for this meeting is **5:00 p.m. on November 30, 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 December 8, 2023**. Comments received by this deadline will be made available to Commissioners at the meeting.

After these deadlines, written comments may be delivered in person to the meeting. Please bring 12 copies of written comments to the meeting and give them to the designated staff member just prior to speaking.

### 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*, 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).

### **Non-Regulatory Requests**

All non-regulatory requests 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 such requests 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 speaking 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 and Associated 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 you bring a print copy of your presentation in case of technical difficulties.
4. If you have written materials to accompany your presentation, please bring 12 copies to the meeting and give them to the designated staff member just prior to presenting.