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Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

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Revised* Meeting Agenda

February 14-15, 2024

Participate in Person

Natural Resources Headquarters Building
715 P Street, Second Floor, Room 2-221
Sacramento, California 95814

or

Participate via Webinar/Phone

The meeting will be live streamed; visit 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/84589311763>. For complete instructions on how to join via Zoom or telephone, [click here](#) or visit fgc.ca.gov/meetings/2024

*** This revised agenda is amended to:**

- **Begin the meeting on Day 1 at 8:30 AM;**
- **modify item 8 to clarify the tracking numbers for an experimental fishing permit application and an experimental fishing permit;**
- **modify item 10B to change the description of petitions 2023-19MPA, 2023-20MPA, 2023-21MPA, 2023-25MPA, 2023-27MPA, and 2023-29MPA;**
- **modify item 19 to make the description more specific;**
- **move what was item 24 (exotic game mammal) to consent as item 17;**
- **modify item 25 to indicate that staff will recommend it be delayed;**
- **modify item 31 to identify a change in dates; and**
- **renumber the remainder of agenda items accordingly.**

Notes: (1) See important meeting deadlines and procedures, including written public comment deadlines, starting on page 13.

(2) Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.

- (3) All section and subsection references are to Title 14 of the California Code of Regulations, unless otherwise noted.
- (4) Consistent with Commission direction in December 2023, “general public comment for items not on the agenda” is listed near the end of the agenda for each day.

Invitation: The Commission invites members of the public to join commissioners and staff for a field trip currently under development for Wednesday, February 14. Details will be available in advance of the Commission meeting. Members of the public are welcome to join but must provide their own transportation.

Day 1 – February 14, 2024; 8:30 AM

Call to Order and Roll Call to Establish a Quorum

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

Commission Elections and Committee Assignments

2. **Election of Commission president and vice president**
The commissioners annually elect one of their number as a president and one as a vice president, by a concurrent vote of at least three commissioners.
(Pursuant to Section 102, Fish and Game Code)
3. **Committee assignments**
The Commission forms three committees from its membership, consisting of at least one or up to two commissioners: Marine Resources Committee, Wildlife Resources Committee, and Tribal Committee.
(Pursuant to sections 105, 106, and 106.5, Fish and Game Code)

Discussion and Action Items

4. **Commission executive director and Department reports**
 - (A) ***Commission executive director’s report***
 - I. Justice, equity, diversity and inclusion (JEDI) plan update
 - (B) ***Department director and Law Enforcement Division***
 - I. Presentation and discussion regarding Commission authority related to water
 - II. JEDI case study: Historical fish stocking practices in the Department’s North Central Region (Region 2)
5. **Recreational take of California halibut**
Consider adopting proposed amendments to regulations for California halibut recreational daily bag and possession limits.
(Amend Section 28.15)

6. **Recreational take of sea urchin**
 Consider adopting proposed amendments to regulations for the recreational take of sea urchin to extend the bag limit exemption sunset date.
 (Amend Section 29.06)

7. **Recreational fishing regulations for federal groundfish**
 Discuss proposed amendments to (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)

8. **Experimental Fishing Permit (EFP) Program**
 (Pursuant to Section 91, Title 14, CCR)
 - (A) ***EFP application (Commission Tracking ID #2023-03)***
 - I. Receive, consider and potentially act on EFP application to test commercial use of hoop nets in the California Dungeness crab fishery.
 - (B) ***Major amendment request for EFP (Commission Tracking ID #2022-03)***
 - I. Consider approving major amendment to EFP approved to test commercial use of Sub Sea Sonics pop-up gear in the California Dungeness crab fishery and adding testing in the hagfish trap fishery.

9. **Coastal Fishing Communities Policy**
 Consider and potentially adopt new Commission policy on coastal fishing communities.
 (Pursuant to Section 703, California Fish and Game Code)

10. **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 April 17-18, 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)
 - I. *Petition 2023-14MPA*: Allow commercial take of red sea urchins in nine state marine conservation areas (SMCAs)
 - II. *Petition 2023-15MPA*: Reclassify three northern Channel Islands state marine reserves (SMRs) to SMCAs and allow take of highly migratory species, pelagic finfish, and/or coastal pelagic finfish
 - III. *Petition 2023-16MPA*: Reclassify Stewarts Point and Bodega Head SMRs to SMCAs and allow commercial take of salmon

- IV. *Petition 2023-18MPA*: Modify allowed uses for four marine protected areas (MPAs) in Santa Barbara Channel and eliminate two special closures.
- V. *Petition 2023-19MPA*: Designate new "Chitqawi" SMCA near Morro Bay with tribal take exemption for and co-management with the Santa Ynez Band of Chumash Indians
- VI. *Petition 2023-20MPA*: Add tribal take exemption to Point Buchon SMCA for co-management with Santa Ynez Band of Chumash Indians, and modify northern boundary of Point Buchon SMR
- VII. *Petition 2023-21MPA*: Modify Pyramid Point SMCA to remove recreational take of surf smelt; continue current tribal take exemption for Tolowa Dee-ni' Nation
- VIII. *Petition 2023-22MPA*: Define "rocky intertidal zone," add research, monitoring, restoration and education allowance, and clarify protections in several Orange County MPAs
- IX. *Petition 2023-23MPA*: Reclassify three SMCAs to SMRs, designate one new SMR in Monterey, and make various changes related to kelp restoration
- X. *Petition 2023-24MPA*: Expand Laguna Beach no-take SMCA southward to border of City of Laguna Beach and modify Dana Point SMCA boundaries
- XI. *Petition 2023-25MPA*: Change boundaries and allowed uses at several Catalina Island MPAs
- XII. *Petition 2023-26MPA*: Shift Swami's SMCA southward, and clarify protections at three estuarine no-take SMCAs in San Diego County
- XIII. *Petition 2023-27MPA*: Reclassify a portion or all of Anacapa SMCA to an SMR
- XIV. *Petition 2023-28MPA*: Designate a new SMR at Point Sal, or designate as an SMCA with a tribal take exemption based on tribal consultation
- XV. *Petition 2023-29MPA*: Designate new "Mishopshno" SMCA near Santa Barbara with a tribal take exemption for and co-management with Santa Ynez Band of Chumash Indians
- XVI. *Petition 2023-30MPA*: Revise the recreational crab take regulations for Big River SMCA
- XVII. *Petition 2023-31MPA*: Reclassify Drakes Estero SMCA to an SMR and combine with Estero de Limantour SMR as a single SMR
- XVIII. *Petition 2023-32MPA*: Reclassify Duxbury Reef SMCA as an SMR and expand northern and southern boundaries
- XIX. *Petition 2023-33MPA*: Expand the boundaries of five SMRs and one SMCA, and designate a new SMR off Pleasure Point, in Santa Cruz
- XX. *Petition 2023-34MPA*: Reclassify Point Buchon SMCA to an SMR and modify take at Farnsworth Onshore and Offshore SMCAs to only allow recreational spearfishing

11. Non-regulatory requests from previous meetings (marine)

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

12. Commission policies

Receive update on planning and coordination for review of Commission policies, with potential recommendation for next set of policies to review. Consider and potentially adopt amendments to three Commission policies.

(Pursuant to Section 703, California Fish and Game Code)

(A) **Legislation Policy**

(B) **Designation of Department Controlled Lands as State Wildlife Areas Policy**

(C) **Naming Installations Policy**

Staff will recommend item 12(C) be continued to the April 17-18, 2024 meeting.

13. 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 to be held on March 19, 2024 in San Clemente.

(B) **Department Marine Region**

I. Update and public discussion on Department actions during the recreational Dungeness crab fishing season

General Public Comment

14. 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. Agenda item 30 on day 2 is an extension of this general public comment agenda item; as such, speakers may comment on one day or the other.

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).

Day 2 – February 15, 2024; 8:30 AM

Call to Order and Roll Call to Establish a Quorum

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.

- 15. White sturgeon**
Consider approving the Department's request for a 30-day extension to review the petition to list white sturgeon (*Acipenser transmontanus*) as a threatened or endangered species under the California Endangered Species Act (CESA).
(Pursuant to Section 2073.5, Fish and Game Code)
- 16. Inyo rock daisy**
Consider ratifying findings on the decision to list Inyo rock daisy (*Laphamia inyoensis*, synonym *Perityle inyoensis*) as a threatened species under CESA.
(Pursuant to Section 2075.5, Fish and Game Code)
- 17. Exotic game mammals and wild pig validation**
Consider adopting proposed amendments to regulations for exotic game mammals and wild pig validation and consider taking final action under CEQA.
(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)

Discussion and Action Items

- 18. Central Valley sport fishing**
Consider authorizing publication of notice of intent to amend central valley sport fishing regulations.
(Amend subsections 7.40(b)(4), (43), (66) and (80))
- 19. Klamath River Basin sport fishing**
Consider authorizing publication of notice of intent to amend Klamath River Basin sport fishing regulations related to fall-run Chinook salmon.
(Amend subsection 7.40(b)(50))
- 20. Waterfowl hunting**
Discuss proposed amendments to waterfowl hunting regulations.
(Amend Section 502)
- 21. Mammal hunting**
Discuss proposed amendments to mammal hunting regulations.
(Amend sections 362, 363, 364, 554, 555 and 708.14)
- 22. Readoption of white sturgeon emergency regulation**
Consider adopting a 90-day extension of emergency regulations concerning recreational take of white sturgeon (*Acipenser transmontanus*) to support recovery populations and to track fishing pressure and success.
(Amend sections 5.79, 5.80, 27.90, and 27.92)
Staff will recommend this item be continued to the April 17-18, 2024 meeting
- 23. Klamath River dam removal sport fishing**
Consider adopting proposed amendments to Klamath River dam removal sport fishing regulations.
(Amend subsections 7.40(b)(50) and 7.50(b)(73))

24. Department lands

Consider adopting proposed amendments to regulations for lands owned or managed by the Department and consider taking final action under the California Environmental Quality Act (CEQA).

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

25. 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 this item be continued to the April 17-18, 2024 meeting

26. Ballona Wetlands Ecological Reserve

Ballona Wetlands Ecological Reserve consistency determination.

Staff will recommend this item be continued to the April 17-18, 2024 meeting.

27. Regulation change petitions (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 April 17-18, 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)

- I. *Petition 2018-016(a)*: Request to remove Hope Valley Wildlife Area from the Department Lands Pass Program
- II. *Petition 2022-13*: Request to modify gear type and bag and possession limits for trout in Willow Creek, upstream from the confluence with the West Fork Carson River (Alpine County)
- III. *Petition 2023-13*: Clarify regulatory language regarding the use of traps for fur-bearing mammals, including trap types and animal disposition
- IV. *Petition 2023-17*: Add use of horses to list of allowable activities in Bayview Unit of Morro Dunes Ecological Reserve

28. 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.

29. Committee and Department reports

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

(A) ***Tribal 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 April 16, 2024 in San Jose.

(B) ***Wildlife Resources Committee***

Receive summary and consider approving recommendations from the January 16, 2024 Committee meeting. Discuss referred topics and consider revisions to topics and timing.

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

- I. Report on necropsies on mountain lions taken under 2023 depredation permits.
(Pursuant to Section 4807, Fish and Game Code)

General Public Comment

30. 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. This item is an extension of the “general public comment for items not on the agenda (Agenda Item 14); as such, speakers may comment on one day or the other.

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).

31. Commission administrative items

(A) ***Legislation***

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

(C) ***Future meetings and new business***

- I. *March 26, 2024 Commission teleconference meeting (previously scheduled for March 14)*
- II. *April 17-18, 2024 Commission regular meeting*

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 November 30, 2023 the Commission received two documents:

1. The Department's one-year status review report on the petition to list Mohave (also known as Agassiz's) desert tortoise (*Gopherus agassizii*) as endangered under CESA. Additional information about the petition is available at <https://fgc.ca.gov/cesa#adt>.
2. The Department's one-year status review report on the petition to list southern California steelhead (*Oncorhynchus mykiss*) as endangered under CESA. Additional information about the petition is available at <https://fgc.ca.gov/cesa#SCS>.

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)
- (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. 23ALJ03-FGC, regarding revocation of Rustin Wilson’s commercial fishing license and lobster operator permit.

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/phone option for attendance and every effort will be made to ensure that committee meetings include the same.

Meeting Date	Commission Meeting	Committee Meeting
March 19, 2024		Marine Resources California Department of Parks and Recreation Orange Coast District Office Training Room 3030 Avenida del Presidente San Clemente, CA 92672
March 26, 2024	Teleconference Trinidad, Fairfield, Sacramento and La Jolla	
April 16, 2024		Tribal San Jose
April 17-18, 2024	San Jose	
May 15, 2024	Teleconference Trinidad, Fairfield, Sacramento, Santa Cruz and La Jolla	
May 16, 2024		Wildlife Resources Yreka
June 19-20, 2024	Mammoth Lakes	
July 18, 2024		Marine Resources Santa Rosa area
August 13, 2024		Tribal Fortuna
August 14-15, 2024	Fortuna	
September 12, 2024		Wildlife Resources San Jose
October 9-10, 2024	California Natural Resources Headquarters Building Auditorium, 1 st Floor 715 P Street Sacramento, CA 95814	

Meeting Date	Commission Meeting	Committee Meeting
November 7, 2024		Marine Resources California Natural Resources Headquarters Building 715 P Street, 2ndFloor Sacramento, CA 95814
December 10, 2024		Tribal 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 6-11, 2024 – Seattle, WA
- June 6-13, 2024 – San Diego, CA
- September 18-24, 2024 – Spokane, WA
- November 13-19, 2024 – Costa Mesa, CA
- March 5-11, 2025 – Vancouver, WA
- April 9-15, 2025 – San Jose, CA

Pacific Flyway Council

- March 26, 2024 – Grand Rapids, MI
- August 30, 2024 – Jackson, WY

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 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 Civil Rights Office (CRO) at civilrights@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 CRO 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); or hand-deliver to a Commission meeting. 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 February 1, 2024**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Supplemental Comment Deadline** for this meeting is **noon on February 9, 2024**. 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/phone, 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.

In-person and Webinar

1. In-person speakers will be identified in groups; please line up when your name is called. Speakers by webinar/phone 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 before providing your comments on the item under consideration.
3. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. The presiding commissioner will allot between one and three minutes per speaker per agenda item, subject to the following exceptions:
 - a. The presiding commissioner may allow up to five minutes to an individual speaker if a minimum of three individuals who are present when the agenda item is called have ceded their time to the designated spokesperson, and the individuals ceding time forfeit their right to speak to the agenda item.
 - b. In-person participants ceding their time shall complete a speaker card and approach the staff table with the spokesperson so that staff may confirm the presence of those ceding their time. If you are participating via Zoom and ceding your time to another speaker, please notify the Commission at fgc@fgc.ca.gov prior to the start of the agenda item, including to whom you are ceding your time, and be present on Zoom during the agenda item.
 - c. Individuals may receive advance approval for additional time to speak if 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. 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.