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Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

Revised* Meeting Agenda **April 17-18, 2024**

Participate in Person

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

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/85095560390>. 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 clarify the scope of item 3, and add a sub-item to item 9(C).**

- Notes:**
- (1) See important meeting deadlines and procedures, including written public comment deadlines, starting on page 11.**
 - (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.**

Invitation: The Commission invites members of the public to join commissioners and staff for a field trip currently under development for Wednesday, April 17. 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 and Roll Call to Establish a Quorum

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

Discussion and Action Items

2. **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***

3. **Commercial California halibut and white seabass set gill net**

Consider authorizing publication of notice of intent to amend regulations regarding set gill net service interval, gear marking, and mesh depth in the commercial California halibut and white seabass set gill net fisheries.

(Add Section 174.1)

4. **Fisheries logbook forms and fishing block charts**

Consider authorizing publication of notice of intent to amend regulations regarding fisheries logbook forms and fishing block charts.

(Amend sections 120.7, 122, 165, 180, 190, 197 and 705.1)

5. **Experimental Fishing Permit (EFP) Program Major Amendment Request**

Consider approving a major amendment to the permit for EFP Application 2023-02 related to pop-up gear testing in the Dungeness and rock crab fisheries.

(Pursuant to Section 91)

6. **Commission policies**

Discuss potential amendments to five Commission policies currently under review.
(Pursuant to Section 703, California Fish and Game Code)

- (A) ***Code of Conduct***

- (B) ***Planting Fish in Youth Camps***

- (C) ***Youth Fishing Programs***

- (D) ***Research***

- (E) ***Naming Installations***

7. **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 June 19-20, 2024 meeting.

(B) ***Previously received petitions***

Consider whether to grant, deny, or refer for additional review, petitions for regulation change received at previous meetings.

(Pursuant to Section 662)

- I. *Petition 2023-12*: Request to amend recreational groundfish regulations to require use of descending devices to protect groundfish stocks
- II. *Petition 2024-01*: Request to amend sport fishing regulations to allow increased take and reduce size limitations of trout in Stony Creek in Colusa County
- III. *Petition 2018-016(a)*: Request to remove Hope Valley Wildlife Area from the Department Lands Pass Program

8. 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.

9. 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 April 16, 2024 Committee meeting. Discuss referred topics and consider revisions to topics and timing.

(B) ***Marine Resources Committee***

Receive summary and consider approving recommendations from the March 19, 2024 Committee meeting. Discuss referred topics and consider revisions to topics and timing.

(C) ***Department Marine Region***

- I. Update on annual recreational ocean salmon and Pacific halibut regulations, and automatic conformance to federal regulations
- II. Public discussion of action taken by the director of the Department in the recreational Dungeness crab fishery to temporarily prohibit the use of crab traps between the Sonoma/ Mendocino county line and Point Conception, Santa Barbara County (fishing zones 3, 4 and 5), and remain under a fleet advisory for all open fishing zones (1, 2 and 6), to protect marine life from entanglement risk. (Pursuant to Section 29.80)

General Public Comment

10. 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 28 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).

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.

11. Initial private lands wildlife habitat enhancement and management area (PLM) plan and licence (consent)

Consider approving initial PLM plan and 2024-2028 license for:
(Pursuant to Section 601)

- (A) Merced
 - I. Stevinson Ranch

12. Five- year PLM plans (consent)

Consider approving five-year PLM plans and 2024-2028 licenses for:
(Pursuant to Section 601)

- | | |
|--|--|
| (A) Del Norte <ul style="list-style-type: none">I. Smith River PLM | (D) Monterey <ul style="list-style-type: none">I. Gabilan Ranch |
| (B) Humboldt <ul style="list-style-type: none">I. Redwood House Ranch | (E) San Luis Obispo <ul style="list-style-type: none">I. Carrizo RanchII. Herst Ranch |
| (C) Mendocino <ul style="list-style-type: none">I. Capistran RanchII. Four Pines RanchIII. Schneider Ranch | (F) Tehama <ul style="list-style-type: none">I. Bell Ranch |

13. Annual PLM plans (consent)

Consider approving annual PLM plans for:
(Pursuant to Section 601)

- | | |
|--|--|
| (A) Del Norte <ul style="list-style-type: none">I. Alexandre Dairy | (C) Humboldt and Trinity <ul style="list-style-type: none">I. Wilkinson Hunting Club |
| (B) Humboldt <ul style="list-style-type: none">I. Big LagoonII. Diamond C OutfittersIII. Hunter RanchIV. Klamath PLMV. Rainbow Ridge PLMVI. Stover RanchVII. Wiggins Ranch | (D) Kern and San Luis Obispo <ul style="list-style-type: none">I. Temblor Ranch |

- | | |
|--|--|
| <ul style="list-style-type: none"> (E) Mendocino <ul style="list-style-type: none"> I. Ackerman-Southy Daughtery WMA II. Amann Ranch III. Antler Hill Ranch IV. Bridges Ranch V. Carley Ranch VI. Christensen Ranch VII. Eden Vellely Ranch VIII. Miller-Eriksen Ranch IX. R-R Ranch X. Seven Springs Ranch XI. Shamrock Ranch XII. Six Point Ranch XIII. Spring Valley Ranch XIV. Summer Camp Ranch (F) Merced <ul style="list-style-type: none"> I. DeFrancesco / Eaton Ranch (G) Monterey <ul style="list-style-type: none"> I. Alexander Ranch II. Bardin Ranch III. Hartnell Ranch IV. Indian Valley Cattle Company – Lombardo Ranch V. Peachtree Ranch VI. San Bartolome Ranch VII. Sky Rose Ranch (H) Monterey and San Benito <ul style="list-style-type: none"> I. Morisoli Ranch | <ul style="list-style-type: none"> (I) Monterey and San Luis Obispo <ul style="list-style-type: none"> I. Camp 5 Outfitters - Roth Ranch (J) San Benito <ul style="list-style-type: none"> I. Lewis Ranch II. Lone Ranch III. Pine Mountain Ranch IV. Rancho Le Cuesta V. Trincherero Ranch (K) San Joaquin <ul style="list-style-type: none"> I. Corral Hollow Ranch (L) San Luis Obispo <ul style="list-style-type: none"> I. Avenales Ranch II. Carnaza Ranch III. Chimney Rock Ranch IV. Clark & White Ranch V. D-Rafter L Ranch (M) Santa Clara <ul style="list-style-type: none"> I. Coon Creek Ranch (N) Shasta <ul style="list-style-type: none"> I. Stackhouse Ranch (O) Stanislaus <ul style="list-style-type: none"> I. Rooster Comb Ranch (P) Tehama <ul style="list-style-type: none"> I. 3D Ranch II. R Wild Horse Ranch (Q) Trinity <ul style="list-style-type: none"> I. Stewart Ranch II. Travis Ranch |
|--|--|

14. Readoption of white sturgeon emergency regulation (consent)

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)

15. Greater sage-grouse (consent)

Consider approving the Department's request for a six-month extension to deliver the one-year status review report on the petition to list greater sage-grouse (*Centrocercus urophasianus*) as threatened or endangered under CESA.

(Pursuant to Section 2074.6 Fish and Game Code)

Discussion and Action Items

16. Inland sport fishing

Consider authorizing publication of notice of intent to amend regulations for freshwater sport fishing bag limits, gear, and low-flow information.
(Amend sections 2.30, 5.50, 7.50, 8.00, and 703)

17. White sturgeon sport fishing regular rulemaking

Consider authorizing publication of notice of intent to amend regulations through a regular rulemaking to adopt the emergency rules for the recreational take of white sturgeon.
(Amend sections 5.79, 5.80, 27.90 and 27.92)

18. Central Valley sport fishing

Discuss proposed amendments to Central Valley sport fishing regulations.
(Amend subsections 7.40(b)(4), (43), (66) and (80))

19. Klamath River Basin sport fishing

Discuss proposed amendments to Klamath River Basin sport fishing regulations.
(Amend subsection 7.40(b)(50))

20. Waterfowl hunting

Consider adopting proposed amendments to waterfowl hunting regulations and taking final action under the California Environmental Quality Act (CEQA).
(Amend Section 502)

21. Mammal hunting

Consider adopting proposed amendments to mammal hunting regulations and taking final action under CEQA.
(Amend sections 362, 363, 364, 364.1, 554, 555 and 708.14 and add Section 555.1)

22. Southern California steelhead

Consider the petition, Department's status review report, and comments received to determine whether listing southern California steelhead (*Oncorhynchus mykiss*) as endangered under the California Endangered Species Act (CESA) is warranted.
(Pursuant to sections 2075 and 2075.5, Fish and Game Code)

23. Mohave desert tortoise

Consider the petition, Department's status review report, and comments received to determine whether changing the status of Mohave desert tortoise (also known as Agassiz's desert tortoise) (*Gopherus agassizii*) from threatened to endangered under CESA is warranted.
(Pursuant to sections 2075 and 2075.5, Fish and Game Code)

24. Ballona Wetlands Ecological Reserve

Ballona Wetlands Ecological Reserve consistency determination as to whether the visitor uses associated with the parking lots in Area A and the baseball fields in Area C are compatible with the purposes of the reserve.

25. California grizzly bear

Recognize the 100-year anniversary of the extirpation of California’s state animal, grizzly bear (*Ursus arctos californicus*).

26. 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***

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics and changing the meeting location for the next committee meeting on May 16, 2024.

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

27. Commission administrative items

(A) ***Legislation***

Receive updates on legislative activity and consider providing direction to staff on potential actions.

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

Review and potentially approve changes to the perpetual timetable for anticipated regulatory actions.

(C) ***Future meetings and new business – May 15, 2024 and June 19-20, 2024***

Review logistics and approve draft agenda items for the next Commission meetings, consider any changes to approved meeting dates or locations, or introduce new business for a future meeting agenda.

General Public Comment

28. 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 9); 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).

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 February 15, 2024, the Commission received two documents:

1. The Department's evaluation report on the petition to list white sturgeon (*Acipenser transmontanus*) as threatened under California Endangered Species Act. Additional information about the petition is available at <https://fgc.ca.gov/CESA#ws>.
2. A petition from the Center for Biological Diversity, Defenders of Wildlife, Burrowing Owl Preservation Society, Santa Clara Valley Audubon Society, Urban Bird Foundation, Central Valley Bird Club, and San Bernardino Valley Audubon Society to list western burrowing owl (*Athene cunicularia hypugaea*) as threatened or endangered under the California Endangered Species Act. The petition is available at <https://fgc.ca.gov/CESA#wbo>.

Executive Session

(Not open to the 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. 21ALJ02-FGC, regarding revocation of Attila Molnar's application to renew a restricted species exhibiting 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/teleconference option for attendance and every effort will be made to ensure that committee meetings include the same.

Meeting Date	Commission Meeting	Committee Meeting
May 15, 2024	Teleconference Trinidad, Fairfield, Sacramento, Santa Cruz and La Jolla (see website for facility details)	
May 16, 2024		Wildlife Resources Yreka
June 19-20, 2024	Mammoth Lakes	
July 18, 2024		Marine Resources Santa Rosa area
August 13, 2024		Tribal River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540
August 14-15, 2024	River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540	
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	
November 7, 2024		Marine Resources California Natural Resources Headquarters Building 715 P Street, 2 nd Floor 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

- 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

- August 30, 2024 – Jackson, WY

Western Association of Fish and Wildlife Agencies

- June 3-7, 2024 – Stevenson, WA

Wildlife Conservation Board

- 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 155th 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 April 4, 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 April 12, 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.