

## Staff Summary for June 19-20, 2024

**22. General Public Comment for Items Not on the Agenda****Today's Item**Information Action 

Receive public comment regarding topics within the Commission's authority that are not included on the agenda.

**Summary of Previous/Future Actions**

- **Today receive verbal requests and comments**      **June 19-20, 2024**
- Consider granting, denying, or referring      August 14-15, 2024

**Background**

This item is to provide the public an opportunity to address the Commission on topics not on the agenda. Staff may include written materials and comments received prior to the meeting as exhibits in the meeting binder (if received by the written comment deadline), or as supplemental comments at the meeting (if received by the supplemental comment deadline).

General public comments are categorized into two types: (1) requests for non-regulatory action and (2) informational-only comments. Under the Bagley-Keene Open Meeting Act, the Commission cannot discuss or take action on any matter not included on the agenda, other than to schedule issues raised by the public for consideration at future meetings. Thus, non-regulatory requests generally follow a two-meeting cycle, beginning with receipt today; the Commission will determine the outcome of non-regulatory requests received at today's meeting at the next regularly scheduled Commission meeting (currently August 14-15, 2024), following staff evaluation

**Significant Public Comments**

1. New, non-regulatory requests are summarized in Exhibit 1, original requests are provided as exhibits 2 through 4.
2. Informational comments are provided as exhibits 5 through 30.

**Recommendation**

**Commission staff:** Consider whether to add any future agenda items to address issues that are raised during public comment.

**Exhibits**

1. [Summary of new non-regulatory requests received by June 6, 2024 at 5:00 p.m.](#)
2. [Letter from Matt Kingsley, Chairperson, Inyo County Board of Supervisors, requesting the Commission and Director Charlton Bonham explore all options for mountain lion management policies to protect bighorn sheep and deer populations, received May 7, 2024](#)
3. [Email from David Trask requesting that the Commission develop a lethal management program for sea lions similar to programs implemented in Oregon's Columbia and Willamette rivers, received May 15, 2024](#)

## Staff Summary for June 19-20, 2024

4. [Email from Doug Wells requesting the Commission make a request to the Attorney General Bonta to open an investigation into why no charges were filed against the individual who shot and killed a bear cub in the Lake Tahoe area, received May 29, 2024](#)
5. [Email from Wayne Blich, owner, Flying Fish Sportfishing, proposes changing fathom limits for the months of October through December 2024 to help mitigate vermilion rockfish catches, received April 3, 2024 \[Note: Staff will contact post-meeting with information about the regulation change process.\]](#)
6. [Email from Ben Schock opposing any future expansion of marine protected areas in California, received April 15, 2024](#)
7. [Email from Francis Coats stating that, under the Public Trust Doctrine, interference with public access for fishing on state-owned land should be avoided, received April 16, 2024](#)
8. [Email from Mandy Davis, President, Responsible Energy Adaptation for California's Transition \(REACT\) Alliance, highlighting the potential impacts of Atlas Wind's NP-6 permit application and the need for full review by the State Water Resources Control Board and the issuance of a scientific collection permit by the Department, received April 18, 2024](#)
9. [Email from Larry Phillips, Pacific Fisheries Policy Director, American Sportfishing Association, addressing the recently adopted fishing closures for the 2024 season and calling for maximum flexibility in dispersing relief funds, received April 19, 2024](#)
10. [Email from Robert Hughes expressing concern that combining the veterans' weekend hunt with the late goose season diminishes the importance of the veterans hunt, received April 20, 2024](#)
11. [Email from Walter Lamb, President, Ballona Wetlands Land Trust, sharing his thoughts and photos from recent field trips to the Ballona Wetlands Ecological Reserve and the significance that access to this space provides in the context of the Commission's justice, equity, diversity and inclusion goals, received April 23, 2024](#)
12. [Email from Michael Minshall noting frustration with scheduling of Youth Hunt Day 2024 for waterfowl, received April 24, 2024](#)
13. [Email from Eric Mills, Action for Animals, sharing an article in the East Bay Times regarding the ban on live frogs and turtles, received April 26, 2024](#)
14. [Email from James Kanzler opposing the proposed MPA's in the Santa Cruz area, received April 26, 2024](#)
15. [Email from Stephanie Ford calling attention to neighborhood trees removed in Burbank, California with established bird nests, received April 27, 2024](#)
16. [Email from Grace Smith expressing support for the expansion of marine protected areas in California, received May 2, 2024](#)
17. [Email from Joshua Wels voicing opposition to the permit application the Catalina Conservancy has initiated, and citing the unique possibilities provided by the isolation](#)

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- [of the island's deer population as chronic wasting disease has been discovered on the mainland, received May 12, 2024](#)
18. [Email from Kolin Ozonian opposing the proposed eradication of mule deer on Catalina Island, and calling for the Catalina Island Conservancy to have its "use permit" revoked, received May 13, 2024](#)
  19. [Email from Rachel Doughty, Esq., Greenfire Law, representing several individuals and organizations seeking protection and restoration of Strawberry Canyon in San Bernardino County, received May 13, 2024](#)
  20. [Email from Dan Epperson, a hunter education instructor, suggesting the issuance of a bear tag and two pig tags to the holders of lifetime hunting licenses rather than five pig tags, received May 15, 2024](#)
  21. [Email from Rachelle Fisher, California Dungeness Crab Task Force \(DCTF\), discussing DCTF's recommendations to the Risk Assessment Mitigation Program, received May 16, 2024](#)
  22. [Email from Ken Prather highlighting the pros and cons of lead ammunition as a hunter and vintage gun owner, stating that a "blanket ban" on lead ammunition is too broad, received May 17, 2024](#)
  23. [Letter from Paul Smith suggesting a senior discount option when purchasing hunting licenses and tags, received May 17, 2024](#)
  24. [Emails from several individuals conveying concern about the handling of an incident between a homeowner and a yearling bear in the Lake Tahoe area, received May 29, 2024 through June 2, 2024](#)
  25. [Email from Mark Michaelsen, a kelp restoration diver, seeking consideration to allow divers continue their work on kelp restoration, received May 31, 2024](#)
  26. [Email from Randy Anderson suggesting the elimination of MPAs, received May 31, 2024](#)
  27. [Email from Kim Konte, Non-Toxic Neighborhoods, highlighting the use of herbicides containing "forever chemicals" approved by the Wildlife Conservation Board, received June 3, 2024](#)
  28. [Email from Jess Harris emphasizing reassessment of the current bear management plan, received June 3, 2024](#)
  29. [Email from Mike Costello providing feedback regarding the Private Lands Management \(PLM\) and Shared Habitat Alliance for Recreational Enhancement \(SHARE\) programs and committing to remaining engaged in any dialogue about the programs, received June 4, 2024](#)
  30. [Email from Jess Harris noting concern about increased water temperatures in the Klamath River affecting salmonids and stating that the dam removal project will worsen the situation, received June 6, 2024](#)

**Motion (N/A)**

**CALIFORNIA FISH AND GAME COMMISSION  
 RECEIPT LIST FOR NON-REGULATORY REQUESTS RECEIVED BY 5:00 PM ON  
 JUNE 6, 2024 PUBLIC COMMENT DEADLINE FOR THIS MEETING**

Date Received	Name/Organization of Requestor	Subject of Request	Short Description	FGC Receipt Scheduled	FGC Action Scheduled
5/7/2024	Darcy Ellis, Inyo County Board of Supervisors	Mountain Lion Predation	Requests that CFGC and Director Charlton Bonham explore all options for Mountain Lion management policies to protect Bighorn Sheep and deer populations.	6/19-20/24	8/14-15/24
5/15/2024	David Trask	Klamath River Sportfishing	Requests CFGC develop a lethal management program for sea lions similar to programs implemented in Oregon's Columbia and Willamette Rivers.	6/19-20/24	8/14-15/24
5/29/2024	Doug Wells	Bear Shot and Killed	Requests CFGC make a request to the State Attorney General to open an investigation into why no charges were filed against an individual who killed a bear cub in the Lake Tahoe area.	6/19-20/24	8/14-15/24

## Mountain Lion Predation in Eastern Sierra

Darcy Ellis [REDACTED]

Tue 05/07/2024 02:33 PM

To:FGC <FGC@fgc.ca.gov>

Please see the attached from the Inyo County Board of Supervisors.

*Darcy Ellis*

**Assistant Clerk of the Board/Public Relations Liaison  
County of Inyo**

P.O. Drawer N

224 N. Edwards St., Independence, CA 93526  
[REDACTED]

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# INYO COUNTY BOARD OF SUPERVISORS

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NATE GREENBERG  
COUNTY ADMINISTRATIVE OFFICER

DARCY ELLIS  
ASST. CLERK OF THE BOARD



May 7, 2024

California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 95814

## **Subject: Mountain Lion Predation of Eastern Sierra Mule Deer and Sierra Nevada Bighorn Sheep**

Dear California Fish and Game Commissioners,

The Inyo County Board of Supervisors writes today to express grave concern about the viability of our mule deer and endangered Sierra Nevada bighorn sheep (SNBS) populations, particularly due to rising numbers of mountain lions allowing for increased mountain lion predation.

We believe this is an issue that requires immediate attention. While there are various factors contributing to declines in the deer and sheep population – such as weather and disease – these are largely beyond the control of the California Department of Fish and Wildlife. However, impacts from mountain lion predation can and should be mitigated through responsible management practices.

Sierra Nevada bighorn sheep (SNBS) are a unique subspecies of bighorn sheep native only to suitable habitat in the southern and central Sierra Nevada from Olancho Peak to the Sonora Pass region. They barely survived over the last century due to several factors, and ultimately were reduced to three populations in the southern Owens Valley. They are currently classified as endangered at both Federal and State levels. Their habitat is essentially all protected by federal ownership, much of which is in Inyo County.

Extreme weather in the form of winters with high snowfall is another source of losses for SNBS. Unlike mountain lion predation, there is no management tool to mitigate such losses. California has experienced three such winters since 2016, with the 2022-23 winter notably more extreme. One result is that two of the surviving populations have very small reproductive bases of only 1-3 females, thus need augmentation to secure their future. However, there are few, if any, females available to be translocated to fill this need<sup>1</sup>.

California has witnessed high levels of mountain lion predation of SNBS since the 1980s and it has been cited as the largest factor limiting recovery of these sheep (Gammons et al. 2021<sup>2</sup>). In recent years, the mountain lion population in this Eastern Sierra region has grown to levels not

<sup>1</sup> John Wehausen, Sierra Nevada Bighorn Sheep Foundation Newsletter, December 2023

<sup>2</sup> Gammons, D. J, J. L. Davis, D. W. German, K. Denryter, J. D. Wehausen, and T. R. Stephenson. 2021. Predation impedes recovery of Sierra Nevada bighorn sheep. California Fish and Wildlife Special CESA Issue: 444-470.

seen for decades. This has led to larger and detrimental effects on other key species. The local deer population in Round Valley has plummeted, approaching historic lows observed back in 1990. The Goodale herd in the Southern Owens valley has been reduced to an unsustainable level, not capable of providing a viable hunting resource.

Not only are we committed to the well-being, protection and responsible uses of our open spaces, forests, streams, lakes, and ALL its inhabitants, our outdoor recreation-driven economy relies on it. From sportsperson who hunt, fish, hike, camp, and rock climb, to the wildlife enthusiasts who come to photograph and experience our native species by simply enjoying what nature has to offer, these recreational privileges sustain us. So yes, the responsible management of the mountain lion ensures a healthy and robust ecology, and economy.

The Inyo County Board of Supervisors has been involved in the issue of mountain lions and SNBS going back to the 1990s when two Inyo County Supervisors joined two from Mono County to work with the Sierra Nevada Bighorn Sheep Foundation looking for a way to adequately protect SNBS from excessive losses to mountain lion predation. That group disbanded after it became evident that Federal endangered status was the solution.

Now, our Board strongly urges the Commission and Director Charlton Bonham to look at the efficacy of current mountain lion management policies and, in combination with a consideration of the latest data and sound scientific research, explore all options for mitigating the loss being seen in the Eastern Sierra – including a revisit of the Bighorn Sheep Recovery Plan approved in 2002. Common sense management would not only contribute to the ability of the SNBH and deer populations to thrive but to the health and well-being of the many species (including the mountain lion) who are native to the area and call it home.

We respectfully request your attention to this matter and look forward to your response,

Sincerely,



Chairperson Matt Kingsley,  
Inyo County Board of Supervisors

cc: California Department of Fish and Wildlife Director Charlton Bonham  
Inyo County Fish & Wildlife Advisory Committee  
Senator Marie Alvarado-Gil  
Assemblymember Jim Patterson  
Diana Papan, Chair, California State Assembly Committee on Water, Parks and Wildlife  
Dave Min, Chair, Senate Natural Resources and Water Committee

## Closures of Sport Fishing in the Klamath River Basin for Spring Chinook Salmon

David Trask [REDACTED]

Wed 05/15/2024 03:25 PM

To:FGC <FGC@fgc.ca.gov>;Dann Trask [REDACTED]

Please find attached the following letter suggesting the Department of California Fish and Game implement a lethal management plan for sea lions on the Klamath River. This letter explains the details of why such a plan would benefit salmon by balancing the sea lion population as permitted by the United States Congress in its modification to the Marine Mammal Protection Act.

Sincerely

David Trask  
[REDACTED]



FROM: David Trask

15 May 2024

[REDACTED]  
[REDACTED]  
[REDACTED]

TO: California Fish and Game Commission  
Attn: Sherrie Fonbuena  
P.O. Box 944209  
Sacramento, CA 94244-2090  
Email: [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)

SUBJECT: "Closures of Sport Fishing in the Klamath River Basin for Spring Chinook Salmon"

Sherrie

I request the California Fish and Game Commission take a proactive approach to solving the Klamath River Chinook salmon fishery degradation by developing a lethal management program for sea lions like the program implemented on the Columbia and Willamette rivers in Oregon. The sea lion population is exploding as evidenced by the vast number preying on salmon at the mouth of the Klamath River and upriver for miles. I have pictures showing hundreds lounging on the beach while others decimate salmon in the river.

Sea lions are predators. Hunters know that it is important to balance the harvest of both the predator and prey to make sure there is a sustainable population of both. Excluding sea lions from hunting is leading to significant predator overpopulation, and the resulting downward trend in the salmon fishery is the outcome.

The Oregon Department of Fish and Wildlife acknowledges in their study of the Columbia and Willamette Rivers that sea lions were responsible for a significant reduction in spawning salmon and steelhead. As stated in their study, "Before sea lion management, Data showed that sea lions were consuming significant numbers of fish—up to 44 percent of the Columbia River spring Chinook run and 25 percent of the Willamette winter steelhead run each year. Since sea lion management began, these rates have been significantly reduced."<sup>1</sup>

The study notes that relocating sea lions did not solve the problem. The sea lions quickly returned to the river to hunt salmon. The only effective solution was to employ lethal measures (hunting) to remove them.

The Marine Mammal Protection Act was amended by Congress to allow lethal measures to control problem sea lions at locations where salmon were particularly vulnerable to sea lion predation. Bonneville Dam on the Columbia River, and Willamette Falls were two locations documented in the study where lethal measure resulted in significant reductions in sea lion predation.

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<sup>1</sup> <https://www.dfw.state.or.us/fish/sealion/index.asp>

The mouth of the Klamath River meets the criteria for employing sea lion management. The mouth is a choke point for salmon running a gauntlet of sea lions, each consuming eight or more salmon per day. The same situation exists all the way from the Highway 101 bridge up the river. There is no place for salmon to hide, and each year sea lions are roaming higher into the river to hunt. Applying good sea lion management would improve salmon stocks quickly. The post season estimated Chinook salmon return on the Klamath in 2023 was 174,000 fish.<sup>2</sup> Assuming the 44% predation rate on the Columbia and Willamette Rivers is the same on the Klamath means that if it was reduced to zero, over 76,000 additional salmon would have spawned. Recognizing that the predation rate should never be zero, even halving the rate by good management would have added 38,280 Chinook salmon to the returning count.

With these facts in mind, please pursue a sea lion management plan for the Klamath River.

Sincerely

*David M. Trask*

David M. Trask

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<sup>2</sup> <https://fishingthenorthcoast.com/2024/02/29/salmon-numbers-up-slightly-but-closures-still-likely/#:~:text=In%202023%2C%20the%20preseason%20ocean,difference%20of%20over%2071%2C000%20salmon.>

## Yet Another Failure at DFW

Doug Wells [REDACTED]

Wed 05/29/2024 09:16 PM

To:FGC <FGC@fgc.ca.gov>

An irresponsible homeowner shot and killed a bear cub in South Lake Tahoe over Memorial Day weekend and once again California Department of Fish and Wildlife (DFW) officers failed to take any action, did not properly investigate or charge the homeowner for committing what the Sheriff's Office, bear experts and witnesses described as a deliberate and intentional crime. Every year we see innocent bears killed by homeowners and poachers and yet no charges are ever brought by Fish and Wildlife officers. Tahoe bears are killed because people know Fish and Wildlife officers won't do anything about it. Sadly residents of the Tahoe basin are all too aware that DFW is the problem, not the solution to protecting Tahoe's wildlife.

It's time State officials request the Director of DFW resign and command staff and officers are demoted or terminated for failing to take action to protect Tahoe's bear population. The Commission should also request the AG's Office open an investigation into why this person wasn't charged for killing a young bear cub without justification and why DFW officers failed to follow-up on reports that disputed the homeowner's story. It's a good thing this story has gathered international media attention as it might finally force the Governor's Office and the Wildlife Commission to take action to make much needed leadership changes at DFW.

## 2024 in season change for south central region

wayne blich

Wed 04/03/2024 04:44 PM

To:FGC <FGC@fgc.ca.gov>

Hello My name is Wayne Blich. I am the owner and operator for Flying Fish Sportfishing, located in Port San Luis. I operate the CPFV Flying Fish which fishes in the south central management zone. I was amazed when the PFMC recommendations were posted in early March that recommended fishing outside 50 fathoms for October-December, despite a 2 fish limit for vermilion rockfish. My experience last year revealed vermilion rockfish to, far and away, be the most dominant species available. Nearly all of my trips outside 50 fathoms required the releasing of many vermilion while pursuing other species.

When I saw the decreased limit for vermilion from 4 to 2, I felt the need to offer a change that would help mitigate the catches of vermilion. I noticed many areas North of 36N were given periods to fish in 20 fathoms or less. This depth should prove to have a smaller encounter with vermilion rockfish. 20 fathoms or less is favored by fishermen as well (as opposed to being restricted to 50 fathoms or greater). Business in 2023 dropped by about 50% during the period from October to December.

For these reasons, I propose changing the current >50 fathom limit to <20 fathoms for the south central groundfish management zone, for the months of October-December 2024.

Thank you for your consideration,

Wayne Blich

Flying Fish Sportfishing

## MPA Opposition

Ben Schock [REDACTED]

Mon 04/15/2024 09:26 PM

To:FGC <FGC@fgc.ca.gov>

My name is Ben Schock, I'm from Santa Barbara, and I am speaking to oppose any future expansion of MPAs in California. Please do proper research on specific species regulations instead of closing entire areas to recreational fishermen.

## Meeting comment; Hope Valley especially

Francis Coats [REDACTED]

Tue 04/16/2024 09:09 AM

To:FGC <FGC@fgc.ca.gov>

Please do not forget that members of the public have constitutional right to fish on state-owned land ( sec. 25 art. I Cal. Const.; San Luis Obispo Sportsman's Assc. (1978) 22 Cal. 3d 440). Under the Public Trust Doctrine the state should avoid so far as feasible interfering with public access for fishing on state-owned land or fishing in navigable water.

Francis Coats, [REDACTED]

Sent from my Verizon, Samsung Galaxy smartphone

Get [Outlook for Android](#)

## letter to state water board

Mandy Davis [REDACTED]

Thu 04/18/2024 12:30 PM

To:FGC <FGC@fgc.ca.gov>

Attached is a letter regarding issues that Fish and Wildlife should be aware of in the NP-6 permit application by Atlas Wind. They have not done due diligence and you should be aware of the situation. REACT Alliance will be speaking to both staff and the commission in the next scheduled public meeting. Please contact me with any questions or concerns you may have..

**Mandy Davis** | President  
[REDACTED]

Website | [REACTalliance.org](https://reactalliance.org).

April 16, 2024

To the State Water Resources Control Board and its supporting staff:

On March 20, 2024, SWRC Attorney Serena Liu made several assertions in a letter to the MBCFO that were not well researched, and on further investigation, REACT Alliance has found to be untrue. Ms. Liu stated erroneously that Atlas Wind's NP-6 permit application is subject to a CEQA 15306 exemption *“allowing for basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.”*

This exemption, however, is not applicable to Atlas Wind's NP-6 permit application as the survey area is within established MPAs and endangered species habitat. Any and all sampling and geophysical surveys pose a definite danger to marine mammals that are migrating through the area, as well as the endangered southern sea otter that inhabits the near shore kelp beds and the estuary, and its benthic feeding grounds within the cited areas. Additionally, the high decibel emanations from HRG surveys and dredging for channel siting have been shown to harass, displace, and damage larval forms, benthic species and near shore groundfish populations. Claiming that the Atlas Wind permit application is not subject to CEQA review is unfounded even with the heavily redacted maps of the survey and sampling sites, making the application ineligible for enrollment under State Water Board Order 2021-0048-DWQ. The application of CEQA is not discretionary. When a public agency proposes to undertake a project that might cause a physical “660” change in the environment, the agency must engage in CEQA procedures. (Pub. Resources Code, §§ 21001.1, 21065)

Ms. Liu further asserted that public engagement of the permitting process is unnecessary, and that the Water Board has the right to certify the applicant's permit without a hearing. This too is untrue. As we have demonstrated, the Atlas Wind NP-6 permit is not CEQA exempt and is subject to full review. We have the right to ask for a full Water Board agendaized review, and in keeping with our rights under California law, we are asking for an agendaized hearing once the applicant's permit is fully restored and unredacted for public viewing and comment.

As for the applicant's permit and the degree to which it is redacted, we find the general claims of confidentiality ludicrous and overly general in nature. Legally, an applicant or agency must provide a detailed description of the reasons and justifications for such redaction. As of this time, Atlas Wind has not provided this necessary information. Additionally, your agency has not provided the requested information on the extensive redaction within the legally allotted 10-day timeframe for response, under the CPRA (gov. Code 7922.600), to information on this permit. Our lawyer and REACT Vice President Saro Rizzo, has repeatedly asked for clarification and to date has not received any. If you support the applicant's right to arbitrary redaction of a document, I would refer you to Government Code Title 1, Division 10, Part 2, Chapter. 3, Article 1 (Justification for withholding of record -7922).



There is one more issue that has been glaringly ignored by staff and Atlas Wind that I would like to draw your attention to; the mandatory notification and engagement of the local YTT Northern Chumash and the Salinan tribal entities as pertains to these proposed near shore actions. They should have been part of this process since day one, but have been left entirely in the dark that this permit was being reviewed. The surveys and sampling (dredging) are cited to occur in near shore areas that are known to be inundated indigenous villages, and the disturbance to the sea bottom could indeed harm the cultural heritage areas that are currently undisturbed. Engagement of local tribal entities must happen before any permit is even considered. The YTT Chumash have been notified of your oversight and REACT expects this legal mandate to be taken seriously and our indigenous neighbors to be respectfully engaged.

Lastly, there is one more item that neither your staff nor Atlas Wind has taken into consideration, and a step in the process that must be completed since this project is not CEQA exempt: the application for a SCP permit from CF&W. This permit is required for any benthic grab samples or survey activity conducted inside or adjacent to MPAs.

As I have explained, the Atlas Wind NP-6 permit is not eligible for consideration at this juncture. REACT Alliance will need an unredacted copy of the application, along with the assurance that the entire process and all necessary steps will be undertaken to satisfy eligibility under CEQA. The desire by an overly zealous and highly motivated wind energy company to circumvent our state process should not be a consideration, as this important process was specifically designed to protect our natural resources and help our state make wise decisions going into the future.

REACT looks forward to hearing from staff and the commissioners regarding the status of this permit and the future satisfaction of the issues outlined in this letter. I will be attending the upcoming board meeting on April 16th and look forward to meeting you and answering any questions you may have.

Attached is a copy of REACT's initial letter to your board stating our opposition to the issuance of a NP-6 permit to Equinor in December of 2023. It provides some background and is the basis for subsequent letters written by Saro Rizzo and myself in the last few months.

Thank you for your attention in this matter.

Sincerely,  
Mandy Davis - REACT Alliance President

State Water Resources Control Board and its Central Coast regional engineer;

I am writing this letter on behalf of REACT Alliance to address the application for an NWP -6 for discharge of dredged or fill material by Equinor in the region described as: "discrete locations for proposed offshore cable corridors at Moss Landing, Morro Bay, vicinity of Diablo Canyon Nuclear Power Plant, and vicinity of Port Hueneme." Equinor has offered no information about specific sites, dredge ditch lengths, depths, potential bottom square footage disturbance or equipment to be used. As you may know, the locations described, most notably the Morro Bay and the Diablo Canyon regions, are extremely valuable, biologically diverse and abundant marine ecosystems. The region is home to a plethora of marine mammals, commercially important fish species and has a rich and abundant benthic community. It is an area that contains fish spawning habitat and is home to endangered and protected mammals and protected aquatic plants. Furthermore, this marine region contains several MPAs and ESHAs and is home to state protected groundfish habitat.

To consider giving a carte blanche permit to a company with no defined project, no clear cable route siting, and no clear description of the technology to be utilized is absolutely ludicrous! To consider such a permit without the input from interested and related agencies, such as California Fish and Wildlife, is unacceptable. To consider the permit without comment by the public and placement on an official agenda is circumventing due process and the citizens' right to be included in such important decisions that can impact our rich California coast for years. It also leaves your agency vulnerable to lawsuits from the public and a wide array of interested parties.

On perusal of the "general conditions" section of an NWP-6, I learned that the Equinor permit would necessarily violate several of the conditions outlined in the document. I would refer you to the following sections; 1) 15 (the need for this to be a single project); 2) 18 (referring to endangered species) subsections A,C,E and F; 3) 22 (referring to activities in Marine protected areas including state MPAs and National Estuaries); 4) 3 (referring to spawning areas); 5) 26 (referring to the need for a coastal zone management consistency concurrence); and finally, the requirement that a regional engineer give authorization after reviewing the project and its ability to meet the permit's stipulations.

As you can see there are multiple reasons to deny this permit as it will not comply with the General Conditions for an NWP-6. If you are not willing to deny the permit in your next meeting on December 19 in Sacramento, REACT asks that at least you agendaize the issue in your next public meeting and allow the public and other concerned state agencies to weigh in on the permit issuance.

If you have any questions about the potential impacts cited above, please contact us at [mandy@reactalliance.org](mailto:mandy@reactalliance.org) or call for a conference at 941 323-2703. We invite you to visit our very informative website at [www.reactalliance.org](http://www.reactalliance.org) to learn more about our organization, our mission and the large body of research we have accumulated regarding the impacts of offshore wind energy on our marine and coastal environments.

REACT will have a representative at the meeting on the 19<sup>th</sup> who will be speaking during public comment. We will gladly address any of your concerns at that time as well.

Thank you for your attention in this matter.

Sincerely,

Mandy Davis - REACT Alliance President

## Spend plan comments from ASA

Larry Phillips <[REDACTED]>

Fri 04/19/2024 11:08 AM

To:Wildlife Salmon Disaster <SalmonDisaster@wildlife.ca.gov>;FGC <FGC@fgc.ca.gov>

Larry Phillips  
Pacific Fisheries Policy Director  
American Sportfishing Association

[REDACTED]  
[REDACTED]  
[www.asafishing.org](http://www.asafishing.org) | [www.KeepAmericaFishing.org](http://www.KeepAmericaFishing.org)





# AMERICAN SPORTFISHING ASSOCIATION

April 19, 2024

Charlton H. Bonham, Director  
California Department of Fish and Wildlife  
715 P Street  
Sacramento, CA 95814

Re: California 2023 Salmon Disaster Spend Plan

Dear Director Bonham,

The American Sportfishing Association (ASA) appreciates the State of California's effort to secure federal disaster relief funds that will provide critical financial support to businesses impacted by the 2023 California salmon closure. Unfortunately, despite repeated requests from ASA and others, CDFW did not include sportfishing businesses like tackle shops, equipment manufacturers and marinas that experienced economic hardship in the proposed plan. We respectfully request that the plan be amended to include all businesses that can document economic losses.

ASA's member businesses and organizations represent every sector of the sportfishing industry, including manufacturers, retailers, resource management agencies, conservation nonprofits and media. In California alone, 2.1 million anglers generate approximately \$6 billion in economic impact annually. The recreational fishing industry also supports over 43,000 jobs. Much of this economic activity is concentrated in the San Francisco area, where anglers from all around the world travel to participate in the popular Chinook salmon fishery each year.

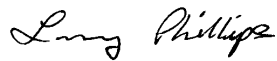
Unfortunately, the 2023 disaster is not new to our industry. In 2008, following a similar closure of salmon fishing to protect California stocks, the states of CA, WA, and OR received \$170 million dollars in federal disaster relief that was used to assist 2,263 fishing industry related businesses (including sportfishing retail stores and manufactures). ASA appreciated the support the industry received from state and federal agencies and are hopeful that a similar approach will be taken this year.

The fishery disaster declaration process under the Magnuson-Stevens Act prescribes that the initial request is calculated using gross economic losses to commercial fisherman, seafood processors, and the charter/guiding industry. Using this guidance, Governor Newsom submitted a disaster relief request to Commerce for \$35.4 million dollars. Although the initial estimate of financial impact doesn't include impacts to recreational fishing related businesses, a provision of the bill defines eligible uses of these funds as, "*Direct assistance to a person, fishing community (including assistance for lost fisheries resource levies), or a business to alleviate economic loss incurred as a direct result of a fishery resource disaster, particularly when affected by a circumstance described in paragraph (5)(D) or by negative impacts to subsistence or Indian*


*Tribe ceremonial fishing opportunities.*” This clearly gives CDFW the latitude to include all businesses that incur economic loss. ASA believes the intent of the Act is to help all fishing-related sectors, not just a few.

Last week the Pacific Fisheries Management Council adopted regulations that close all fishing in California for the 2024 season. This, in addition to recently adopted rockfish closures, will cause economic hardship that may be unsustainable for many businesses that are still trying to recover from the 2023 disaster. ASA and the businesses impacted by disaster respectfully request that CDFW amend that plan to include everyone impacted. Many of these small businesses cannot survive another year of closures.

Sincerely,



Larry Phillips  
Pacific Fisheries Policy Director  
American Sportfishing Association



## 2024-2025 Waterfowl Hunting Season Final Dates

Sat 04/20/2024 12:04 PM

To:FGC <FGC@fgc.ca.gov>

Cc: [REDACTED]; [REDACTED]; [REDACTED]  
<[REDACTED]> [REDACTED] <[REDACTED]>; [REDACTED]  
<[REDACTED]>

President Samantha Murray  
California Fish and Game Commission

I am very disappointed that the Veterans Weekend Hunt was combined with Late Goose Season. This action greatly diminishes the respect for Veterans and diminishes greatly their recognition for service. As noted previously the proposed combining the Veteran Weekend with Late Goose Season this would result in two (2) less days for Veterans to hunt in the Waterfowl season due to the fact that the dedicated Veteran Weekend would be lost when combined with Late Goose season.

Since there will be non veterans out shooting geese on Veterans weekend it would no longer be a Veterans only hunt. The Veterans will lose the additional late goose as a separate hunt. The youth, Veteran weekend and late goose should all be separate and moved back another week and not combined with anything.

Also as noted earlier another problem with combining the Veterans Weekend Hunt with Late Goose is Veteran and non Veterans hunting together. Veterans could hunt both ducks and geese and non Veterans could only hunt geese. A game warden would not be able to tell who harvested ducks and who did not with regard to Veterans and non Veterans in the same hunting party. Non veterans could kill ducks on Veterans Weekend under the combination weekend and pass them on to a Veteran hunter who had under the limit or no ducks.

Over all combining Veterans Weekend with anything else greatly diminishes the importance and recognition of Veterans Weekend in my opinion.

Thanks,  
Robert C. Hughes

## FGC JEDI and Ballona

Walter Lamb <[REDACTED]>

Tue 04/23/2024 03:26 PM

To [REDACTED] FGC <FGC@fgc.ca.gov>

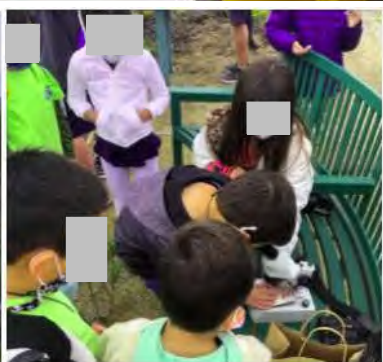
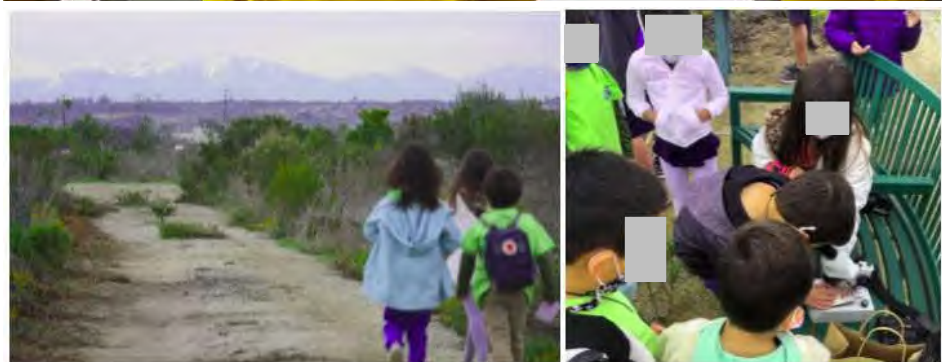
Good afternoon, Melissa.

There are many aspects to last week's hearing that we will need to sort through over the coming weeks and months. One issue that I feel the need to raise now is the idea that FGC's JEDI principles support the exclusionary operation of the baseball fields and parking lots. This notion appears to be based on a harmful stereotype that youth from disadvantaged communities lack interest in nature and therefore athletic fields are needed to attract them to an ecological reserve. As someone who spends considerable time organizing and leading field trips for students from disadvantaged communities at Ballona, it was truly painful to hear these notions coming from the Fish and Game Commission, an entity that should know better.

The FGC Jedi page lists as one of its goals to: "Improve and champion equitable access to nature and abundant and healthy fish and wildlife populations." The baseball fields are currently off limits to anyone who doesn't play baseball. While the area around the fields is degraded with invasive weeds, that is the direct result of policies prohibiting stewardship there. This is a self-fulfilling prophecy that is depriving tens of thousands of students equitable access and potential career development. Community involvement in improving the habitat around the ballfields while learning about the flora and fauna there, including the presence of native vegetation, will make the ecological reserve healthier, and the community more engaged. It is very unfortunate that the Fish and Game Commission and Department of Fish and Wildlife oppose these efforts, rather than support them.

Below are just a few photos from some of our field trips and events. Kids from disadvantaged communities appreciate nature and they deserve at least equal access to an ecological reserve that is afforded to baseball players. This should be common sense.





I would appreciate it if you pass this email along to President Murray and the other Commissioners. I do not want another two months to pass before communicating how disappointing it was to hear the

Fish and Game Commission downplaying the value of open space for **wildlife-dependent** (i.e. compatible) programs for disadvantaged youth as an integral part of its JEDI initiative.

Thank you,

Walter Lamb  
Ballona Wetlands Land Trust



## Junior Hunt Feb 1 2024. FINALLY GOT AROUND TO VENTING MY DISPLEASURE!!

MINSHALL, MICHAEL L [REDACTED]

Wed 04/24/2024 03:11 PM

To:FGC <FGC@fgc.ca.gov>

All,

Why did DFW schedule our 2024 Youth hunt the very day after the Balance of State season ended? I took my 11 year old daughter out for what used to be a special hunt. Predictably, it was "just another day" with shy birds tired of being shot at after a 100 day season. How does this make any sense? What is the point of it? Anyone who has ever spent more than a day in the field could predict this outcome, as programmed by DFW this year.

Why did you do this? To make an allowance for a veteran hunt (consisting of adults, every veteran that I know hunted all season anyhow?

KIDS ARE THE FUTURE HERE FOLKS, NOT VETERANS TAKING ADVANTAGE OF A "BONUS WEEKEND" TO SHOOT BIRDS, DRINK BEER, AND HOB KNOW AROUND WITH THEIR CRONIES AT THE CLUB. THAT IS WHAT I SAW.

THINK THIS THROUGH NEXT YEAR!!!!. PLEASE!!

# LIVE FOOD MARKETS - frogs/turtles - letter to editor

[REDACTED]  
Fri 04/26/2024 10:33 AM

To: Wildlife DIRECTOR <[REDACTED]>; FGC <FGC@fgc.ca.gov>; [REDACTED] <[REDACTED]>

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eastbaytimes.com%2F2024%2F04%2F25%2Fletters-1700%2F&data=05%7C02%7Cfgc%40fgc.ca.gov%7Cb3bdd3ad17134e3afc0708dc66170852%7C4b633c25efbf40069f1507442ba7aa0b%7C0%7C0%7C638497496317060271%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=sL0XerbTpb0KvUyvLkA%2FDdhp03SobAtiXtGRPqVYIP4%3D&reserved=0>

FYI -

x  
Eric Mills, coordinator  
ACTION FOR ANIMALS  
Oakland

## Please Oppose New Marine Protected Areas

James Janzler [REDACTED]

Fri 04/26/2024 12:48 PM

To:FGC <FGC@fgc.ca.gov>

California Fish and Game Commission,

My name is James Kanzler and I live in Santa Cruz County. I am an avid outdoorsmen, with fishing and hunting being my primary recreation. Please oppose new marine protected areas in our area. I am for responsible management. I am for regulation when it makes sense. The proposed new MPA's in Santa Cruz do not make sense, and are not supported by objective science.

I can say as someone who spends time on the water that the kelp beds off Santa Cruz and Capitola are larger now than they were 10 years ago. The fishing is better now than it was 10 years ago. I can also say that, like me, many people recreate in these near shore fisheries. If they became off limits to fishing it would essentially end inshore fishing opportunity in Santa Cruz. The only people who could continue to fish in the ocean would be those who can afford large boats.

Please oppose new MPA's. Current levels of regulation are working well.

Thank you,

James Kanzler

## URGENT ATTENTION NEEDED BURBANK

Stephanie Ford [REDACTED]

Sat 04/27/2024 08:40 AM

To [REDACTED]

Good Morning Mr. Janzen,

Thank you for the call back, per our conversation Friday evening, please follow the link below of Mariposa Tree Management Inc deliberately destroying the nest of hatchlings on Niagara Street on 4.25.24. The footage shows disturbing footage of the workers from Mariposa Tree Management, Inc cutting the last part of the tree which held the nest and the nest full of birds dropping from over 50 ft to the ground and immediately bulldozed over them. This is unacceptable, cruel and unnecessary.

<https://www.instagram.com/reel/C6MSbjsR2Hn/?igsh=MzRIODBiNWFIZA==>

I understand you have been contacted by several residents in the area - and that the City of Burbank has gone to great lengths to ensure these trees are destroyed as systematically and quickly as possible with a complete disregard for the wildlife and seemingly in spite of the efforts of the surrounding community to push the tree removal until AFTER nesting season. We simply do not understand or accept the urgency that the City of Burbank has adhered to this task.

I have copied several news and media outlets including KTLA, LA Times, and local Burbank news. Someone might find some intriguing threads to pull and discover how this urgency is being funded. Initially these trees were not posing an immediate threat and were only declared so when there was pushback from the community. Our elected officials are offering no support whatsoever.

I have copied several other wildlife and animal organizations as well in the last hope to get a stay on the giant Aleppo tree located at 1130 N. Niagara Street Burbank, 91505 so that the nest of Ravens can be saved. The demolition of the tree is scheduled for MONDAY, APRIL 29, 2024 at 7:00am PST. Also attached are photos of the giant tree, which provides beauty, shade, safety and shelter to countless native California species.

All we want is the opportunity to do what we can to try to save any remaining wildlife before these trees are destroyed.

We need your immediate attention to save a nesting pair of ravens at 1130 N. Niagara Street from what is likely the most magnificent tree on the whole street before the City of Burbank and Mariposa Tree Management, Inc destroys it.

Thank you in advance to all on copy for your time and attention to this urgent matter.

Sincerely,  
Stephanie Ford

Stephanie Ford  
Make Up FX Coordinator  
Scarecrow Entertainment  
Eternal Craft Dessigns

<https://www.cnelsonfx.com/>

[REDACTED]







**From:** grace smith [REDACTED]  
**Sent:** Thursday, May 2, 2024 01:23 PM  
**To:** FGC <[FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov)>  
**Subject:** Marine Protected Area Expansions

Dear California Fish and Game Commission,

I urge you to expand the network of Marine Protected Areas in California. We have shown that this program is working and providing refuge for marine populations of wildlife. As climate change becomes more and more of an issue, we need to strengthen the protections that we have that are already working.

Having grown up in California I truly love the natural beauty it holds. I have fond memories of learning to surf at Dana Point, exploring tide pools in Monterey, and playing in the waves in Santa Cruz. These formative experiences have led me to a passion for protecting our natural resources. As a college student in wildlife biology the future of my career is reliant on the protection of our wildlife. My studies have shown me the importance of protecting our natural resources for future generations, and expanding California's Marine Protected Areas is an amazing way to do this. I want future generations to be able to have the experiences I have had with the ocean, and we must protect this natural beauty.

Additionally, fisheries are an important economic and cultural resource. The FAO estimates that about one billion people worldwide rely on fish for food. This makes our fisheries an important resource to preserve, and expanding Marine Protected Areas is an amazing step to preserving them. Many people have dedicated their lives to the ocean and built their careers and hobbies around their love for fishing. We need to make sure their interests are protected.

Thank you for your time,  
Grace Smith

## Catalina Deer Eradication Permit Application - CWD Considerations

Joshua Wels <[REDACTED]>

Sun 05/12/2024 10:15 AM

To: [REDACTED];FGC <FGC@fgc.ca.gov>; [REDACTED]

<[REDACTED]>

Tim Dillingham, Charlton Bonham & CFG Commissioners,

Good morning. I am a hunter who is opposed to the permit application the Catalina Conservancy has initiated. Along with many others, I have hunted the island first hand and have not witnessed many of the conditions they state are present including the deer population levels that they estimate without credible scientific evidence.

My concern today is whether or not the development of Chronic Wasting Disease entering California is being considered in the application process. Catalina presents a unique benefit to the state in the future battle with the disease. The isolation of the herd keeps it out of risk of the spread of the disease and in the future this may be an invaluable asset to the species. It would be a disaster to eradicate these animals, not knowing if they might be a critical part of the future of the species as the battle against CWD continues.

[CDFW News | Chronic Wasting Disease Confirmed in California Deer Population—CDFW Urges Hunters to be Vigilant and Participate in Disease Surveillance Efforts](#)

I'd appreciate if these issues are addressed as part of the permit evaluation.

Thank you for your hard work and dedication to our state's wildlife.

Best Regards,

Joshua Wels  
Tustin, CA Resident.

## Oppose the Eradication of Mule Deer on Catalina Island

Kolin Ozonian [REDACTED]

via [REDACTED]

Mon 05/13/2024 08:55 PM

To:FGC <FGC@fgc.ca.gov>

Dear,

Please STOP the proposed eradication of mule deer on Catalina Island. Join such varied groups as the Humane Society, Safari Club International, and the California Rifle and Pistol Association to stop this needless killing. The mule deer population provides enjoyment for island residents and tourists and supports active recreation in a state where such opportunities are dwindling.

It is clear that the Catalina Island Conservancy and its supporters are not concerned about non-native species, or they would similarly propose elimination of the bison herd and other species. The Conservancy applied for a scientific collection permit years ago and was rejected due to a lack of science. Yet now the Department of Fish and Wildlife is set to approve the permit without demonstration of any previously-required supportive science. This is clearly not about the species or island restoration; it is about those who have political access to the Governor and his willingness to respond.

You can help stop this slaughter by prohibiting these actions, revoking the Use Permit for the Conservancy, and requiring a new operator of the Conservancy that represents all the uses on Catalina Island.

Sincerely,

Sincerely,

Kolin Ozonian

[REDACTED]  
Laguna Niguel, CA [REDACTED]

## Petition for Enforcement

Rachel Doughty <[REDACTED]>

Mon 05/13/2024 08:07 AM

To:Freeburn, Kim [REDACTED]; Hill, Kathleen (CAT) <[REDACTED]>; Miller, Kathleen [REDACTED]; Chan, Eric [REDACTED]; FGC <FGC@fgc.ca.gov>; Wildlife DIRECTOR <DIRECTOR@wildlife.ca.gov>; Wildlife R6 Ask Region 6 <AskRegion6@wildlife.ca.gov>  
Cc:Greg Allord [REDACTED]; Amanda Frye [REDACTED]; Steve Loe [REDACTED]; Susan Longville [REDACTED]; [REDACTED] <[REDACTED]>; Lisa Belenky <[REDACTED]>; John Buse <[REDACTED]>; Hugh Bialecki [REDACTED]  
Steven Farrell [REDACTED]

Please find attached, and also at this [link](#), correspondence regarding Strawberry Creek and Canyon in San Bernardino County.

Rachel S. Doughty, Esq.  
Greenfire Law, PC  
2748 Adeline Street, Suite A  
Berkeley, CA 94703

### PRIVILEGE AND CONFIDENTIALITY NOTICE

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RACHEL S. DOUGHTY  
2748 Adeline Street, Ste. A  
BERKELEY, CA 94703  
PHONE: [REDACTED]  
EMAIL: [REDACTED]  
WWW.GREENFIRELAW.COM

By Electronic Mail

May 13, 2024

Samantha Murray, President  
California Fish & Game Commission  
P.O. Box 944209  
Sacramento, CA. 94244-2090  
fgc@fgc.ca.gov

Charlton H. Bonham, Director  
California Department of Fish and Wildlife  
P.O. Box 944209  
Sacramento, CA. 94244-2090  
Director@wildlife.ca.gov

Heidi Calvert, Regional Manager  
California Department of Fish and Wildlife  
Region 6, Inland Deserts Region  
3602 Inland Empire Blvd, Suite C-220  
Ontario, CA 91764  
AskRegion6@wildlife.ca.gov

Eric Chan  
Habitat Conservation  
California Department of Fish and Wildlife  
Region 6, Inland Deserts Region  
3602 Inland Empire Blvd, Suite C-220  
Ontario, CA 91764

[REDACTED]  
Kim Freeburn  
Environmental Program Manager  
Department of Fish and Wildlife  
Inland Deserts Region  
3602 Inland Empire Boulevard, Suite C-220  
Ontario, CA 91764

[REDACTED]  
Kathleen Miller  
California Department of Fish and Wildlife  
P.O. Box 944209  
Sacramento, CA. 94244-2090  
[REDACTED]

**RE: Petition to the California Fish & Game Commission and California Department of Fish and Wildlife for investigation of and enforcement against BlueTriton Brands, Inc. regarding potential violations of California Fish & Game Code § 1602 and other law**

Dear President Murray, Director Bonham, Regional Manager Calvert, Mr. Chan, Regional Environmental Program Manager Freeburn, and Attorney Miller:

This law firm represents the interests of the Story of Stuff Project (“**The Project**”), a global non-profit organization headquartered in Berkeley, California. The following organizations and individuals, who can be reached through Greenfire Law, join The Project in this petition:

1. Amanda Frye, resident San Bernardino County
2. Steve Loe, retired USFS, co-chair Freshwater Fauna Working Group
3. Save Our Forest Association
4. Sierra Club, San Gorgonio Chapter
5. Southern California Native Freshwater Fauna Working Group (“**FFWG**”)
6. Tri-County Conservation League
7. Center for Biological Diversity

Each of the petitioners has been actively engaged for years in seeking the protection and restoration of Strawberry Canyon in San Bernardino County (“**Strawberry Canyon**”).

The exhibits referenced in this petition are listed at the end of this petition and are available on box.com at the following link:

<https://app.box.com/s/4u4gfbkosnrwi2r85ugujzjsrq24ufhk>

Please include them in the record for this petition.

### **Trust Resources at Issue**

This petition pertains to the following trust resources:

1. Strawberry Canyon,
2. Certain springs located in the headwaters of Strawberry Creek in Strawberry Canyon (“**Headwaters Springs**”),
3. Certain springs located at the cienega in Strawberry Canyon at approximately 4,200 feet (“**Cienega Springs**”),
4. Strawberry Creek and its riparian habitat, and
5. The fish and wildlife (including threatened and endangered species) of Strawberry Canyon and the waters and riparian habitat to which Strawberry Creek is tributary, including Twin Creek and the Santa Ana River.

### **Request**

Petitioners request that the Department of Fish and Wildlife (“**Department**”) take the following actions:

1. Demand that BlueTriton Brands, Inc. (“**BTB**”) immediately file an application for a Lake and Streambed Alteration Agreement (“**LSA Agreement**”) for its existing and any planned diversion infrastructure in Strawberry Canyon;

2. Ensure that diversions and infrastructure in Strawberry Canyon are consistent with the California Endangered Species Act (“**CESA**”);
3. Review whether BTB’s present and proposed diversion of substantially all of the water from Strawberry Canyon is lawful;
4. Ensure California Environmental Quality Act (“**CEQA**”) consistency of all activities involving the diversion of water from Strawberry Canyon;
5. Take all appropriate enforcement action against BTB for any unlawful action past or present, pertaining to the diversion of water from Strawberry Canyon; and
6. Ensure that any habitat restoration efforts are consistent with California law, including species protection laws and regulations.

### **DFW Background**

On May 2, 2016, the Department submitted a letter (“**CDFW Scoping Comments**”), **Exhibit 1**, which stated that the diversion facilities “have been constructed with the bed, bank, or channel of a stream” and the proposed maintenance of these areas is therefore within the jurisdiction of Department. The Department recommended that “Nestle Waters [BTB’s predecessor in interest] consult with CDFW as soon as possible to determine if a [LSA Agreement] may be required.” The Department also urged that CEQA be undertaken concurrent with the NEPA process for the permit Nestle was seeking from the Forest Service. To our knowledge, neither BTB nor its predecessor has ever initiated consultation regarding the need for an LSA Agreement nor made any effort to comply with CEQA.

Story of Stuff Project petitioned the Department on November 20, 2018, seeking an investigation of Nestlé Waters North America, Inc. (“**Nestlé**”) for potential violations of California Fish & Game Code section 1602 (“**Section 1602**”) resulting from its extraction of substantially all of the water from the Strawberry Creek Watershed within the San Bernardino National Forest. That “**2018 Petition**” is provided for you here as **Exhibit 2**, without its attachments.<sup>1</sup> To our knowledge, no enforcement action has been taken by the Department in response to that 2018 petition, and the infrastructure in Strawberry Canyon remains fundamentally unchanged.

On April 10, 2019, Nestlé wrote to the Department and stated that its activities for which it was seeking a permit from the U.S. Forest Service would “not result in any substantial diversion” and that “[t]here are no existing diversions from Strawberry Creek and there are none proposed.”<sup>2</sup> It is unclear what action the Department took to confirm whether these asserted facts were true.

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<sup>1</sup> Attachments will be provided to you upon request, or you may access them at <http://ftp.waterboards.ca.gov>, username: AHO-FTP, password: ahoftppublicaccess, and then click “Water Right Enforcement-Other”, followed by “BlueTriton Brands, Inc.”

<sup>2</sup> **Exhibit 3**, Letter from Nestlé to the Department (Apr. 10, 2019). At the same time, Nestle was representing to the U.S. Forest Service that it had a right to surface waters in Strawberry Canyon, and upon that representation, it

DFW attorneys Nancee Murray and Kathleen Miller appeared at the hearing by the State Water Resources Control Board on behalf of the Department, regarding BTB's diversion of water from Strawberry Canyon, described in greater detail, below.<sup>3</sup>

## Law

Fish and Game Code section 1602 mandates prior notification to the Department where any entity intends to “substantially divert or obstruct the natural flow of [. . .] any river, stream, or lake.” If the proposed activity “may substantially adversely affect an existing fish or wildlife resource” then an agreement that includes “reasonable measures necessary to protect the resource” is required.<sup>4</sup>

The Legislature has declared section 1602's explicit legislative purpose to be as follows: “The Legislature finds and declares that the protection and conservation of the fish and wildlife resources of this state are of utmost public interest. Fish and wildlife are the property of the people and provide a major contribution to the economy of the state, as well as providing a significant part of the people's food supply; therefore their conservation is a proper responsibility of the state. This chapter is enacted to provide conservation for these resources.”<sup>5</sup>

Section 1602's notification obligations apply to “taking water out of its natural flow. . . , whether or not the streambed itself is altered to accomplish the taking.”<sup>6</sup>

Regardless of the nature of any alleged water right, or past use, the impacts of assertion of that right on trust resources must be considered:

Quite obviously, a severe drought, which has the effect of further damaging the habitat of an endangered fish species, must be part of the factual matrix considered in determining what is a reasonable use of the water—water which belongs to the people, and only becomes the property of users—riparian or appropriative—after it is lawfully taken from the river or stream. Past practices, no matter how long standing, do not change current reality.<sup>7</sup>

There is no conflict between the duties of the SWRCB and the Department's obligations under Section 1602.<sup>8</sup>

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obtained a Special Use Permit from the U.S. Forest Service to divert water from Strawberry Creek. See **Exhibit 7**, p. 9.

<sup>3</sup> The Department's Notice of Intent to Appear was filed August 4, 2021.

<sup>4</sup> Fish and Game Code, § 1602, subd. (a)(4)(B).

<sup>5</sup> *Siskiyou Cty. Farm Bureau v. Dep't of Fish & Wildlife* (2015) 237 Cal. App. 4th 411, 427.

<sup>6</sup> *Id.* at 444.

<sup>7</sup> *Id.* at 447-448.

<sup>8</sup> *Id.* at 549.



Any LSA Agreement or Incidental Take Permit (“**ITP**”) under CESA will trigger obligations under CEQA, including mitigation.<sup>9</sup>

## **Key Developments Since 2018**

Since 2018, there have been several key developments, upon which we base this new request that DFW investigate the water diversions from the Strawberry Creek Watershed and take the actions requested at the end of this letter. These include a conclusion by the State Water Resources Control Board (“**SWRCB**”) that BTB is diverting substantially all of the natural flow of water in Strawberry Creek; a SWRCB hearing preceding developing a factual record that includes evidence of that substantial diversion as well as of damage to trust resources; and issuance of multiple federal permits to BTB without any notification of the Department regarding alteration to a streambed.

### **1) SWRCB Proceedings Establish BTB is Diverting Substantial Flow from Strawberry Creek**

On September 19, 2023, the SWRCB ordered BlueTriton Brands (“**BTB**”) to cease and desist certain diversions of water from Strawberry Canyon.<sup>10</sup> This SWRCB Order 2023-0042 (“**Order**”, **Exhibit 5**) was scheduled to take effect on November 1, 2023. The Order has been stayed pending outcome of review by the Fresno Superior Court, on BTB’s initiation.<sup>11</sup> The hearing and Order did not address impacts to trust resources. However, the upshot of the SWRCB’s enforcement is the construction of a robust factual record supporting the Order.<sup>12</sup> It is now abundantly clear, that but for BTB’s diversions, Strawberry Canyon would provide rich habitat and a critical water source.

The modern scientific consensus is that there would be a flowing stream in the Strawberry Canyon headwaters of Strawberry Creek, supporting threatened and endangered fish and other species and a rich riparian ecosystem but for BTB’s diversion.<sup>13</sup>

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<sup>9</sup> See “**CEQA Guidelines**,” Cal. Code Regs., tit. 14, § 15000 et seq.; see also **Exhibit 4**, FFWG’s comments which describe species dependent upon a healthy, functioning Strawberry Canyon ecosystem (May 2, 2016)(“**Freshwater Letter**”).

<sup>10</sup> The Order is available for viewing and download on the Administrative Hearing Office’s webpage at the following link:  
[https://www.waterboards.ca.gov/water\\_issues/programs/administrative\\_hearings\\_office/docs/2023/2023-10-02-wro-0042.pdf](https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/docs/2023/2023-10-02-wro-0042.pdf).

Reference to “BTB” throughout is inclusive of BTB and its predecessors in interest. See **Exhibit 6**, press release discussing acquisition of Nestle (Feb. 16, 2021)(“**One Rock Press Release**”).

<sup>11</sup> *BlueTriton Brands, Inc. v. California State Water Resources Control Board*, Fresno County Superior Court, Case No. 23CECG04292 (filed Oct. 24, 2023).

<sup>12</sup> Some of the Exhibits reference evidence presented at the SWRCB’s hearing. All such evidence will be provided upon request, and also, SWRCB attorneys who attended the hearing have access to the docket for that matter, including all party exhibits.

<sup>13</sup> See **Exhibit 7**, The Project’s Closing Brief at the SWRCB hearing, pp. 5-9, 22 (“**The Project Closing Brief**”).

Engineer W.P. Rowe<sup>14</sup> was hired by BTB's predecessor to identify potential water sources in and around Strawberry Canyon. He and other eyewitnesses described the condition of Strawberry Canyon prior to diversion. What they described is markedly different from the diminished condition of the Canyon today.<sup>15</sup>

In the early 1900s, before anyone bottled any water for off-site consumption, the vicinity of Strawberry Canyon was described by a University of California Geology Professor as lush and "sub-tropical":

Mysterious canyons penetrating deep into the heart of the ranges, radiate from the hotel. Deep narrow valleys where a precipice two or three hundred feet high in places shut out the sunlight; and opening out into delightful nooks and coves that are veritable flower gardens. At one point towering sections of rocks hold the eye of the geologist, in another ferns and flowers drape the banks with their choicest tapestry charming the botanist. To all these heavily shaded gorges are places of delight, flower decorated and musical with the songs of mountain brooks. Overhead are the arches formed by the branches of the heavy tree growth; sycamore, maple, oak, alder, pine, cedar and juniper, hiding the sun.

The changes of foliage mark the differences of elevation as one climbs up from the sub-tropical to Alpine heights. Sparkling streams of purest water, gushing from eternal springs, tumble and leap over ledges and among the boulders; now stopping to play awhile in some emerald pool sunk in the granite, then hiding in the shadows of ferns and vines. These depths where one may get near to nature, are quiet except for the songs of birds and of rippling brooks; just the hidden spot where one may rest and enjoy peace.<sup>16</sup>

When Mr. Rowe first examined Strawberry Canyon in 1929 as a potential source of water for a hotel below Strawberry Canyon on Twin Creek ("**Hotel**") and for off-site water bottling, he described what he found:

Strawberry creek drains a portion of the south slope of the San Bernardino Mountains. It has its source at a group of springs which issue from the side of Strawberry peak. The elevation of the top of Strawberry peak is 6150 feet above sea level and the springs issue from the broken rock between elevation 6400 and 6050 feet above sea level. The flow from these springs being deep seated should

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<sup>14</sup> W.P. Rowe was a well-respected engineer, who would today be called a hydrologist. *See Exhibit 8*, Declaration of Steve Loe, Dec. 17, 2021 ("**Loe Decl.**"), ¶¶22-24.

<sup>15</sup> *See Exhibit 8*, ¶35(Loe summarizing Taylor findings); *Exhibit 9*, slides supporting Loe Surrebuttal Decl. ("**Loe Sur Rebuttal Slides**"), slide 11.

<sup>16</sup> *Exhibit 10*, Report on the Arrowhead Hot Springs, Gilbert Ellis Bailey, 1910 ("**Arrowhead Hot Springs Report**") at p. 6.

be fairly regular, especially during the late summer season. The observations show this to be the case. The dependable supply will aggregate about 10 inches.<sup>17</sup>

Rowe went on to describe the water as supporting “alder, sycamore, dogwood and cedar trees together with ferns and thimble berry bushes.”<sup>18</sup>

Rowe’s observations are consistent with the direct field observations of USGS survey teams in the late 1890s.<sup>19</sup> Mr. Allord, the former Manager of Historical Topographic Mapping Collection for the United States Geological Survey, testified that the portrayal of the Cienega Springs and Strawberry Creek as perennial streams and the Headlands Spring as intermittent would have been reflective of actual on-the-ground observation.<sup>20</sup>

Before BTB’s infrastructure was in place, there was sufficient continuous water in Strawberry Creek that the Forest Service was regularly stocking Strawberry Creek with trout.<sup>21</sup>

BTB’s longstanding practice was to take water from the Forest and dump it at the foot of the mountain.<sup>22</sup> BTB continues to divert substantially all of the water from Strawberry Canyon, depriving that ecosystem of needed water.

The San Bernardino Valley Municipal Water District (“**SBVMWD**”) complained in early 2018 of injury caused by BTB’s excessive water take and the adverse impacts of BTB’s over-appropriation on fish and wildlife in the San Bernardino Area.<sup>23</sup>

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<sup>17</sup> **Exhibit 11** Letter from WP Rowe to Petroleum Securities Bldg. and Standard Oil Bldg, May 15, 1931 (“**WP Rowe Letter**”); *see also* **Exhibit 12**, Sur Rebuttal Testimony of Steve Loe, describing historical conditions and comparing them to present day conditions in Strawberry Canyon (Apr. 8, 2022) (“**Loe Sur Rebuttal Testimony**”), ¶¶ 2, 3, 7, 10; **Exhibit 8** (Loe Decl.) ¶¶26-30 (summarizing Rowe reported observations with citations).

<sup>18</sup> **Exhibit 11**, WP Rowe Letter at p. 1.

<sup>19</sup> *See* **Exhibit 5**, Order, Figs 3 and 4 (quadrangle maps showing Strawberry Creek as a perennial stream, and the Headwaters Springs and the Cienega Springs all as USGS maps showed Strawberry Creek, and its Headwater Springs as blue lines).

<sup>20</sup> **Exhibit 5**, Order at pdf 49-50; *accord* **Exhibit 13**, Rebuttal Testimony of Senior Engineering Geologist, SWRCB, Natalie Stork (“**Stork Testimony**”) ¶¶2-4 (comparing present-day to historical maps and concluding that BTB has dewatered the Headwaters Springs); **Exhibit 14**, Rebuttal Testimony of Tomas Eggars, Water Control Engineer, SWRCB (“**Eggars Testimony**”) ¶¶2-6 (Eggars Testimony reaching conclusion that differences in modern and historical maps are evidence of dewatering by BTB).

<sup>21</sup> **Exhibit 15**, Various articles from early 1900s regarding presence of fish in Strawberry Creek (“**Strawberry Creek Fishing Articles**”); *accord*, **Exhibit 12** (Loe Sur Rebuttal Testimony.) ¶2 (testimony of Mr. Loe, a former USFS biologist who has studied Strawberry Creek for 40 years).

<sup>22</sup> *See* **Exhibit 5**, Order, Figure 10. This practice is also inconsistent with the 2018 Decision Memo, which stated that Nestlé would need to “install suitable shut-off valves or other flow control devises to ensure that water will not be extracted in excess of the holders ability to store or transport water without waste or spillage from local storage.” **Exhibit 16**, Decision Notice, p. 6.

<sup>23</sup> **Exhibit 17**, SBVMWD Letter (Jan. 17, 2018).

An award-winning biologist, a former U.S. Forest Service employee and contractor, who has worked on Strawberry Creek for nearly four decades has pleaded with the U.S. Forest Service to address the severe environmental impacts of allowing the dewatering of this ecosystem, including fire vulnerability, local extirpation of threatened and endangered species, loss of vegetation, and increase in temperature.<sup>24</sup>

The U.S. Forest Service has determined that BTB's diversions in Strawberry Canyon are causing habitat fragmentation, preventing the survival of native aquatic life forms, diminishing surface water flow, and resulting in the loss of riparian vegetation. Environmental conditions in Strawberry Canyon are rated as poor in several reaches. Previously supported stream channels are now missing due to BTB diversions.<sup>25</sup>

Finally, both the U.S. Forest Service and SWRCB have received very large numbers of comments and sustained interest from concerned citizens, as well as elected officials, regarding the poor stewardship of Strawberry Canyon by BTB and its predecessors in interest.<sup>26</sup>

## **2) BTB to Undertake Work in Streambed & Divert Water**

The U.S. Forest Service is demanding that BTB prepare a Well Water Decommissioning Plan for "removal of all stainless pipe and pipe supports from 7, 7A, 7B, and 7C. The plan should include details for the removal of the pipes and ancillary facilities associated with the 7s Complex, as well as a detailed timeline for the restoration of the impacted surface area."<sup>27</sup>

Additionally, the U.S. Forest Service is at present allowing BTB to divert water from Strawberry Canyon on its expired permit, apparently not considering restoration of springs other than the 7s Complex at this time.<sup>28</sup>

### **Request for Notification**

We request immediate notification, by email or letter to Greenfire Law, should BTB submit an application, notification, or request for consultation to the Department. Also, we request to be notified of any formal agency action by the Department pertaining to Strawberry Canyon such as any decision notice, permit, or entry into agreement with BTB or any other agency, state or federal.

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<sup>24</sup> **Exhibit 4**, Freshwater Letter.

<sup>25</sup> **Exhibit 18**, USFS Hydro Report (Jul. 2017), with useful narrative summary starting at page 33, table at 44.

<sup>26</sup> *See, e.g.*, **Exhibit 19** Letter from the U.S. House of Representatives Committee on Oversight and Reform, March 3, 2020.

<sup>27</sup> **Exhibit 20**, Letter from U.S. Forest Service to BTB (Mar. 1, 2024)("USFS Letter").

<sup>28</sup> *Id.*

**Conclusion**

In conclusion, we respectfully petition the Department to reopen its 2018 inquiry into BTB’s activities in Strawberry Canyon. Overwhelming facts, including U.S. Forest Service hydrologic reporting, USGS maps, and senior biologist’s reports establish harm to fish and substantial diversion of surface water. BTB will be entering into a binding agreement with the Forest Service requiring removal of infrastructure in a streambed and restoration of aquatic resources, including fish habitat. It is seeking to continue diversions that have caused the extirpation of native species and the destruction of riparian habitat—clearcut harm to the public trust. Those uses cannot be allowed to continue unexamined and unmitigated under California law, including Section 1602 and CEQA.

Membership of the petitioners welcome the Department’s action on this critical resource issue and stand ready to assist in whatever way the Department may find helpful. We have on hand substantial historical documentation of the pre-diversion condition of Strawberry Creek as well as historical documents regarding ownership and actions by BTB and its predecessors.

We request the courtesy of an identified contact person from whom we may seek updates regarding this petition and to whom we may supply information pertaining to Strawberry Canyon going forward.

Sincerely,



Rachel S. Doughty  
Greenfire Law, PC

Cc:

Greg Allord, retired USGS

Amanda Frye

Steve Loe, retired USFS  
co-chair FWWG  
Tri-County Conservation League

Susan Longville  
League of Women Voters of San Bernardino

Ian James, Los Angeles Times



Lisa Belenky  
John Buse  
Center for Biological Diversity


Hugh Bialecki  
Save Our Forest Association



Steven Farrell  
Sierra Club, San Gorgonio Chapter



## Enclosures:

<b>Exhibit Number</b>	<b>Description of Document</b>	<b>Date</b>	<b>SWRCB EXHIBIT NO.</b>
1	CDFW Scoping Comment re Nestle SBNF SUP ("CDFW Scoping Comments")	May 2, 2016	
2	Petition from The Project to the Department regarding Strawberry Canyon Diversions ("2018 Petition")	November 20, 2018	
3	Letter from Nestle to CDFW ("Nestle Letter")	April 10, 2019	
4	Letter from Southern California Native Freshwater Fauna Working Group to USFS ("Freshwater Letter")	May 2, 2016	
5	California State Water Resources Control Board Order 2023-0042 ("Order")	September 19, 2023	
6	One Rock Press Release	February 16, 2021	
7	Story of Stuff Project Closing Brief ("The Project Closing Brief")	August 5, 2022	
8	Declaration of Steve Loe at Water Board Hearing, (SOS 31) ("Loe Decl.")	December 17, 2021	SOS 31
9	Sur-Rebuttal Slides of Steve Loe at Water Board Hearing (SOS 283) ("Loe Sur Rebuttal Slides")	April 8, 2022	SOS 283
10	A Report on Arrowhead Hot Springs, San Bernardino (SOS 006) ("Arrowhead Hot Springs Report")	1910	SOS 006
11	Letter from WP Rowe re Strawberry Creek Stream Flow Measurements (SOS 051) ("WP Rowe Letter")	May 15, 1931	SOS 051
12	Sur-Rebuttal Testimony of Steve Loe at Water Board Hearing (SOS 282) ("Loe Sur Rebuttal Testimony")	April 8, 2022	SOS 282
13	Natalie Stork Testimony (PT 313) ("Stork Testimony")		PT 313
14	Tomas Eggars Testimony (PT 312) ("Eggars Testimony")		PT 312
15	Various articles re fishing in Strawberry Creek ("Strawberry Creek Fishing Articles")		
16	USFS Decision Memo Special Use Permit Strawberry Creek ("Decision Notice")	June 27, 2018	
17	Letter from SBVMWD to SWRCB (SOS 115) ("SBVMWD Letter")	January 17, 2018	SOS 115
	Article in the Palm Desert Sun (SOS 263) ("Desert Sun Article")	October 14, 2021	SOS 263

<b>Exhibit Number</b>	<b>Description of Document</b>	<b>Date</b>	<b>SWRCB EXHIBIT NO.</b>
18	USFS Surface Water Hydrology Specialist Report (SOS 027) (“USFS Hydro Report”)	July 2017	SOS 027
19	Letter from US House of Representatives Oversight Committee (“Oversight Letter”)	March 3, 2020	
20	Letter from the USFS to BTB (“USFS Letter”)	March 1, 2024	

## Lifetime deer/bear combo

DANIEL B EPPERSON [REDACTED]

Wed 05/15/2024 12:57 PM

To:FGC <FGC@fgc.ca.gov>

To whom it may concern,

As a lifetime hunting license holder, lifetime bird package holder and lifetime fishing license holder, I would like to suggest that an option be made for lifetime Deer/pig tag holders be given the option of getting a bear tag and two pig tags instead of five pig tags. That would encourage a lot more hunters to pursue bears as their numbers are expanding rapidly and human bear encounters are becoming a major problem throughout the state.

The bear option would definitely motivate me, at least, to purchase a lifetime deer/bear/pig package. I feel it would encourage others to do the same.

Thank you for considering my comments.

Dan Epperson

Lifetime hunter, Hunter Education Instructor

lone, Ca  
[REDACTED]



## DCTF public comment response: RAMP 2024 Revisions for the Commercial Dungeness Crab Fishery

Rachelle Fisher <[REDACTED]>

Thu 05/16/2024 11:48 AM

Dear Ms. Temple\_King,

The California Dungeness Crab Task Force (DCTF) respectfully submits the following comment letter (see attached) in response to the California Department of Fish and Wildlife's Risk Assessment Mitigation Program: 2024 Program Revisions for the Commercial Dungeness Crab Fishery. The comment letter can also be accessed via the [DCTF's webpage](#).

Pursuant to Fish and Game Code Section 8276.4, the DCTF is directed to review and evaluate the California Dungeness crab management measures and make management recommendations to the California Department of Fish and Game, Fish and Game Commission, and Joint Committee on Fisheries and Aquaculture.

Thank you for the opportunity to comment on the proposed changes to the RAMP program. Please direct questions about this letter or the DCTF to Rachelle Fisher at 714-330-7976 or [info@dungenesscrabtaskforce.com](mailto:info@dungenesscrabtaskforce.com).

Sincerely,  
Rachelle Fisher, Kelly Sayce, and Scarlett Schroeder  
DCTF Administrative Team

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Rachelle Fisher, MAS  
Principal, Strategic Earth Consulting  
*she/her/hers*

p/c: [REDACTED]  
e: [REDACTED]  
w: [www.strategicearth.com/](http://www.strategicearth.com/)

*I respectfully acknowledge that Strategic Earth Consulting works throughout the traditional, ancestral, and unceded territory of California, home to nearly 200 Tribal Nations. [Learn more about the land on which you live and work.](#)*



## ~California Dungeness Crab Task Force~

<http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/>

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May 16, 2024

California Department of Fish and Wildlife  
Regulations Unit  
Attn: Chelle Temple-King  
P.O. Box 944209  
Sacramento CA, 94244-2090

RE: Public Comment for the Risk Assessment Mitigation Program: 2024 Program Revisions for the Commercial Dungeness Crab Fishery

Dear Ms. Temple-King,

Thank you for the opportunity to comment on the proposed amendments to the Risk Assessment and Mitigation Program (RAMP) for the California Dungeness crab fishery (Section 132.8 to Title 14, CCR). The California Dungeness Crab Task Force (DCTF) met on April 23, 2024, to discuss the draft rulemaking and has concerns about the impacts these proposed amendments will have on the already struggling California Dungeness crab fishing community. Additionally, some of the proposed amendments are counterproductive to meeting the RAMP's goals of mitigating and reducing marine life entanglements.

The DCTF strongly recommends the California Department of Fish and Wildlife (CDFW) consider the following unanimously approved changes to the proposed RAMP rulemaking.

*§ 132.8 (c), Title 14 CCR - Triggers for Management Action*

**The DCTF recommends amending Title 14 CCR Section 132.8(c) to increase entanglement triggers to reflect whale population increases.**

The management triggers outlined in the proposed regulatory amendments are excessively low and must account for the increased anticipated interactions as whale populations rise. A 2020 report from Calambokidis and Barlow,<sup>1</sup> which serves as the basis for the NOAA's humpback whale stock assessment,<sup>2</sup> indicates that humpback whale stocks have grown 8.2% annually since 1989. As humpback whale populations increase, the probability of interactions between whales and fishing gear also increases. The proposed trigger of three entanglements to immediately close the fishery will severely impact our industry's ability to operate. Due to the increased probability of entanglements relative to whale populations, the DCTF recommends the trigger be set at a higher number of allowable entanglements (e.g., five) before the fishery is closed. We also question whether this lower threshold for a trigger is necessary at all because the number of entanglements from the Dungeness crab fishery has not been increasing in recent years, providing that the current mitigation measures are working and stricter triggers are unnecessary.

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<sup>1</sup> Calambokidis, J. and J. Barlow. 2020. Updated abundance estimates for blue and humpback whales along the U.S. West Coast using data through 2018, U.S. Department of Commerce, NOAA Technical Memorandum NMFS-SWFSC-634. <https://repository.library.noaa.gov/view/noaa/27104>

<sup>2</sup>NOAA Fisheries. 2023. Humpback Whale (*Megaptera novaeangliae kuzira*) Mainland Mexico - California - Oregon - Washington Stock. <https://www.fisheries.noaa.gov/s3/2023-08/Humpback-Whale-Mainland-Mexico-2022.pdf>

§ 132.8 (e), Title 14 CCR - Management Actions

**The DCTF requests that a “fleet advisory” continue to be included as a management action when the risk of entanglement is elevated and before triggering a closure or other management action.**

By removing a fleet advisory from the list of RAMP management actions, CDFW is missing a critical first step in mitigating entanglements before placing a hardship on the fleet. Fleet advisories are an essential tool to raise awareness about the presence of whales in an area. Advisories help fishermen take additional precautions to avoid entanglements before CDFW issues other management action(s) that may cause financial hardship to the fleet.

**The DCTF recommends removing the “surface gear” prohibition as a management action.**

Surface gear is critical to help locate and recover fishing gear, especially in high current or traffic areas. Prohibiting surface gear under elevated entanglement risk will result in increased gear loss. This adverse outcome will further hinder entanglement mitigation efforts. Most of the fleet uses surface buoys (i.e., trailer buoys) to locate their gear. The DCTF recognizes the importance of following CDFW’s best practices guide<sup>3</sup> to fish responsibly, and CDFW should hold accountable those fishermen using excessive surface lines. Fishermen who have been recovering lost gear since the season closed in the Central Management Area in early April report that approximately 85% of lost gear recovered has no surface gear attached, providing a strong argument for the association between lost gear and lack of surface line. CDFW indicated in its draft Conservation Plan that removing and preventing lost and derelict gear is an urgent and crucial step to reducing the number of entanglements.<sup>4</sup> Prohibition of surface gear under elevated entanglement risk contradicts this stated goal. Instead, CDFW should require fishermen to fish with tight lines, as detailed in CDFW’s best practices guide.

**The DCTF recommends removing the “active tending requirement” as a management action due to safety concerns.**

The DCTF discussed a version of the active tending requirement during our November 2023 meeting<sup>5</sup> and generally did not support the concept of active tending during the fall opener. During our meeting on April 23, 2024, these same concerns continue to be expressed, with DCTF Members questioning the ability to enforce compliance of active tending under a four-hour timeframe. Additionally, active tending would promote gear congestion near shore (within two miles of ports and harbors), creating safety and navigational hazards. We are concerned that CDFW disregarded our feedback and recommend that CDFW revisit our concerns about safety and enforceability.

§ 132.8 (e) & (i), Title 14 CCR - Alternative Gear

**The DCTF recommends clarifying throughout the updated regulations that the fleet may only use alternative gear in the spring after a season fishery closure.**

Section 132.8 (e)(6) states that alternative gear may be used “During a Fishery Closure after the Fishing Season has opened...,” which makes it clear that alternative gear will only be permitted after the season closes, not during a delay. However, Sections 132.8 (e)(5) and (i)(1)(A) are less clear about when alternative gear may be permitted to be used such that it could be authorized during a delay or at the season opener. In their 2023 report<sup>6</sup>, the DCTF stated that they “[do] not support, under any

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<sup>3</sup> California Department of Fish and Wildlife. 2003. Best Practices Guide for Avoiding Marine Life Entanglement in the Dungeness Crab Fishery. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=216638&inline>

<sup>4</sup> California Department of Fish and Wildlife. 2024. Application for an Individual Incidental Take Permit Under the Endangered Species Act of 1973: Draft Conservation Plan for California’s Commercial Dungeness Crab Fishery. Interim Draft. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=219843&inline>

<sup>5</sup> Dungeness Crab Task Force. 2023. November 2-3, 2023 DCTF Meeting Summary. [https://opc.ca.gov/wp-content/uploads/2023/12/DCTF\\_DRAFT\\_Meeting-Summary\\_Nov2-3\\_2023\\_508.pdf](https://opc.ca.gov/wp-content/uploads/2023/12/DCTF_DRAFT_Meeting-Summary_Nov2-3_2023_508.pdf)

<sup>6</sup> Dungeness Crab Task Force. 2023. November 2023 recommendations from the California Dungeness Crab

*circumstances, commercial Dungeness crab fishing in the fall before the legal commercial crab opener with the use of alternative or non-traditional Dungeness crab trap gear. The commercial fishery should only open once traditional fishing gear, as defined in FGC §9006 and §9011, may be used.”*

The DCTF is committed to upholding the fleet’s priority to provide fishermen the opportunity to maximize their income while minimizing the risk of entanglements. The DCTF can only condone alternative/non-traditional gear (e.g., pop-up gear, hoop nets) in the spring after a season closure in a zone. The DCTF opposes using alternative gear in the fall before or during the opener. An entanglement from alternative gear during a delayed opener could jeopardize the broader commercial opener. Additionally, the fleet should only use traditional gear at the start of any fishing season. Dungeness crab is one of California’s most valuable fisheries<sup>7</sup> with approximately 80% of the catch landed in the first six weeks of the season, starting late fall and tapering off in the winter. A large proportion of the commercial Dungeness crab fleet participates at the start of the season, and their businesses rely on it.

§ 132.8 (g), Title 14 CCR - Mandatory Data Reporting Requirements

**The DCTF recommends amending Section 132.8(g)(3)(C) to say: “Whenever regular data transmission is interrupted, or the vessel owner/operator is notified by the department that data are otherwise not being received, the vessel shall be allowed to continue fishing. Upon request, the vessel owner/operator shall share their vessel track lines from a data plotter or other onboard backup device with the department’s law enforcement division until regular data transmission resumes.”**

DCTF Members and other Dungeness crab fishery participants have extensive experience with onboard vessel tracking devices in other fisheries and have suffered financial hardships due to the malfunction of these systems. Many times, vessel operators are unaware that their devices have been malfunctioning for quite some time. Additionally, repairing a vessel tracking unit can take weeks or months since local repair services are often nonexistent. If a fishing participant were to miss the commercial fishing season opener due to a malfunction of their electronic monitoring device, it would have devastating impacts on their business and livelihood. The DCTF recommendation is an attempt at a solution that balances CDFW’s need for data where fishing occurs while not creating undue hardship on fishing participants.

The DCTF was established pursuant to Fish and Game Code Section 8276.4. The DCTF reviews and evaluates Dungeness crab fishery management measures and provides recommendations to the Joint Committee on Fisheries and Aquaculture, CDFW, and the Commission. The DCTF is composed of 27 members, including seventeen (17) members representing commercial fishing interests, two (2) members representing sport fishing interests, two (2) members representing crab processing interests, one (1) member representing Commercial Passenger Fishing Vessel (CPFV) interests, two (2) members representing nongovernmental organization interests, one (1) member from Sea Grant, and two (2) members from CDFW. Additional information about the history of the DCTF is available on the DCTF webpage: <http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/>.

We appreciate the opportunity to respond to CDFW’s proposed amendments to the RAMP program. The DCTF appreciates the ongoing working relationship with CDFW and looks forward to continuing to work together. For additional information about the DCTF, including a summary of the April 23, 2024, DCTF meeting, please visit <http://www.opc.ca.gov/2009/04/dungeness-crab-task-force/> or contact Rachelle Fisher at [info@dungenesscrabtaskforce.com](mailto:info@dungenesscrabtaskforce.com) or 714-330-7976.

Sincerely,

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Task Force. [https://opc.ca.gov/wp-content/uploads/2023/12/DCTF\\_LegReport\\_November\\_2023\\_508.pdf](https://opc.ca.gov/wp-content/uploads/2023/12/DCTF_LegReport_November_2023_508.pdf)

<sup>7</sup> California Department of Fish and Wildlife. 2023. Dungeness Crab, *Metacarcinus magister*, Enhanced Status Report. <https://marinespecies.wildlife.ca.gov/dungeness-crab/>

## The California Dungeness Crab Task Force

EC: CA Department of Fish and Wildlife, Charlton Bonham, Director  
CA Department of Fish and Wildlife, Craig Shuman, Marine Regional Manager  
CA Ocean Protection Council, Jenn Eckerle, Executive Director  
California Fish and Game Commission, Samantha Murray, President  
Joint Committee on Fisheries and Aquaculture, Mike McGuire, Chair  
CA Dungeness Crab Fishing Gear Working Group

## Request and comment regarding the hunting lead ban and non-lead ammo roster.

Prathers <[REDACTED]>

Fri 05/17/2024 12:15 PM

To:FGC <FGC@fgc.ca.gov>

Greetings.

I am writing to respectfully let you know (if you are not already aware) that your current CA lead-free ammo roster is outdated and really needs regular updating for it to be helpful to California hunters looking for lead-free ammo to hunt with. One example of this is that the company CCI has not made .22 Ir copper lead-free ammunition for more than two years.

Please note, that this means that to my knowledge, there is no company currently making lead-free .22 Ir ammunition that can be purchased in CA. I believe that since the California hunting lead ban, there has only been maybe two or three companies that have offered lead-free .22 Ir ammunition??-- The only brand I have seen anywhere I have looked is CCI. I would add that this is significant in that .22 Ir is arguably one of the most popular rifle and pistol calibers ever!

I am also writing to ask you to consider something regarding the current "blanket ban" on the use of lead for hunting. By doing this, do you realize that you have in essence removed a huge number of vintage, old tech Sporting guns from being able to be used? What that means is, that people cannot use grandpa's or great grandpa's old single shot gun to hunt with. They cannot use their old vintage shotgun, or rifle or pistol and must buy a new modern gun to harvest upland game, deer or any other game animals because the vintage guns do not handle lead-free ammo OR the new lead-free ammo does not achieve the accuracy or lethality that traditional lead ammo does to ethically harvest game. What this means is that more game is wounded and not harvested--- and how sad is that? No one wants that.

I acknowledge that there are a lot of cases where modern guns of certain calibers claim great results using non-lead options. I would respectfully encourage you to check out some of the calibers and firearm types that cannot claim great results or even average results. A case in point is with the above mentioned .22 long rifle non-lead options. .22 long rifles have ethically and cleanly harvested game for over a hundred years using lead. But the non-lead options reduce the accurate ethical

hunting distance in half, and they will not cycle in certain types of actions. Lead-free options can also be very hard on some (not all) older guns and can damage them.

I know I am not alone. I enjoy the rich history and pleasure of using older guns-- some that have been handed down from my Grandfather and Father. Some that are reproductions of old firearms from the 17 & 1800s. They are a part of our rich history, and they are very capable of ethically and safely harvesting game animals. They are sustainable- made of steel and wood (not plastics made of oil). They are not at all considered a military weapon and in some cases the ATF does not even consider them a "firearm." I am also not a wealthy man and am close to retirement. I cannot afford to buy new guns even if I wanted to. I would also add that as a vintage hunter, I shoot far less ammunition when hunting or when practicing than modern gun users do. If I shoot more than three shots when hunting it is rare. And in practice, I might shoot less than a dozen shots to sight in my gun and get it ready for hunting season. In some cases, it takes me two or three minutes to reload the guns I enjoy shooting and hunting with. LOL. My gunpowder is biodegradable and there are no brass cartridges to drop. The impact on the environment is very small.

As you can see, there are a lot of things to consider in this blanket lead ban, and some changes to it might actually improve the intended, or hoped for outcome of this restriction. It might also generate good will in the hunting community, and encourage more to comply, making for better results.

My question is, would it be possible to include a small variance in the hunting lead ban, to allow the use of lead for hunting only in vintage firearms, or those firearms that do not have lead-free ammo options? I suspect that the numbers of vintage hunters is not huge (maybe 15%), and most all of the vintage guns I enjoy using have quite low velocity, and therefore the bullets have a far less risk of contaminating the environment. You could also require that vintage hunters remove their harvest from the woods in total and therefore eliminating even more risk.

Thank you for reading this far, I wish you the best and mean well with this letter... If I ever bump into you in the woods I'll shake your hand and wish you happy hunting.

Sincerely,

Ken Prather

California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090

To whom it may concern.

In purchasing my hunting license and tags for the coming fall season, it occurred to me that there is no option at checkout for a senior discount. This year is the first year I considered foregoing a second tag because frankly, the price went up in a time when the price of everything has rocketed out of control. I have a cousin in Idaho who gets very inexpensive tags and license as a resident of that state. A similar situation here in California makes sense and would make me more likely to continue buying the license and tags annually.

Thank you for taking the time to read this.

Sincerely,



Paul Smith

[REDACTED]  
Rancho Cordova, CA [REDACTED]



## Urgent action in killing of innocent cub

Ashley Erickson [REDACTED]

Fri 05/31/2024 02:53 PM

To:FGC <FGC@fgc.ca.gov>

I am writing to express my profound dismay and outrage upon learning about the recent killing of the bear cub in Tahoe and the mishandling of this crime by the local CFWD. The news of this senseless act of violence against an innocent animal is nothing short of horrific and I feel compelled to voice my protest.

Bears, like all living creatures, deserve to inhabit their natural environment without fear of harm or persecution. The wanton destruction of this bear cub not only constitutes a grave injustice but also highlights the urgent need for stricter regulations and greater awareness regarding wildlife conservation. The fact that it was dismissed as self defense despite eyewitness reports to the contrary is reprehensible.

As a concerned citizen, I implore you to take immediate action to ensure that such incidents do not recur in the future. This includes enforcing stricter penalties for those who engage in acts of cruelty towards animals, as well as implementing comprehensive educational programs to foster empathy and respect for wildlife.

Furthermore, I urge you to support initiatives aimed at preserving and protecting the habitats of bears and other endangered species. By working together, we can create a safer and more compassionate world for all living beings.

Please consider my plea and take decisive steps to address this issue. The life of every bear, no matter how small, is precious and deserving of our utmost protection.

Thank you for your attention to this matter.

Best, Ashley Erickson

## Bear Killed in South Lake Tahoe

Fri 05/31/2024 08:48 AM

To:FGC <FGC@fgc.ca.gov>

Forwarding to Melissa Miller-Henson,

Please help me. This bear killing situation should not be ignored.

Thank you...

May 30, 2024

Governor Newsom,

I must express my distress over the unnecessary killing of the young bear in South Lake Tahoe on May 27, 2024. Please look into this tragic event. I strongly believe the shooter should be held accountable for killing the bear that was clearly walking away from the man. Please insist on further investigation of this incident.

The Department of Fish and Wildlife heard only one side of the story from the shooter. As we all know there are always two sides to every story. The eyewitness has clearly told the other side on behalf of the bear. Please investigate. Please have the DFW to re-evaluate the incident.

We live in the mountains. We live in the woods, according to the insurance companies who will not insure us anymore. We must share these woods with the animals, all species, who were here long before we were.

California spends so much money on promoting humans living with wildlife. Presently the changeable alert boards warn of bears in the area, be alert. And DFW has allowed a random person just shoot a bear. It was clearly NOT self-

defense. What kind of precedence does this set for the next person who is not Bear Aware and leaves their trash available, their car doors unlocked and a bear gets in to the accessible food and they get upset.

So many of us strive to keep the bears alive by ensuring no food is available. Personally, my electrified bear wires are up 24/7. I am not afraid of the bears, I just do not want to be responsible for feeding them and encouraging them to feed in our neighborhood.

The young bear could have been shooed away and learned neighborhoods are not his home. The shooting of him is completely unethical, immoral, and oh so sad. The truth is to let this man get away with it sets a terrible precedent.

Please implore the DFW and CA Fish and Game to charge this man with a crime, as it was.

Thank you for your time,

Paddy Farley

[REDACTED]

Tahoe City, CA [REDACTED]

CC: California Department of Fish and Wildlife, California Fish and Game Commission

**LIVE the life you LOVE!**  
**LOVE the life you LIVE!**

## Shooting of Yearling Bear

CARRI GOLDSWORTHY [REDACTED]

Wed 05/29/2024 02:25 PM

To:FGC <FGC@fgc.ca.gov>

I am deeply disturbed at the lack of charges filed against the person who shot (2x) and killed a yearling bear on Monday, May 27th in South Lake Tahoe. It is reprehensible to allow someone to negligently discharge a firearm and murder an animal when there wasn't just cause to do so! I expect more from the DFW and CFG. You must reassess and charge this person with something for unnecessarily killing a bear!

Carrie Goldsworthy

## Yearling Bear shot & killed by man in Tahoe

Catrina Lessley [REDACTED]

Wed 05/29/2024 03:51 PM

To:FGC <FGC@fgc.ca.gov>

Please consider this a formal complaint and reconsider your decision to not charge this man with unlawful behavior. Very disappointed to hear that the man that shot the yearling cub in the back as it was fleeing in Tahoe yesterday will not be charged. This was an unnecessary killing & by not holding him accountable you are encouraging this lawless behavior.

Thank you,

Catrina Lessley

Pollock Pines, CA

Sent from my iPhone

## Bear Murder

Isabelle Minder [REDACTED]

Sun 06/02/2024 07:57 AM

To:FGC <FGC@fgc.ca.gov>

A few evenings ago in beautiful South Lake Tahoe, the BEAR League received the news that the young bear who was shot and killed on Monday did not receive justice – the Department of Fish and Wildlife quickly decided not to press charges, citing 'self-defense'. This was an 80-pound yearling bear who, according to witnesses, briefly approached the man's open door, didn't enter inside but was killed anyway as he turned to run away.

The man's neighbors, who witnessed everything, stated that he had spoken for years of his hatred of bears and his desire to kill them, and that there was another incident two years ago with this man and a bear. Based on their testimony it is abundantly clear to us that this man did not act in self-defense.

Rulings such as this one only exacerbate Tahoe's issues with human-bear conflict, by promoting unfounded fear and lethal tactics. If the man had asserted dominance by scaring the young bear off his property, standing his ground, yelling, and perhaps using a non-lethal method such as a paintball gun or throwing a pine-cone at him, the bear would have been given the chance to learn that he needs to respect human territory.

We have received many calls from concerned members of Tahoe's communities, asking what can possibly be done about this injustice. We encourage everyone to exercise your democratic rights by contacting the CDFW, Wildlife Commission, and the Governor and by respectfully explaining your concerns regarding this issue. Not only is killing bears deeply unethical, but we know after more than a century of doing so that it simply does not solve the problem.

That man just wanted an excuse to shot his gun "in self defense" to protect his "property" with ZERO regard for the protection of the environment, the environment we continually disrespect and disregard. This is another drop in the bucket of truths: truth that our justice system only protects the rich and their property, never the people or the greater good.

Please help Tahoe bears!

Isabelle Minder  
[REDACTED]

## Urgent: Demand for Justice and Policy Review on Bear Shooting Incident

Cecilia Rangel [REDACTED]

Fri 05/31/2024 05:06 PM

To:FGC <FGC@fgc.ca.gov>

CA Fish and Game Commission,

I am writing to express my deep concern and frustration regarding the recent decision by the Department of Fish and Wildlife not to press charges against the individual who shot and killed a young bear on Monday, citing 'self-defense.' This decision is not only a grave miscarriage of justice but also sets a dangerous precedent for human-wildlife interactions in our community.

The bear in question was an 80-pound yearling who, according to witnesses, approached an open door but did not enter the house. It was killed while running away. Neighbors have testified that the shooter has a known history of expressing hatred towards bears and had previously been involved in a similar incident two years ago. This evidence strongly suggests that the man did not act in self-defense, but rather out of a long-held intent to harm bears.

This ruling exacerbates Tahoe's ongoing issues with human-bear conflict by promoting fear and lethal responses rather than encouraging peaceful coexistence. It is imperative that we adopt and enforce policies that foster non-lethal methods for managing wildlife encounters. For example, the man could have easily asserted dominance and scared the bear off his property by standing his ground, yelling, or using non-lethal means such as a paintball gun or a pine cone. These actions would have provided the bear with an opportunity to learn and respect human territory without resulting in its death.

Our community members are outraged and concerned about this incident. Many have reached out to the BEAR League, seeking ways to address this injustice and prevent future occurrences. It is crucial that the Department of Fish and Wildlife reassess its decision and take appropriate legal action against the individual responsible for this unnecessary killing. Furthermore, it is essential to review and strengthen our policies to promote humane and effective wildlife management strategies.

I urge you to reconsider the ruling, hold the shooter accountable, and implement measures that protect both our wildlife and our communities. It is our collective responsibility to ensure that incidents like this do not happen again and that we foster a respectful and safe coexistence with our local wildlife.

Thank you for your attention to this critical matter. I look forward to your prompt response and action.

Thank you,

Cecilia Rangel

South Lake Tahoe Resident  
[REDACTED]

## BABY BEAR SLT

tim <

Thu 05/30/2024 07:25 AM

To:FGC <FGC@fgc.ca.gov>

THE MAN ON PLAYER DRIVE IN SLT BATED THIS BEAR TO COME TO HIS HOUSE AND THEN SHOT IT TWICE WHILE IS WAS RUNNING AWAY. THEN THE REAL KICKER HE SHOT THE BEAR WHILE IT WAS TRYING TO HIDE IN THE TREE A 3RD TIME. PROSECUTE THIS JERK YESTERDAY.



## Kelp Restoration: The necessity

Mark Michaelsen <[REDACTED]>

Fri 05/31/2024 03:49 PM

To:FGC <FGC@fgc.ca.gov>

Hello,

I am a Kelp Restoration Diver in Monterey. I have dove in these waters since the 80s. There is no comparison to what I saw in '84 and what we see in many sites today. Urchin barren upon urchin barren. These little buggers, I like to call them tribbles, have been devouring our kelp as their natural predators are gone. I'm sure you are aware. But the severity of the problem is possibly not obvious looking at the surface from a satellite or even the shore. Kelp is drastically thinning out yet this is where healthy ecosystems live and flourish.

The fishing industry always seems to be portrayed as an adversary of kelp restoration divers and our reserved areas performing experimentation. Yet healthy fish populations are essential for healthy oceans which serve the fishing industry. The issues are related.

Then you have the pelican population dying off of starvation. This can't be an unrelated issue. I know warm water at the surface drives fish deeper, too deep often for pelicans to feed. So it's a complex issue. Yet this is clearly one component.

Please consider allowing us to continue our work from the past several years and let's find out if we can stem the tide of our unfortunate kelp lack of health and further disappearance.

Thank you,  
Mark Louis Michaelsen

Mpa

Randy Anderson [REDACTED]

Fri 05/31/2024 02:05 PM

To:FGC <FGC@fgc.ca.gov>

Get rid of them. There are plenty of fish everywhere. 🐟🐟🐟

# Urgent: Violation of Brown Act and Reckless Approval of PFAS-Laden Herbicides by WCB

Kim Konte <[REDACTED]>

Mon 06/03/2024 04:52 PM

To: abokde@parks.lacounty.gov <abokde@parks.lacounty.gov>; Norris, Jennifer <[REDACTED]>; Fris, Rebecca <[REDACTED]>; Topping, Mark <[REDACTED]>  
Cc: gavin.newsom@gov.ca.gov <gavin.newsom@gov.ca.gov>; Senate.Natural.Resources@senate.ca.gov <Senate.Natural.Resources@senate.ca.gov>; FGC <FGC@fgc.ca.gov>; Bonham, Chuck <[REDACTED]>; <[REDACTED]>; senator.mcguire@senate.ca.gov <senator.mcguire@senate.ca.gov>; <[REDACTED]>; Stephenshaw, Joe <Joe.Stephenshaw@dof.ca.gov>; <[REDACTED]>; Kathryn At home <[REDACTED]>; Bruce Lanphear <[REDACTED]>; F. Franz <[REDACTED]>; Hugo Martinez <[REDACTED]>; senator.jones@sen.ca.gov <senator.jones@sen.ca.gov>; assemblymember.waldron@assembly.ca.gov <assemblymember.waldron@assembly.ca.gov>; ann.oleary@gov.ca.gov <ann.oleary@gov.ca.gov>; jancona@elmonteca.gov <jancona@elmonteca.gov>; jruedas@elmonteca.gov <jruedas@elmonteca.gov>; Peter Eliasberg <[REDACTED]>; Garcia, Yana@EPA <yana.garcia@calepa.ca.gov>

Dear Chair Bokde and Members of the Wildlife Conservation Board,

The Wildlife Conservation Board is in clear violation of the Brown Act. The WCB's Final Meeting Agenda for May 23, 2024 shared with board members included the herbicide questionnaire for agenda item 37 El Monte Preserve Cactus Scrub Restoration – Augmentation - **was omitted** from the **final agenda** made available to the public. The Brown Act requires full transparency and equal access to information, and this failure to provide the same agenda to the public breaches those requirements.

Additionally, we are deeply troubled by the recent approval of additional public funds for agenda item 37. By greenlighting these funds, you have failed in your duty to protect the very wildlife you are entrusted with safe-guarding. The majority of WCB's members and staff have blatantly ignored the devastating effects of the herbicides funded by public money despite ongoing budget cuts. This applicant has previously applied broadcast applications of glyphosate, resulting in failure. Awarding an additional \$579,330 of public funds totalling \$1,251,151 to these chemically dependent restorationists is not only reckless but also irresponsible, given their proven track record of failure.

**Moreover, four of the five herbicides contain perfluoroalkyl and polyfluoroalkyl substances (PFAS),** also known as "forever chemicals." The WCB should never have approved public funds for these PFAS-laden herbicides due to their severe and long-lasting harm. These substances are so dangerous that Governor Newsom has taken action to protect California from their effects. Funding herbicides that contain PFAS in wildlands as an alternative to Roundup ([glyphosate](#)) is contrary to the administration's actions on record regarding PFAS.

**Fusillade (Fluazifop-p-butyl) PFAS**

**Garlon 4 Ultra( Balance-Isoxaflutole) PFAS**

**Vastian (Balance-Isoxaflutole) PFAS**

**Gallery (Isomers) PFAS**

**Telar XP (Chlorsulfuron) H410 (99.03%): Acute Hazard - very toxic to aquatic life with long lasting effects**

Given the blatant Brown Act violation, the WCB staff and board's negligence in researching herbicides containing PFAS, and the applicant's failed restoration attempt that already doused the sensitive habitat with glyphosate, the vote to support this project must be immediately reversed. These chemically dependent restorationists have proven their approach is unsustainable and poses a far greater threat than any claimed benefits.

Supporting chemically dependent management with public funds is a liability risk only benefits the pesticide industry, pesticide advisors, and applicators profiting from cashback pesticide rewards programs, all at the expense of our environment and the wildlife the WCB is mandated to protect. Failing to act now will result in lasting harm to biodiversity and environmental health for generations to come.

Please feel free to contact me if you have any questions.

Sincerely,



**Kim Konte**

[NON - TOXIC NEIGHBORHOODS](#) | [OUR WORK](#) | [WHERE TO START](#)

IG: [@nontoxicneighborhoods](#) | FB: [nontoxicneighborhoods](#) | M: [REDACTED]

Non-Toxic Neighborhoods(TM) operates through a fiscal sponsorship with Players Philanthropy Fund, a Maryland charitable trust recognized by the IRS as a tax-exempt public charity under Section 501(c)(3) of the Internal Revenue Code (Federal Tax ID: 27-6601178). Contributions to Non-Toxic Neighborhoods(TM) are tax-deductible to the fullest extent of the law.



June 3, 2024

Alina Bokde, Chair  
California Wildlife Conservation Board  
P.O. Box 944209  
Sacramento, CA 94244-2090

Dear Chair Bokde and Members of the Wildlife Conservation Board,

### Non-Toxic Neighborhoods' Advisors

#### BRUCE LANPHEAR

MD, MPH, Senior Scientist at the Child and Family Research Institute, BC Children's Hospital and Professor in the Faculty of Health Sciences at Simon Fraser University

#### DEAN BAKER

MD, MPH Dean Baker, MD, MPH Professor Emeritus University of California, Irvine

#### ZACH BUSH

MD, Triple Board-certified Physician Specializing in Internal Medicine, and Endocrinology

#### DELE OGUNSEITAN

M.P.H., Ph.D., Founding Chair of the Department of Population Health & Disease Prevention at the University of California

#### PHILIP J. LANDRIGAN

MD, MSc, FAAP Director, Global Public Health Program  
Schiller Institute for Integrated Science and Society

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**Fusillade ([Fluazifop-p-butyl](#)) PFAS**

**Garlon 4 Ultra ([Balance](#)-Isoxaflutole) PFAS**

**Vastian ([Balance](#)-Isoxaflutole) PFAS**

**Gallery ([Isomers](#)) PFAS**

**Telar XP ([Chlorsulfuron](#)) H410 (99.03%): Acute Hazard  
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Please feel free to contact me if you have any questions.

Sincerely,

*Kim Korte*



843-816-3085

\_\_\_\_\_  
Founder of [Non-Toxic Neighborhoods](#)  
Former City of Irvine Commissioner

## Letter regarding CA Bear Management Plan.

Jess Harris [REDACTED]

Mon 06/03/2024 09:45 AM

To: Wildlife DIRECTOR <DIRECTOR@wildlife.ca.gov>; FGC <FGC@fgc.ca.gov>

Cc: rhaupt@co.siskiyou.ca.us <rhaupt@co.siskiyou.ca.us>; [REDACTED];

Michael Kobseff <mkobseff@co.siskiyou.ca.us>; Mike Ford <[REDACTED]>; Scruggs, Janae [REDACTED];  
[REDACTED]; susan\_sawyer@fws.gov <susan\_sawyer@fws.gov>; martha\_williams@fws.gov

<martha\_williams@fws.gov>; Andersen, Tony@CNRA <Tony.Andersen@resources.ca.gov>; Howard, Sally [REDACTED];  
[REDACTED]; [REDACTED]; news@krctv.com <news@krctv.com>; Publisher SNN  
<publisher@siskiyou.news>; [REDACTED]; Rick Travis [REDACTED]

Please see attached letter regarding CA Department of Fish and Wildlife recently released bear management plan.

--

06/03/2024

California Department of Fish and Wildlife and Fish and Game Commission:

The recently released bear management plan reveals a significant excess in the bear population. Since 2012, sportsmen have attempted to address this issue with the department and commission, but both entities failed to protect our most effective management tool for bears and other predators. Consequently, the annual quota of 1,750 bears has not been met, not even close. The department's and commission's inaction and failure to support sportsmen in maintaining sound and effective management practices have led to an estimated bear population exceeding 80,000. A recent report from the department acknowledging a human death attributed to a bear attack should serve as a clear wake-up call for the need for management change.

Not long ago, the commission received a petition from the Humane Society of the United States (HSUS), calling for an end to bear hunting in California. The HSUS claimed that the department's then-current estimate of 30,000 bears was incorrect, and that the actual population was much lower. This is the same organization that advocated for the removal of our most effective bear management tool, hound hunting. The department and commission should now recognize that the sportsmen of the state are the true conservationists, possessing the experience and knowledge to help manage the state's wildlife. The HSUS has lost credibility as they contributed to the population issue and then provided false information regarding population estimates.

The current situation requires drastic measures to return the bear population to a viable level. The previously estimated abundance of 30,000 bears was already high; now, we face an extreme excess. I call upon the department to:

1. Remove the bear quota until the population is reduced to an acceptable level.
2. Engage with the state legislature to reinstate our most valuable management tool for bears and predators, hound hunting.
3. Approve methods of bear hunting such as baiting and spring hunts.

We have reached a point where extreme measures are necessary. The number of cubs born each year alone will far exceed the current quota. The current hunting methods are insufficient for reducing the population to sustainable levels. The commission and department must manage wildlife as intended, without political influence. The lack of support for sportsmen and responsible management practices has significantly contributed to this issue, and they are now responsible for correcting the situation.

Jess Harris

Siskiyou County Resident



CC: US Fish and Wildlife Service



## PLM and SHARE Program Feedback

Mike Costello <[REDACTED]>

Tue 06/04/2024 11:25 AM

To: Dibble, Chac <[REDACTED]>; Gardner, Scott <[REDACTED]>; FGC <FGC@fgc.ca.gov>; <[REDACTED]>

Hello Commissioners and Dept leaders,

Please see attached note regarding PLM and SHARE programs. I've heard comments in both the recent WRC and the Hunting & Conservation Coalition meeting which suggest updates to these programs may be on future agendas. I hope this is true. While the programs create more hunting opportunities I believe their greatest value is achieved when landowners are motivated to invest in high-functioning habitat and robust ecosystems.

If there are opportunities to participate in workshops or other discussions about PLM and SHARE program updates, I will make time to be involved.

Sincerely,

Mike Costello

[REDACTED]

Hello Commissioners and CDFW Wildlife team leaders,

The below notes are a summary of my views based on personal experience, investigation and anecdotes collected in the last 24 months. I have been working on a purchase of 1000-2500 acres in Lassen and/or Modoc Counties with the *primary purpose being ecosystem management for the benefit of wildlife*. I am going to improve marginal and degraded agricultural, range and forest lands for the purpose of creating robust, biodiverse, water-smart, chemical-free habitats which benefit everything from soil fungi to elk. Through multiple emails and conversations with the Dept. team leading PLM/SHARE I found the process of learning if a property could be included in SHARE or PLM was neither simple nor transparent.

- 1) **SHARE Hunts:** lack of clarity and transparency in how the program works, what the obligations and opportunities are to the landowner; how payouts are determined and what (if anything) a landowner can do to increase the economic opportunity in return for what they are offering to the Dept and hunting public.
- 2) **SHARE Hunts:** There are millions of acres of privately held land in CA which could be enrolled in the SHARE program. There are landowners who want to do what's best for habitat, ecosystems, and wildlife. The investments that yield high ROI in "ecosystem services" have substantial costs, plus there are ongoing management costs and risks related to hosting hunters on private property. If the SHARE program is not enrolling quality parcels, with outstanding habitat, wildlife and hunting opportunities, then it is a reflection on the SHARE program value to landowners or the process of implementation.
- 3) **PLM Hunts:** lack of transparency in how the program works, and what the obligations are to the landowner (for example: if you join PLM you are not allowed to also host/charge hunters for access with their own non-PLM tags?)
- 4) **PLM Hunts:** as noted by a commenter in the May 2024 WRC meeting, the effort a landowner makes to be included in the PLM program *is not substantially more* than they would already do for marginal upkeep via standard management practices. **Suggestion:** (1) require and verify higher standards for habitat, ecosystem and wildlife focused improvement and management in exchange for PLM tags or (2) make the PLM tag allocation a competitive process for multi-year inclusion in the program.
- 5) **PLM vs. SHARE:** it's my understanding that a property cannot be enrolled in both programs. I think this becomes a barrier to success for some properties.

I share these notes with you because I believe the PLM and SHARE hunt program present a great opportunity for wildlife, habitat investment and our hunting community. I believe in the Programs' potential. I welcome the opportunity to contribute to conversations which can lead to program updates.

*Sincerely, Mike Costello*

## Letter regarding Dam Removal Project and Water Quality

Jess Harris [REDACTED]

Thu 06/06/2024 07:35 AM

To: Wildlife DIRECTOR <DIRECTOR@wildlife.ca.gov>; Ekdahl, Erik@Waterboards <Erik.Ekdahl@waterboards.ca.gov>; NorthCoast <NorthCoast@Waterboards.ca.gov>; Andersen, Tony@CNRA <Tony.Andersen@resources.ca.gov>; commentletters <commentletters@waterboards.ca.gov>; Dougherty, Mona@Waterboards <Mona.Dougherty@waterboards.ca.gov>; [REDACTED] FGC <FGC@fgc.ca.gov>; George Steen >; Howard, Sally [REDACTED] >; justin.ly@noaa.gov <justin.ly@noaa.gov>; Scruggs, Janae [REDACTED] >; [REDACTED] <[REDACTED]>; martha\_williams@fws.gov <martha\_williams@fws.gov>  
Cc: rhaupt@co.siskiyou.ca.us <rhaupt@co.siskiyou.ca.us>; Michael Kobseff <mkobseff@co.siskiyou.ca.us>; evalenzuela@co.siskiyou.ca.us <evalenzuela@co.siskiyou.ca.us>; Publisher SNN <publisher@siskiyou.news>

Please see attached letter regarding Klamath Dam Removal and Water Quality

--

06/06/2024

California Department of Fish and Wildlife, State Water Board, and NOAA Fisheries:

The Klamath Dam Removal project is in full swing as we enter the summer months. Agencies have issued numerous statements regarding the river's recovery and the expected future outcomes. California Fish and Wildlife is currently touting the return of over 400 miles of salmon spawning habitat. The department has even invested millions of dollars in the new Fall Creek Hatchery. However, several important considerations are being overlooked by state agencies as the project continues.

During a recent tour of the Klamath Basin, I had a very informative and pleasant discussion with John Crawford. Mr. Crawford mentioned the temperature of the water leaving Upper Klamath Lake, noting that it can reach up to 78 degrees during the summer months. According to the USGS, the water temperature in July of last year (2023) reached 75 degrees in the lake, which means the water leaving the lake would be even warmer. Salmonids begin to experience stress at 64 degrees, and temperatures between 70-72 degrees can be fatal. Therefore, the agency's claims of salmon returning to the upper reaches of the water system are simply not feasible for most of the year, especially during the fall run. The Klamath River has always been known to cool as it nears the ocean, with each tributary entering the river creating a cooler temperature. However, north of the California border, the river is not suitable for salmon at a sustainable level.

As the summer continues, water quality will become a major issue. Water temperatures will increase, and flows will decrease. The river will not be suitable for salmonids or any other cold-water species. This outcome will be due to the actions of the agencies and their stakeholders, who have pushed their ill-informed agenda on our communities. These agencies will likely blame the farmers and ranchers instead of acknowledging their own disastrous mistakes. It will not be the responsibility of the farmers and ranchers to correct this tragedy. Their water rights are just that: rights. The responsibility for the project's results lies solely with the agencies and proponents of the project. When the project fails, it will be up to these parties to find a remedy without relying on farming and ranching resources that do not belong to them.

It is evident that this project has been expedited out of fear that a change in Presidential Administration could affect its continuation. The agencies, stakeholders, and project operators have been less than truthful with the community. This process must be transparent and scientifically sound. The community awaits the project's results and will not accept responsibility for its outcome.

Jess Harris

Siskiyou County Resident

