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La Jolla  
**Erika Zavaleta**, Vice President  
Santa Cruz  
**Jacque Hostler-Carmesin**, Member  
McKinleyville  
**Eric Sklar**, Member  
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**Darius W. Anderson**, Member  
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## Fish and Game Commission



*Wildlife Heritage and Conservation  
Since 1870*

### **Revised\* Meeting Agenda**

**October 9-10, 2024**

#### **Participate in Person**

**Natural Resources Headquarters Building  
715 P Street, Auditorium  
Sacramento, CA 95814**

or

#### **Participate via Webinar/Phone**

***The meeting will be live streamed; visit [www.fgc.ca.gov](http://www.fgc.ca.gov) the day of the meeting to watch or listen. To provide public comment during the meeting, please join at the in-person location, via Zoom, or by telephone; you may join the webinar directly at <https://us02web.zoom.us/j/81382050656>. For complete instructions on how to join via Zoom or telephone, [click here](#) or visit [fgc.ca.gov/meetings/2024](http://fgc.ca.gov/meetings/2024).***

**\* This revised agenda is amended to remove item 13, Wild Trout Waters, from consent and to modify the description.**

- Notes:**
- (1) See important meeting deadlines and procedures, including written public comment deadlines, starting on page 11.**
  - (2) Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.**
  - (3) All section and subsection references are to Title 14 of the California Code of Regulations, unless otherwise noted.**

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

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

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

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**General Public Comment**

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2. **General public comment for items not on the agenda**

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

Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

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**Consent Items**

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Note: Items on the consent calendar are expected to be routine and non-controversial. After public comment, the Commission will consider approving items on the consent calendar in a single vote without discussion. The presiding commissioner may choose to remove any item from the consent calendar and allow a separate discussion and potential action on that item in response to a request by a Commission member, staff, or an interested person.

3. **Recreational fishing regulations for federal groundfish for 2025 and 2026, and fillet requirements at sea (consent)**

Consider adopting proposed amendments to recreational fishing regulations for (a) federal groundfish for consistency with and to complement federal rules in 2025 and 2026 and (b) fillet requirements for select groundfish and state-managed finfish. (Amend sections 27.20, 27.40, 27.45, 27.50, 27.65, 28.27, 28.28, 28.29, 28.54 and 28.65)

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**Discussion and Action Items**

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

(A) ***Commission executive director***

I. Update on justice, equity, diversity and inclusion plan

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

5. **Importation of live aquatic plants and animals for research purposes**

Consider authorizing publication of notice of intent to amend regulations regarding the importation of live aquatic plants and animals for research purposes. (Amend Section 236)

6. **Experimental Fishing Permit (EFP) Program major amendment request**

Consider approving a major amendment to the EFP (Commission tracking ID #2023-01) approved to test pop-up gear in the experimental fishery for brown box crab and king crab. (Pursuant to Section 91)

**7. Wildlife Prosecutor of the Year**

Announce recipient of the annual Wildlife Prosecutor of the Year award for 2023.  
(Pursuant to Commission Wildlife Prosecutor of the Year Policy)

**8. Regulation change petitions (marine)**

(A) ***Petitions for action today***

Consider whether to grant, deny, or refer for additional review, petitions for regulation change received at previous meetings. Petitions granted today will be added to the Commission's rulemaking calendar for development and future consideration.

(Pursuant to Section 662)

- I. *Petition 2024-10*: Request to add the use of a hookah and air-lift system to collect sea urchins in the recreational fishery, and amend petition 2023-23MPA to use this method as well.

(B) ***New petitions***

Receive new petitions for regulation change.

(Pursuant to Section 662)

*Consideration of whether to grant, deny, or refer petitions for additional review is expected to be scheduled for the December 11-12, 2024 Commission meeting.*

(C) ***Referred petitions***

Receive comments on petitions previously referred by the Commission to staff, legal counsel, a Commission committee, or the Department for review and recommendation.

*Commission action on any referred petition will be scheduled once a recommendation is received.*

**9. Non-regulatory requests from previous meetings (marine)**

Consider and potentially act on non-regulatory requests submitted by members of the public at previous meetings.

**10. Committee and Department reports**

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

(A) ***Tribal Committee***

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting to be held December 10, 2024.

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

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting to be held November 6-7, 2024.

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

- I. Update on developing recommendations for marine protected area regulation changes for Bin 1 petitions (near-term) and proposed next steps for commencing Bin 2 (longer-term) petition evaluations.

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**Call to Order/Roll Call to Establish Quorum**

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**Consent Items**

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Note: Items on the consent calendar are expected to be routine and non-controversial. After public comment, the Commission will consider approving items on the consent calendar in a single vote without discussion. The presiding commissioner may choose to remove any item from the consent calendar and allow a separate discussion and potential action on that item in response to a request by a Commission member, staff, or an interested person.

**11. Lime Ridge eriastrum (consent)**

Consider ratifying findings on the decision to list Lime Ridge eriastrum (*Eriastrum ertterae*) as endangered under the California Endangered Species Act. (Pursuant to Section 2075.5, California Fish and Game Code)

**12. Morro manzanita (consent)**

Consider approving the Department’s request for a 30-day extension to review the petition to list Morro manzanita (*Arctostaphylos morroensis*) as a threatened or endangered species under the California Endangered Species Act. (Pursuant to Section 2073.3, California Fish and Game Code)

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**Discussion and Action Items**

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**13. Wild trout waters**

Receive, discuss, and potentially adopt proposed amendments to the *Commission-Designated Wild Trout Waters Policy*. (Pursuant to Section 1727, California Fish and Game Code)

**14. Western burrowing owl**

Consider and potentially act on the petition, Department’s evaluation report, and comments received to determine whether listing western burrowing owl (*Athene cunicularia hypugaea*) as threatened under the California Endangered Species Act may be warranted. (Pursuant to subdivision 2073.5(b), California Fish and Game Code)

**15. Bear Lake buckwheat**

Consider and potentially act on the Department’s petition and comments received to determine whether listing Bear Lake buckwheat (*Eriogonum microtheca* var. *lacus-ursi*) as endangered under the California Endangered Species Act may be warranted. (Pursuant to sections 2074 and 2074.2, California Fish and Game Code)

**16. Wildlife rehabilitation**

Discuss proposed amendments to regulations regarding wildlife rehabilitation. (Repeal Section 679; add sections 679.1, 679.2, 679.3, 679.4, 679.5, 679.6, 679.7, 679.8 and 679.9; add Chapter 2 and Chapter 3 of the Native Wildlife Rehabilitation 679 Regulations Manual; and amend Section 703)

17. **California Waterfowlers Hall of Fame**  
Commission recognition of newly inducted members of the California Waterfowlers Hall of Fame.
18. **Heritage Trout Challenge**  
Recognize the 500<sup>th</sup> recipient of the California heritage trout challenge.
19. **Commission policies**  
Discuss potential amendments to five Commission policies currently under review. (Pursuant to Section 703, California Fish and Game Code)
  - (A) **Code of Conduct**
  - (B) **Planting Fish in Youth Camps**
  - (C) **Youth Fishing Programs**
  - (D) **Research**
  - (E) **Naming Installations**
20. **Regulation change petitions (wildlife)**
  - (A) **Petitions for action today**  
Consider whether to grant, deny, or refer for additional review, petitions for regulation change received at previous meetings. Petitions granted today will be added to the Commission's rulemaking calendar for development and future consideration.  
(Pursuant to Section 662)
    - I. *Petition 2023-17 Los Osos Equestrian Community*: Request to add use of horses to list of allowable activities in Bayview Unit of Morro Dunes Ecological Reserve.
  - (B) **New petitions**  
Receive new petitions for regulation change.  
(Pursuant to Section 662)  
*Consideration of whether to grant, deny, or refer for additional review is expected to be scheduled for the December 11-12, 2024 Commission meeting.*
  - (C) **Referred petitions**  
Receive comments on petitions previously referred by the Commission to staff, legal counsel, a Commission committee, or the Department for review and recommendation.  
*Commission action on any referred petition will be scheduled once a recommendation is received.*
21. **Non-regulatory requests from previous meetings (wildlife)**  
Consider and potentially act on non-regulatory requests submitted by members of the public at previous meetings.

**22. Committee and Department reports**

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

(A) ***Wildlife Resources Committee***

Receive summary and consider approving recommendations from the September 12, 2024 Committee meeting. Discuss referred topics and consider revisions to topics and timing.

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

**23. Commission administrative items**

(A) ***Legislative report***

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

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

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

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

Review logistics and approve draft agenda items for the next Commission meeting (December 11-12, 2024), consider any changes to approved meeting dates or locations, or introduce new business for a future meeting agenda.

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**General Public Comment**

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**24. General public comment for items not on the agenda**

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

Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

**Adjourn**

**Public Receipt of Documents**

This section of the agenda highlights reports or other significant documents received by the Commission since the previous meeting. Any Commission discussion or action on these documents will be noticed and placed on the agenda of a future meeting. Since August 15, 2024, the Commission has received no documents to highlight here for the public.

**Executive Session**  
(Not open to the public)

At a convenient time during the regular agenda of its October 9-10, 2024 meeting, the Commission will recess from the public portion of the agenda and conduct a closed session on the agenda items below. The Commission is authorized to discuss these matters in a closed session pursuant to Government Code Section 11126, subdivisions (a)(1), (c)(3), and (e)(1), and Fish and Game Code Section 309. After closed session, the Commission will reconvene in public session, which may include announcements about actions taken during closed session.

- (A) Pending litigation to which the Commission is a Party
  - I. The Ballona Wetlands Land Trust v. California Fish and Game Commission (Ballona Wetlands Ecological Reserve petition for regulation change)
  - II. Wright v. Sklar (classification of ferrets)
  - III. Borba et al. v. Merced Co, Merced Irrigation Dist, California Dept of Fish and Wildlife, and California Fish and Game Commission (complaint for damages related to flooding)
  - IV. Perez-Ramirez et al. v. County of Merced, City of Merced, Merced Irrigation Dist., California Dept of Fish and Wildlife, and California Fish and Game Commission (complaint for damages related to flooding)
  - V. Glenn et al. v. County of Merced, City of Merced, Merced Irrigation Dist., California Dept of Fish and Wildlife, and California Fish and Game Commission (complaint for damages related to flooding)
- (B) Possible litigation involving the Commission
- (C) Staffing
- (D) Deliberation and action on license and permit items

## California Fish and Game Commission Meeting Schedule

**Note:** As meeting dates and locations can change, please visit [www.fgc.ca.gov](http://www.fgc.ca.gov) for the most current list of meeting dates and locations. All Commission meetings will include a webinar/teleconference option for attendance and every effort will be made to ensure that committee meetings include the same.

| Meeting Date         | Commission Meeting   | Committee Meeting   |
|----------------------|--|---|
| November 6-7, 2024   |  | <b>Marine Resources</b><br>California Natural Resources<br>Headquarters Building<br>715 P Street, 2nd Floor<br>Sacramento, CA 95814         |
| December 10, 2024    |  | <b>Tribal</b><br>California Natural Resources<br>Headquarters Building<br>715 P Street, 2nd Floor<br>Sacramento, CA 95814                   |
| December 11-12, 2024 | California Natural Resources<br>Headquarters Building<br>Auditorium<br>715 P Street, 1st Floor<br>Sacramento, CA 95814 |   |
| January 15, 2025     |  | <b>Wildlife Resources</b><br>California Natural Resources<br>Headquarters Building<br>715 P Street, 2nd Floor<br>Sacramento, CA 95814       |
| February 12-13, 2025 | California Natural Resources<br>Headquarters Building<br>715 P Street, 2nd Floor<br>Sacramento, CA 95814               |   |
| March 13, 2025       |  | <b>Marine Resources</b><br>California Department of Fish and<br>Wildlife<br>1010 Riverside Parkway, Poppy Room<br>West Sacramento, CA 95605 |
| April 15, 2025       |  | <b>Tribal</b><br>California Natural Resources<br>Headquarters Building<br>715 P Street, 2nd Floor<br>Sacramento, CA 95814                   |
| April 16-17, 2025    | Sacramento area  |   |
| May 14, 2025         | Teleconference<br>Sacramento, Trinidad, Sonoma,<br>Santa Cruz, and San Diego   |   |



| Meeting Date         | Commission Meeting   | Committee Meeting   |
|----------------------|--|---|
| May 15, 2025         |  | <b>Wildlife Resources</b><br>California Natural Resources<br>Headquarters Building<br>715 P Street, 2nd Floor<br>Sacramento, CA 95814 |
| June 18-19, 2025     | California Natural Resources<br>Headquarters Building<br>715 P Street, 2nd Floor<br>Sacramento, CA 95814 |   |
| July 17, 2025        |  | <b>Marine Resources</b><br>San Clemente/San Diego   |
| August 12, 2025      |  | <b>Tribal</b><br>Fortuna  |
| August 13-14, 2025   | Fortuna  |   |
| September 11, 2025   |  | <b>Wildlife Resources</b><br>California Natural Resources<br>Headquarters Building<br>715 P Street, 2nd Floor<br>Sacramento, CA 95814 |
| October 8-9, 2025    | San Jose   |   |
| November 6, 2025     |  | <b>Marine Resources</b><br>Sacramento   |
| December 9, 2025     |  | <b>Tribal</b><br>San Diego  |
| December 10-11, 2025 | San Diego area   |   |

### Other Meetings of Interest

Meetings listed here are organizations for which the Commission: (1) is a member, or (2) takes action based upon regulations developed by that organization.

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

- September 21-24, 2025 – Tucson, AZ

#### **Pacific Fishery Management Council**

- November 13-19, 2024 – Costa Mesa, CA
- March 5-11, 2025 – Vancouver, WA
- April 9-15, 2025 – San Jose, CA
- June 12-18, 2025 – Rohnert Park, CA
- September 18-24, 2025 – Spokane, WA
- November 13-19, 2025 – Costa Mesa, CA

### **Pacific Flyway Council**

- March 11, 2025 – Louisville, KY
- September 2025 – Date and location TBD

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

- December 3-5, 2024 – Jackson, WY
- June 2-6, 2025 – Provo, UT

### **Wildlife Conservation Board**

- November 21, 2024 – Sacramento, CA
- February 26, 2025 – Sacramento, CA
- May 22, 2025 – Sacramento, CA
- August 28, 2025 – Sacramento, CA
- November 20, 2025 – Sacramento, CA

# Important Commission Meeting Procedures Information

## Welcome to a Meeting of the California Fish and Game Commission

This year marks the 155th year of operation of the Commission in partnership with the California Department of Fish and Wildlife. Our goal is the preservation of our heritage and conservation of our natural resources through informed decision making; Commission meetings are vital in achieving that goal and we provide this information to be as effective and efficient toward that end. Welcome, and please let us know if you have any questions.

## Persons with Disabilities

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Department's Civil Rights Office (CRO) at [civilrights@wildlife.ca.gov](mailto:civilrights@wildlife.ca.gov). Accommodation requests for facility and/or meeting accessibility and requests for American Sign Language interpreters should be submitted at least two weeks prior to the event. Requests for real-time captioners should be submitted at least four weeks prior to the event. These timeframes are to help ensure that the requested accommodation is met. If a request for an accommodation has been submitted but is no longer needed, please contact the CRO immediately.

## Stay Informed

To receive meeting agendas and regulatory notices about those subjects of interest to you, visit the Commission's website, [www.fgc.ca.gov](http://www.fgc.ca.gov), to sign up on our electronic mailing lists.

## Submitting Written Comments

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: E-mail to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov); mail to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; deliver to California Fish and Game Commission, 715 P Street, 16<sup>th</sup> Floor, Sacramento, CA 95814 (you must call at least one business day in advance to arrange delivery); or hand-deliver to a Commission meeting. Materials provided to the Commission may be made available to the general public.

## Comment Deadlines

The **Comment Deadline** for this meeting is **5:00 p.m. on September 26, 2024**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Supplemental Comment Deadline** for this meeting is **noon on October 4, 2024**. Comments received by this deadline will be made available to Commissioners at the meeting.

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

## Petitions for Regulation Change

Any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1, *Petition to the California Fish and Game Commission for Regulation Change*, available at <https://fgc.ca.gov/Regulations/Petition-for-Regulation-Change>. To be received by the Commission at this meeting, petition forms must be delivered by the

**Supplemental Comment Deadline** (or delivered in person at the meeting during the regulation change petitions agenda item). Petitions received at this meeting will be scheduled for consideration at the next regularly scheduled business meeting, unless the petition is rejected under staff review pursuant to subsection 662(b).

### **Non-Regulatory Requests**

All non-regulatory requests follow a two-meeting cycle to ensure proper review and thorough consideration of each item. All requests submitted by the **Supplemental Comment Deadline** (or heard during general public comment at the meeting) will be scheduled for receipt at this meeting and scheduled for consideration at the next regularly scheduled business meeting.

### **Speaking at the Meeting**

**To speak on an agenda item in-person**, please complete a “speaker card” and provide it to the designated staff member before the agenda item is announced. Please complete one speaker card per item. Cards will be available near the entrance of the meeting room.

**To speak on an agenda item by webinar/phone**, please “raise” your hand either through the Zoom function or by pressing \*9 once on your phone when prompted at the beginning of the agenda item.

1. In-person speakers will be identified in groups; please line up when your name is called. Speakers by webinar/phone will be identified by your Zoom display name or last three digits of your phone number; please pay attention to when your name or number is called.
2. When addressing the Commission, please give your name and the name of any organization you represent, and provide your comments on the item under consideration.
3. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. The presiding commissioner will allot between one and three minutes per speaker per agenda item, subject to the following exceptions:
  - a. The presiding commissioner may allow up to five minutes to an individual speaker if a minimum of three individuals who are present when the agenda item is called have ceded their time to the designated spokesperson, and the individuals ceding time forfeit their right to speak to the agenda item.
  - b. In-person participants ceding their time shall complete a speaker card and approach the staff table with the spokesperson so that staff may confirm the presence of those ceding their time. If you are participating via Zoom and ceding your time to another speaker, please notify the Commission at [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov) prior to the start of the agenda item, including to whom you are ceding your time, and be present on Zoom during the agenda item.
  - c. Individuals may receive advance approval for additional time to speak if such requests are received by email or delivery to the Commission office by the **Supplemental Comment Deadline**. The president or designee will approve or deny the request no later than 5:00 p.m. two days prior to the meeting.
  - d. An individual requiring an interpreter is entitled to at least twice the allotted speaking time pursuant to Government Code Section 11125.7(c).
  - e. An individual may receive additional time to speak to an agenda item at the request of any commissioner.

***Agenda items may be heard in any order and on either day pursuant to the discretion of the presiding commissioner.***

### **Visual Presentations/Materials**

All electronic presentations must be submitted by the ***Supplemental Comment Deadline*** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov). If the presentation file is too large to send via email, contact staff to identify an alternative method for submitting the file.
2. All electronic formats must be Windows PC compatible.
3. If presenting at the in-person meeting location, it is recommended that you bring a print copy of your presentation in case of technical difficulties.
4. If you have written materials to accompany your presentation, please bring 12 copies to the meeting and give them to the designated staff member just prior to presenting.