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## Fish and Game Commission



*Wildlife Heritage and Conservation  
Since 1870*

### Revised\* Meeting Agenda

December 11-12, 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 phone; you may join the webinar directly at <https://us02web.zoom.us/j/85849540191>. For complete instructions on how to join via Zoom or phone, [click here](#) or visit [fgc.ca.gov/meetings/2024](http://fgc.ca.gov/meetings/2024).*

\* This agenda is revised to add information about (1) a panel discussion on the Humboldt Bay Offshore Wind Heavy Lift Multipurpose Marine Terminal Project and (2) a proposed decision under executive session.

- Notes:
- (1) See important meeting deadlines and procedures, including written public comment deadlines, starting on page 12.
  - (2) A list of documents received by the commission since its October 2024 meeting is on page 8.
  - (3) Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.
  - (4) 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 to a panel discussion on the Humboldt Bay Offshore Wind Heavy Lift Multipurpose Marine Terminal Project, including its economic significance to the region and potential impacts to other community industries, such as

commercial fisheries and aquaculture. The discussion represents the second half of the Commission's August 2024 field trip in Eureka and will be held in person and via Zoom. Background information and [more details will be available in advance of the Commission meeting](#). Members of the public are welcome to join.

**Day 1 – December 11, 2024; 9:00 AM**

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

Consider adopting proposed amendments to regulations regarding the importation of live aquatic plants and animals for research purposes.  
(Amend Section 236)

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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. Recreational take of barred sand bass**

Consider authorizing publication of notice of intent to amend recreational fishing regulations for barred sand bass.

(Amend Section 28.30)

**6. Experimental fishing permit (EFP) major amendment request**

Receive, consider and potentially act on a major amendment request for EFP (Commission tracking ID #2022-03) approved to test pop-up gear in the California Dungeness crab and hagfish fisheries. (Pursuant to Section 91)

**7. Aquaculture lease assignment**

Receive and discuss a recommendation regarding the request from Cove Mussel Company to assign State Water Bottom Lease M-430-06 in Tomales Bay to Starbird Mariculture, Inc. (Pursuant to Section 703, California Fish and Game Code)

**8. Marine protected area (MPA) petitions for regulation change and non-regulatory requests**

**(A) MPA regulation changes for action today**

Consider whether to grant, deny, or refer for additional review, individual proposed actions within the “bin 1” petitions for MPA regulation change received at a previous meeting. Petitioned actions granted today will be added to the Commission’s rulemaking calendar for development and future consideration. (Pursuant to Section 662)

*I. Petitioned actions to change allowable uses*

- a. Petition 2023-22MPA, Action 3: Add “non-living, geological, and cultural” protections to Crystal Cove State Marine Conservation Area (SMCA).
- b. Petition 2023-22MPA, Action 4: Clarify tidepool protections at Crystal Cove SMCA.
- c. Petition 2023-22MPA, Action 5: Add “non-living, geological, and cultural” protections to Dana Point SMCA.
- d. Petition 2023-22MPA, Action 6: Clarify tidepool protections at Dana Point SMCA.
- e. Petition 2023-22MPA, Action 7: Add allowances for “scientific research, monitoring, restoration, and education” at all Orange County MPAs except Upper Newport Bay.
- f. Petition 2023-25MPA, Action 2: Remove allowance for feeding fish at Casino Point SMCA.
- g. Petition 2023-25MPA, Action 5: Remove allowance for feeding fish at Lover’s Cove SMCA.

*II. Petitioned actions to change take or classification and take*

- a. Petition 2023-30MPA, Actions 1, 2, and 3: Modify recreational regulations for Dungeness crab take in Big River SMCA to reduce allowed hoop net types, reduce trap limits, and reduce bag limits.
- b. Petition 2023-31MPA, Action 1: Reclassify Drakes Estero SMCA to an SMR to prohibit take.
- c. Petition 2023-31MPA, Action 2: Combine Estero de Limantour with a reclassified Drakes Estero into a single state marine reserve (SMR).

*III. Petitioned actions to change boundaries*

- a. Petition 2023-25MPA, Action 4: Modify boundaries of Long Point SMR to a specified distance from shore.

- (B) **Non-regulatory requests from MPA petitions for action today**  
Consider and potentially act on “bin 1” non-regulatory requests within MPA petitions submitted by members of the public at a previous meeting.
- (C) **Referred MPA petitions**  
Receive comments on MPA petitions previously referred by the Commission to staff, the Marine Resources Committee, and the Department for review and recommendation.  
*Commission action on the bin 2 referred MPA petitions will be scheduled for consideration once a recommendation is received.*

**9. 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, except that MPA petitions scheduled for action will be heard under Agenda Item 9. Petitions granted today will be added to the Commission’s rulemaking calendar for development and future consideration  
(Pursuant to Section 662)
  - I. *Petition 2024-04:* Request to amend recreational ocean fishing regulations to authorize use of harpoon to assist in landing finfish, especially tunas.
  - II. *Petition 2024-10:* Request to amend recreational fishing regulations to add use of a hookah and air lift system to collect urchins; amend petition 2023-23MPA to use this method as well.
  - III. *Petition 2024-12:* Request to allow unlimited recreational take of purple and red sea urchin in ten counties (Humboldt to Santa Barbara counties).
- (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 February 12-13, 2025 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, except that MPA petitions under review will be heard under Agenda Item 9.  
*Commission action on any referred petition will be scheduled for consideration once a recommendation is received.*

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

- Consider and potentially act on non-regulatory requests submitted by members of the public at previous meetings.  
*There are no marine, non-regulatory requests ready to consider for action, except that non-regulatory requests from MPA petitions will be heard under Agenda Item 9.*

**11. Committee and Department reports**

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

(A) ***Tribal Committee***

Receive summary and consider approving recommendations from the December 10, 2024 Committee meeting. Discuss referred topics and consider revisions to topics and timing.

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

Receive summary and consider approving recommendations from the November 6-7, 2024 Committee meeting. Discuss referred topics and consider revisions to topics and timing.

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

I. *Annual update on the State’s MPA Management Program activities*

II. *Receive a summary of the Department’s White Seabass Fishery Management Plan annual review report*

III. *Public discussion of action taken in the recreational Dungeness crab fishery to temporarily prohibit the use of crab traps and to issue a fleet advisory to protect marine life from entanglement risk.*

(Pursuant to Section 29.80)

**DAY 2 – December 12, 2024; 8:30 AM**

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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.

**12. White sturgeon emergency sport fishing during California Endangered Species Act candidacy**

Consider adopting a 90-day extension of emergency regulations for the recreational take of white sturgeon (*Acipenser transmontanus*) in inland and ocean waters, pursuant to California Fish and Game Code Section 2084.

(Amend sections 5.78, 5.79, 5.80, 27.90, 27.92, and 27.93)

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**Discussion and Action Items**

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**13. Waterfowl hunting**

Consider authorizing publication of notice of intent to amend waterfowl hunting regulations. (Amend Section 502)

- 14. Big game hunting and chronic wasting disease testing**  
Consider authorizing publication of notice of intent to amend big game hunting regulations, including:
- (A) ***Deer***
  - (B) ***Bighorn sheep***
  - (C) ***Pronghorn antelope***
  - (D) ***Elk***
  - (E) ***Deer tagging, reporting, and testing requirements***  
(Amend sections 360, 362, 363, 364, 364.1, and 708.5)
- 15. Wildlife rehabilitation**  
Consider adopting 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)
- 16. Golden mussel emergency regulation**  
Discuss and consider taking emergency action to add golden mussel (*Limnoperna fortunei*) to the list of animals restricted from live importation, transportation and possession. (Amend Section 671)
- 17. Commission policies**  
Discuss potential amendments to five Commission policies currently under review and potentially approve amendments to the *Naming Installations Policy*. (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***
- 18. 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 2021-026*: Request to remove regulations for areas claimed to be outside the Ballona Wetlands Ecological Reserve and update reserve boundaries
    - II. *Petition 2024-11*: Request to amend sport fishing regulations to provide additional protections for coastal rainbow trout in Middle Piru Creek
    - III. *Petition 2024-13*: Request to refund license and tag fees due to licensee's death, injury or illness, military deployment, or other extenuating circumstances

- (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 February 12-13, 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 for consideration once a recommendation is received.*

**19. Non-regulatory requests from previous meetings (wildlife)**

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

**20. Committee and Department reports**

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

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

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting to be held on January 15, 2025 in Sacramento.

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

**21. 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 (February 12-13, 2025), 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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**22. 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 October 10, 2024, the Commission has received four documents:

1. Department and Commission staff's evaluation of aquaculture lease requirements in support of public interest determination for San Andreas Shellfish Company state water bottom lease application, dated October 28, 2024. The evaluation is available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227455&inline>.
2. Department's *White Seabass Fishery Management Plan 2022-23 Annual Review Report*, dated November 2024. The report is available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227456&inline>.
3. Department's evaluation report on the petition to list Morro manzanita (*Arctostaphylos morroensis*) as endangered under the California Endangered Species Act. Additional information about the petition is available at <https://fgc.ca.gov/CESA#mm>.
4. Department's Western Joshua Tree Conservation Plan. Additional information about the conservation plan is available at <https://fgc.ca.gov/CESA#wjt>.



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

At a convenient time during the regular agenda of its December 11-12, 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 and California Dept of Fish and Wildlife (challenge to decisions related to public uses on an ecological reserve)
  - II. The Ballona Wetlands Land Trust v. California Fish and Game Commission (Ballona Wetlands Ecological Reserve petition for regulation change)
  - III. Wright v. Sklar (classification of ferrets)
  - IV. 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)
  - V. 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)
  - VI. 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
  - I. Consider the proposed decision in agency case nos. 21ALJ08-FGC and 21ALJ023-FGC regarding revocation of Tanner Whitmarsh's commercial fishing license, lobster operator permit, and sport fishing privileges.

## California Fish and Game Commission Meeting Schedule

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

Meeting Date	Commission Meeting	Committee Meeting
January 15, 2025		<b>Wildlife Resources</b> California Natural Resources Headquarters Building 715 P Street, 2nd Floor Sacramento, CA 95814
February 12-13, 2025	California Natural Resources Headquarters Building 715 P Street, 2nd Floor Sacramento, CA 95814	
March 13, 2025		<b>Marine Resources</b> California Department of Fish and Wildlife 1010 Riverside Parkway, Poppy Room West Sacramento, CA 95605
April 15, 2025		<b>Tribal</b> California Natural Resources Headquarters Building 715 P Street, 2nd Floor Sacramento, CA 95814
April 16-17, 2025	Sacramento area	
May 14, 2025	Teleconference Sacramento, Trinidad, Sonoma, Santa Cruz, and San Diego	
May 15, 2025		<b>Wildlife Resources</b> California Natural Resources Headquarters Building 715 P Street, 2nd Floor Sacramento, CA 95814
June 18-19, 2025	California Natural Resources Headquarters Building 715 P Street, 2nd Floor Sacramento, CA 95814	
July 17, 2025		<b>Marine Resources</b> San Clemente/San Diego
August 12, 2025		<b>Tribal</b> Fortuna
August 13-14, 2025	Fortuna	

Meeting Date	Commission Meeting	Committee Meeting
September 11, 2025		<b>Wildlife Resources</b> California Natural Resources Headquarters Building 715 P Street, 2nd Floor Sacramento, CA 95814
October 8-9, 2025	San Jose	
November 6, 2025		<b>Marine Resources</b> Sacramento
December 9, 2025		<b>Tribal</b> 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**

- 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**

- June 2-6, 2025 – Provo, UT

#### **Wildlife Conservation Board**

- 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 December 2, 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 December 6, 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.