

California Fish and Game Commission Tribal Committee

Meeting Materials

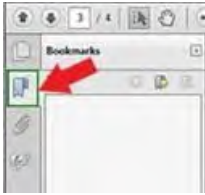


December 10, 2024

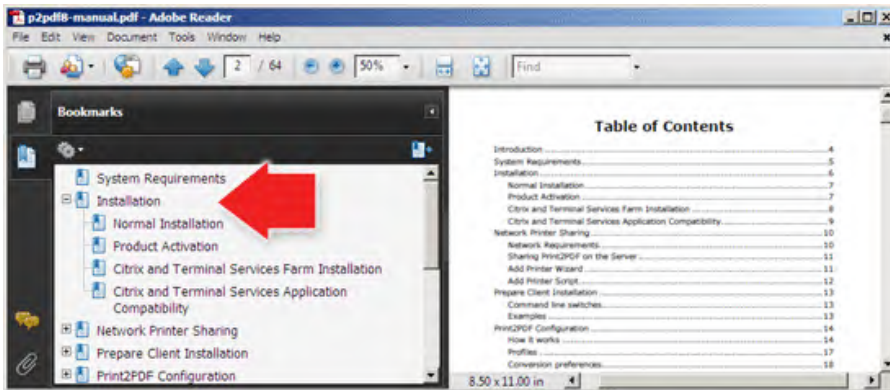
Sacramento


EASY GUIDE TO USING THE BINDER

1. Download and open the binder document using your Adobe Acrobat program/app.
2. If a bookmark panel does not automatically appear on either the top or left side of the screen, click/tap on the “bookmark symbol” located near the top left-hand corner.



3. To make adjustments to the view, use the Page Display option in the View tab. You should see something like:



4. We suggest leaving open the bookmark panel to help you move efficiently among the staff summaries and numerous supporting documents in the binder. It’s helpful to think of these bookmarks as a table of contents that allows you to go to specific points in the binder without having to scroll through hundreds of pages.
5. You can resize the two panels by placing your cursor in the dark, vertical line  located between the panels and using a long click /tap to move in either direction.
6. You may also adjust the sizing of the documents by adjusting the sizing preferences located on the Page Display icons found in the top toolbar or in the View tab.
7. Upon locating a staff summary for an agenda item, notice that you can obtain more information by clicking/tapping on any item underlined in blue.
8. Return to the staff summary by simply clicking/tapping on the item in the bookmark panel.
9. Do not hesitate to contact staff if you have any questions or would like assistance.

Introductions for the California Fish and Game Commission Tribal Committee Meeting

Commissioners

Jacque Hostler-Carmesin Chair

Commission Staff

Melissa Miller-Henson Executive Director
Susan Ashcraft Marine Advisor
Ari Cornman Wildlife Advisor
Kimi Rogers Environmental Scientist
Jenn Bacon Regulatory Analyst
Kelsey Leaird Staff Services Analyst

California Department of Fish and Wildlife

Sarah Fonseca Department Tribal Liaison, Office of Justice, Equity, Diversity and Inclusion
Scott Gardner Branch Chief, Wildlife Branch
Jay Rowan Branch Chief, Fisheries Branch
Craig Shuman Regional Manager, Marine Region
Chris Stoots Captain, Law Enforcement Division
Samara Maxey Marine Region Tribal Coordinator and Liaison

California Natural Resources Agency

Geneva E.B. Thompson Deputy Secretary for Tribal Affairs

Ocean Protection Council

Michael Esgro Senior Biodiversity Program Manager and Tribal Liaison

Overview of the California Fish and Game Commission Tribal Committee Meeting

- Welcome to this meeting of the California Fish and Game Commission Tribal Committee. The Committee is comprised of up to two Commissioners who co-chair each meeting; members are assigned annually by the Commission. Currently the Tribal Committee is chaired by Commissioner Jacque Hostler-Carmesin.
- Our goal today is informed discussion to guide future decision making and we need your cooperation to ensure a lively and comprehensive dialogue.
- We are operating under Bagley-Keene Open Meeting Act, but it is important to note that the Committee chair cannot take action independent of the full Commission; instead, the chair makes recommendations to the full Commission at regularly scheduled meetings.
- These proceedings are being recorded and will be posted to our website for reference and archival purposes.
- Items may be heard in any order pursuant to the determination of the committee chair.
- Requests for regulatory change must be directed to the full Commission and submitted on the required petition form, FGC 1, available on the Commission website and from staff. However, at the Committee's discretion, it may request that staff follow up on items of potential interest to the Committee and possible recommendation to the Commission.
- Committee meetings operate informally and provide an opportunity for everyone to contribute to the discussion about agenda items. If you wish to contribute to an agenda item, please follow these guidelines:
 1. Raise your hand and wait to be recognized by the chair or a co-chair.
 2. Please share your name and affiliation (if any).
 3. Time is limited; please be concise to give others time to speak.
 4. Generally, participants in person are called on first, followed by participants joining by zoom or phone.
 5. As a topic discussion evolves, we encourage participants to continue contributing to the dialogue.
 6. If speaking during the general public comment agenda item, the subject matter you present should not be related to any item on the current agenda (public comment on agenda items will be taken at the time the committee discusses that item).
- Please note the nearest emergency exit for use in the unlikely event of an emergency.
- For those joining us in the meeting room, restrooms are located _____.

Commissioners

Samantha Murray, President
La Jolla
Erika Zavaleta, Vice President
Santa Cruz
Jacque Hostler-Carmesin, Member
McKinleyville
Eric Sklar, Member
Saint Helena
Darius W. Anderson, Member
Kenwood

STATE OF CALIFORNIA
Gavin Newsom, Governor

Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

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Tribal Committee

Committee Chair: Commissioner Hostler-Carmesin

Meeting Agenda

December 10, 2024; 1:00 p.m.

**Natural Resources Headquarters Building
715 P Street, Second Floor, Media Room
Sacramento, CA 95814**

or

Webinar and Phone

To participate in the meeting remotely, you may join the webinar directly at <https://wildlife-ca-gov.zoom.us/j/82901850358>. For complete instructions on how to join via Zoom or telephone, [click here](#) or visit fgc.ca.gov/meetings/2024.

- Notes:**
- (1) See important meeting deadlines and procedures, including written public comment deadlines, starting on page 6.
 - (2) Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.
 - (3) All agenda items are informational and/or discussion only. The Committee develops recommendations to the Commission but does not have authority to make policy or regulatory decisions on behalf of the Commission.

Call to Order

1. **Approve agenda and order of items**
2. **Co-management roundtable**
Discuss tribal co-management initiatives and projects planned or underway in collaboration with public agencies and California tribes. Tribal representatives are invited to share their co-management interests and experiences.

Exhibit 2.1: [Adopted co-management vision statement and definition](#)

3. Commission policies review

Receive update on planning and coordination for review of Commission policies, with five policies under review (code of conduct, fish planting in youth camps, youth fishing programs, research, and naming installations).

[Exhibit 3.1:](#) Naming installations policy with potential edits, dated December 2023

[Exhibit 3.2:](#) Commission policies on code of conduct, fish planting in youth camps, youth fishing programs, and research

4. California Natural Resources Agency (CNRA) draft tribal consultation policy

Receive update and discuss the CNRA draft tribal consultation policy that is currently out for public comment and tribal consultation.

[Exhibit 4.1:](#) CNRA draft tribal consultation policy

5. Application for new aquaculture lease

Presentation and vetting of San Andreas Shellfish Company’s application for a state water bottom lease for aquaculture purposes in Tomales Bay, consistent with the Commission’s enhanced leasing process.

[Exhibit 5.1:](#) San Andreas Shellfish Company revised draft project description, dated October 7, 2024

[Exhibit 5.2:](#) “Criteria and Framework for Evaluating if a New State Water Bottom Lease is in the Public Interest,” as approved by the Commission on August 23, 2023

[Exhibit 5.3:](#) “Evaluation of Aquaculture Leasing Requirements in Support of Public Interest Determination for San Andreas Shellfish Company Lease Application,” dated October 28, 2024

[Exhibit 5.4:](#) San Andreas Shellfish Company presentation to Tribal Committee

[Exhibit 5.5:](#) Staff presentation from November 2024 Marine Resources Committee meeting: “Process Overview for Vetting Application for New Aquaculture Lease: San Andreas Shellfish Company”

6. Staff and agency updates

Receive updates from staff and other agencies, including current topics on the work plan for which the Committee has requested an update.

(A) **California Ocean Protection Council**

(B) **Department**

I. Department Tribal Liaison

[Exhibit 6.1:](#) Updates from the Department, including the tribal liaison, received November 26, 2024

II. Law Enforcement Division

III. Wildlife and Fisheries Division (WFD)

a. Striped bass slot limits

See [Exhibit 6.1](#) for WFD updates.

IV. Marine Region

a. Marine protected area (MPA) petition evaluation process

Exhibit 6.2: “Informational Update: California’s Marine Protected Area Network Decadal Management Review and Subsequent Marine Protected Area Regulation Amendment Petition Process,” dated October 4, 2024

Exhibit 6.3: Department presentation from the November 2024 Marine Resources Committee meeting: “Marine Protected Area Petition Evaluation Status and Next Steps.”

See **Exhibit 6.1** for additional Marine Region updates.

(C) **Staff**

I. Wildlife Resources Committee (WRC)

Exhibit 6.4: WRC work plan, revised

II. Marine Resources Committee (MRC)

Exhibit 6.5: Marine protected area (MPA) petitions – MRC recommendations for regulation change proposals and non-regulatory requests in “bin 1” of the petition evaluation process

Exhibit 6.6: MRC work plan, revised

III. Justice, equity, diversity and inclusion plan

IV. Commission rulemakings, petitions and other pending actions

Exhibit 6.7: Commission perpetual timetable for rulemaking, dated December 3, 2024

Exhibit 6.8: Commission December 11-12, 2024 meeting agenda

7. **Annual tribal planning meeting**

Discuss timing and format of next annual tribal planning meeting.

Exhibit 7.1: *Commission Tribal Consultation Policy*

8. **Tribal subsistence definition and related management mechanisms**

Receive and discuss outcomes from the August 2024 Tribal Committee and Commission meetings discussions about how the tribal subsistence definition workgroup could be re-established and advance its efforts.

9. **Future agenda items**

(A) ***Review work plan agenda topics and timeline***

Exhibit 9.1: Tribal Committee work plan, revised December 2, 2024

(B) ***Potential new agenda topics for Commission consideration to refer to the Tribal Committee***

10. General public comment for items not on the agenda

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

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

California Fish and Game Commission Meeting Schedule

Note: As meeting dates and locations can change, visit www.fgc.ca.gov/meetings for the most current list of dates and locations.

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

Meeting Date	Commission Meeting	Committee Meeting
July 17, 2025		Marine Resources California Natural Resources Headquarters Building 715 P Street, 2nd Floor Sacramento, CA 95814
August 12, 2025		Tribal Fortuna
August 13-14, 2025	Fortuna	
September 11, 2025		Wildlife Resources California Natural Resources Headquarters Building 715 P Street, 2nd Floor Sacramento, CA 95814
October 8-9, 2025	San Jose	
November 6, 2025		Tribal San Diego
December 9, 2025		Tribal San Diego
December 10-11, 2025	San Diego area	

Other Meetings of Interest

Meetings listed in this section 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 Committee Meeting Procedures Information

Welcome to a meeting of the California Fish and Game Commission's Tribal Committee. The Committee is composed of and chaired by up to two Commissioners; these assignments are made by the Commission each year.

The goal of the Committee is to allow greater time to investigate topics before the Commission than would otherwise be possible. Committee meetings are less formal in nature and provide additional access to commissioners. The Committee does not take action independent of the Commission; instead, the Committee makes recommendations to the full Commission at regularly scheduled Commission meetings.

The Commission's goal is preserving our outdoor heritage and conserving our natural resources through informed decision-making; Committee meetings are vital in developing recommendations to help the Commission achieve that goal. In that spirit, we provide the following information to be as effective and efficient as possible.

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 at (916) 653-9089 or 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. For those joining by Zoom, you may be able to enable closed-captioning via the Zoom platform. If a request for an accommodation has been submitted but is no longer needed, please contact the Civil Rights Office immediately.

Stay Informed

To receive meeting agendas about those subjects of interest to you, visit the Commission's website, www.fgc.ca.gov, to sign up on our electronic mailing lists.

Submitting Written Comments

The public is encouraged to attend committee meetings and engage in the discussion about items on the agenda; the public is also welcome to comment on agenda items in writing. You may submit your written comments by one of four methods (only one is necessary): **Email** to fgc@fgc.ca.gov; **mail** to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; **deliver** to California Fish and Game Commission, 715 P Street, 16th floor, Sacramento, CA 95814; or **hand-deliver** to a committee meeting.

Comment Deadlines

The **Written Comment Deadline** for this meeting is **5:00 p.m. on Wednesday, November 27, 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 Thursday, December 5, 2024**. Comments received by the 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 **six** copies of written comments to the meeting and give them to the designated staff member just prior to speaking.

Note: Materials provided to the committee may be made available to the general public.

Petitions for Regulation Change

The Committee **will not** consider comments regarding *proposed changes to regulations that have been noticed by the Commission*. If you wish to provide comment on a noticed regulation change, please provide your comments during Commission business meetings, via email, or by delivering to the Commission office.

As a general rule, requests for regulatory change must be submitted on the required petition form, [FGC 1, Petition to the California Fish and Game Commission for Regulation Change](#). However, at the Committee's discretion, the Committee may request that staff follow up on items of potential interest to the Committee and possible recommendation to the Commission.

Speaking at the Meeting

Committee meetings operate informally and provide opportunity for everyone to contribute to the dialogue. If you wish to speak on an agenda item, please follow these guidelines:

- You will be given instructions during the meeting for how to be recognized by the Committee co-chair(s) to speak.
- If you have written information to share, please provide **six** copies to staff before you begin speaking.
- Once recognized, please begin by giving your name and affiliation (if any) and the number of people you represent.
- Time is limited; please keep your comments concise so that everyone has an opportunity to speak.
- If there are several speakers with the same concerns, please try to appoint a spokesperson and avoid repetitive comments.
- If speaking during general public comment for items not on the agenda, the subject matter you present should not be related to any item on the current agenda (public comment on agenda items will be taken at the time the committee discusses that item). As a general rule, public comment is an opportunity to bring matters to the attention of the Committee, but you may also do so via email or standard mail. At the discretion of the Committee, staff may be requested to follow up on the subject you raise.

Visual Presentations/Materials

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

- Electronic presentations must be provided by email to fgc@fgc.ca.gov or delivered to the Commission on a USB flash drive by the deadline.
- All electronic formats must be Windows PC compatible.
- If participating in person, it is recommended that you bring a print copy of any electronic presentation in case of technical difficulties.

California Fish and Game Commission
Co-Management Vision Statement and Definition

February 2020

Vision Statement

The vision of tribes, the California Fish and Game Commission, and the California Department of Fish and Wildlife is to engage in a collaborative effort between sovereigns to jointly achieve and implement mutually agreed upon and compatible governance and management objectives to ensure the health and sustainable use of fish and wildlife.

Definition

A collaborative effort established through an agreement in which two or more sovereigns mutually negotiate, define, and allocate amongst themselves the sharing of management functions and responsibilities for a given territory, area or set of natural resources.

California Fish and Game Commission

Potential Modifications to the Commission Naming Installations Policy

December 10, 2023

The Commission Naming Installations Policy is numbered 4.13 for tracking during the 2023-24 Commission policies review process. This document proposes changes to the policy for discussion and feedback at the December 2023 Commission meeting.

The Commission has expressed concerns regarding its existing Naming Installations Policy providing an exception for naming a marine protected area (MPA) after an individual; the over 70-year-old policy was amended in 2012 to allow the exception. Currently, there are three MPAs named after individuals: Lovers Point-Julia Platt State Marine Reserve, Edward F. Ricketts State Marine Conservation Area, and Robert W. Crown State Marine Conservation Area.

Additionally, the Commission has stated the importance of its policies taking into consideration tribal and justice, equity, diversity and inclusion values. The Naming Installations Policy currently does not recognize that, when Europeans arrived, specific geographies already had names established by Native Americans in what is now known as California and off its shores.

For naming purposes, the Commission is directly involved in naming protected areas when it designates such areas: state wildlife areas, ecological reserves, and marine protected areas. The Commission does not have a direct role in establishing, purchasing or naming refuges (established by the California State Legislature), fish hatcheries, vessels, and other installations owned or managed by the Department.

Potential revisions to the policy could include: (1) removing the MPA naming exception; (2) adding a provision to consider, in collaboration with local tribes, tribal placenames when naming or renaming installations, including MPAs; and (3) revising the policy title to reflect proposed policy language focused on protected areas.

If the Commission moves forward with removing the option to name MPAs after individuals, the Commission may wish to specify how to address the three MPAs currently named after an individual. For example, they could be renamed immediately, allowed to remain named as they are, or, if the MPA is renamed, a nearby structure or facility could be named in honor of the individual.

If the Commission moves forward with using tribal placenames, the Commission may wish to consider whether or not a western geographic name might also be referenced to maximize public understanding of where the MPA is located. If a western name is included, the Commission may wish to provide direction regarding a standardized format (e.g., tribal name MPA at western geographic location) and whether to apply the same standard to Kashtayit State Marine Conservation Area and Matlahuayl State Marine Reserve.

Potential revisions are being presented at this meeting for discussion purposes; proposed policy revisions based on Commission and public input are expected to be presented at the February 2024 Commission meeting for potential adoption.

Naming Installations Policy with Draft Potential Revisions

Naming Protected Areas Installations Policy

It is the policy of the Fish and Game Commission that:

- I. ~~No fish hatchery, game refuge, wildlife area, ecological reserve, or marine protected area (MPA) or any installation, other than Marine Protected Areas (MPAs), shall be named for any person, living or dead. Installations-Protected areas shall be named in a manner which will indicate their geographical location, avoiding as far as possible the names of local political units. ~~Vessels shall be named for fish.~~~~
- II. Traditional tribal placenames for a geographic location shall be considered in collaboration and collaboration with local tribes when naming or renaming any protected area, including MPAs.
- I. ~~The Commission may commemorate an individual by including that individual's name after the geographic name of an MPA if all of the following criteria are met:~~
 1. ~~The individual has been deceased for a minimum of 5 years;~~
 2. ~~It has been determined the individual has made an extraordinary, unique, and long-lasting contribution to the conservation, use, and/or enjoyment of California's living marine resources;~~
 3. ~~It has been determined with reasonable care and consideration that the individual's merit and/or contribution can stand the test of time;~~
 4. ~~The individual and/or their efforts have a direct connection with the geographic location of the MPA or immediate vicinity.~~
- III. The Commission shall be represented at and may participate in all ceremonies dedicating the launching or inauguration of any wildlife area, ecological reserve, or MPA or any installation of the facilities mentioned above. The Department and the Commission staff shall coordinate their work and efforts in ~~setting up or arranging~~ such dedication ceremonies programs.

(Amended 4/7/1994, and 5/23/2012, 2/xx/2024)

California Fish and Game Commission

Commission Policies Under Review for Potential Revisions

April 5, 2024

The California Fish and Game Commission is inviting comments on, and proposed revisions to, four policies currently under review: *Code of Conduct*, *Planting Fish in Youth Camps*, *Youth Fishing Programs*, and *Research*. The policies are being reviewed as part of a broader, multi-year effort initiated in December 2022 to review and consider revisions to all the Commission's policies, including "with a justice, equity, diversity and inclusion lens and a tribal lens."

This document contains existing language for the four policies currently under review. A fifth policy (*Naming Installations*) was previously identified for review; Commission staff, with input from the California Department of Fish and Wildlife, has identified potential revisions to the policy, which are available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=222127>. The Commission also seeks input on the proposed revisions to the *Naming Installations Policy*.

Additional details about the Commission's policy review process is available on the Commission website at <https://fgc.ca.gov/meetings/2024> in the meeting documents for the April 2024 (Agenda Item 6) and February 2024 (Agenda Item 12) Commission meetings.

Comments, suggestions and questions may be sent to fgc@fgc.ca.gov or to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090.

Code of Conduct

It is the policy of the Fish and Game Commission that:

1. A commissioner shall faithfully discharge the duties, responsibilities, and quasi-judicial actions of the commission.
2. A commissioner shall conduct his or her affairs in the public's best interest, following principles of fundamental fairness and due process of law.
3. A commissioner shall conduct his or her affairs in an open, objective, and impartial manner, free of undue influence and the abuse of power and authority.
4. A commissioner understands that California's wildlife and natural resources programs require public awareness, understanding, and support of, and participation and confidence in, the commission and its practices and procedures.
5. A commissioner shall preserve the public's welfare and the integrity of the commission, and act to maintain the public's trust in the commission and the implementation of its regulations and policies.
6. A commissioner shall not conduct himself or herself in a manner that reflects discredit upon state laws or policies, regulations, and principles of the commission.
7. A commissioner shall not make, participate in making, or in any other way attempt to use his or her official position to influence a commission decision in which the member has a financial interest.

(Adopted 3/6/2013)

Planting Fish in Youth Camps

It is the policy of the Fish and Game Commission that: The Department may plant fish in suitable waters at certain youth camps. Such camps must be operated primarily for underprivileged or disabled children or youth, with most costs of supporting a child at camp not paid by the children or their families. The Department shall report in writing annually to the Commission on the program. If a conflict exists between this policy and the salmon and steelhead or trout policies, the latter policies prevail.

(Amended 5/4/04)

Youth Fishing Programs

The Department is supportive of youth fishing programs sponsored by city, county or other public entities. Through its urban fishing program, the Department will combine fisheries resource management with educational services to develop healthy urban fisheries, and provide young people with an opportunity to fish close to home. Fish planted for such programs may be obtained from State hatcheries.

(Amended 5/14/93)

Research

It is the policy of the Fish and Game Commission that:

1. Research, including the investigation of disease, shall be performed to provide scientific and management data necessary to promote the protection, propagation, conservation, management or administration of fish and wildlife resources of this state when such data is not available by other means.
2. Whenever possible and advantageous, the services of the University of California or other academic or research institutions, or federal, state or local agencies shall be used.
3. The Department shall review the following information, which must be clearly stated in any proposed research programs: (a) goals and objectives of proposed research, including benefits to be derived from such research; (b) pertinent background information, including a literature review which supports this research; (c) experimental design, including methods of data collection and analysis; (d) estimated cost of program; (e) its estimated duration; and (f) how results will be presented to the Department. The provisions of this paragraph shall not extend to emergency investigations of disease.
4. The Department shall report regularly to the Commission on the status of major research programs in progress.

(Amended 6/16/1994)

Draft California Natural Resources Agency Tribal Consultation Policy Update

1) Addressing Historical Wrongs

On June 18, 2019, Governor Gavin Newsom issued [Executive Order N-15-19](#) to formally apologize on behalf of the citizens of the State of California to all California Native Americans for the many instances of violence, maltreatment and neglect that California inflicted on tribes. Through this Executive Order, Governor Newsom reaffirmed Governor Brown's [Executive Order B-10-11](#) and directed his Tribal Advisor and the Administration to engage in government-to-government consultation with California Native American tribes regarding policies that may affect tribal communities.

Tribal consultation is a key component in addressing the historic wrongs against California Native Americans sanctioned by the State. Prior to colonization, the entirety of what is now known today as the State of California was tribal territory. California Native American tribes and people are the original stewards of the lands and waters in California, a relationship that continues to this day.

Today, California is home to the largest number of tribes in the contiguous United States, with 109 federally recognized tribes and approximately 60 non-federally recognized tribes. While this policy applies to consultation, engagement, and communication with all California Native American tribes¹, it does not negate the specific government-to-government² responsibilities that the state holds with respect to federally recognized tribes. In recent years, the state has adopted executive orders and other policy directives to improve communication between public agencies and tribes. The primary objective of these efforts is to ensure that tribes can participate meaningfully in decisions that may affect their communities.

2) Purpose and Background

The California Natural Resources Agency (hereafter CNRA) and its departments, commissions, boards, and conservancies (hereafter departments) are committed to consulting with California Native American tribes (broadly referred to as "tribes" throughout this document) as it works to "restore, protect and manage the state's natural, historical and cultural resources for current and future generations using creative approaches and solutions based on science, collaboration and respect for all communities and interests involved." ([CNRA Mission](#)). In 2012, CNRA adopted a [Tribal Consultation Policy](#) to advance

¹ California Native American tribes are those that are either recognized by the federal government pursuant to the annual list published under the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. Sec. 5131) in the Federal Register or non-federally recognized tribes located in California. For the purposes of the California Environmental Quality Act (CEQA), a California Native American tribe means a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 532 of the Statutes of 2014, Assembly Bill 52,. See Public Resources Code Section 21073.

² Government-to-government consultation is a formal consultation process that occurs between tribal and state or federal governments. This process recognizes the sovereign-to-sovereign relationship and unique responsibilities that exist between recognized tribes and the United States (and by virtue the states within it). Such legal obligations include, but are not limited to, trust responsibility, treaty rights, executive orders, and case law.

Governor Brown's [Executive Order B-10-11](#). However, since then, as the CNRA continues to learn from and partner with tribes, tribes have expressed the need for a modernized consultation policy. This consultation policy is adopted as the new CNRA tribal consultation policy and replaces the CNRA 2012 policy. This new policy incorporates new laws and executive orders to ensure CNRA and its departments are advancing early, often, and meaningful tribal consultations across our work.

The objectives of this policy are as follows:

1. Establish consistent tribal consultation policies and implementation across departments under CNRA. This policy shall serve as a basis upon which CNRA departments, commissions, boards, and conservancies can build additional department-specific tribal consultation policies.
2. To institutionalize CNRA's policy of early, often, and meaningful consultation with California Native American tribes with the goal of collaborative problem-solving and partnership.
3. To encourage collaboration between CNRA and its departments on the tribal consultations for multi-departmental projects.
4. To provide policy for state staff regarding which personnel are designated to represent their department in tribal consultations and the roles and responsibilities of tribal liaisons.

3) Tribal Consultation

It is the policy of CNRA and all entities under CNRA to engage in early, often, and meaningful consultations on a government-to-government basis with federally recognized California Native American tribes, and to consult with nonfederally recognized California Native American tribes and tribal organizations, as appropriate, on policies, processes, programs, and projects that may impact tribal communities.³ CNRA departments, commissions, boards, and conservancies may adopt additional tribal consultation policies building on this policy and to support their specific missions.

a) Definition of Tribal Consultation

Tribal consultation "means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance."⁴

Tribal consultations may be conducted before, during, or after a department action. For the purposes of this policy, preliminary tribal consultations and tribal consultations may include but are not limited to all communications, meetings, site visits, informal and formal consultations up to a final decision or action. For the purposes of this policy, a tribal consultation period for an action typically begins when the request for tribal consultation letter is sent and concludes on the date indicated in the letter. Tribal consultation periods are used to clearly communicate start and end times for consultations on

³ Government Code Section 11019.81 (c), Assembly Bill 923.

⁴ Government Code Section 65352.4.

department actions. CNRA and its departments can extend tribal consultation periods and consult outside of set consultation periods.

It is important to note that capacity constraints may prevent a tribe from responding to a request for consultation, even if they are interested in the issue. Moreover, a nonresponse from a tribe does not indicate consent to a project, and CNRA and departments should continue engaging and requesting consultation as the project progresses.

Tribes may not respond to a request for consultation or may decline to consult. If a tribe does not respond to a request for consultation, CNRA and departments will continue to seek consultations and notify tribes of updates as the action progress. If a tribe clearly states they do not want to consult on a particular action, CNRA and departments may no longer contact the tribe on the particular action; however, if, at a later time, a tribe wishes to reengage in consultation regarding the action, CNRA and departments shall include them in future consultations and notifications.

b) Objectives of Consultation:

While the specific issues and desired outcomes for tribal consultation will vary with each situation, the following objectives apply to all consultations. For each consultation, departments shall:

- Share pertinent materials with a tribe in a timely fashion such that tribal leaders, representatives, and/or staff may make an informed decision and provide meaningful comments.
- Provide tribal consultation timelines that allow tribal leaders, representatives, and/or staff to process information, schedule internal and external meetings, make informed decisions, and provide thoughtful comments and feedback.
- Provide opportunities for tribal leadership to express their views and concerns and in so doing, for CNRA and department staff to develop a clear understanding of the tribal perspectives, needs, and concerns.
- Strive for collaborative problem-solving as well as integrating and advancing of tribal priorities and perspectives into CNRA and department decision-making where feasible.

c) Principles of “Early,” “Often,” and “Meaningful”

i) “Early”

“Early” means preferably before department actions and decisions have been made and definitely before an action or decision cannot be changed. CNRA and departments should request consultation as early as possible in the planning process. CNRA and departments are encouraged to implement early consultation periods, during which tribes have the opportunity to learn about and provide feedback on an activity before the project begins and before any major or irreversible decisions have been made. Additional consultations, i.e. consultation on a draft document, may follow early consultations as appropriate. Consulting as early as possible also gives CNRA and departments adequate time and flexibility to incorporate and or address tribal priorities and concerns.

ii) “Often”

CNRA and departments should be building and maintaining relationships with California Native American tribes on an ongoing basis, before consultation is needed. However, for any CNRA or department actions with potential tribal implications, CNRA and departments should offer consultation at a frequency that is conducive to allowing tribes multiple opportunities to provide input throughout the development process of a department’s decision-making.

Roundtables, working groups, email listservs, and other intertribal spaces can be utilized to help provide updates, share information, and support intertribal and department coordination. These practices are helpful to address capacity constraints but cannot be used in lieu of tribal consultation.

iii) “Meaningful”

Meaningful consultation requires that the department hear, understand, respect, and consider tribal feedback and comments; accordingly, consultation must happen well in advance of any major department decisions. “Meaningful” does not imply that both parties will come to consensus and reach agreement; however, a consensus-seeking approach should be sought throughout the consultation process. If consensus is not reached, CNRA and departments should provide a clear explanation of why tribal recommendations were not fully integrated and explore alternative solutions in collaboration with tribal leadership and representatives. Meaningful consultation also requires that CNRA and departments provide tribes with a clear understanding of how their feedback will be used in the development of final decisions, actions, or policies following consultation.

d) Determining When to Seek Consultation

Determining when to seek consultation with tribes requires a two-step analysis: (1) CNRA or a department should first determine whether its action has potential implications for tribes, may be of interest to tribes, or impacts to their ancestral lands, cultural or natural resources, representatives, or tribal communities; and, (2) for actions identified in step (1), tribes, CNRA, or its departments should identify key milestones, needs, and timing associated with the action and identify where in that process to seek consultation with tribes such that tribes have multiple opportunities to provide meaningful and timely input to inform the decision-making of an action.

i) Actions with Tribal Implications

Actions may include, but are not limited to, “the development of policies, regulations, guidelines, processes, programs, and projects”, rulemakings, strategic plans, planning documents, funding and grant opportunities, memorandums of understand, and as required by legislation, with tribal implications.⁵

Tribal implications are “actions that impact one or more federally recognized tribes or nonfederally recognized tribes or tribal organizations, the government-to-government

⁵ Government Code Section 11019.81 (b)(1), Assembly Bill 923.

relationship between the state and federally recognized tribes, or the distribution of power and responsibilities between the state and federally recognized tribes.”⁶ Tribal implications also include actions that are of interest to tribes, including but not limited to, tribal cultural resources, sacred sites and landscapes, natural resources, economic development, access and use of ancestral lands, ancestral land return, increasing the availability of public resources and services to tribes and their communities.

When determining whether an action may have tribal implications, CNRA and departments should take as broad of an approach as feasible.

ii) Determining the Timing of Consultation Initiation and Frequency

As stated above, “early, often, and meaningful” are key principles of the CNRA’s Tribal Consultation Policy. This means that departments should contact potentially affected tribes as early as feasible and on as frequent or as-needed basis that achieves the consultation objectives set forth in this policy and to “allow tribal officials the opportunity to provide meaningful and timely input in the development of policies, processes, programs, and projects that have tribal implications.”⁷ Determining when and how often to consult with a tribe may depend on several factors including, but not limited to:

- (1) State laws and mandates
 - (a) Public Resources Code Section 21080.3.1 (Assembly Bill 52)⁸
 - (b) Government Code Section 11019.81 (Assembly Bill 923)⁹
- (2) Department-specific mandates (e.g. permitting and regulatory actions)
- (3) Size and complexity of a particular project or department action (e.g. permitting, broad policy decisions, emergency actions, etc.)
- (4) Number of tribes, governmental entities, or stakeholders that may be potentially affected by an agency action
- (5) Whether CNRA, a department, or a tribe has requested consultation
- (6) Department meeting schedules
- (7) Tribal council meeting schedules and other tribal events or ceremonies.

Unless otherwise specified in statute, 90-day consultation periods are considered best practice. 60-day consultation periods may be acceptable for time-sensitive matters or projects.

iii) Emergency Consultations

In some cases, consultation periods are truncated, or departments may need to take emergency actions that require quick decisions to protect life, the environment, or property (e.g. wildfire response, flooding from storms, oil spills, emergency regulations, public health, etc.). During these emergency situations, departments may not be able to

⁶ Government Code Section 11019.81 (b)(3), Assembly Bill 923.

⁷ Government Code Section 11019.81 (c), Assembly Bill 923.

⁸ Public Resources Code Section 21080.3.1, Assembly Bill 52.

⁹ Government Code Section 11019.81 (d), Assembly Bill 923.

offer “early” consultation to tribes. However, departments should strive to uphold the principles of this policy (i.e. early, often, and meaningful consultations) to the extent practicable and allowable under the law. Additional local, state, and federal laws may also need to be considered.

For departments that frequently manage or respond to emergency situations, it is recommended that department and deputy department tribal liaisons contact the Native American Heritage Commission to request a Sacred Lands File search for any known records of sacred lands within the area of the emergency and obtain a tribal contact list of culturally affiliated tribes. If applicable, departments can also request a determination from the California Historic Resources Information System (CHRIS) regarding the presence/absence of historical resources, including building, structures, objects, archaeological sites, landscapes, or districts.

Once the contact list and resource searches have been received, the tribal liaison should send an email containing emergency/incident information. Following the email, the tribal liaison should make a phone call to ensure each tribe received the notification and if they have any questions or concerns. Departments should consider having a dedicated tribal liaison email address to be utilized during emergency situations.

Additionally, department and deputy department tribal liaisons should create and maintain a tribal emergency contact list and foster relationships with tribes prior to emergency situations.

4) Designating a Tribal Liaison

This Section includes details concerning tribal consultation authority and how tribal liaisons are designated at one or more department levels.

a) Officials with Authority to Consult with Tribes:

Government Code Section 11019.81, [Assembly Bill 923](#) (Ramos, 2022), states that the following officials within the Executive Branch shall have the authority to represent the state in tribal government-to-government consultations and shall be required to complete a statewide tribal consultation training:¹⁰

- i) The Governor
- ii) The Attorney General
- iii) Each constitutional officer and statewide elected official
- iv) The director of each state agency and department (Note, this includes all conservancies and departments under CNRA)
- v) The chair and the executive officer of each state commission and task force (Note, this includes all commissions and boards under CNRA)
- vi) The chief counsel of any state agency

¹⁰ This Policy does not address or fulfill the statewide training requirement listed in Assembly Bill 923.

Government Code Section 11019.81 further specifies that any of the above officials may formally designate another official to conduct preliminary tribal consultations. These designated officials have the authority to act on behalf of the state during government-to-government consultations, delegate such authority, and are required to complete the statewide tribal consultation per Government Code Section 11019.81.

b) CNRA Tribal Liaison

The CNRA Deputy Secretary for Tribal Affairs is designated as the CNRA tribal liaison and is delegated authority to conduct tribal consultations on behalf of the CNRA Secretary, has the authority to act on behalf of CNRA, and is required to complete tribal consultations per Government Code Section 11019.81 for CNRA.

The CNRA Deputy Director for Tribal Affairs is designated as the CNRA deputy tribal liaison and is delegated authority to conduct tribal consultations on behalf of the CNRA Deputy Secretary for Tribal Affairs.

c) Department Tribal Liaisons

Each department is required to have a department tribal liaison. The department tribal liaison may be one of the positions listed in Section (4) (a) of this policy or a designated official. Pursuant to this policy, CNRA department directors are required to formally designate a department tribal liaison and to provide a formal designation letter at time of the adoption of this policy and as needed. To designate a department tribal liaison, department directors shall send a letter to the CNRA Secretary and the Deputy Secretary for Tribal Affairs. The designation letter should include the 1) name, 2) title, 3) classification, 4) email, 5) phone number, and 6) scope of delegate authority. CNRA will report all formally designated department tribal liaisons to the Secretary for Tribal Affairs to the Governor and post on the CNRA website updated department tribal liaison's contact information.

Department directors are highly encouraged to designate a department tribal liaison at the executive leadership or senior staff level, with authority in the department, and who can act on behalf of the department. Each department is encouraged to have at least one designated full-time department tribal liaison; however, where doing so is not feasible, it is recommended that each designated department tribal liaison should be allotted a minimum of 30% of their working responsibilities to perform the duties associated with the department tribal liaison roles and responsibilities noted below, to the extent such allocation is feasible. It is highly encouraged to include the duties of the department tribal liaison in the job description and duty statement of the position serving as the department tribal liaison.

d) Deputy Department Tribal Liaisons

Department directors may also designate deputy department tribal liaisons for specific regions, programs, or projects within the department. Department directors may designate deputy department tribal liaisons using the same letter as the department tribal liaison or separate letters. The designation letter should include the 1) name, 2) title, 3) classification, 4) email, 5) phone number, and 6) scope of delegate authority. Such designation should occur at time of the adoption of this policy and as needed. For larger departments, deputy department tribal liaisons

may serve as the main point of contact for tribes for their specific region or program. Deputy department tribal liaisons shall coordinate closely with the department tribal liaisons to ensure consistency and clear communication but can represent the department for specific reasons detailed in a delegation letter.

5) Tribal Liaison Roles and Responsibilities

This section defines the minimum roles and responsibilities of the CNRA Deputy Secretary for Tribal Affairs and department and deputy department tribal liaisons. Regardless of classification or position, all CNRA departments and their employees should adhere to statewide tribal affairs policies and goals. CNRA and department staff who are not designated tribal liaisons shall closely coordinate with their department and deputy department tribal liaisons when working on projects that might affect tribes, including working with the tribal liaison on implementation of tribal consultations. Tribal liaisons shall be available to support their colleagues to determine if or when a project or department action may affect a tribe or tribes and to determine the most appropriate pathway(s) for tribal consultation on a given action.

a) CNRA Deputy Secretary for Tribal Affairs Roles and Responsibilities

The Deputy Secretary for Tribal Affairs has the responsibility to ensure consistency of the implementation of this policy. To accomplish this, the Deputy Secretary for Tribal Affairs shall convene all department tribal liaisons on a monthly basis to provide resources, coordinate on shared projects, and trainings as needed. The Deputy Secretary for Tribal Affairs may create tribal affairs working groups to provide additional focus on key tribal affairs policies, including the implementation of this policy. The Deputy Secretary for Tribal Affairs shall conduct an annual training for all department and deputy department tribal liaisons regarding the implementation of this policy and other tribal affairs policies. Further, the Deputy Secretary for Tribal Affairs shall conduct an annual training for all employees at CNRA and departments on this policy and tribal consultation best practices.

b) Department Tribal Liaison Roles and Responsibilities

Department tribal liaisons serve as the main point of contact and act as the department's principal representative to tribes. Department tribal liaisons are generally responsible for responding to requests for information and consultation from tribes, participating in engagement activities and tribal consultations, and providing briefings to the CNRA Deputy Secretary for Tribal Affairs and Tribal Affairs Secretary of the Governor's Office.

Department tribal liaisons ensure the implementation of Agency and department tribal consultations policies and compliance with state mandates regarding tribal consultation. As such, department tribal liaisons shall review and sign all request for consultation letters or send all emails from the department to ensure consistency with this policy and their department's tribal consultation policies. Department tribal liaisons are encouraged to develop and maintain working relationships with tribal leadership and tribal staff.

Department tribal liaisons are required to complete the statewide tribal consultation training provided by the California Department of Human Resources and to attend the Deputy Secretary for Tribal Affairs monthly tribal affairs coordination calls and the Governor Office's quarterly tribal liaison calls

c) Deputy Department Tribal Liaison Roles and Responsibilities

Department tribal liaisons may delegate some of their duties to deputy department tribal liaisons; however, all communications and decisions shall include the department tribal liaison. For the departments with deputy department tribal liaisons, the department tribal liaison is required to host monthly coordination calls with their deputy department tribal liaisons.

Deputy department tribal liaisons shall complete their annual California Department of Human Resources tribal consultation training and be trained on this policy and their department's tribal consultation policies.

6) Limitations of this Policy

This policy is intended solely for the employees of CNRA and entities under CNRA and does not extend to other governmental entities, although CNRA encourages cooperation, education, and communication on the part of all governmental entities. This policy is not intended, and should not be construed, to define the legal relationship between CNRA and entities under CNRA and California Native American tribes or tribal communities. This policy is not a regulation, and it does not create, expand, limit, or waive any laws, legal rights, or obligations, nor is it intended to be punitive such that it alters any existing collectively bargained for employment rights or memorandums of understanding between unions and the state.

San Andreas Shellfish Farm Project Description

DRAFT
October 7, 2024

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Introduction

The San Andreas Shellfish Company (SASC) is currently designing and proposing the San Andreas Shellfish Farm (SASF). Approval of the SASF will require documentation under the California Environmental Quality Act as well as approvals from local, state and federal agencies. The purpose of this draft project description is to present the SASF as currently envisioned to inform discussions with stakeholders and agencies, prior to beginning CEQA documentation or submitting regulatory permit applications. During the CEQA documentation and permitting process it is expected that the project may be modified.

Surrounding Land Uses and Setting

Tomales Bay is approximately 24 km long and 1.6 km wide. The Project is on the east side of Tomales Bay, near the bay’s entrance and in between Sand Point and Tom’s Point. The upland area adjacent to the Project is primarily grazed and natural open space. The area within the bay near the Project is primarily used for recreational clamming, fishing, hunting and boating. (Figure 1). Tomales Bay is a complex ecosystem and valuable resource for California and the nation because of its natural resources, aesthetic appeal, recreational opportunities, ecological value and economic activity. Visitors and Marin County residents value Tomales Bay for its natural and anthropogenic attributes. The bay itself is primarily used for recreational boating, swimming, clamming, fishing, hunting and shellfish culture. Small towns are on the shores of Tomales Bay but the area surrounding the bay is predominantly natural and agricultural open space.



Figure 1: San Andreas Shellfish Farm Project vicinity.

Project Description

The following sections provide an overview of the Project, including:

1. Project Scope and Objectives
2. Project Area
3. Species and Culture Methods
4. Draft Best Management Practices and Mitigation Measures

Project Scope and Objectives

The Project objectives are as follows:

- Produce premium seafood for public consumption.
- Create additional job opportunities and sustainable economic development for Marin County and local jurisdictions.
- Culture shellfish and seaweed in a manner that contributes to the value of Tomales Bay's natural ecosystem.

Project Area

SASC proposes to lease from the California Fish and Game Commission an approximately 34.3 acre intertidal area and 4.6 acre subtidal area near the entrance of Tomales Bay (Figures 1 and 2).



Figure 2: San Andreas Shellfish Farm Project culture areas.

Species and Culture Methods

SASC proposes to culture the following species:

- 1) Manila clams, *Venerupis philippinarum*
- 2) Atlantic oysters, *Crassostrea virginica*
- 3) Pacific oysters, *Crassostrea gigas*
- 4) Kumamoto oysters, *Crassostrea sikamea*
- 5) Purple hinged scallops, *Crassadoma gigant*
- 6) European oyster, *Ostrea edulis*
- 7) Olympia oyster, *Ostrea lurida*

- 8) Mediterranean mussel, *Mytilus galloprovincialis*
- 9) Native algae species (for example: red algae, *Gracilaria* spp.)

Table 1 lists the location of the culture methods that will be used and the species that will be cultured with each method.

Table 1. San Andreas Shellfish Farm culture locations, methods and species.

Location	Method	Species
Intertidal	Suspended Long-line / Adjustable Long Line	All oyster species
	Bag on Ground (Clam)	Manila clams
	Bag on Ground (Oyster)	All oyster species
	Rack and Bag / Basket / Tray	All oyster species and Manila clams
Subtidal	Growout Rafts	All oyster species and purple hinged scallops
	Longline Suspended Culture	All oyster species and purple hinged scallop
	Longline Floating Culture	All oyster species
	FLUPSY	All species

Note: algae that colonizes on culture equipment will be harvested.

Table 2 summarizes the anticipated coverage and densities of each of the culture methods.

Table 2. San Andreas Shellfish Farm culture equipment densities.

Method	Estimated Acres	Unit	Units per Acre	% Gear Coverage per Acre	% Area Uncovered
Intertidal Suspended Long-line	16.31	lines	26	18%	82%
Intertidal Bag on Ground (Clam)	4.5	bags	2,475	34%	66%
Intertidal Bag on Ground (Oyster)	4.5	bags	1,238	17%	83%
Intertidal Rack and Bag / Basket	9.0	racks	353	29%	71%
Subtidal Growout Rafts / Wet Storage Rafts	2.11	rafts	15	10%	90%
Subtidal Longline Suspended Culture	0.5	lines	10	5%	95%
Subtidal Longline Floating Culture	1.62	lines	10	5%	95%
Subtidal FLUPSY Rafts	0.34	rafts	12	16%	84%

Equipment Common to Multiple Methods

Following is a description of shellfish enclosure equipment common among multiple culture methods.

Bags – Bag enclosures will be composed of polyethylene mesh pre-fabricated into bags or fabricated to form a semi-flat bag to contain shell stock. Mesh size of the bags will be dependent based on the size-class of the shell stock at any one time. The dimensions of the bags will also vary based on culture method and stage of shell stock growth but will not exceed 2 feet by 3 feet.

Baskets – Basket enclosures are recognized to be manufactured, or similarly fabricated, enclosures similar to the type; SEAPA®, Hexcyl®, Fusion Marine or Zapco. The dimensions of baskets varies but they are typically approximately 30 inches (in) x 12 in x 12 in.

Trays – Trays will consist of manufactured plastic or wire mesh, shallow, open topped baskets. Individual trays will be no larger than 4 ft by 4 ft by 6 inches.

Intertidal Suspended Longline / Adjustable Longline

A primary culture method for the grow-out of oyster species in all intertidal areas will be longline based placement of both baskets and bags (Figures 3, 4 and 5). Long line systems will consist of polyethylene rope, vinyl coated galvanized cable, or large gauge monofilament line with polyethylene sleeve, suspended off the bottom using 2-inch schedule 80 PVC pipe. The pipes will be spaced approximately 10 feet apart. The ends of each longline will be anchored by a helical anchor or galvanized steel post driven into the ground to provide tension and support to the lines.

Individual longlines will be no more than 150 feet long with no more than 50 baskets or bags attached to each longline. Longlines will be arranged in groups of three parallel lines with 5 foot spacing between each line. Each longline group will have at least 20 foot spacing on all sides from other longlines or culture gear. Culture baskets and bags will be held on the lines with plastic or stainless-steel clips. Baskets and bags may or may not have floats attached to assist in the mobility of the culture gear during tidal swings and wave activity that can promote shell growth.



Figure 3: Example of Intertidal Suspended Longline Culture with Bags during a low tide. (Source: <https://www.pangeashellfish.com/blog/the-different-methods-of-growing-oysters>)

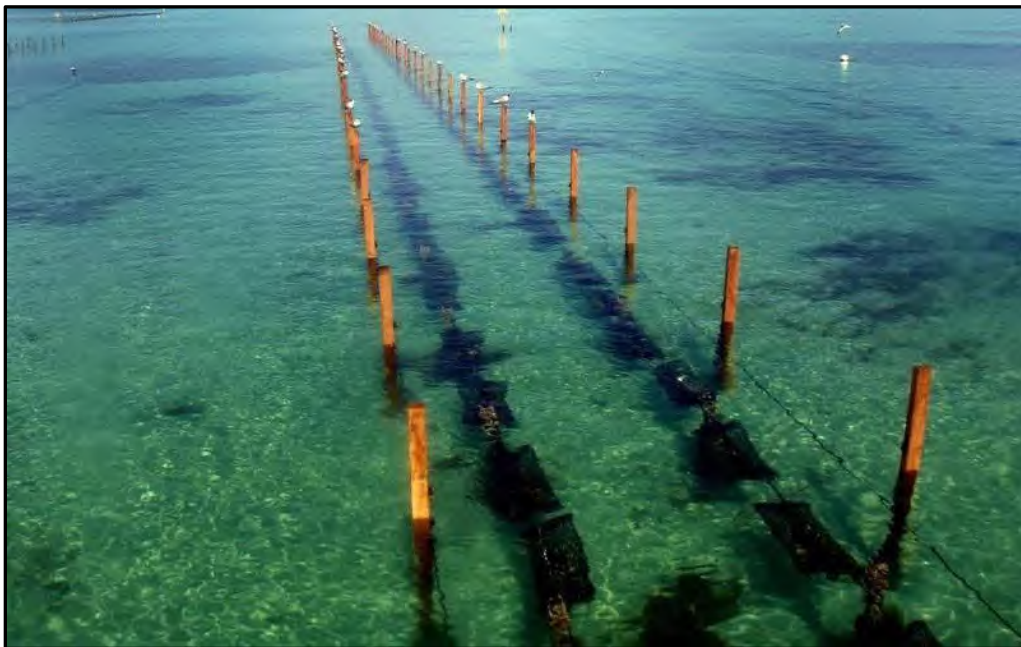


Figure 4. Example of Intertidal Suspended Adjustable Longline Culture with Bags. (Source: <http://www.bstoysters.com>)

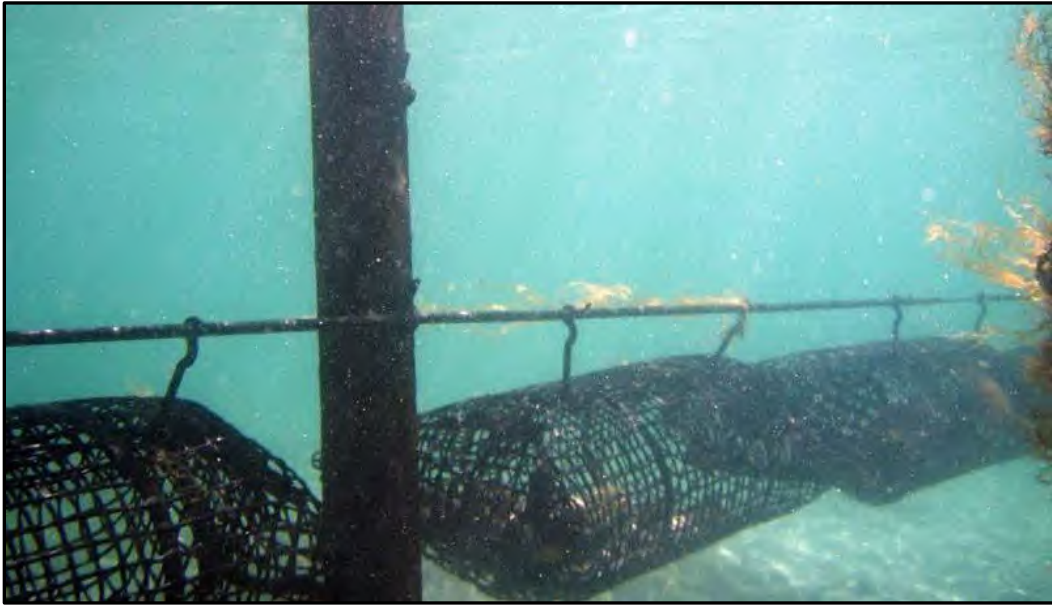


Figure 5. Example of Intertidal Suspended Adjustable Longline Culture with Bags during a high tide. (Source: <http://www.bstoysters.com>)

Intertidal Bag on Ground

Bag-on-Ground culture (Figure 6) will be utilized in instances where occupying the ground surface is necessary to ensure adequate duration to maintain culture gear submergence. This method is not a preferred method based on the concerns of predation, siltation, and ease of operation. Culture gear utilized for this method will consist of ground lines, polypropylene rope, vinyl coated cable, or monofilament strung between ground anchors. Helical anchors, concrete blocks or stakes will be used for anchoring. Each ground line will be no longer than 200 feet long. Culture bags will be tethered to the ground lines every 3-4 feet. Ground lines will be spaced at least eight feet apart from each other. All bottom bags will be affixed to lines secured to the mudflats within the bottom bag cultivation areas.

For oyster culture, up to 65 grow out bags may be attached to each 200 foot line at any time. During operation bags may be flipped back and forth over the ground line to reduce siltation and fouling and maintain preferable conditions for oyster growth.

For clam culture, up to 130 grow out bags may be attached to groundlines limited to 30 feet in length.



Figure 6. Example of Intertidal Bag-on-Ground Culture. (Source: <https://smea.uw.edu>)

Intertidal Rack and Bag / Basket / Tray

The proposed Rack and Bag / Basket / Tray culture method (Figure 7) consists of fabricated 5/8-inch rebar frames with bag culture gear secured flat on top or basket culture gear suspended between the two longest top bars. Each rack will be 3 feet wide by 12 feet long. The height of the racks will vary depending on ground elevation but will not be constructed with heights more than 2.5 feet above the ground surface. The racks will be placed in groups of 12 arranged in two rows of six racks, with at least three foot spacing between each rack. Ten foot spacing will be maintained in all directions between multiple plots, and 20 foot spacing will be maintained between rack culture gear and other culture gear.

Each rack will have up to six 2-foot by 3-foot bags secured flat to the top of the racks by clips, industrial rubber bands, stainless steel or plastic clips, or polyethylene line. Alternatively, basket culture gear will be suspended off of the racks. Up to 4 baskets may be secured to each rack. Baskets will be secured in a similar manner to bags.



Figure 7. Example of Intertidal Rack and Bag Culture. (Source: <http://njseagrant.org>)

Subtidal Growout Rafts

Subtidal grow out rafts (Figure 8) will consist of aluminum and/or timber framed floating structures with dimensions no greater than 25 feet by 12 feet. The rafts are anticipated to maintain approximately 1.5 feet of freeboard above the water surface, and 1 foot of draft unencumbered. Raft framing will mount on to plastic floats on either end of the raft. Area above floats will be covered with plywood. The edge of the plywood will be enclosed with either plywood or chain-link with a minimum 3' height from the water to serve as a bird and seal deterrent. Between the two floats, metal cross bars will span the width of the rafts for securing grow out gear. Grow out gear secured and utilized in the rafts will include baskets, bags, and trays. Suspended gear under the rafts may reach 4 feet below the watersurface.

Raft pairs will be spaced at least 40 feet apart with at least a 20 feet buffer from lease boundaries. The raft pairs will be anchored with helical anchors on opposing ends, and weighted lines tethering them together with 20 foot spacing in between.

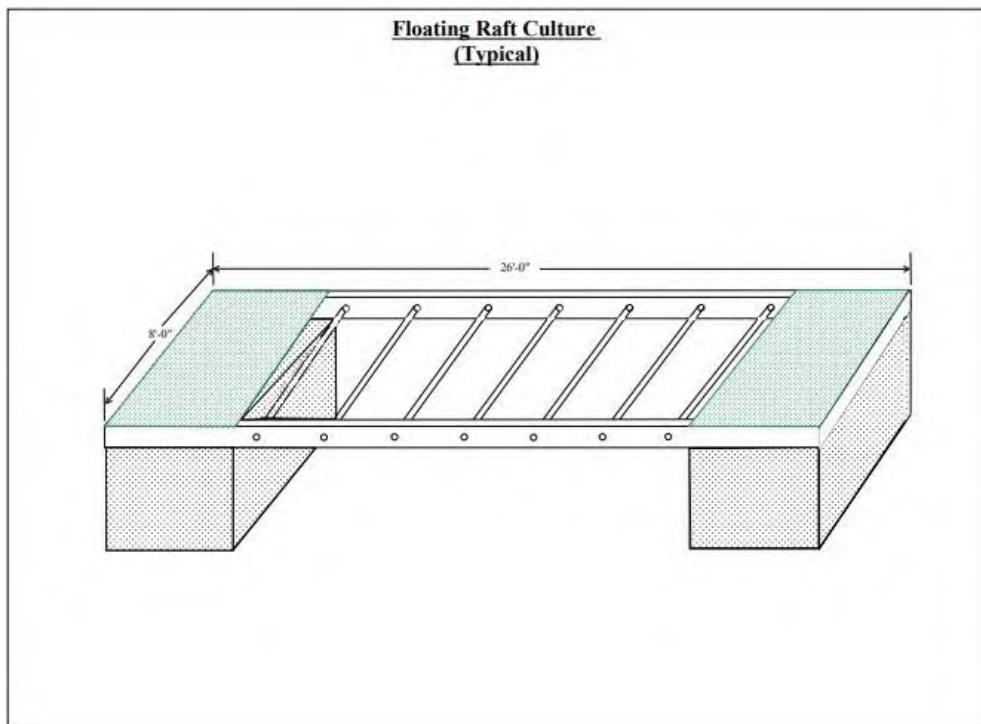


Figure 8. Floating raft culture schematic.

Subtidal Longline Suspended Culture

Subtidal longlines (Figure 9) are also proposed for using suspended baskets and bags. Subtidal longlines will consist of polyethylene rope or polyester cord anchored using helical anchors at

both ends. Floats spaced every 20 feet will suspend the line on the surface. Tethered to the longline between floats will be baskets or bags secured to the long line using metal or plastic clips, or polyethylene line. Baskets and bags may be suspended in the water column using weights to keep them submerged. Submerged baskets/bags will be arranged clusters of no more than 4 stacked units affixed to each other and then secured to the long line by two dropper lines, 2-4 feet in length. Spacing along the longline will be no less than 4 feet. Line lengths will be no longer than 200 feet



Figure 9. Example of Subtidal Suspended Longline Culture with Baskets.
(<https://seapa.com.au>)

Subtidal Longline Floating Culture

Subtidal longlines (Figures 10 and 11) are also proposed for using floating baskets and bags. Longline systems will consist of the same gear deployment as for longline suspended culture. However, baskets and bags will be attached in pairs to the longline with floats secured to each basket/bag to keep the culture gear floating at the surface. Floating baskets/basket pairs will be attached to the longline with no less than 4 foot spacing between each pair. Line lengths will be no longer than 200 feet.



Figure 10. Example of Subtidal Floating Culture. (Source: <https://www.zapcoaquaculture.com>)



Figure 11: Example of Subtidal Floating Culture. (Source: <https://www.zapcoaquaculture.com>)

Subtidal FLUPSY

Floating Upwelling Systems (FLUPSYs) will be used in the initial maturing of seed stock. A FLUPSY is a floating raft structure designed to create an increased flow rate of seawater through screened bins holding seed stock. The system uses a paddle wheel or propeller to move water through the system to create an upwelling current of water through each of the seed containing bins. The seed containing bins are constructed with less than 2 millimeter size screen. The proposed FLUPSY structure will be constructed of aluminum and composite material with poly-encapsulated floats. Each FLUPSY will be no larger than 25 feet by 45 feet with a 6-foot draft and 1 to 3 feet of free board above the waterline. The Project proposes up to 2 FLUPSYs for use in culturing all proposed species. FLUPSYs will be either solar or tidal powered. Each FLUPSY will be moored to at least two helical anchors, one at each end, to maintain the rafts position. Seed stock sorting will be done using a series of hand-held screens, and the largest oysters and clams will be brought to other lease areas for further grow-out.

Algae Cultivation

Commercial use of algae for consumption, personal care products, laboratory use, as well as decorative use, is a growing industry. While specific algae cultivation is not a current focus of operations, San Andreas does propose to commercially use algae species, in particular *Gracilaria* spp. which has been observed in the proposed areas and naturally seed and grow on shellfish culture gear. There are potential ecological benefits of maintaining diverse structure in the culture area.

Facilities and Equipment

Marine Vessels

Up to 4 vessels will be used as part of the SASF operations. Vessels utilized for operations are anticipated to be of the Carolina Skiff type with wide beam, shallow draft and large open working decks. Vessels will be used for transferring culture gear and shell stock to and from the various lease areas and conducting limited shell stock handling when sorting and preparing shell stock for sale. Vessels will also be used for transferring market ready shell stock to land for transfer to vehicles for transport. Vessels will be no larger than 30 feet in length and propelled with standard outboard engines. All vessels (including rafts) will adhere to state regulations regarding the identification of commercial vessels. Bird netting and shade canopies will be installed in working areas of vessels to provide sun protection and prevent bird roosting. Vessel routes are designed to avoid eelgrass habitat and marine mammal haul out areas and are shown in Figure 12.



Figure 12. Vessel routes that will be used to access culture area.

Operation Platforms

Operation platforms will have two small, shed structures with solid wooden walls and corrugated roofs – one for a restroom area and one for equipment storage. These structures and shade canopies will extend approximately nine feet above the decking. Floatation will be provided by air filled polyethylene barrels and expanded polystyrene foam filled dock floats. The floating work platforms will be anchored in place in depths of roughly 10 to 25 feet with two to three helical anchors or weighted mooring blocks. Power on the platforms will be provided by a gasoline generator. Sorting will be assisted by an electric tube sorter/tumbling machine and two large tables used to wash and sort oysters by size. Cultivation bags will be brought to the raft and opened to remove the oysters. They will be placed directly into the tube sorter or sorting table for processing. Shell stock will be sorted by size, those that require additional grow-out will be placed back in their cultivation areas. Those that are mature, will be packaged for sale and transported to shore. Packaging of oysters will be carried out on a platform through the use of an automatic bagger machine powered by electricity and compressed air. Once packaged, the shell stock will be brought directly to shore or placed within a submerged wet storage enclosure on the work platform. The work platform will also be used to store commonly used equipment such as bottom bags, PVC posts, tools, and storage containers and as a break area for personnel.

Wet Storage Rafts

Wet storage rafts will be of similar design and dimension as grow out rafts described in Section 3.8. Operation of the rafts will function for the temporary storage of market mesh bags, grow out bags, and grow out baskets, containing cultured shellfish prior to the transport to market. The wet storage rafts will be anchored in the subtidal lease areas. Bags and baskets of market ready shellfish will be temporarily secured to the rafts to maintain submergence and ensure fresh condition.

Floating Operations Raft / Vessels

In addition to the transportation vessels described above, up to two semi-stationary vessels will be used as centers for processing operations, sorting, washing, and packaging shell stock during the various stages of culture operations and to assist in the deployment and retrieval of culture gear. These raft/vessels will be fabricated using an aluminum style pontoon boat structure, or in a similar design to FLUPSYs with the option of maneuverability by attaching a motor, or towing. As such the rafts will be mobile, with outboard engines, to position the rafts in operationally convenient locations throughout the lease area to support particular activities. At least one raft will be designed to maneuver over the floating rafts to lift culture cages or other gear with a crane/winch onboard. Both are anticipated to have sorting and washing facilities on board. Sorting facilities will consist of a series of table surfaces with grates and screens to facilitate sorting shell stock. In addition to these facilities, a prefabricated motor driven sorting machine may be utilized on the deck of the rafts. Integral with the sorting facilities, a washing system will be set up to use seawater to wash shell stock prior to market to remove any sediment, algae growth, or other natural debris from the shell stock. Power to equipment will be supplied by generator, batteries, or both. The rafts will be no larger than 40 feet long with a 20 foot beam. The rafts may also have a roof covering all or a portion of the deck, to provide cover and temporary storage space. Rafts will have permanent helical

moorings, but will also utilize Danforth anchors to temporarily anchor the rafts in positions throughout the subtidal culture areas.

Navigational Marking

SASC limited the extent of the subtidal lease area to approximately ½ the width of the deep water channels in the region; occupying the eastern halves. This leaves an approximate 75-foot minimum channel width for boater navigation, with much of the remaining channel width greater than 100 feet. The placement of floating culture gear in the eastern half of the channels will provide additional delineation of the channel assisting in safe navigation by recreational and other boaters. Improving channel navigation for other users could also help limit accidental impacts to eelgrass beds and other resources caused by errant boaters.

All markings of the lease gear and facilities will conform with the US Coast Guard (USCG) requirements for marking of aquaculture lease area corners, gear and vessels. All buoys will be of adequate size and clearly marked. All vessels will maintain marking and identification lighting to conform with USCG requirements.

Operations

Operations will generally follow the stages and activities listed in this section during regular operations after facilities have been established. Operation stages include:

- 1) Seed sourcing
- 2) Initial shell stock grow out in FLUPSY or Floats (as necessary)
- 3) Shell stock sorting
- 4) Transfer of suitable size class shell stock to grow out locations
- 5) Shell stock sorting and harvest
- 6) Shell stock transfer to market, transfer to floating temporary wet storage for subsequent transfer to market, or transfer back to grow out areas

Seed Sourcing

San Andreas Shellfish will secure shellfish seed by purchasing it from licensed seed supply vendors or through natural seeding from native / naturalized populations in the marine environment. For example, natural seeding of mussels and algae species on the culture gear is expected to occur.

FLUPSY Initial Grow-out

Seedstock that requires further growth prior to placement in grow-out areas will be placed in FLUPSY bins for initial grow-out. Operation of the FLUPSY rafts will consist of daily visits to ensure proper operation, conduct maintenance and check the size of seed stock. FLUPSY bins will be regularly cleared of any fouling organisms and material. Regular maintenance of the seed stock will consist of screening and grading to maintain consistent size classes. All washing and sorting of seed stock and FLUPSY equipment will use water from the lease area. Following use, bins and screens will be washed to remove fouling materials. Equipment may be moved to locations off the bay to ensure desiccation and remove fouling organisms.

Grow Out to Market size

After sorting of seed, shell stock that has reached adequate size for grow-out, will be transferred to grow-out equipment in the intertidal or subtidal areas. Once placed, the grow-out equipment will be visited at least quarterly, with more frequent inspection occurring as shell stock reaches maturity to check growth rates and condition for sorting and harvesting. The full period of grow-out will be dependent on species, location in the lease area and water conditions.

Sorting

Periodic sorting will be required of all cultivated species to maintain consistent size classes in relation to expected harvesting cycles. During sorting, grow-out bags and baskets will be emptied and individual shell stock will be re-allocated to appropriate size class grow-out equipment. Shell stock deemed undesirable will be removed offsite, recycled when possible or disposed.

Harvesting

Once shell stock reaches a harvestable size, the culture equipment will be transferred to the operations raft. Once on the raft the shell stock will be removed from the culture equipment and sorted. Marketable shell stock will be cleaned and packaged for market, or placed on the wet storage raft. Shell stock that has not reached market size may be transferred back to grow-out equipment or may be disposed.

Draft Best Management Practices and Mitigation Measures

SASC has identified the following potential best management practices and mitigation measures to implement as part of culture operations. It is expected that these may be modified, reduced and/or expanded on during the Project's environmental documentation and permitting process.

Pollution Control

Waste Management and Litter/Debris Removal Plans

San Andreas Shellfish Company will develop both a Waste Management Plan which encompasses how waste materials will be disposed of during operations and a Litter and Debris Removal Plan, which will describe periodic cleanup efforts within the region. Implementation practices of the plans will be part of regular employee training. The Waste Management Plan will give particular attention to management of gear not in use so as to avoid the generation of "legacy" waste gear.

Culture Gear & Materials

San Andreas Shellfish Company will strive to utilize gear types designed for longevity and avoid gear prone to degradation (e.g., foam floats and certain plastics). Single use materials which constitute potential marine debris nuisance will also be avoided when possible. Documentation will be made to gears expected life span so that replacement of gear will be possible before it can become marine debris.

Culture gear will be tagged or otherwise marked to distinguish it as originating from and belonging to SASC, as feasible. Marked gear will include: all shell stock containing equipment, buoys,

harvesting and sorting gear, and other operational support gear. Examples of gear which is not feasible for marking include clips, ropes and lines, anchors, posts and hand tools.

Equipment Design and Maintenance

Maintenance of operational equipment where there is a potential for the release of hazardous materials (oils and fuels) will be conducted at a site off the water where control and containment of hazardous materials can be ensured to prevent release to water bodies. Disposal of all hazardous materials will conform to state disposal requirements.

Biofouling Maintenance

San Andreas Shellfish Company will attempt to maintain the culture gear and area to be free of known non-native and/or biological nuisance organisms. This process will be conducted as part of regular maintenance operations. Personnel will be trained to recognize undesired organisms and the proper methods to remove, contain, and dispose of these organisms to limit the potential for spread.

Waste Shell Stock

Waste shell stock that is removed from the lease area will be desiccated to eliminate potential for the transfer of undesirable biological organisms. Following desiccation, waste shell stock will be transferred to other entities for use, transported to a landfill, or used for on-land agriculture practices. Waste shell stock will not be returned to Tomales Bay.

Environmental Protection

Environmental Education Program

San Andreas Shellfish Company will implement an internal education program to ensure employees recognize and address environmental concerns and implement best management practices to ensure environmental and public resources are protected. This program will follow the format of a health and safety plan, and will include new employee environmental orientation, weekly tailgate meetings, and maintaining weekly environmental checklists.

Eelgrass Habitat Protection

The following potential impact types to eelgrass habitat could result due to the Project:

- Siting of culture gear/practices on existing eelgrass habitat.
- Shading of eelgrass habitat through the placement of culture gear in adjacent areas.
- Direct impacts to eelgrass habitats inside and outside the lease area through Project activities such as impacts from boat propellers.

The following measures will avoid eelgrass impacts.

Eelgrass Protection Measure 1. Leases are located such that they avoid existing eelgrass beds. Where there is eelgrass within a lease, it will be avoided through Eelgrass Protection Measure 2.

Eelgrass Protection Measure 2. Prior to placement of culture equipment, eelgrass mapping will be conducted consistent with methods described in the California Eelgrass Mitigation Plan (NMFS 2014). Culture equipment will not be located within 30-feet of mapped eelgrass.

Eelgrass Protection Measure 3. All boat traffic will be confined to recognized channels where eelgrass is not present.

Seal Haul Out Protection

In development of the Project the lease areas have been established to provide a minimum 300 foot distance from recognized seal haul outs. During operations, boat transit will maintain this 300 foot distance from occupied seal haul outs.

Marine Debris Reduction and Management

San Andreas Shellfish shall carry out operations consistent with the following marine debris reduction and management practices:

Storm Damage and Debris. As soon as safely and reasonably possible following storm or severe wind or weather events, SASC shall patrol all of its active cultivation areas for escaped or damaged aquaculture equipment. All equipment that cannot be repaired and placed back into service shall be properly recycled or disposed of at an appropriate onshore facility. In addition, SASC shall retrieve or repair any escaped or damaged aquaculture equipment that it encounters while conducting routine daily and/or monthly maintenance activities associated with shellfish culture (e.g. bed inspections, shellfish harvest and planting). If the escaped equipment cannot be repaired and replaced on the shellfish bed, it shall be properly recycled or disposed of on land.

Gear Marking. SASC shall mark shellfish culture bags (bottom bags, floating bags and hanging bags), baskets, and floats in an easily identifiable manner with identification information including its company name. Markings shall be securely attached and robust enough to remain attached and legible after an extended period in the marine environment (e.g. heat transfer, hot stamp, etching, etc.). SASC shall use crab floats (or similarly robust and durable buoys/floats) for culture activities.

Marine Debris Reduction Training. SASC shall implement an employee training regarding marine debris issues, including how to identify culture equipment or associated materials (marking stakes, support posts, longlines, label tags, clasps, etc.) that are loose or at risk of becoming loose, proper gear repair methods, and how to completely remove gear from out-of-production areas. Particular focus shall be placed on management and maintenance practices to reduce the loss of any gear type that is frequently lost or consistently found during bay cleanup and inspection activities. This training shall be repeated on an annual basis. During trainings, SASC's employees shall be encouraged to consider and implement field and management practices that reduce the amount of small plastic gear (such as zip-ties, tags and fasteners) and non-biodegradable material (such as PVC stakes and nylon or polypropylene rope) used in its operations.

Cleanup Events. SASC shall carry out quarterly cleanup events in Tomales Bay in coordination with other interested parties or organizations. Cleanup events shall include walking different portions of

the bay and shorelines to pick up escaped shellfish gear and other trash, regardless of whether it was generated by the Project. The volume and type of shellfish gear collected and the cleanup location (marked on a map) and duration of cleanup activity shall be recorded and documented in an annual report. If persistent discoveries of certain gear types are made, SASC shall evaluate (and if feasible, implement use of) alternative gear types or practices that will reduce these consistent sources of debris.

Ongoing Operations. SASC shall not leave or temporarily store tools, loose gear, or construction materials on its leased tidelands or surrounding areas. All aquaculture gear installed on and in use in active cultivation sites shall be kept neat and secure and maintained in functional condition. SASC shall carry out regular bed inspections and maintenance activities to help ensure that broken, collapsed, fallen, or buried gear is fixed or removed in a timely manner.

Bed Cleaning at Harvest. At the time of harvest of each cultivation area, SASC will carry out a thorough inspection to locate and remove loose, abandoned or out of use equipment, tools, and accumulations of shellfish from the surrounding substrate. Shells shall not be intentionally placed or deposited within the lease outside of cultivation gear, and shellfish and shells accidentally spilled during cultivation or harvest will be immediately collected and removed.

Wildlife Disturbance

During vessel transit, harvest, maintenance, inspection, and planting operations, SASC will avoid approaching, chasing, flushing, or directly disturbing shorebirds, waterfowl, seabirds, or marine mammals.

Water Intake System Design

All water intake systems used by SASC to supply water from Tomales Bay for maintenance or shellfish cleaning, sorting or washing shall be designed with intake screens designed consistent with California Department of Fish and Wildlife and National Marine Fisheries Service guidelines for protection of juvenile salmonids by having: (a) mesh openings of no more than 3/32 inches; and (b) a maximum intake water velocity of 0.33 feet per second.

Discharge of Materials

SASC shall not intentionally dispose of or release any equipment or waste, including lines, buoys, cultivation bags, baskets, fasteners and other equipment, or living or dead shellfish, shells, or non-native fouling organisms into the marine environment. All biofouling organisms and biological materials removed during oyster cleaning, sorting, and packing operations shall be collected and disposed of at an appropriate upland facility.

Hazardous Material Spill Prevention and Response Plan

SASC shall develop a Project specific Spill Prevention and Response Plan (SPRP) for work vessels, barges, and gasoline powered machinery that will be used during Project installation and operational activities. SASC and its personnel shall be trained in, and adhere to, the emergency procedures and spill prevention and response measures specified in the SPRP during all Project

installation and operations. The SPRP shall provide for emergency response and spill control procedures to be taken to stop or control the source of spills and to contain and clean-up spills. The SPRP shall include, at a minimum: (a) identification of potential spill sources and quantity estimates of a Project specific reasonable worst-case spill; (b) identification of prevention and response equipment and measures/procedures that will be taken to prevent potential spills and to protect marine and shoreline resources in the event of a spill; (c) a prohibition on vessel fueling/refueling activities outside of designated fueling stations and limitation on equipment refueling to no more than five gallons, carried out with spill prevention and response protocols in place; and (d) emergency response and notification procedures, including a list of contacts to call in the event of a spill.

References

NMFS (National Marine Fisheries Service). 2014. California Eelgrass Mitigation Policy and Implementing Guidelines [online report]. NMFS, West Coast Region. Available at: https://www.cakex.org/sites/default/files/documents/cemp_oct_2014_final.pdf (accessed on October 4, 2024).

**California Fish and Game Commission and
California Department of Fish and Wildlife**
**Criteria and Framework for Evaluating if a
New State Water Bottom Lease is in the Public Interest**

**as approved by the Commission on August 23, 2023
September 29, 2023¹**

This document provides evaluation criteria to support a California Fish and Game Commission (Commission) public interest determination, as required by California Fish and Game Code (FGC) Section 15400, prior to issuing a state water bottom lease for aquaculture purposes. The criteria and evaluation framework were approved by the Commission following several workshops and conversations with agency partners, industry members, environmental non-governmental organizations and the Marine Resources Committee (MRC).

At the March 2023 MRC meeting, MRC requested that Commission staff work with the Department to revise the second draft public interest determination criteria, presented at the November 2022 MRC meeting, into a third and proposed final draft. MRC directed staff to restructure the draft criteria as a framework for evaluating if a lease is in the public interest as recommended by staff, develop options for the Commission public interest determination process, and bring a final proposal to the July 2023 MRC meeting for potential MRC recommendation.

At the July 2023 MRC meeting, the MRC directed Commission staff to work with various stakeholders to refine the public interest criteria for potential approval at the August Commission meeting based on input during the meeting. This document provides the final proposed draft of criteria and a high-level overview of their use within the leasing process. A process diagram is provided in a separate document.

Overview of Public Interest Evaluation Criteria

An analysis to support a determination by the Commission of whether a state water bottom lease is in the public interest is structured around a series of criteria, divided into two categories: “Requirements”, which limit or constrain lease locations or activities by statute, regulation, or other lease entitlements, and “Considerations”, which include a suite of potential impacts or concerns, and potential benefits for the Commission to weigh in making a determination of public interest.

Requirements Criterion

Evaluation of requirements is based on a single criterion:

¹ Note: Document updated following approval to: (a) correct wording in Considerations Criteria 2 from “impingement on” to “impeding of” for consistency with statute; (b) add additional references to footnote 8 under Consideration Criteria 3 inquiries for clarity; (c) add missing word “mitigate” in footnote 8 consistent with CEQA; and (d) clarified references to the state aquaculture action plan under 1.a. and Commission coastal fishing communities policy under footnote 10 as being “once adopted.”

1. Legality under existing laws, regulations or entitlements related to aquaculture.

Evaluation of the requirements criterion is structured around a series of related inquiries that are binary in nature and, therefore, can be objectively assessed by staff.

Considerations Criteria:

The considerations criteria consist of a broader list of environmental, social, economic and cultural factors that may be reasonably anticipated for consideration during the planning, evaluation, and decision-making process. The factors are divided into six criteria:

1. Compatibility with state aquaculture policy standards.
2. Social, cultural, and/or economic impeding of access for public uses or other interests, or tribal uses.
3. Degree of threat to environmental protection, ecosystem sustainability goals, and public trust values
4. Best management practices measures.
5. Potential environmental benefits.
6. Potential social, cultural, or economic benefits.

Evaluating the considerations criteria is structured around a series of related inquiries to explore the potential impacts or benefits of each unique lease application. The answers to inquiries associated with these criteria are not proposed to be used in a prescriptive way, but rather are intended to inform staff review of any lease application's specific facts and staff's associated recommendations, and the Commission's eventual discretionary determination.

Evaluating the considerations criteria requires in-depth analyses, including those conducted pursuant to CEQA review; thus, the evaluation cannot be completed prior to CEQA. Consequently, evaluating these criteria is proposed to occur after CEQA environmental and cultural analysis and supplemental social and economic analyses. However, the criteria are expected to serve as a guide in pre-application lease design and siting, and during the application process to inform public discussion and CEQA review.

Initial Review: Requirements Criteria

Following Commission receipt of a new lease application, an initial review and confirmation of lease requirements will be completed by staff to determine if lease requirements are met under a single criterion with seven corresponding inquiries.

Legality under Existing Laws and Regulations Related to Aquaculture

This criterion verifies that any location or proposed culture species or method would not be illegal under any relevant state or federal law, regulation, or legal entitlement or existing lease agreement. Information sources for evaluating this criterion include California State Lands Commission (CSLC), the Department, the Native American Heritage Commission, and the California Department of Public Health (CDPH).

Inquiries:

1. Lease is located in an area that is certified by the California State Lands Commission as unencumbered and available for aquaculture use².
2. Lease area avoids areas used by the public for digging clams, as designated by CDFW³.
3. Lease is not located within designated areas or jurisdictions that prohibit aquaculture.
4. Lease is not located in an area where it will adversely impact previously identified Native American cultural resources, as identified by the Native American Heritage Commission.
5. Lease does not propose finfish aquaculture in state waters.⁴
6. Lease area is compatible with activities occurring within administrative kelp bed designations.⁵
7. *For products cultivated for human consumption only:* Lease is not sited in areas with *unresolvable* risks to public health as defined by the California Department of Public Health in compliance with the National Shellfish Sanitation Program.⁶

Recommended actions:

- If all requirements are met, the Commission will direct staff to advance the application to MRC and Tribal Committee (TC) for review and commence CEQA an in-depth analysis, which will contribute information to support evaluation of the considerations criteria.
- If any requirements are not met, consideration of the application is concluded. An applicant may reapply if deficiencies in the requirements are addressed.
- Staff will report the outcome of the requirements evaluation at the next regularly scheduled Commission meeting. Note that if the requirements are met, advancement to MRC and TC can precede the outcome report at the next Commission meeting.

² T14, CCR, Section 237(b)(3).

³ FGC Section 15401.

⁴ FGC Section 15400(b).

⁵ T14, CCR, Section 165.5.

⁶ This is independent from any required certificates, licenses, permits, and registrations issued by CDPH that must be pursued by an aquaculturist subsequent to lease approval.

Final Review and Evaluation: Considerations Criteria

A final evaluation of lease public interest is supported by analyses conducted pursuant to CEQA and supplemental evaluation by Department staff based on six criteria and corresponding inquiries.

1. **Compatibility with State Aquaculture Policy Standards**

This criterion considers any activities or methods that conflict with state aquaculture policy. Information sources for evaluating this criterion include the Department and other partner agencies.

Inquiries:

- a. Are proposed lease activities, culture methods, and species compatible with the State aquaculture action plan (once adopted)?

2. **Social, Cultural, and/or Economic Impeding of Access for Public Uses or Other Interests, or Tribal Uses**

This criterion considers locations that would interfere with public access to state waters or commercial or recreational uses. Information sources for evaluating this criterion include the Department, CSLC, California Coastal Commission, United States Coast Guard, industry members, and stakeholders.

Inquiries:

- a. Would the lease unreasonably impede public access to state waters, waterfronts, or fishing grounds for purposes of commercial and/or recreational fishing and harvesting, commerce, or coastal recreation, including documented high-use vessel routes, shipping lanes, or navigation channels?⁷
- b. Would the lease unreasonably impede tribal access to state waters for the purpose of exercising customary hunting, gathering, and fishing rights (e.g., as afforded by exemptions to marine protected area restrictions)?

⁷ FGC Section 15411.

3. Degree of Threat to Environmental Protection, Ecosystem Sustainability Goals, and Public Trust Values

This criterion considers the degree of impact of the lease (including the location, culture species, or methods) on the environment and/or the ecosystem and explores whether the lease would impede the ability of the ecosystem to function properly. Information sources for evaluating this criterion include CEQA⁸, the Department, and National Marine Fisheries Service Office of Protected Resources consultation.

Inquiries:

- a. Does the lease propose use of culture methods, chemicals, feeds, or materials known to cause significant environmental degradation?
- b. Do lease activities include culture of any species at any location where it has been determined, based on best available science, it would be detrimental to adjacent native wildlife?⁹
- c. What is the risk that the lease would unreasonably interfere with, or significantly impact the ability of the site and surrounding areas to support ecologically significant flora and fauna and the ecosystem services they provide, including blue carbon sequestration and wetland migration as sea levels rise, or to achieve ecological goals of overlapping or adjacent marine protected areas?⁸
- d. Is the lease sited to avoid impacts to areas within recognized sensitive habitats (including biogenic habitat such as eelgrass)?^{8,10}
- e. Is the lease sited to avoid impacts to special-status species, including species with a threatened or endangered designation-or species protected under Marine Mammal Protection Act, or Migratory Bird Treaty Act?⁸
- f. Does the lease propose culture of any non-native species not currently cultured in California waters? If so:
 - i. Are any of the non-native species documented to be invasive?

⁸ Note: CEQA measures to avoid, minimize, or mitigate significant impacts would be relevant to this evaluation and other inquiries reliant on CEQA review.

⁹ FGC Section 15102 is a provision for potential Department action (generally applies after lease issuance and can be applied as an adaptive management tool at any time within a lease area). The Department currently does not have a list of pre-determined locations where an aquaculture operation or cultured species would be detrimental to adjacent native wildlife; however, if the Department formally determines these designations, this consideration inquiry should be added to the Requirement criterion. In addition, information sources for this inquiry may include determinations by other agencies.

¹⁰ Note: This inquiry can be adaptively managed as more information is released from emerging science, such as studies that indicate specific measures that avoid impacts to or support eelgrass (e.g., compatibility of specific gear types, harvesting methods, or culture depths). In the interim, the Commission generally takes a precautionary approach.

- ii. Does the proposal demonstrate the culture practices will not be detrimental to native fish and wildlife consistent with the Commission's Introduction of Non-Native Species Policy?¹¹

4. Best Management Practices Measures

This criterion considers methods and measures that would reduce the leases environmental impact on local species and the surrounding habitat. Information sources for evaluating this criterion include CEQA and the Department.

Inquiries:

- a. Does the proposed lease include measures to:
 - i. Avoid and/or minimize the risk of marine life entanglements?
 - ii. Prevent introduction, transmission, and/or spread of invasive species, pathogens, disease, and pests?
 - iii. Prevent, minimize, clean up, and monitor marine debris?
 - iv. Maintain regular inspections of infrastructure and culture activities, keep infrastructure in good repair, address any damaged or lost cultivation materials within specified time frames, and report on gear and infrastructure conditions?
 - v. Meet minimum planting and harvesting requirements per acre?¹²
 - vi. Account for any potential environmental or logistical challenges associated with the lease location (e.g., depth and trampling or vessel scouring of eelgrass, proximity to seabird and shorebird rookeries and avoidance of rookery habitat loss or bird disturbance, proximity to marine mammal haul-outs, proximity to river run-off or seasonal siltation events, vessel transit routes, etc.)?

5. Potential Environmental Benefits

This criterion includes any potential benefits or adaptation strategies to the local environment. Information sources for evaluating this criterion include CEQA and the Department.

Inquiries:

- a. Would lease activities contribute environmental benefits, such as habitat creation, nutrient uptake or filtration, species recovery, supporting ecologically significant flora, or other ecosystem services?
- b. Would lease activities advance mitigation, adaptation strategies, and/or climate resilience such as blue carbon sequestration or reducing carbon footprint ("food miles")?

¹¹ Commission Policy on the Introduction of Non-native Species

¹² T14, CCR, Section 237.

- c. Would lease activities contribute to collaborative monitoring and/or academic research efforts that enhance scientific knowledge and/or inform adaptive management?

6. Potential Social, Cultural, or Economic Benefits

This criterion includes any potential benefits that would positively affect local, regional and/or statewide communities. The information source for evaluating this criterion is the Department.

Inquiries:

- a. What employment and other economic opportunity would lease activities provide to the state and surrounding community?
- b. Would lease activities provide fresh, locally-sourced product, benefiting California food security, and/or supplement wild-harvested supplies?
- c. Would lease activities help increase native fish stocks or enhance commercial and recreational fishing?
- d. Would approval of the proposed lease align with Commission goals for equitable access to leasing?¹³
- e. Would lease activities help to educate the public about aquaculture practices and/or the local environment through activities such as public tours or informational boards?
- f. Does the lease application:
 - i. Have cross-interest community support?
 - ii. Seek to align with coastal fishing community goals reflected in the Commission's policy¹⁴, including enhancing availability and stability of shoreside infrastructure?

Recommended actions:

- Request the Department evaluate the inquiries in consultation with other state, federal and tribal agencies, where relevant; highlight areas of uncertainty or unmitigated impacts; and develop a public interest recommendation.
- Deliver recommendations to MRC and TC for potential committee recommendations for Commission consideration.
- Commission consider evaluations and recommendations, along with public input, in making its public interest determination.

¹³ Includes the [Commission's Policy on Justice, Equity, Diversity, and Inclusion](#)

¹⁴ As defined in the Commission's Policy on Coastal Fishing Communities, once adopted

- If the Commission determines that the lease is in the public interest, then the application may be considered for approval.
- If the Commission does not determine that the lease is in the public interest, consideration of the application is concluded.

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

**Application for State Water Bottom Lease:
Staff Evaluation of Aquaculture Lease Requirements in Support of
Public Interest Determination**

***Proposed Project: San Andreas Shellfish Company Application for
State Water Bottom Lease in Tomales Bay, California***

October 28, 2024

The California Fish and Game Commission (Commission) has the authority to lease state water bottoms to any person for the purpose of conducting aquaculture in marine waters of the State, under terms agreed upon between the Commission and the lessee (California Fish and Game Code sections 15400 and 15405). Prior to approving any lease, the Commission must determine the lease is in the public interest (Fish and Game Code subdivision 15400(a)).

At its August 2023 meeting, the Commission approved an evaluation framework, “Criteria and Framework for Evaluating if a New State Water Bottom Lease is in the Public Interest.” The evaluation framework is comprised of inquiries to help consistently evaluate lease applications to support a determination by the Commission if a state water bottom lease for aquaculture purposes is in the public interest. The framework is structured around a series of criteria divided into two categories: “Requirements” and “Considerations.” Requirements include items that limit or constrain aquaculture lease locations or activities by statute, regulation, or other lease entitlements. Considerations include a suite of potential impacts or concerns, and potential benefits for the Commission to weigh in making a determination of public interest.

Requirements Review

Any application for a new aquaculture lease must undergo an initial review and confirmation of the lease requirements criterion before advancing to further environmental, public, and Commission review. Commission and California Department of Fish and Wildlife (CDFW) staffs jointly evaluate a proposed project relative to the requirements category to confirm a lease application meets the requirements by answering a series of seven inquiries.

Commission and CDFW staffs have completed the requirements review of the state water bottom lease application submitted by San Andreas Shellfish Company (version dated October 7, 2024) and determined that the requirements criterion has been met. This document presents the Commission and CDFW staff’s findings for the set of seven inquiries.

Requirements Criterion

The evaluation of requirements is based on a single criterion:

- *Legality under existing laws, regulation or entitlements related to aquaculture.*

Evaluation of the requirements criterion is structured around a series of seven related inquiries that are binary in nature and, therefore, can be objectively assessed by staff.

Inquiries and Findings

1. ***Lease is located in an area that is certified by the California State Lands Commission as unencumbered and available for aquaculture use¹.***

Finding: Confirmed. The California State Lands Commission notified CDFW and Commission staffs that the proposed lease area is unencumbered (via letter received September 9, 2024).

2. ***Lease area avoids areas used by the public for digging clams, as designated by CDFW².***

Finding: Confirmed. CDFW assessed the location and notified staff that the proposed lease area avoids designated clamming areas (via email received October 25, 2024).

3. ***Lease is not located within designated areas or jurisdictions that prohibit aquaculture.***

Finding: Confirmed. Commission staff reviewed spatial management data and confirmed that the area is not located within state marine protected areas, other state marine managed areas, protected areas that prohibit aquaculture, or within state or federal submerged lands that prohibit aquaculture.³

4. ***Lease is not located in an area where it will adversely impact previously identified Native American cultural resources, as identified by the Native American Heritage Commission.***

Finding: Confirmed. The Native American Heritage Commission completed a sacred lands file search for the proposed project and the results were negative (letter received September 11, 2024).

5. ***Lease does not propose finfish aquaculture in state waters.⁴***

Finding: Confirmed. The project description does not propose finfish aquaculture.

6. ***Lease area is compatible with activities occurring within administrative kelp bed designations.⁵***

Finding: Confirmed. The proposed lease is compatible with activities within administrative kelp bed designations, as determined by CDFW (via email received October 25, 2024).

¹ California Code of Regulations, Title 14, subsection [237\(b\)\(3\)](#).

² California Fish and Game Code, Section [15401](#).

³ [MarineBIOS](#) (accessed 10/01/2024) and California Code of Regulations, Title 14, Section 632.

⁴ California Fish and Game Code, subdivision [15400\(b\)](#).

⁵ California Code of Regulations, Title 14, Section [165.5](#).

7. Lease is not sited in areas with unresolvable risks to public health as defined by the California Department of Public Health in compliance with the National Shellfish Sanitation Program⁶ (products cultivated for human consumption only).

- *Finding:* Confirmed. California Department of Public Health confirmed to CDFW the proposed area is not sited in an area with unresolvable risks to public health (October 8, 2024).

Conclusion

The evaluation confirms that all requirement inquiries have been met and, thus, the lease application from San Andreas Shellfish Company is being advanced to the next steps in the Commission’s leasing process.

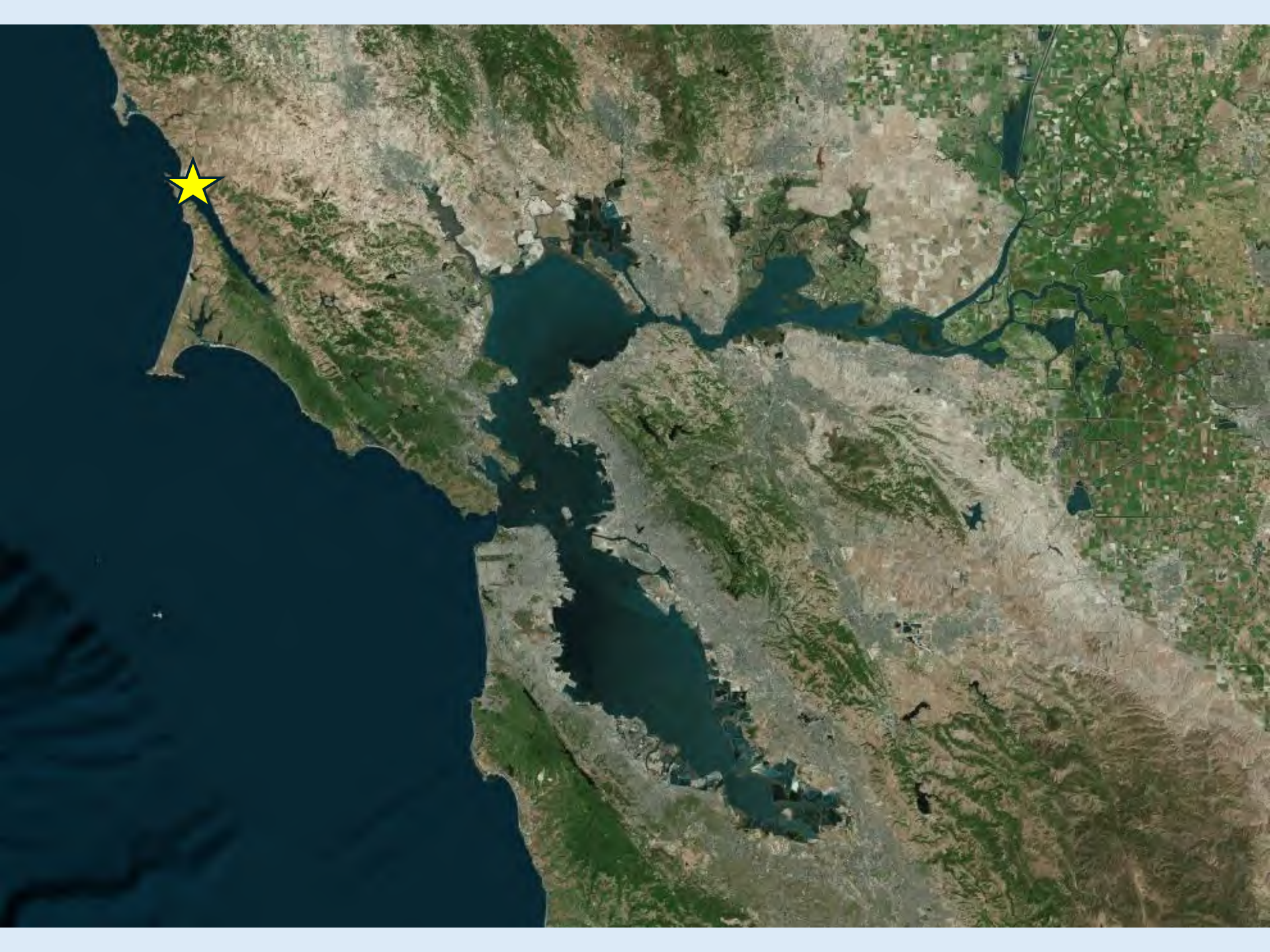
⁶ This inquiry and finding is independent from any required certificates, licenses, permits, and registrations issued by the California Department of Public Health that must be pursued by an aquaculturist subsequent to lease approval.

San Andreas Shellfish Farm

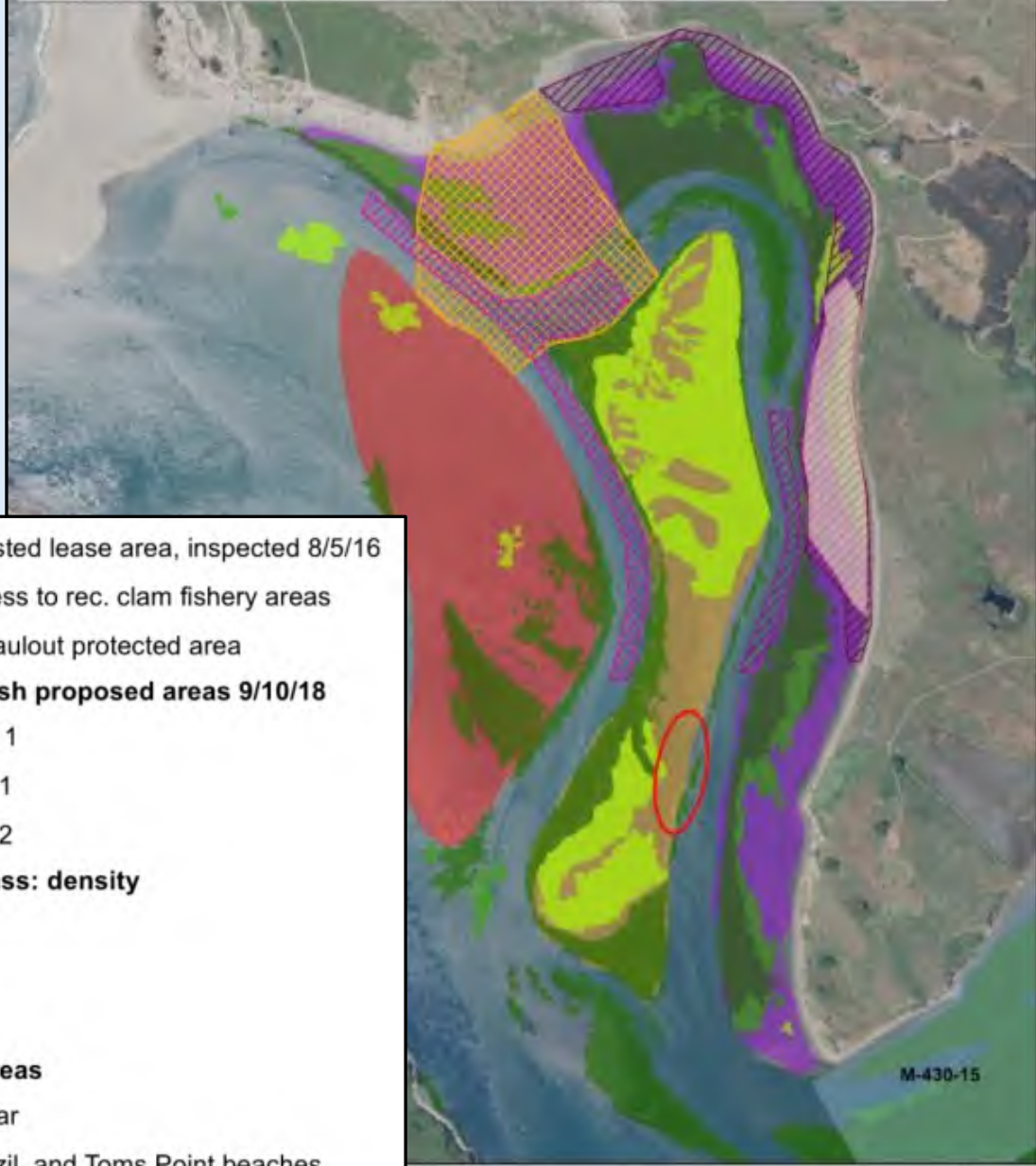
California Fish and Game Commission


Tribal Committee


December 10, 2024




Proposed San Andreas Shellfish lease:
Eelgrass, recreational clamming, and other potential spatial conflicts




 CDFW suggested lease area, inspected 8/5/16


 High-use access to rec. clam fishery areas

 Harbor seal haulout protected area

San Andreas Shellfish proposed areas 9/10/18


 Intertidal Area 1

 Subtidal Area 1

 Subtidal Area 2


2017 GFNMS Eelgrass: density


 5-20%


 20-40%

 40-100%

Rec. clam fishery areas

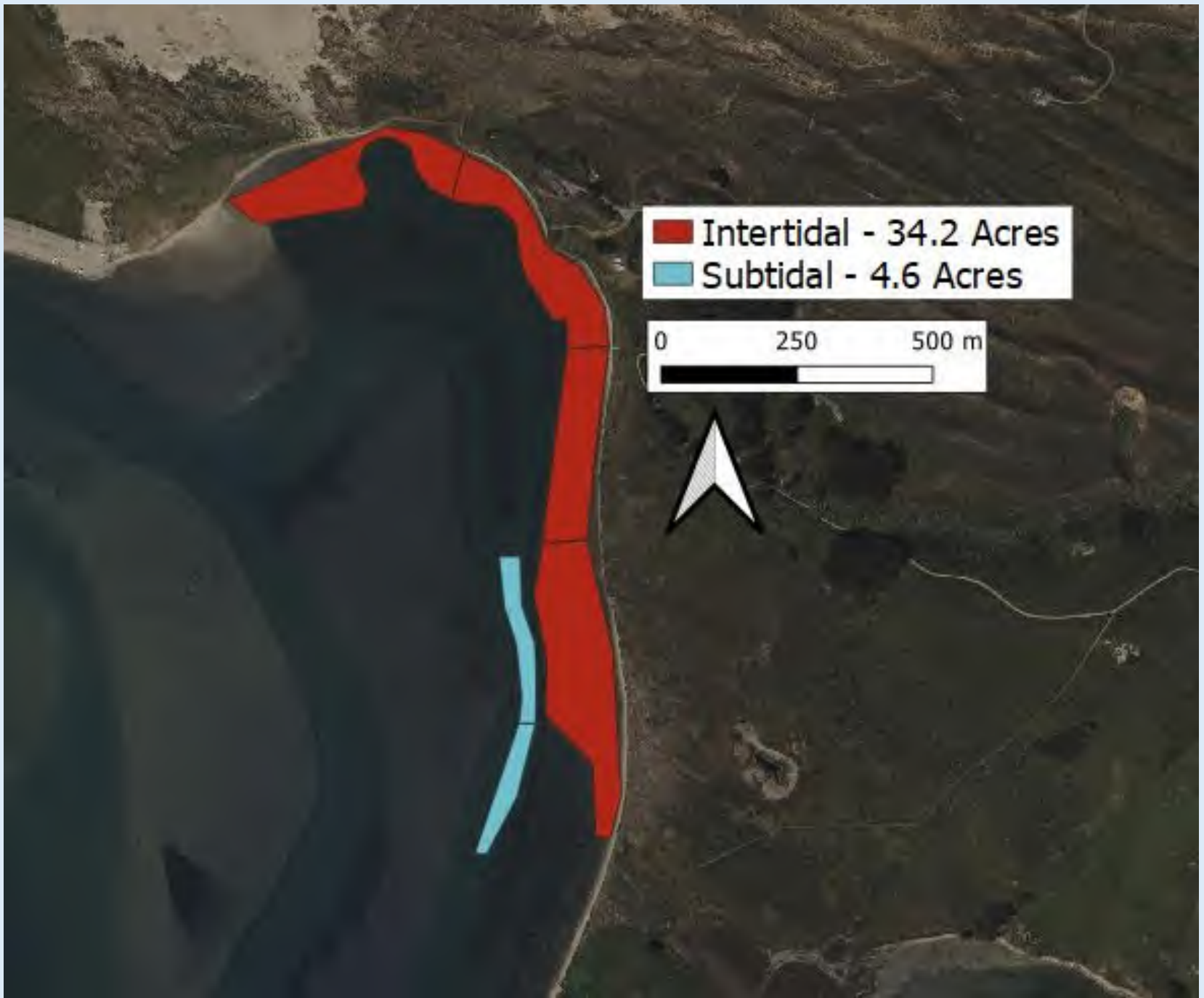
 Clam Island bar

 Lawsons, Brazil, and Toms Point beaches

 Seal Island bar

0 0.125 0.25 0.5 Miles





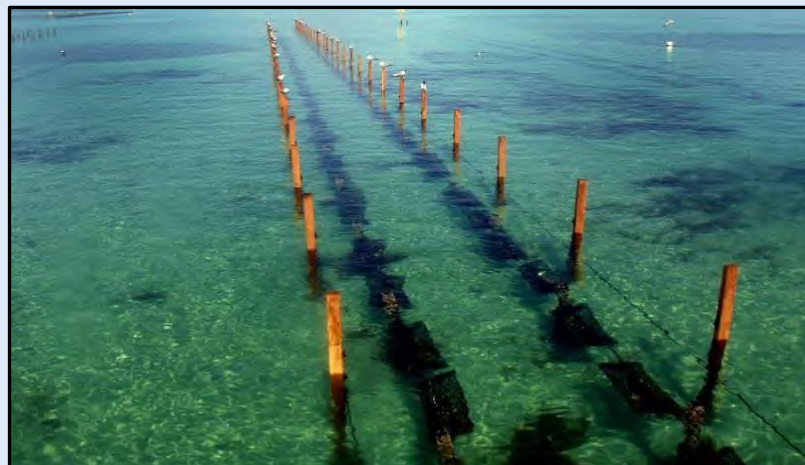
Proposed Species

- Manila clams, *Venerupis philippinarum*
- Atlantic oysters, *Crassostrea virginica*
- Pacific oysters, *Crassostrea gigas*
- Kumamoto oysters, *Crassostrea sikamea*
- Purple Hinged Scallops, *Crassadoma gigantea*
- Mediterranean mussels, *Mytilus galloprovincialis*
- European Oysters, *Ostrea edulis*
- Olympia Oysters, *Ostrea lurida*
- Native Algae Species (e.g., red algae (*Grasilaria spp.*))

Culture Methods

- Intertidal Suspended Long-line / Adjustable Long Line
- Intertidal Bag on Ground
- Intertidal Rack and Bag / Basket
- Subtidal Grow Out Rafts
- Subtidal Longline Suspended Culture
- Subtidal Longline Floating Culture
- Subtidal Floating Upwelling System (FLUPSY)
- Algae Cultivation

Intertidal Suspended Long-line / Adjustable Long Line



Intertidal Bag-on-Ground



Intertidal Rack and Bag / Basket



Subtidal Longline Suspended Culture



Subtidal Longline Floating Culture



Subtidal Grow Out and Wet Storage Rafts

- Aluminum or timber framed structures.
- 25' x 12' maximum.
- Baskets, bags or trays suspended below rafts.

Subtidal Floating Upwelling System (FLUPSY)

- Nursery rafts with a paddle wheel or propeller that actively moves water through system.

Algae

- Harvested from culture equipment where it naturally grows.

Next Steps

- Initiate CEQA process
 - Draft Initial Study – Public Review
 - AB-52 Consultation

Thank you!



Process Overview for Vetting Application for New Aquaculture Lease

Applicant: San Andreas Shellfish Company

November 6-7, 2024

Marine Resources Committee
California Fish and Game Commission

Kimi Rogers
Environmental Scientist
California Fish and Game Commission

Today's Overview



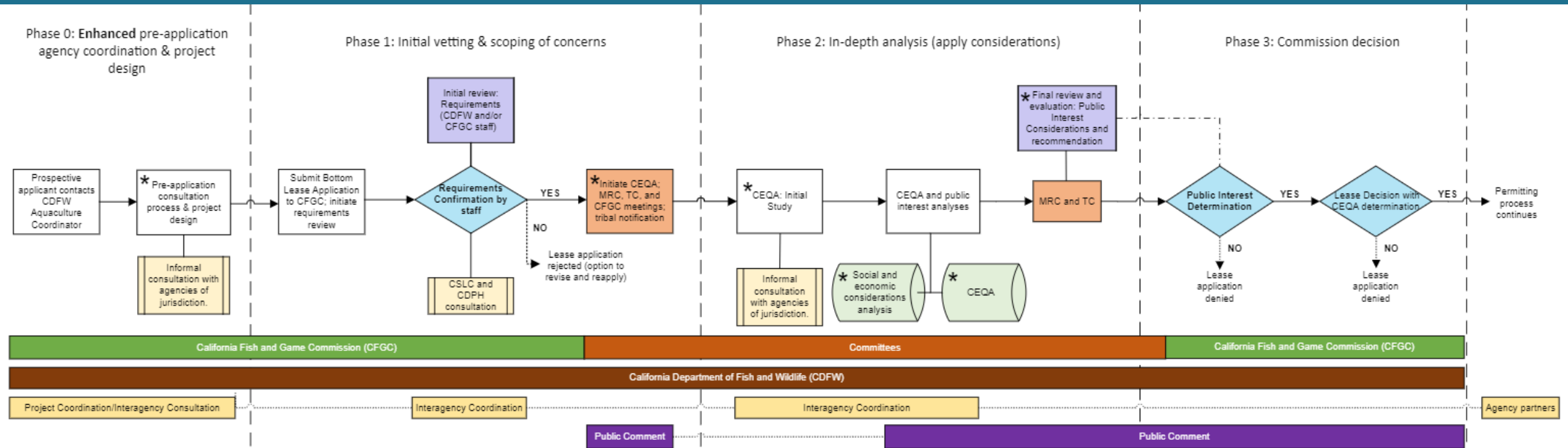
- Introduction to application
- Enhanced leasing process recap
- Integrating applicant into new process
- Today's goals
- Next steps

San Andreas Shellfish Company's (SASC) Application



- 2017: Submitted application
- 2019, 2021: Resubmitted application twice
- 2022-2023: Application paused during development of public interest evaluation criteria and enhanced leasing process
- 2024: Criteria and enhanced leasing process approved; Application resumed

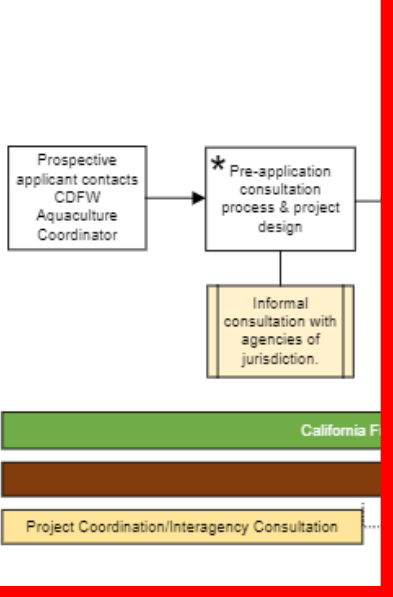
Enhanced Leasing Process



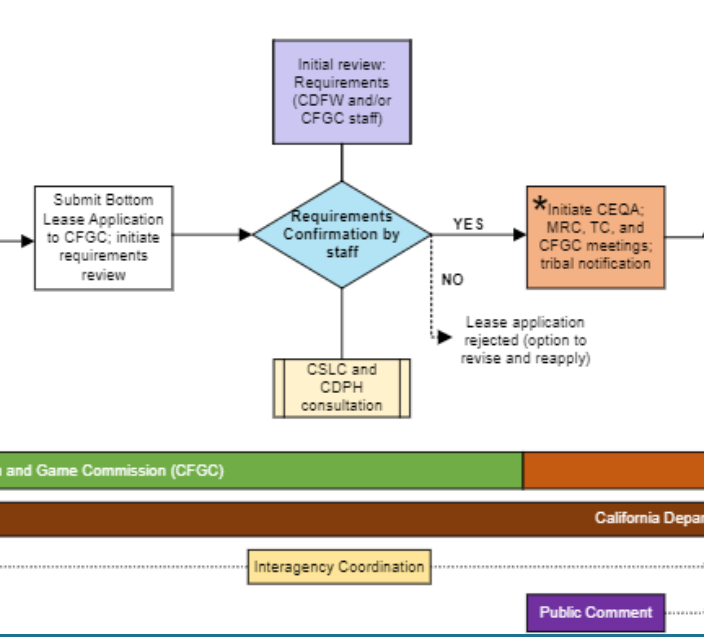
Enhanced Leasing Process



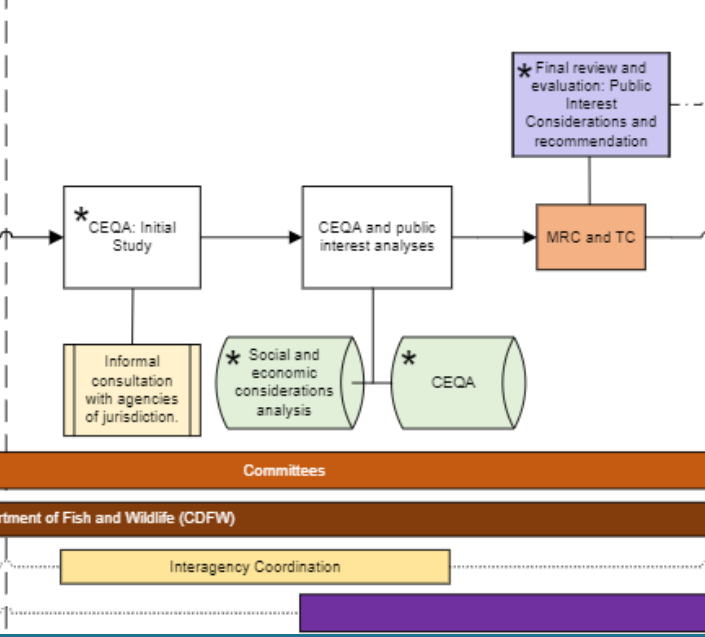
Phase 0: Enhanced pre-application agency coordination & project design



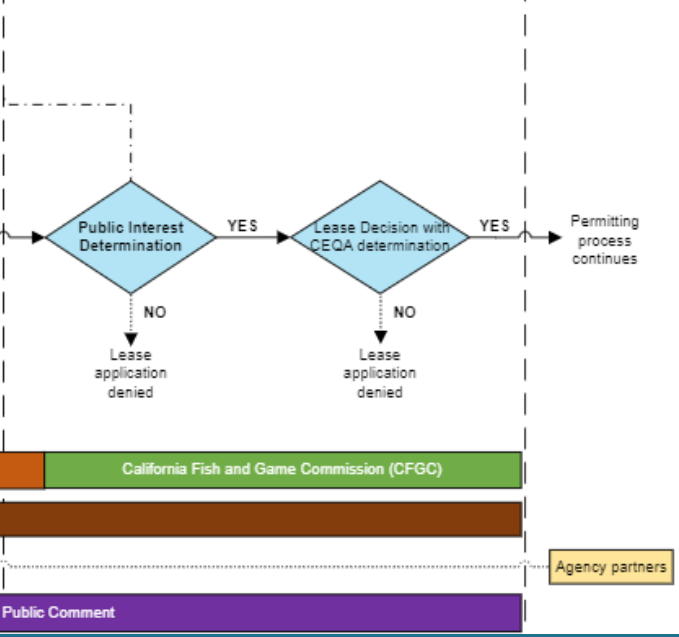
Phase 1: Initial vetting & scoping of concerns



Phase 2: In-depth analysis (apply considerations)



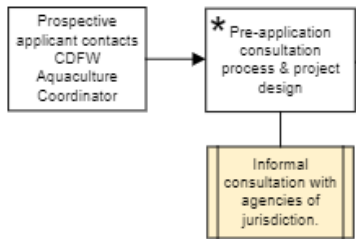
Phase 3: Commission decision



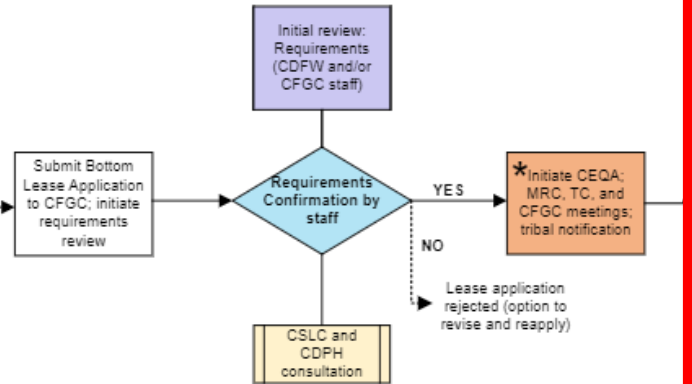
Enhanced Leasing Process



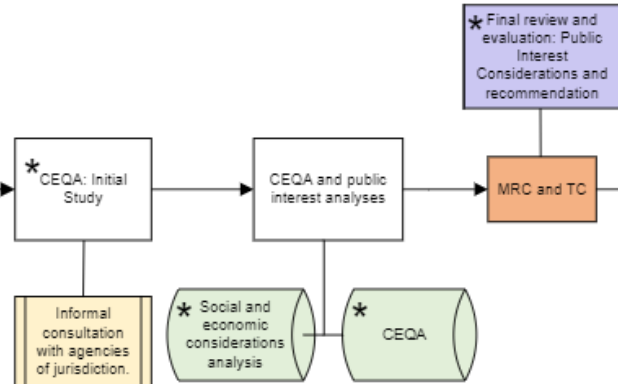
Phase 0: Enhanced pre-application agency coordination & project design



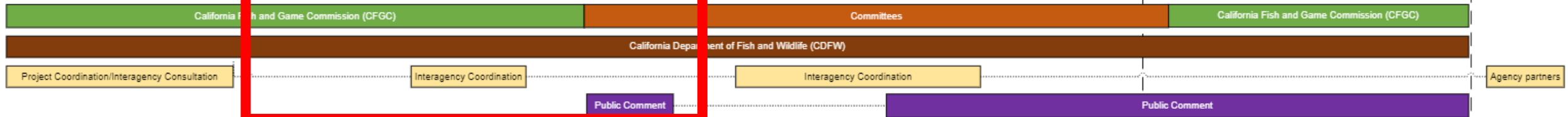
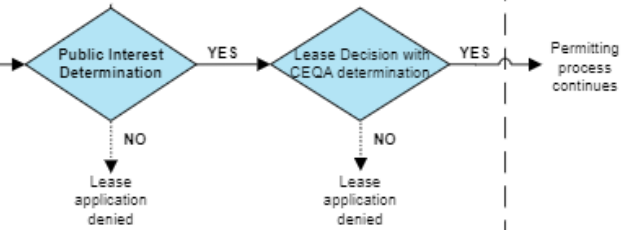
Phase 1: Initial vetting & scoping of concerns



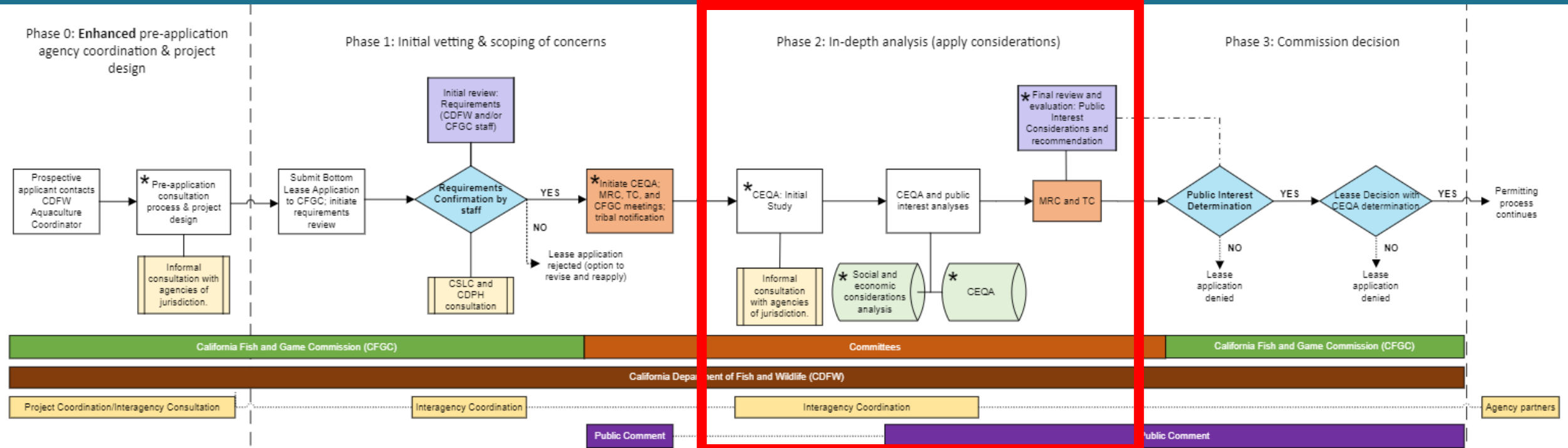
Phase 2: In-depth analysis (apply considerations)



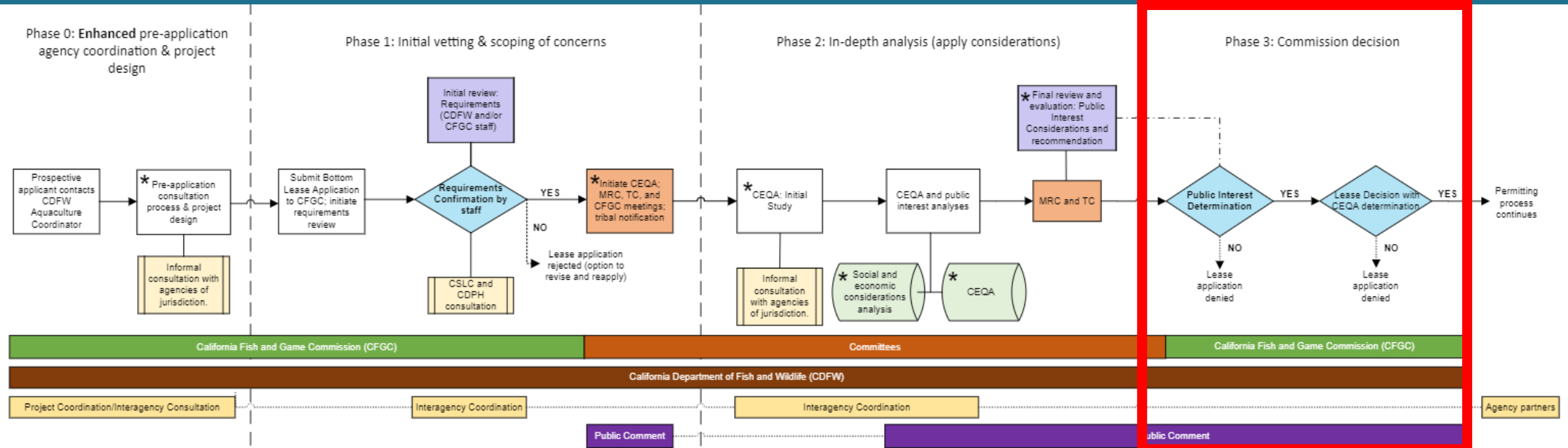
Phase 3: Commission decision



Enhanced Leasing Process



Enhanced Leasing Process



Public Interest Evaluation Criteria



Requirements

- *Legality under existing laws and regulations related to aquaculture*

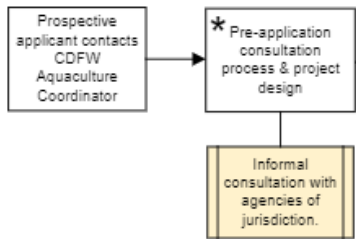
Considerations

- *Environmental, social, economic and cultural factors that may be reasonably anticipated for consideration during the planning, evaluation, and decision-making process*

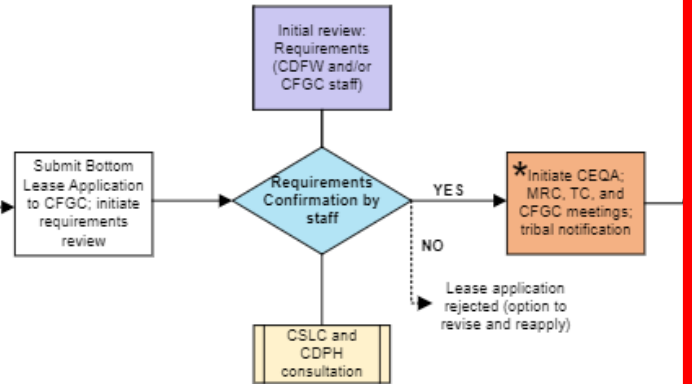
Enhanced Leasing Process



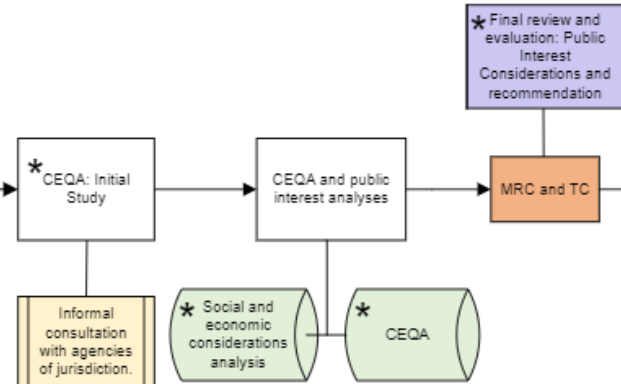
Phase 0: Enhanced pre-application agency coordination & project design



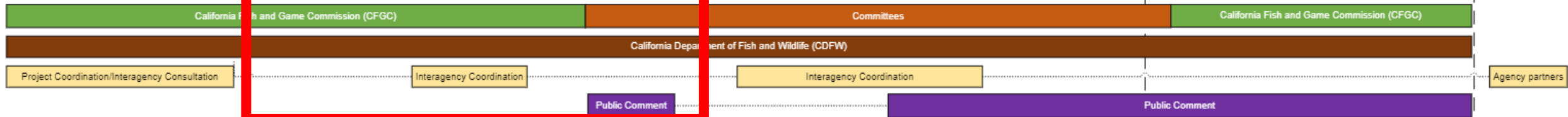
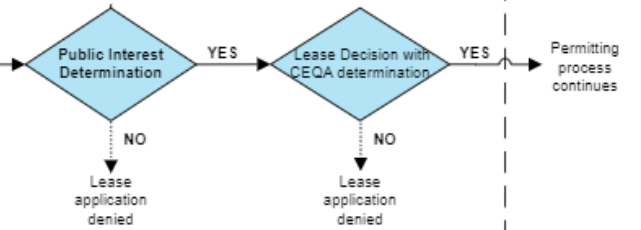
Phase 1: Initial vetting & scoping of concerns



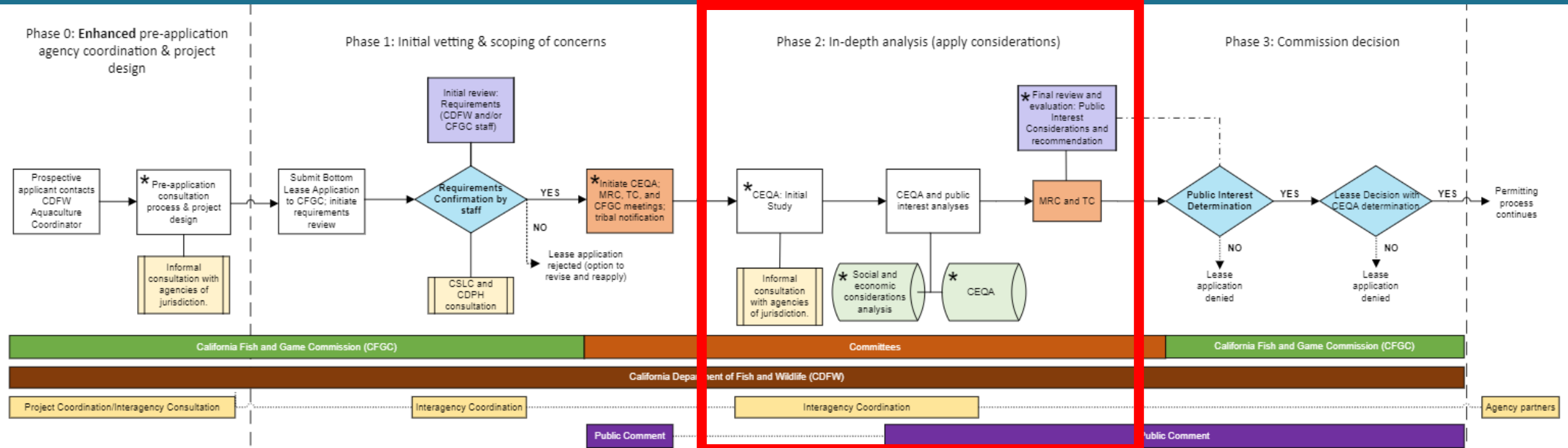
Phase 2: In-depth analysis (apply considerations)



Phase 3: Commission decision



Enhanced Leasing Process





Integrating SASC's Application into the Enhanced Leasing Process



Phase 0: Enhanced Pre-Application Agency Coordination & Project Design

Phase 0: Enhanced pre-application agency coordination & project design



Interagency Coordination

Goals



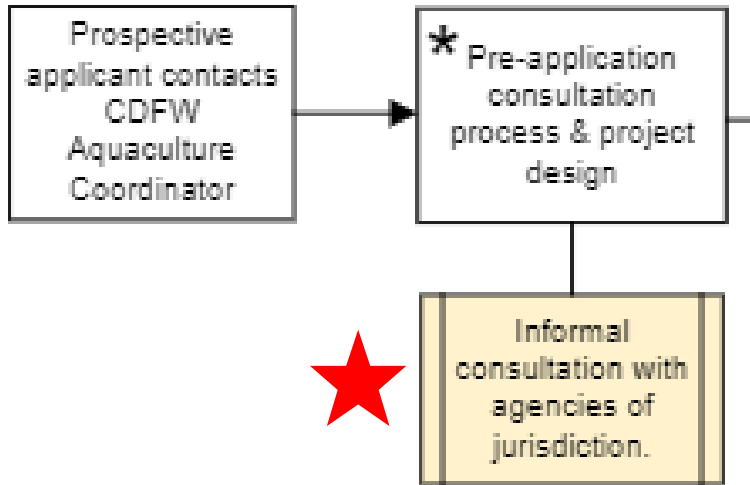
- Providing applicant guidance



- Enhanced governance



- Ensuring adequate CEQA analysis



California

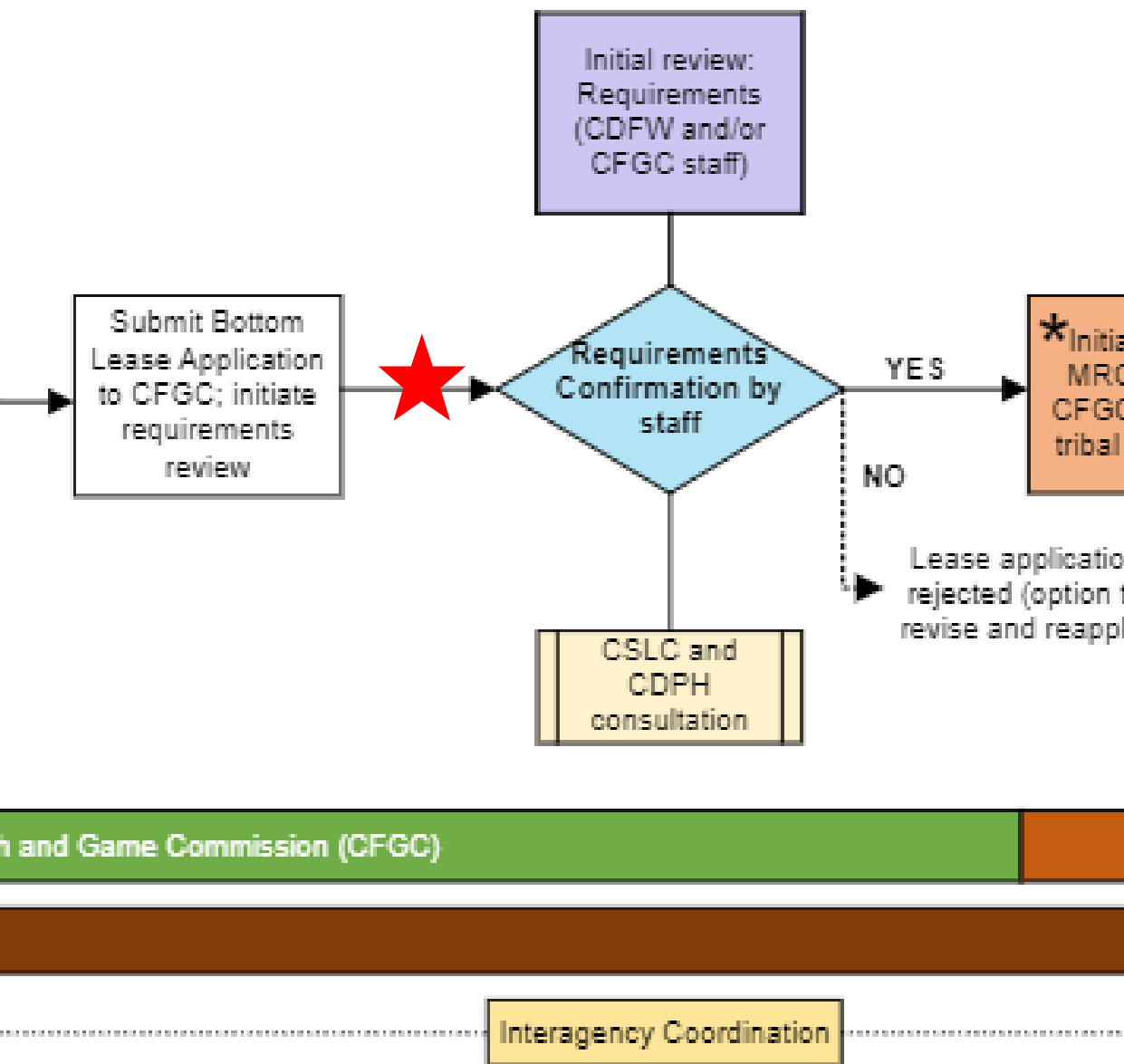
Project Coordination/Interagency Consultation



Phase 1: Initial Vetting & Scoping of Concerns



Phase 1: Initial vetting & scoping of concerns



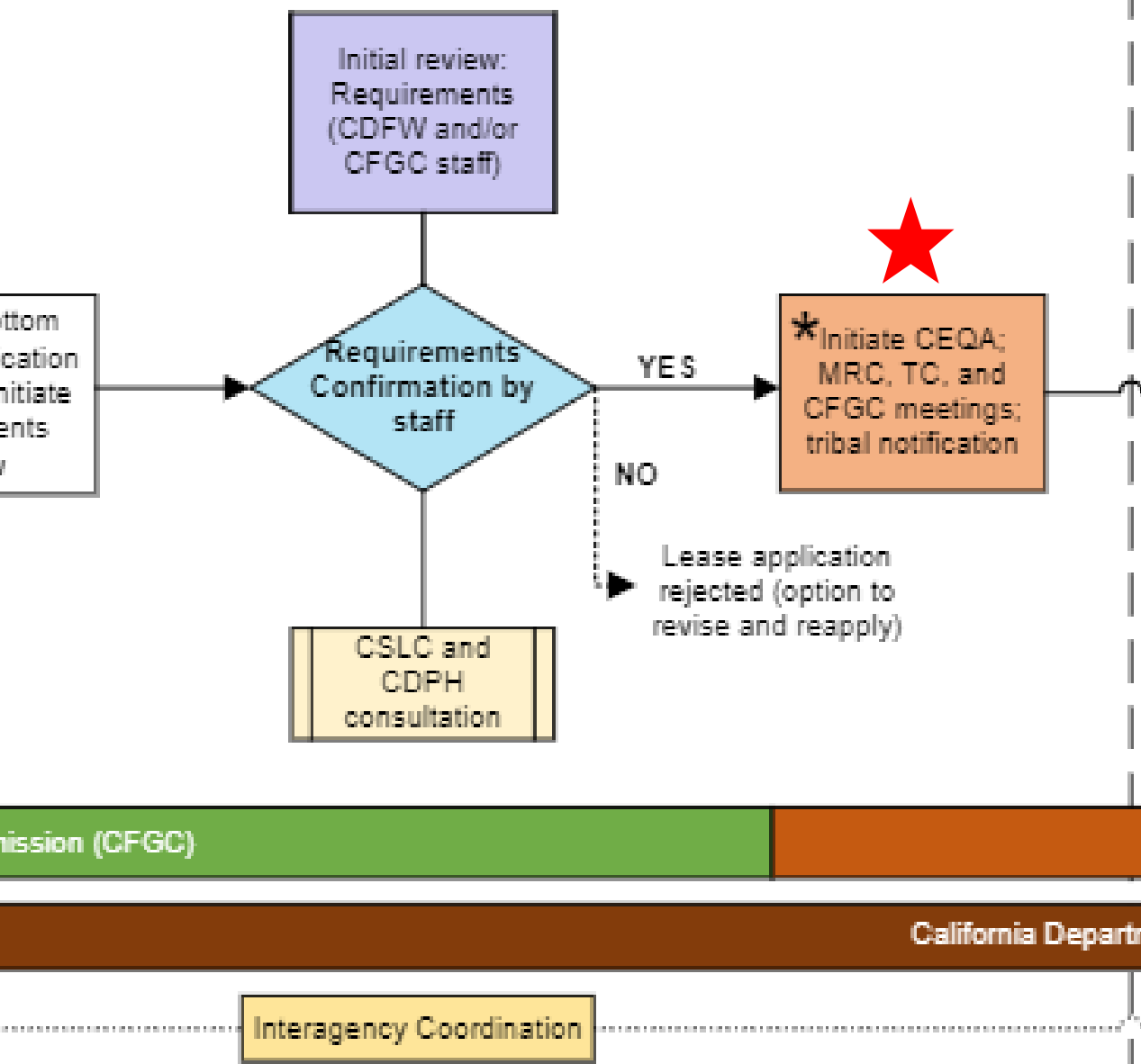
Public Interest Review: Part 1

Requirements

- *Legality under existing laws, regulation or entitlements related to aquaculture*
- Requirements confirmed (Exhibit 3)



Phase 1: Initial vetting & scoping of concerns



Tribal Notification and Initiate Public Vetting

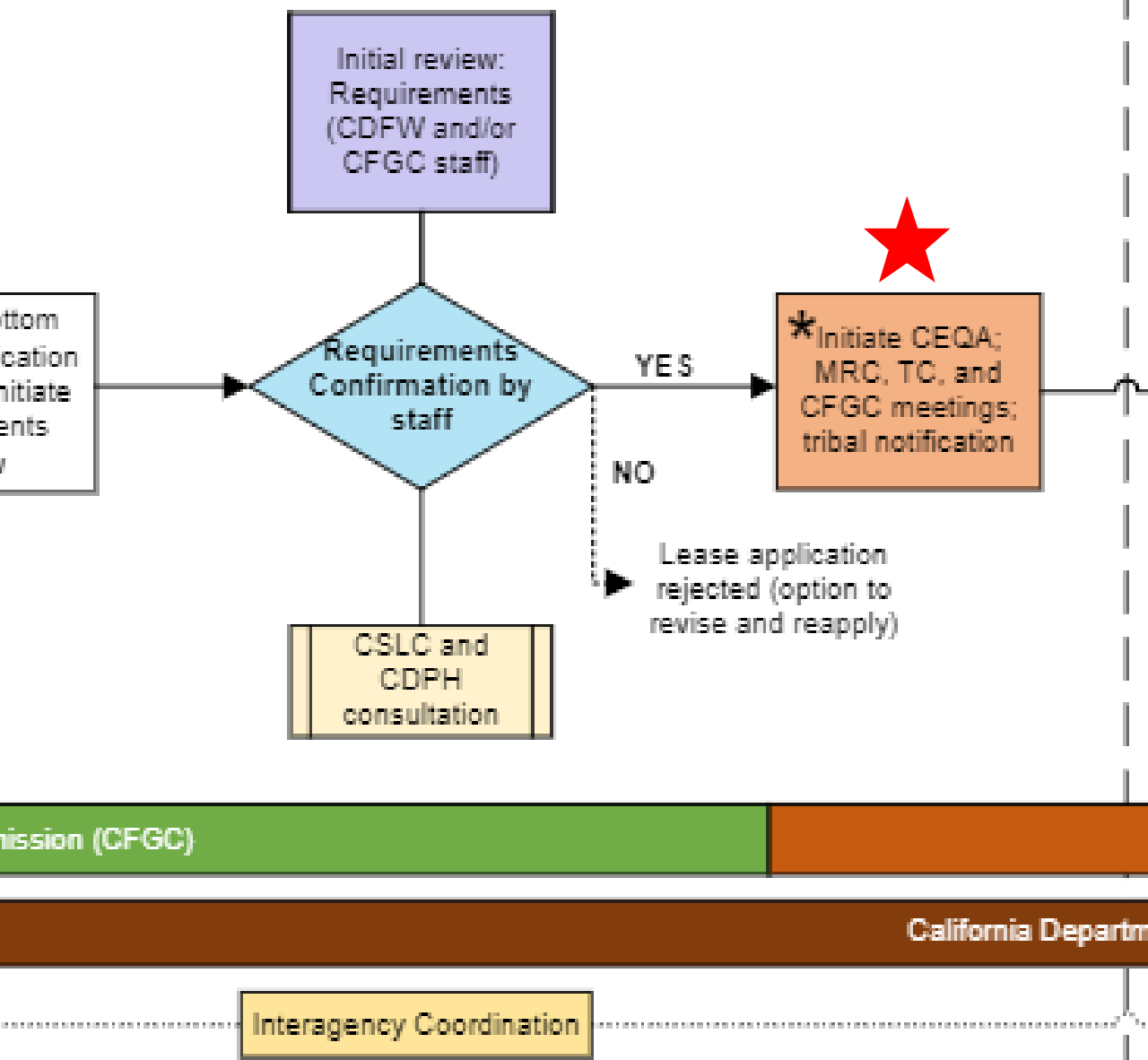
- Tribal notification
- Marine Resources Committee vetting
- Tribal Committee vetting



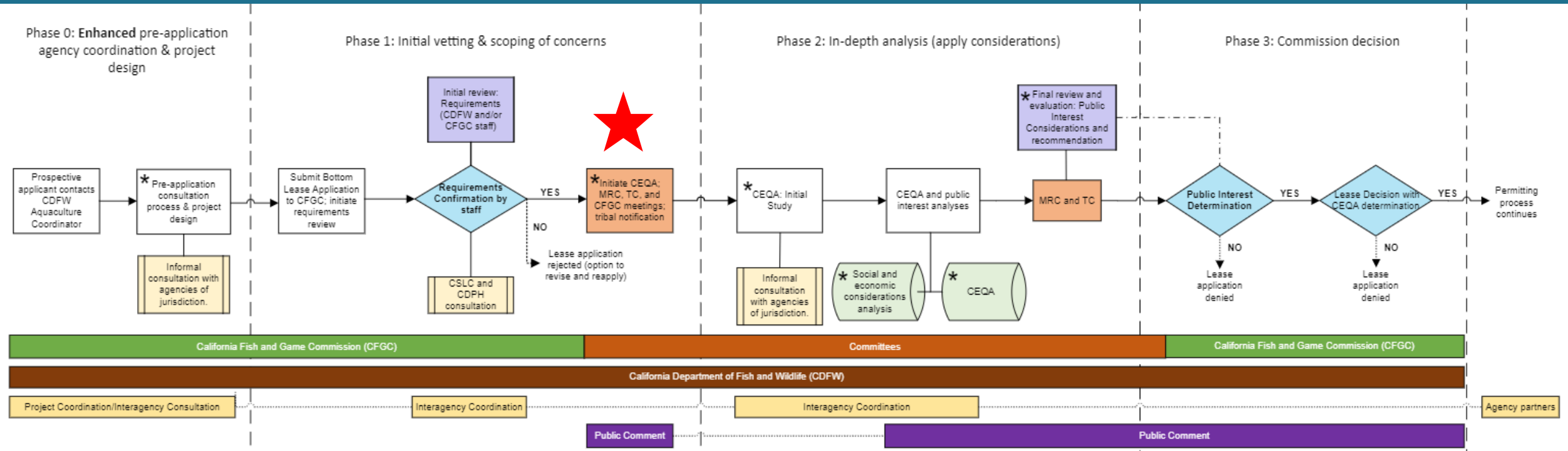
Today's Meeting

- Public vetting of application
- Highlight any benefits and concerns related to proposed project
- Inform CEQA initial study
- Inform public interest considerations evaluation

Phase 1: Initial vetting & scoping of concerns



SASC is Here:





Phase 2: In-depth analysis (apply considerations)

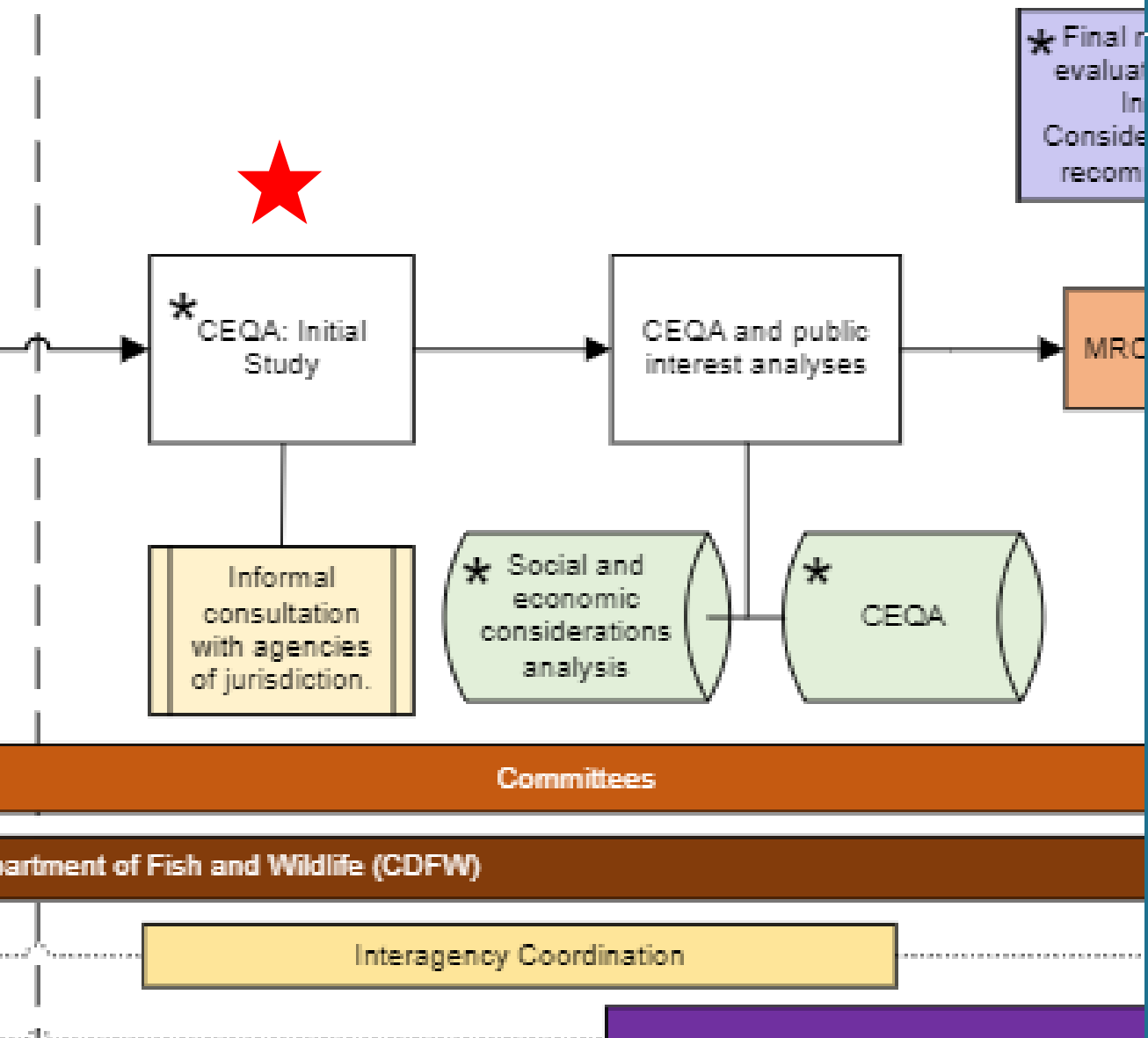
Next Steps

Complete Phase 1

- Tribal Committee vetting
- Report out at Commission meeting

Initiate Phase 2

- CEQA initial study
- CEQA analysis
- Public interest analysis





Thank you!

Kimi Rogers

Environmental Scientist

California Fish and Game Commission

FGC@fgc.ca.gov

California Department of Fish and Wildlife Updates to the California Fish and Game Commission Tribal Committee December 10, 2024 Meeting

Tribal Liaison Updates

CDFW Tribal Listening Sessions

Various programs and regions throughout CDFW are offering Tribal Listening Sessions, a space where California Native American tribes are invited to attend and ask us questions, share your tribal insights and perspectives, or get more information about the particular project or program.

The main purpose for our Tribal Listening Sessions is to hear from the tribes. We always provide at least 2 sessions, one during the day and one in the evening to accommodate work schedules. Additional details and registration links for each topic are provided in their corresponding updates below.

If your tribe is unable to attend a Listening Session and/or would prefer to schedule a consultation or informational meeting with CDFW, you can please reach to Tribal.Liaison@wildlife.ca.gov or to the corresponding programs contact information.

- RCIS Subprogram – January 14, 11-Noon
- RCIS Subprogram – January 14, 5:30-6:30pm
- White Sturgeon CESA Status Review – January 15, 6-7pm
- White Sturgeon CESA Status Review – January 16, 10-11am
- Western Burrowing Owl CESA Status Review – February 6, 10:00-11:00am
- Western Burrowing Owl CESA Status Review – February 6, 5:30-6:30pm
- Draft Deer Conservation Plan – March 17, 10-11am
- Draft Deer Conservation Plan – March 18, 6-7pm

Grant Opportunities

Office of Cannabis - Cannabis Restoration Grant Program (CRGP)

Committed to promoting ecosystem restoration and ecological health throughout California, CRGP currently offers approximately \$20 million on a rolling basis under three funding opportunities:

- 1) [Cleanup, Remediation, and Watershed Enhancement Funding Opportunity](#),
- 2) [Qualified Cultivator Funding Opportunity](#),
- 3) [Research and Innovation](#).

Funding is available to California Native American tribes, public agencies within California, and nonprofit organizations qualified to do business in California. Applications accepted on a rolling basis. Questions can be directed to the CRGP program via email at canngrantprogram@wildlife.ca.gov.

California Department of Fish and Wildlife Updates to the
California Fish and Game Commission Tribal Committee
December 10, 2024 Meeting

Office of Spill Prevention and Response - Response Equipment Grant Program

An ongoing grant of up to \$45,000 for the purchase of an oil spill emergency response trailer. The grant is available to Native American tribes, counties, cities and special districts.

Further details, including a FAQ and the one-page grant application, can be found [here](#). Questions can be directed to Cindy Murphy, Office of Spill Prevention and Response Tribal Liaison at cindy.murphy@wildlife.ca.gov.

Regional Conservation Investment Strategy Program

The Habitat Conservation Planning Branch invited Tribes to learn about the Regional Conservation Investment Strategy (RCIS) subprogram, where you can ask us questions, share your tribal insights and perspectives, and get more information.

Both Tribal Listening Sessions are scheduled for Tuesday, January 14th. The registration links are below:

- 11:00am to Noon - <https://wildlife-ca-gov.zoom.us/meeting/register/tZ0qf-mspzMrGNGW2Sp1orQ4YAdDS0jpgRsq>
- 5:30pm to 6:30pm - <https://wildlife-ca-gov.zoom.us/meeting/register/tZAqcOqvpzgoGdMgAG6eg5d-6uWBcaFQsDFr>

CDFW has also recorded a 30-minute Tribal Informational Webinar, providing basic information about RCIS, including it's uses and benefits.

Any RCIS questions can be directed to RCIS@wildlife.ca.gov.

Western Joshua Tree Conservation Act Implementation

The Western Joshua Tree Conservation Act (WJTCA) was enacted July 10, 2023, and it requires California Department of Fish and Wildlife (CDFW) to develop a Western Joshua Tree Conservation Plan (Conservation Plan). The Conservation Plan must include Co-Management principles, incorporate Traditional Ecological Knowledge, and provide for the relocation of western Joshua trees to Tribal lands upon request.

Important Upcoming Dates for the Conservation Plan

- December 12, 2024 – Commission meeting notifying public the receipt of the draft Conservation Plan (<https://fgc.ca.gov/CESA#wjt>)
- January to June 2025 – Ongoing collaboration with Tribes
- February 2025 – CDFW presentation of draft Conservation Plan to the Commission and public comment

California Department of Fish and Wildlife Updates to the
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- April 2025 – CDFW presentation of draft Conservation Plan amendments to the Commission and public comment
- June 30, 2025 – Deadline for Commission to take action regarding whether to adopt the Conservation Plan

How Tribes Can Continue to Engage (Even After Draft Plan Submission)

- With CDFW – consultation and informational meetings. May request facilitated meetings with Native American Land Conservancy. CDFW will collaborate with Tribes for approved Tribal input to update the Conservation Plan document with an Addendum before June 2025.
- With Commission – Tribal comment at the Commission meetings. Commission meeting dates can be found on the Fish and Game Commission website (<https://fgc.ca.gov/Meetings>).
- With Commission and CDFW – Tribal input and comment on the Conservation Plan submitted during the public review period, starting in January 2025.

CDFW is committed to ongoing engagement with Tribes throughout this process, and interested Tribes may reach out regarding western Joshua tree by emailing WJT.TribalEngage@wildlife.ca.gov.

Wildlife and Fisheries Division Updates

Draft Deer Conservation and Management Plan Tribal Listening Sessions

CDFW has completed a draft for a Conservation and Management Plan for black tailed and mule deer in California. With the draft, we're providing various opportunities to contribute.

We're offering all tribes an opportunity to review the plan prior to general public review, which is anticipated to begin in early July 2025. If you'd like a copy of the draft plan, request consultation or an informational meeting, and/or provide comments and input contact Brian Leo, the Statewide Deer Coordinator at Brian.Leo@wildlife.ca.gov.

We're also holding two Tribal Listening Sessions will be held to provide Tribes the opportunity to ask us questions, provide input and share insights regarding the importance of, conservation and management of deer.

The registration links for each session are below:

- March 17, 2025, 10:00-11:00am <https://wildlife-ca-gov.zoom.us/j/94832811234>

California Department of Fish and Wildlife Updates to the
California Fish and Game Commission Tribal Committee
December 10, 2024 Meeting

- March 18, 2025, 6:00-7:00pm <https://wildlife-ca.gov.zoom.us/meeting/register/tZwud-utzopEtcK0yCE5YFIllHW4c8NfPYo>

Any questions can be directed to Brian.Leo@wildlife.ca.gov.

Western Burrowing Owl CESA Status Review

The Fish and Game Commission recently decided to list the western burrowing owl as a candidate species under the California Endangered Species Act (CESA). CDFW has initiated the status review and invite California Native American tribes to engage in this process and provide any tribal knowledge, perspectives, information or input on the western burrowing owl.

Since the Tribal notifications were sent out in early November 2024, we've also scheduled two Tribal Listening Sessions that will be held to provide Tribes the opportunity to ask us questions, provide input and share insights regarding the status review of the western burrowing owl under CESA.

Both Tribal Listening Sessions are scheduled for Thursday, February 6th. The registration links are below:

- 10:00-11:00am - <https://wildlife-ca.gov.zoom.us/meeting/register/tZYode-rrT8oGtYAbMxeHUDW3ciZq2XJZXNj>
- 5:30-6:30pm - <https://wildlife-ca.gov.zoom.us/meeting/register/tZYtdu6sqTovEtLacZ7Qg9DgFxu1pT7ZCM1X>

Any questions can be directed to Anne.Hilborn@wildlife.ca.gov

White Sturgeon Status Review Tribal Listening Sessions

Two Tribal Listening Sessions will be held to provide Tribes the opportunity to ask us questions, provide input and share insights regarding the status review of White Sturgeon under the California Endangered Species Act (CESA).

The registration links for each session are below:

- January 15, 2025, 6:00-7:00pm https://wildlife-ca.gov.zoom.us/meeting/register/tZEpdUcArzgpGNxppjh1H_-27b0nOCjKCmtc
- January 16, 2025, 10:00-11:00am <https://wildlife-ca.gov.zoom.us/meeting/register/tZcuf-utrj8oH9WYhDb8Kcm7RQ9Zgspzqxwx>

Any questions can be directed to RCIS@wildlife.ca.gov.

Marine Region Updates

Market Squid Regulations

The California Department of Fish and Wildlife (Department) Marine Region is proposing a Market Squid regulatory change to amend Section 149, Title 14, CCR and to amend the market squid fishery management plan. Regulatory measures under consideration include requiring the use of a ribline on seine nets and rope purse line, moving the squid fishery closure notifications from marine radio channel 16 to the Department webpage, and expanding the weekend closure to further protect squid spawning aggregations. The Department is also proposing amending Section 1 of the market squid fishery management plan to include these regulatory changes and update other pertinent content.

The proposed rulemaking schedule following notice at the April 2025 meeting is discussion at the June 2025 meeting and adoption at the August 2025 meeting.

For additional information on Market Squid please visit

<https://wildlife.ca.gov/Conservation/Marine/MSFMP> and

<https://marinespecies.wildlife.ca.gov/market-squid/the-species/>

Recreational Crab Gear Regulations

The California Department of Fish and Wildlife (Department) Marine Region is proposing regulatory changes to recreational crab gear that addresses a Fish and Game Commission petition request, updates hoop net gear based on increased use during the Dungeness crab season, increases available tools for evaluating marine line entanglement risk of crab traps and prevents the use of unique line marking that will soon be required in other fisheries for entanglement identification.

The regulations are proposed as follows:

1. Allow for a Commercial Passenger Fishing Vessel (CPFV) specific crab trap validation stamp in addition to the current individual validation. This change will also require updates to CPFV logbooks to support fishery data collection.
2. Expand the current prohibition about tampering another person's gear to include hoop nets.
3. Specify buoy requirements for hoop nets used north of Point Arguello, Santa Barbara County.
4. Update the recreational entanglement evaluation that currently applies to recreational crab traps. The proposal will add an additional trigger of an entanglement number and an additional management action of a

California Department of Fish and Wildlife Updates to the
California Fish and Game Commission Tribal Committee
December 10, 2024 Meeting

depth restriction. These changes will better align the recreational entanglement risk process with the commercial sector's Risk Assessment and Mitigation Program.

5. Prohibit the use of unique line marks required in other fisheries from being used in recreational crustacean gear. This change does not require any new implementation and is intended to prevent use of manufactured lines that will become publicly available in the marketplace.

The proposed rulemaking schedule is as follows: notice at the April 2025 meeting, discussion at the June 2025 meeting and adoption at the August 2025 meeting. The regulations are expected to have an effective date of November 1, 2025.

For additional information on recreational crab, please visit:

<https://wildlife.ca.gov/Crabs#recreational>



October 4, 2024

Informational Update: California’s Marine Protected Area Network Decadal Management Review and Subsequent Marine Protected Area Regulation Amendment Petition Process

California Department of Fish and Wildlife (CDFW), California Fish and Game Commission (CFGC), and Ocean Protection Council (OPC) are working together to implement the adaptive management recommendations following the first comprehensive review of California’s marine protected area (MPA) Network and Management Program. This document is intended to provide California Native American tribes an update on the actions taken to date.

Background

In December 2022, CDFW completed the first 10-year comprehensive review of California’s Marine Protected Area (MPA) Network, and distributed a copy of the [Decadal Management Review](#) (DMR) to California Native American tribes. The DMR included 28 adaptive management recommendations for the next decade of MPA management (see pages 109-117 of the DMR). Recommendations 1, 2, and 3 were provided directly by tribal consultants through a [report](#) delivered to CDFW to inform the DMR. While this report provides an overview of tribal their perspectives and opinions regarding MPA management, it does not represent the viewpoints of all tribes in California.

In March 2023, CDFW hosted a [Management Review Forum](#). Tribal leaders and citizens, culture bearers, knowledge holders and tribal communities, were formally invited to attend the forum and/or participate on panels facilitated by the CDFW. Panels centered on each of the four pillars of the MPA management program:

- Research and Monitoring,
- Enforcement and Compliance,
- Outreach and Education, and
- Policy and Permitting

The Management Review Forum was also an opportunity for dialogue about key findings and adaptive management recommendations, and how they fit within the broader context of California’s MPA Management Program. Tribal participants expressed their desire to have tribal knowledge, increased consultation, and co-management integrated into the MPA Management Program and the next adaptive management cycle. The results of this forum were [reported to CFGC in April 2023](#).

In July 2023, CDFW presented proposed near-term, mid-term and long-term [priorities for the 28 DMR recommendations](#) to the Marine Resources Committee (MRC), a committee of CFGC, based in part on the discussion held at the Management Review Forum. The MRC received extensive public comment to prioritize recommendation 4: to apply what is learned from the first DMR to support proposed changes to the MPA Network and Management Program.

DMR MPA Petition Process

To advance recommendation 4, CFGC utilized its [established petition process](#) to receive proposed MPA changes from tribes and the public. CDFW recommended and the MRC supported an evaluation framework and criteria¹, stating that petitions should: be compatible with the goals and guidelines of the Marine Life Protection Act (MLPA), garner strong community support, and/or advance adaptive management recommendations.

At their August 2023 meeting, CFGC reviewed and approved CDFW's petition evaluation framework and [requested that petitions be submitted for their December 2023 meeting](#). The prioritized list of recommendations and the process for considering petitions to modify the network of MPAs was presented to the Tribal Committee (TC), another committee of CFGC, in [December 2023](#). California Native American tribes were given until February 1, 2024, to submit petitions to CFGC.

CFGC received 20 petitions with over 80 unique requests for changes to the MPA Network². [This table of CFGC's current petitions](#) (as of September 2024) includes direct links to each individual petition for closer review.

At their February 2024 meeting, [CFGC referred all 20 MPA petitions received to CDFW](#) for review, evaluation, and recommendation. In addition, they requested CDFW provide an update at the March MRC 2024 meeting on the approach they would take to evaluate the petitions.

In March 2024, [CDFW proposed the following three-phase approach to the petition evaluation process](#):

- Phase 1: Bin Whole Petitions. Divide the 20 petitions into two bins, bin 1 (“near-term”) and bin 2 (“long-term”) based on whether:
 - Policy direction was needed from CFGC on the topic of the petition
 - The petition was within CFGC regulatory authority
 - Immediate evaluation of the petition was possible
 - Clarification was needed from the petitioner
 - A limited degree of controversy was anticipated
- Phase 2: Separate into Action Items and Determine Pathway. Divide petitions into individual proposed actions.
 - Bin 1 petitions - proceed to phase 3.
 - Bin 2 petitions - For proposed action items identify policy guidance, information, and resources needed prior to proceeding to phase 3.
- Phase 3: Adaptive Management Evaluation and Recommendations. Evaluate proposed action items based on the previously approved criteria and provide recommendations to CFGC to grant or deny the petitions.

¹ See page 232 of the [August 2023 CFGC Staff Summary for item 23A, Marine Resource Committee](#).

² See page 4 of the [December 2023 CFGC Staff Summary for item 22, Petitions for Regulation Change](#) for a summary of all petitions received.

October 4, 2024

Page 3 of 3

CFGF approved this approach at their April 2024 meeting. At their June 2024 meeting, CFGF also requested an update from CDFW on the other 27 DMR adaptive management recommendations.

[CDFW completed Phase 1 at the end of May 2024](#). Five petitions were categorized as near-term and the remaining 15 fell into long-term. A public discussion was held at the July 2024 MRC meeting, where the MRC recommended that CFGF approve the proposed results. The petition evaluation process and draft binning results were presented to the TC in [August 2024](#).

At their August 2024 meeting, CFGF approved the proposed results of the Phase 1 categorization of petitions. At the same meeting, CDFW gave an [update on progress on implementation of the other 27 DMR adaptive management recommendations](#). This helped identify gaps where tribes and partners can begin (and in many cases already have begun) work to help the state achieve MPA management goals. At the upcoming December 2024 CFGF meeting, CDFW will provide its Annual Report on the MPA Management Program, describing accomplishments and challenges for 2024, including a more detailed update on progress on all 28 recommendations with information gathered from management partners.

Next Steps

California's Native American tribes are key MPA management partners. If your tribe or an organization you work with has been doing work directly related to forwarding one of the 28 DMR recommendations, you have the option to include that information in our update to CFGF for December described above. Please send a brief summary of your work, as well as any work products you would like shared with CFGF or the public, to MPAManagementReview@wildlife.ca.gov by October 18, 2024 for inclusion in that update.

CDFW has begun to move forward with evaluation of Bin 1 petitions and will provide an update at the October 2024 CFGF meeting on the petition evaluation process. The status of near-term evaluations will be presented at the November 2024 MRC meeting. CDFW will provide an update to the TC in December 2024.

On October 1, 2024, CDFW [released a visualization tool](#) called StoryMap to aid with transparent communications about petitions and their evaluation. [StoryMap](#) is a public-facing webpage with static and dynamic maps to visualize each petition item and key overlay layers, such as habitat.

During the petition evaluation process, CDFW will engage in consultation with California Native American tribes that may be affected by proposed actions in MPA petitions.

If you have any questions please contact, Tribal.Liaison@wildlife.ca.gov or by mail at Marine Region Tribal Coordinator, Department of Fish and Wildlife, 1010 Riverside Parkway, West Sacramento, CA 95605.

Upcoming Meetings of Interest - [2024 Meetings \(ca.gov\)](#)

- October 9-10, 2024 Fish and Game Commission Meeting
- November 6-7, 2024 Fish and Game Commission Meeting - Marine Resources Committee
- December 10, 2024 Fish and Game Commission Meeting – Tribal Committee
- December 11-12, 2024 Fish and Game Commission



Marine Protected Area Petition Evaluation Status and Next Steps

6 November 2024

Presented to:

Marine Resources Committee
California Fish and Game Commission

Presented by:

Dr. Craig Shuman
Marine Regional Manager



Road Map for Today's Discussion

- Brief history and status updates
- Walk through DRAFT Bin 1 recommendations
- Status and next steps for Bin 2 petition evaluation and amendments
- December Commission meeting discussion and MRC recommendations



A. Van Diggelen





MPA Petition Updates: StoryMap



Marine Protected Areas (MPA) Petition Process

California Department of Fish and Wildlife

Click through the collection to:

- See an **overview** of the petition process, petition evaluation framework, and anticipated timeline
- Dive into an **interactive map** to visualize proposed changes
- Explore **petitions sorted** by numerical order, change category, or county, and click the links to learn more about each petition. Any petition proposing a change that can be visualized on a map (e.g., boundary or designation change) will have an image with a slider to swipe between the existing network and the proposed change. Any petition proposing a non-spatial change (e.g., take allowance or regulatory language change) will have a static image showing the location of the affected MPA(s).



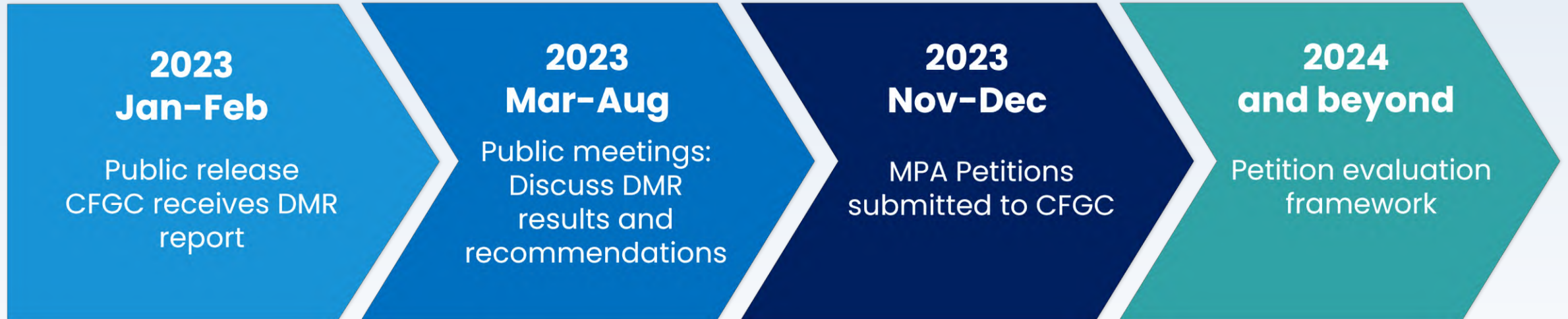
- Current status:
 - CDFW is in Phase 2 of its 3-phased petition evaluation framework and splitting each petition into individual action items
 - ***NEW*** CDFW released its [draft recommendations](#) for the Commission's consideration of Bin 1 petitions

Explore and stay up-to-date!





Recap: Decadal Management Review and Petition Timeline



Common acronyms:

CFGC=California Fish and Game Commission
CDFW=California Department of Fish and Wildlife
DMR=Decadal Management Review
MRC=Marine Resources Committee





Where We Are: MPA Petition Process

**2024
to date**

Petition evaluation
framework

- **February:** CFGC referred all 20 received petitions to CDFW for evaluation.
- **March – May:** CFGC approval of CDFW's proposed 3 phase evaluation approach.
- **June-August:** CFGC receives update on the other 27 DMR recommendations; MRC and CFGC approve Phase 1 outcomes.
- **October-November:** CDFW provides status update on Bin 1 evaluation; CFGC, MRC discuss process and next steps for Bin 2 petition amendments.



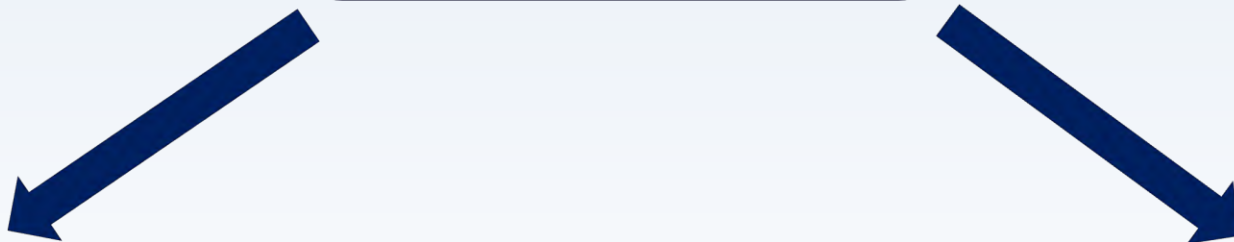
Petition Evaluation Framework: Status





Phase 1: Bin Whole Petitions

Phase 1:
Bin whole petitions



Bin 1

- Policy direction not needed for next phases
- Within CFGC authority
- Immediate evaluation possible
- Limited clarification needed from petitioner
- Limited controversy anticipated

Bin 2

Do not meet criteria for Bin 1



Bin 1 Petitions Summary

CFGC Tracking No.	Petition Contact	Affected MPA(s)	Description
2023-22MPA	Wendy Berube, Orange County Coastkeeper	Various Orange County MPAs	Change color coding on outreach maps, add language to tidepool take prohibitions, modify definition of tidepools, and allow research, monitoring, restoration, and education in Orange County MPAs, with the exception of Upper Newport Bay (Bolsa Chica, Laguna Beach, Crystal Cove, and Dana Point).
2023-25MPA	Burton Miller	Various Catalina Island MPAs	Change color designation of Blue Cavern Onshore and Casino Point SMCAs, change boundary of Long Point SMR, and remove allowance for feeding fish in Lover's Cove and Casino Point SMCAs.
2023-26MPA	Katie O'Donnell, WILDCOAST	Various San Diego County MPAs	Shift Swami's SMCA south from the lifeguard tower to the State/Solana Beach line to cover tidepools on the south side and change outreach map color of no-take SMCAs at Bautiquitos Lagoon, San Elijo Lagoon, and Famosa Slough from purple to red.*
2023-30MPA	Robert Jamgochian	Big River Estuary SMCA	Change gear restrictions within Big River SMCA to only allow Type A hoop nets that are compatible and eliminate the hoop net Type B option (rigid frame) from general provisions, reduce the number of set traps allowed from 10 to 5, and reduce the bag and possession limit for recreational take of crabs from 10 to 5.
2023-31MPA	Ashley Eagle-Gibbs, Environmental Action Committee of West Marin	Drake's Estero SMCA / Estero de Limantour SMR	Reclassify Drakes Estero SMCA to an SMR to prohibit take, and combine with Estero de Limantour into a single SMR.



Next Steps for Bin 2 Action Evaluation

- CDFW completed preliminary sorting Bin 2 petitions into actions and scoring against Bin 1 criteria.
- Process to sort and evaluate Bin 2 petitions
 - Amendments?
 - Feasibility and science guidelines





Proposed Process and Timeline for MPA Petition Amendments

- December Commission meeting:
 - Consider acting on Bin 1 petitions.
 - Guidance for Bin 2:
 - Petition amendment process
 - Other
 - CDFW presents Annual MPA Management update.



Thank You

Questions?

fgc@fgc.ca.gov

mpamanagementreview@wildlife.ca.gov



California Fish and Game Commission
Wildlife Resources Committee (WRC) Work Plan
Scheduled Topics and Timeline for Items Referred to WRC
Updated December 4, 2024

Note: Proposed changes to topics/timing are shown in blue underscore or strike-out font

Topics	Category	Sep 2024	Jan 2025	May 2025
Periodic and Annual Regulations				
Upland (Resident) Game Birds	Regulatory	X/R		X
Mammal <u>Big Game</u> Hunting	Regulatory	X/R	<u>X/R</u>	<u>X</u>
Waterfowl Hunting	Annual Regulatory	X/R		X
Central Valley Sport Fishing	Annual Regulatory	X/R		X
Klamath River Basin Sport Fishing	Annual Regulatory	X/R		X
Inland Sport Fishing (including striped bass)	Regulatory	X/R	X/R	
Department Lands	Regulatory			X
Regulations & Legislative Mandates				
Falconry	Referral for Review		<u>X</u>	<u>X</u>
Restricted Species	Regulatory			
Take of Nongame Mammals	Referral for Review	X	X/R	

KEY: X Discussion scheduled X/R Recommendation potentially developed and moved to FGC

California Fish and Game Commission
Marine Protected Area (MPA) Petitions Regulation Change Proposals — Action
Updated December 5, 2024

CFGC - California Fish and Game Commission CDFW - California Department of Fish and Wildlife MRC - CFGC Marine Resources Committee

MPA - marine protected area SMR - state marine reserve SMCA - state marine conservation area

Grant: CFGC is willing to consider the petitioned action through a process Deny: Not willing to consider the petitioned action Refer: Need more information before the final decision

Petitioner Contact	Petition Tracking No._Action ID	Affected MPA	Action Type	Petition Proposed Action	CDFW Draft Recommendation to MRC	CDFW Brief Justification and Preferred Action	MRC Recommendation
Wendy Berube, Orange County Coastkeeper	2023-22MPA_3	Crystal Cove SMCA	Allowable Uses	Add "non-living, geological or cultural" to marine resource tidepool take prohibition for consistency with 632(a)1(C).	Deny w/ alternative pathway	(1) Redundant with 632(a)1(C) that already prohibits tidepool take. (2) Recommend striking specific language regarding tidepools from the Crystal Cove SMCA regulations for clarity and consistency.	(1) Deny adding language to Crystal Cove SMCA regulations based on CDFW rationale. (2) Retain the specific language regarding tidepools in Dana Point and Crystal Cove SMCAs only, due to original intent for these MPAs. (3) Amend regulatory language (either in subsection (a) or (b) of Section 632) that clarifies the take prohibition in tidepools — and/or SMCAs — includes both living and non-living marine resources; request that CDFW work with the petitioner to develop proposed language.
Wendy Berube, Orange County Coastkeeper	2023-22MPA_4	Crystal Cove SMCA	Allowable Uses	Change description of tidepools to "rocky intertidal zone" with a modified definition, "the rocky intertidal zone includes all hard substrate between the highest high tide and lowest low tide."	Grant w/ alternative pathway	(1) Simplifies regulatory language and could help enhance public understanding. (2) Recommend striking from regulations for this individual MPA and add a definition of rocky intertidal habitat to general provisions in a new subsection 632(a)(16).	(1) Grant in concept based on CDFW rationale, by adding a definition of rocky intertidal habitat to the general provisions in subsection 632(a), in coordination with petitioner. (2) Retain the tidepool language in Crystal Cove and Dana Point SMCAs regulations only, due to original intent for these MPAs, and update terminology, if appropriate, based on the new general provision for rocky intertidal habitat.
Wendy Berube, Orange County Coastkeeper	2023-22MPA_5	Dana Point SMCA	Allowable Uses	Add "non-living, geological or cultural" to marine resource tidepool take prohibition for consistency with 632(a)1(C)	Deny w/ alternative pathway	(1) Redundant with 632(a)1(C) that already prohibits tidepool take. (2) Recommend striking specific language regarding tidepools from the Dana Point SMCA regulations for clarity and consistency.	(1) Deny adding language to Dana Point SMCA regulations based on CDFW rationale; (2) Retain the specific language regarding tidepools in Dana Point and Crystal Cove SMCAs only, due to original intent for these MPAs. (3) Amend regulatory language (either in subsection (a) or (b) of Section 632) that clarifies the take prohibition in tidepools — and/or SMCAs — includes both living and non-living marine resources; request that CDFW work with the petitioner to develop proposed language.
Wendy Berube, Orange County Coastkeeper	2023-22MPA_6	Dana Point SMCA	Allowable Uses	Change description of tidepools to "rocky intertidal zone" with a modified definition, "the rocky intertidal zone includes all hard substrate between the highest high tide and lowest low tide."	Grant w/ alternative pathway	(1) Simplifies regulatory language and could help enhance public understanding. (2) Recommend striking from regulations for this individual MPA and add a definition of rocky intertidal habitat to general provisions in a new subsection 632(a)(16).	(1) Grant in concept based on CDFW rationale, by adding a definition of rocky intertidal habitat to the general provisions in subsection 632(a), in coordination with petitioner. (2) Retain the tidepool language in Crystal Cove and Dana Point SMCAs regulations only due to original intent for these MPAs, and update terminology, if appropriate, based on the new general provision for rocky intertidal habitat.

Petitioner Contact	Petition Tracking No._Action ID	Affected MPA	Action Type	Petition Proposed Action	CDFW Draft Recommendation to MRC	CDFW Brief Justification and Preferred Action	MRC Recommendation
Wendy Berube, Orange County Coastkeeper	2023-22MPA_7	All Orange County MPAs, except Upper Newport Bay	Allowable Uses	Add an amendment that "Scientific research, monitoring, restoration, and education is allowed pursuant to any required federal, state, or local permits, or as otherwise authorized by the department.	Deny	Redundant with what is already allowed in SMCAs pursuant to statute (Public Resources Code sections 36600-36690).	(1) Deny adding language to all Orange County MPA regulations, except Upper Newport Bay, based on CDFW rationale. (2) Amend the general definition for SMCAs in subsection 632(a), for consistency with the recent update to Public Resources Code.
Burton Miller	2023-25MPA_2	Casino Point SMCA	Allowable uses	Remove allowance for feeding fish.	Deny	Fish feeding has been a long-standing practice in this area associated with local tourism that outdates the MLPA planning process. Because of this, and the enhancement of wildlife viewing, and educational opportunities provided by the practice, the MLPA Initiative Blue Ribbon Task Force recommended, and Commission adopted, an exemption for feeding fish in subsection 632(a)(6) if specifically authorized in 632(b) to continue to allow the practice for this MPA.	Deny based on CDFW rationale.
Burton Miller	2023-25MPA_5	Lover's Cove SMCA	Allowable uses	Remove allowance for feeding fish.	Deny	Fish feeding has been a long-standing practice in this area associated with local tourism that outdates the MLPA planning process. Because of this, and the enhancement of wildlife viewing, and educational opportunities provided by the practice, the MLPA Initiative Blue Ribbon Task Force recommended, and Commission adopted, an exemption for feeding fish in subsection 632(a)(6) if specifically authorized in 632(b) to continue to allow the practice for this MPA.	Deny based on CDFW rationale.
Robert Jamgochian	2023-30MPA_1	Big River Estuary SMCA	Take	Make recreational take of Dungeness crab more restrictive by : (A) changing crab gear regulations to only allow Type A hoops and eliminate hoop net Type B option.	Deny	Outside the scope of MPA management. Action more appropriate to be considered through fishery management process.	Deny, as recommended by CDFW.
Robert Jamgochian	2023-30MPA_2	Big River Estuary SMCA	Take	Make recreational take of Dungeness crab more restrictive by: (B) reducing the number of set traps from 10 to 5 for recreational take of Dungeness crab.	Deny	Outside the scope of MPA management. Action more appropriate to be considered through fishery management process.	Deny, as recommended by CDFW.
Robert Jamgochian	2023-30MPA_3	Big River Estuary SMCA	Take	Make recreational take of Dungeness crab more restrictive by: (C) reducing the recreational bag limit from 10 to 5 crabs per person.	Deny	Outside the scope of MPA management. Action more appropriate to be considered through fishery management process.	Deny, as recommended by CDFW.
Ashley Eagle-Gibbs, Environmental Action Committee of West Marin	2023-31MPA_1	Drake's Estero SMCA	Classification /Take	Reclassify Drake's Estero SMCA to an SMR to prohibit take.	Grant	Drake's Estero was designated as an SMCA to allow the existing aquaculture activities to continue operating. The MLPA North Central Coast Regional Stakeholder Group recommended changing the classification from an SMCA to an SMR if it is feasible to do so. Aquaculture activities ceased in 2014. Redesignation to an SMR could help protect biodiversity in the eelgrass beds that have recovered since the removal of the aquaculture infrastructure. There is limited recreational clamming activity that would be displaced by the classification change.	Grant based on CDFW rationale.

Petitioner Contact	Petition Tracking No._Action ID	Affected MPA	Action Type	Petition Proposed Action	CDFW Draft Recommendation to MRC	CDFW Brief Justification and Preferred Action	MRC Recommendation
Ashley Eagle-Gibbs, Environmental Action Committee of West Marin	2023-31MPA_2	Estero de Limantour SMR	Boundaries	Combine SMR with a reclassified Drake's Estero SMR into one single SMR.	Grant	Creating one SMR would eliminate the confusing boundary between the current SMCA and SMR.	(1) Grant based on CDFW rationale. (2) Request that CDFW follow up with tribes, stakeholders, and Commission staff on naming options for the combined SMR.
Burton Miller	2023-25MPA_4	Long Point SMR	Boundaries	Change the type of boundary from a latitude and longitude to a certain, specified distance from shore. To maintain overall size, the northeast corner could be trimmed and fitted to western edge of offshore boundary to create a standard distance from shore (in similar fashion to Arrow Point to Lion Head SMCA).	Deny	Requested change does not align with CDFW's Feasibility Guidelines to align MPA boundaries with whole minutes of latitude and longitude whenever possible to enhance enforceability. Using distance from shore is also inconsistent with this guidance. CDFW Law Enforcement Division is not supportive because it could decrease enforceability and result in reduced protection of marine resources.	Deny based on CDFW rationale.
Katie O'Donnell, WILD Coast	2023-26MPA_1 <i>Withdrawn by Petitioner</i>	Swami's SMCA	Boundaries	Shift the entire MPA boundary shape south (from lifeguard tower to State/Solana Beach line to cover tidepool on south side).	Deny	Northern boundary change was not evaluated at request of petitioner. Requested change at southern boundary does not align with CDFW's Feasibility Guidelines to align MPA boundaries with whole minutes of latitude and longitude whenever possible to enhance enforceability. CDFW Law Enforcement Division is not supportive because it could decrease enforceability and result in reduced protection of marine resources.	<i>N/A: Withdrawn by petitioner</i>

California Fish and Game Commission
Marine Protected Area (MPA) Petitions Non-Regulatory Requests — Action
Updated December 5, 2024

CFGC - California Fish and Game Commission CDFW - California Department of Fish and Wildlife MRC - CFGC Marine Resources Committee

MPA - marine protected area SMR - state marine reserve SMCA - state marine conservation area

Petitioner Contact	Petition Tracking No._Action ID	Affected MPA	Action Type	Petition Proposed Action	CDFW Draft Recommendation to MRC	CDFW Brief Justification and Preferred Action	MRC Recommendation
Wendy Berube, Orange County Coastkeeper	2023-22MPA_1	Bolsa Chica Basin no-take SMCA	Non-regulatory	Change color of no-take SMCA from purple to red on outreach maps.	Support w/ alternative pathway	This proposed action does not require a change to existing regulations. Discuss alternative pathway to identify how best to implement the change.	Support, as recommended by CDFW, with the following specifics: (1) Near-term: Support a CDFW policy change in its outreach guidelines to support displaying no-take SMCAs with red color instead of purple. (2) Longer-term: Support CDFW exploring classification changes of all no-take SMCAs to SMRs, if current allowable uses would be accommodated and compatible with recent rulemaking authorizing permitted maintenance of pre-existing artificial structures.
Wendy Berube, Orange County Coastkeeper	2023-22MPA_2	Laguna Beach no-take SMCA	Non-regulatory	Change color of no-take SMCA from purple to red on outreach maps.	Support w/ alternative pathway	This proposed action does not require a change to existing regulations. Discuss alternative pathway to identify how best to implement the change.	Support as recommended by CDFW, with specifics specified for 2023-22MPA_1.
Burton Miller	2023-25MPA_1	Blue Cavern Onshore no-take SMCA	Non-regulatory	Change color of no-take SMCA from purple to red on outreach maps.	Support w/ alternative pathway	This proposed action does not require a change to existing regulations. Discuss alternative pathway to identify how best to implement the change.	Support as recommended by CDFW, with specifics specified for 2023-22MPA_1.
Burton Miller	2023-25MPA_3	Casino Point SMCA	Non-regulatory	Change color of no-take SMCA from purple to red on outreach maps.	Support w/ alternative pathway	This proposed action does not require a change to existing regulations. Discuss alternative pathway to identify how best to implement the change.	Support as recommended by CDFW, with specifics specified for 2023-22MPA_1.
Katie O'Donnell, WILDCOAST	2023-26MPA_2	Batiquitos Lagoon no-take SMCA	Non-regulatory	Change color of no-take SMCA from purple to red on outreach maps.	Support w/ alternative pathway	This proposed action does not require a change to existing regulations. Discuss alternative pathway to identify how best to implement the change.	Support as recommended by CDFW, with specifics specified for 2023-22MPA_1.
Katie O'Donnell, WILDCOAST	2023-26MPA_3	San Elijo Lagoon no-take SMCA	Non-regulatory	Change color of no-take SMCA from purple to red on outreach maps.	Support w/ alternative pathway	This proposed action does not require a change to existing regulations. Discuss alternative pathway to identify how best to implement the change.	Support, as recommended by CDFW, with the alternative pathway specified in the MRC recommendation for petition 2023-22MPA_1.
Katie O'Donnell, WILDCOAST	2023-26MPA_4	Famosa Slough no-take SMCA	Non-regulatory	Change color of no-take SMCA from purple to red on outreach maps.	Support w/ alternative pathway	This proposed action does not require a change to existing regulations. Discuss alternative pathway to identify how best to implement the change.	Support, as recommended by CDFW, with the alternative pathway specified in the MRC recommendation for petition 2023-22MPA_1.

California Fish and Game Commission Marine Resources Committee (MRC) Work Plan

Updated December 2, 2024

Note: Proposed changes to topics/timing are shown in blue underscore or ~~strike-out~~ font.

Topics	Category	Jul 2024	Nov 2024	Mar 2025
Planning Documents, Fishery Management Plans (FMPs)				
MLMA Master Plan for Fisheries – Implementation Updates	Plan Implementation			
Red Abalone Recovery Plan (statewide)	Recovery Plan	*		
- Risk Tolerance for Reopening Fishery Harvest	Recovery		X	<u>X</u>
California Halibut Fishery Management Review (CHal Review) – CHal Trawl Grounds Review	Management Review	*		
CHal Review – Bycatch Evaluation for Set Gill Net (Lessons Learned)	Management Review	X		
CHal Review – Bycatch Evaluation for Trawl Gear	Management Review			
Market Squid Fishery Management and FMP Review	Management/ FMP Review	X	X/R	
Kelp Recovery and Management Plan (KRMP) Development	Recovery/ Management Plan		*	
Marine Protected Area (MPA) Network 2022 Decadal Management Review Implementation: <i>MPA Petitions</i>	Management Review	X/R	X/R	<u>X</u>
Regulations				
Kelp and Algae Commercial Harvest – Sea Palm (<i>Postelsia</i>)	Commercial Take	*	X/R	
Commercial Sea Urchin Fishing (Including Review of Petition 2023-04 for Northern Fishery)	Commercial Take	X/R		
Recreational Crab Trap Gear Options and Trap Validation for Commercial Passenger Fishing Vessels	Recreational Take	X	X/R	
Electronic Recreational Fishing Report Cards Rulemaking	Recreational Take	X/R		
Recreational Barred Sand Bass Fishery	Recreational Take	X	X/R	
<u>Recreational Red Abalone Fishery Closure Sunset Date</u>	<u>Recreational Take</u>			<u>X</u>
Marine Aquaculture and State Water Bottom Leases				
Statewide Aquaculture Action Plan	Planning Document			
Status of Existing Leaseholder Requests	Current Leases			<u>X</u>
Applications for New Leases	Lease Applications	*	X	<u>X</u>
Lease Best Management Practices Plans (Hold, TBD)	Leases–Regulatory			
Special Projects, Informational Topics, and Emerging Management Issues				
Coastal Fishing Communities Project	MRC Project	*	*	<u>X</u>

Topics	Category	Jul 2024	Nov 2024	Mar 2025
Kelp Restoration and Recovery Tracking	Kelp			
Experimental Fishing Permit (EFP) Program				
Box Crab Exploratory Fishing	EFP		X	
Pop-Up Gear in State-Managed Fisheries	EFP		X	

Key: X = Discussion X/R = Recommendation and may move to Commission * = Written or oral agency update

California Fish and Game Commission: Perpetual Timetable for Anticipated Regulatory Actions

December 3, 2024

Items proposed for change are shown in blue underlined or strikeout font

Subject of Rulemaking	Title 14 Section(s)	TC Sacramento December 10, 2024	FGC Sacramento December 11, 2024	FGC Sacramento December 12, 2024	WRC Sacramento January 15, 2025	FGC Sacramento February 12, 2025	FGC Sacramento February 13, 2025	MRC Sacramento March 13, 2025	TC Sacramento April 15, 2025	FGC Sacramento April 16, 2025	FGC Sacramento April 17, 2025	FGC Teleconference May 14, 2025	WRC Sacramento May 15, 2025	FGC Sacramento June 18, 2025	FGC Sacramento June 19, 2025	MRC San Diego Area July 17, 2025	TC Fortuna August 12, 2025	FGC Fortuna August 13, 2025	FGC Fortuna August 14, 2025	WRC Sacramento September 11, 2025	FGC San Jose October 8, 2025	FGC San Jose October 9, 2025	MRC Sacramento November 6, 2025
Central Valley Sport Fishing (Annual)	7.40(b)(4), (43), (66), (80)					N				D		A				E 7/15							
Klamath River Basin Sport Fishing (Annual)	7.40(b)(50)					N				D		A				E 7/15							
Emergency Closures of Sport Fishing in Klamath River Basin for Spring Chinook Salmon	7.40(b)(50)	EE 12/10																					
Waterfowl (Annual)	502			N		D				A						E 7/1							
Inland Sport Fish Bag Limits, Gear, and Low-Flow Information	2.30, 5.00, 7.50, 8.00, 703				E 1/1																		
White Sturgeon Emergency (Second 90-Day Extension)	5.79, 5.80, 27.90, 27.92		EE 11/13																				
Fisheries Logbook Forms and Fishing Block Charts	120.7, 122, 165, 190, 705.1				E 1/1																		
<u>Commercial California Halibut and White Seabass Set Gill Nets</u>	174.1				E 4/4				Withdrawn from OAL on 11/25. Re-submittal pending re-notice of modified regulatory language														
Possession of Wildlife and Wildlife Rehabilitation	679, 679.1, 679.2, 679.3, 679.4, 679.5, 679.6, 679.7, 679.8, 679.9, 703			A					E 4/1														
Federal Groundfish and Associated Species	27.20, 27.40, 27.45, 27.50, 27.65, 28.27, 28.28, 28.29, 28.54, 28.65				E 1/1																		
Emergency Regulations for Mandatory Testing for Chronic Wasting Disease (CWD)	708.5				EE-4/4	EE 1/22																	
Barred Sand Bass Limit for 2025	28.30		N								A			E 6/1									
Commercial Red Sea Urchin ²	120.7							N			A					E 7/1							
White Sturgeon Sport Fishing During CESA Candidacy Emergency	5.78, 27.93								EE 3/5														
White Sturgeon Sport Fishing During CESA Candidacy Emergency (First 90-Day Extension)	5.78, 27.93			A					E 3/5					EE 6/3									
White Sturgeon Sport Fishing During CESA Candidacy Emergency (Second 90-Day Extension)	5.78, 27.93										A			E 6/3						EE 9/1			
White Sturgeon Sport Fishing 2084	5.78, 5.79, 5.80, 27.90, 27.92, 27.93					N				D				A						E 9/1			
Importation of Live Aquatic Plants and Animals for Research Purposes	236		A						E 4/1														
Inland Sport Fish Special Waters, Bait, Gear, and Boundary Adjustments	4.20, 5.00, 5.85, 7.00, 7.40, 7.50, 8.10									N						D		A					
<u>Commercial Harvest of Kelp and Other Aquatic Plants</u>	<u>165, 705.1</u>											D/A											
<u>Market Squid Fishery Management Plan Amendment</u>	<u>53.00, 53.01, 53.02, 53.03</u>										N				D				A				
<u>Commercial Take of Market Squid</u>	<u>149</u>										N				D				A				
<u>Recreational Crab Fishery Gear and Validations</u>	<u>29.80, 29.85, 190, 195, 701</u>										N				D				A				
<u>Mammal Hunting for 2025-2026 Season- Big Game Hunting for 2025-2026 Seasons and Chronic Wasting Disease Testing</u>	<u>362-363-364-TBD-360, 362, 363, 364, 364.1, 708.5</u>			N		D					A					E 7/1							

Future Rulemakings: Schedule to be Determined

Subject of Rulemaking	Title 14 Section(s)	TC Sacramento December 10, 2024	FGC Sacramento December 11, 2024	FGC Sacramento December 12, 2024	WRC Sacramento January 15, 2025	FGC Sacramento February 12, 2025	FGC Sacramento February 13, 2025	MRC Sacramento March 13, 2025	TC Sacramento April 15, 2025	FGC Sacramento April 16, 2025	FGC Sacramento April 17, 2025	FGC Teleconference May 14, 2025	WRC Sacramento May 15, 2025	FGC Sacramento June 18, 2025	FGC Sacramento June 19, 2025	MRC San Diego Area July 17, 2025	TC Fortuna August 12, 2025	FGC Fortuna August 13, 2025	FGC Fortuna August 14, 2025	WRC Sacramento September 11, 2025	FGC San Jose October 8, 2025	FGC San Jose October 9, 2025	MRC Sacramento November 6, 2025
Santa Cruz Harbor Salmon Fishing (FGC Petition 2016-018)	TBD																						
European Green Crab (FGC Petition 2017-006)	TBD																						
Possess Game / Process Into Food	TBD																						
American Zoological Association / Zoo and Aquarium Association	671.1																						
Night Hunting in Gray Wolf Range (FGC Petition #2015-010)	474																						
Donation of Fish to Non-Profit Organizations ¹	TBD																						
White Sturgeon Sport Fishing	5.79, 27.90, 27.92																						
Electronic Report Cards	1.74, 5.79, 5.80, 5.81, 5.87, 5.88																						
Shellfish Aquaculture Best Management Practices	TBD																						
Ridgeback Prawn Incidental Take Allowance	120(e)																						

KEY
 FGC = California Fish and Game Commission MRC = FGC Marine Resources Committee WRC = FGC Wildlife Resources Committee TC = FGC Tribal Committee OAL = Office of Administrative Law
 EM = Emergency EE = Emergency Expires E = Anticipated Effective Date (RED "X" = expedited OAL review) EUF = Effective Upon Filing w/ Secretary of State
 N = Notice Hearing D = Discussion Hearing A = Adoption Hearing V = Vetting R = Committee Recommendation 1 = Considers FGC Petition 2023-10 2 = Considers FGC Petition 2023-04

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La Jolla
Erika Zavaleta, Vice President
Santa Cruz
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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 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.

* 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

Call to Order and Roll Call to Establish a Quorum

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

General Public Comment

- 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).

Consent Items

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

- 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)

Discussion and Action Items

- 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

Call to Order/Roll Call to Establish Quorum

Consent Items

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

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)

Discussion and Action Items

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.

General Public Comment

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 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		Wildlife Resources 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		Marine Resources California Department of Fish and Wildlife 1010 Riverside Parkway, Poppy Room West Sacramento, CA 95605
April 15, 2025		Tribal 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		Wildlife Resources 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		Marine Resources San Clemente/San Diego
August 12, 2025		Tribal Fortuna
August 13-14, 2025	Fortuna	

Meeting Date	Commission Meeting	Committee Meeting
September 11, 2025		Wildlife Resources California Natural Resources Headquarters Building 715 P Street, 2nd Floor Sacramento, CA 95814
October 8-9, 2025	San Jose	
November 6, 2025		Marine Resources Sacramento
December 9, 2025		Tribal 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. Accommodation requests for facility and/or meeting accessibility and requests for American Sign Language interpreters should be submitted at least two weeks prior to the event. Requests for real-time captioners should be submitted at least four weeks prior to the event. These timeframes are to help ensure that the requested accommodation is met. If a request for an accommodation has been submitted but is no longer needed, please contact the CRO immediately.

Stay Informed

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

Submitting Written Comments

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

California Fish and Game Commission
Tribal Consultation Policy
Adopted June 2015

On September 19, 2011, Governor Edmund G. Brown, Jr., issued Executive Order B-10-11, which provides, among other things, that it is the policy of the administration that every state agency and department subject to executive control implement effective government-to-government consultation with California Indian Tribes.

Purpose of the Policy

The mission of the California Fish and Game Commission (FGC) is, on the behalf of California citizens, to ensure the long term sustainability of California's fish and wildlife resources by setting policies, establishing appropriate rules and regulations, guiding scientific evaluation and assessments, and building partnerships to implement this mission. California Native American Tribes, whether federally recognized or not, have distinct cultural, spiritual, environmental, economic and public health interests and unique traditional knowledge about the natural resources of California.

The purpose of this policy is to create a means by which tribes and FGC can effectively work together to realize sustainably-managed natural resources of mutual interest.

Policy Implementation

1. Communication. Both FGC and the tribes are faced with innumerable demands on their limited time and resources. In the interest of efficiency, FGC will annually host a tribal planning meeting to coordinate the upcoming regulatory and policy activities before FGC. The meeting will provide a venue for education about process, identifying regulatory and policy needs, and developing collaborative interests; this will include inviting sister agencies to participate.
2. Collaboration. In areas or subjects of mutual interest, FGC will pursue partnerships with tribes to collaborate on solutions tailored to each tribe's unique needs and capacity. The structure of these collaborative efforts can range from informal information sharing, to a memorandum of understanding with more specific agreements regarding working relationships and desired outcomes, to co-management agreements with specific responsibilities and authorities.
3. Record-keeping. FGC will maintain a record of all comments provided by tribes and will include them in administrative records where appropriate.
4. Training. FGC will provide training to interested tribes on its processes for regulation and policy development.

