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Gavin Newsom, Governor

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## Fish and Game Commission



*Wildlife Heritage and Conservation*  
*Since 1870*

### **MEETING AGENDA** **February 6, 2019, 8:30 AM**

**California Natural Resources Building – Auditorium, First Floor**  
**1416 Ninth Street, Sacramento, CA 95814**

The meeting will be live streamed; visit [www.fgc.ca.gov](http://www.fgc.ca.gov) the day of the meeting.

**Notes:** See important meeting deadlines and procedures at the end of the agenda. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department. For 2019 when Commission meetings span two days, wildlife and inland fisheries agenda items will be heard on the first day and marine items will be heard on the second day; administrative items will be divided as time permits.

Call to order/roll call to establish quorum

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

2. **Election of Commission president and vice president**

The commissioners annually elect one of their number as president and one as vice president, by a concurrent vote of at least three commissioners (Pursuant to Section 102, Fish and Game Code).

3. **Committee assignments**

The Commission forms three committees from its membership, consisting of at least one commissioner (Pursuant to sections 105, 106 and 106.5, Fish and Game Code).

- (A) Marine Resources Committee
- (B) Wildlife Resources Committee
- (C) Tribal Committee

4. **Recognition of former Commission Vice President**

Recognize former Vice President Anthony C. Williams for his commitment and service to the Commission.

5. **General public comment for items not on 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**

6. **Northern California summer steelhead**
- (A) Receive 90-day evaluation report from the Department for the petition to list northern California summer steelhead (*Oncorhynchus mykiss irideus*) as an endangered species under the California Endangered Species Act (CESA). (Pursuant to Section 2073.5, Fish and Game Code)
  - (B) Consider approving request from petitioners to schedule candidacy hearing for northern California summer steelhead at the June 12-13, 2019 Commission meeting in Redding. (Pursuant to Section 2074, Fish and Game Code)
7. **Bumble bees**  
Receive 90-day evaluation report from the Department for the petition to list Crotch bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as endangered species under CESA. (Pursuant to Section 2073.5, Fish and Game Code)  
**Commission staff will recommend that this item be continued to a future Commission meeting.**
8. **Foothill yellow-legged frog**  
Receive the Department's one-year status review report on the petition to list foothill yellow-legged frog (*Rana boylei*) as a threatened species under CESA. (Pursuant to Section 2074.6, Fish and Game Code)  
**The Department will recommend that this item be continued to a future Commission meeting.**

9. **Acting executive director's report**  
Receive an update from the acting executive director on staffing and legislative information.
- (A) Staff report
  - (B) Legislative report and possible action
10. **Annual tribal planning meeting**  
Report on the annual tribal planning meeting held pursuant to the Commission's Tribal Consultation Policy.

11. **Tribal Committee**  
Discuss updates and/or recommendations from the February 5, 2019 committee meeting. Consider approving new topics to address at a future committee meeting.
  - (A) February 5, 2019 meeting summary
    - I. Receive and consider adopting recommendations
  - (B) Work plan development
    - II. Update on work plan and draft timeline
    - III. Discuss and consider approving new topics
  
12. **Wildlife Resources Committee**  
Discuss updates and/or recommendations from the January 10, 2019 committee meeting. Consider approving new topics to address at a future committee meeting.
  - (A) January 10, 2019 meeting summary
    - I. Receive and consider adopting recommendations
  - (B) Work plan development
    - II. Update on work plan and draft timeline
    - III. Discuss and consider approving new topics
  
13. **Statewide inland sport fishing revisions and simplification for 2020**  
Discuss and consider endorsing a “menu” framework for the statewide inland sport fishing regulations revisions and simplification.
  
14. **Upland game bird**  
Consider authorizing publication of notice of intent to amend upland game bird regulations.  
***The Department will request that this item be removed from the rulemaking timetable.***
  
15. **Mammal hunting**  
Discuss proposed changes to mammal hunting regulations, including sheep/elk tag quotas, and deer/elk tag validation.  
(Sections 362, 364, 364.1 and 708.6, Title 14, CCR)
  
16. **Archery equipment and crossbow**  
Discuss proposed changes to archery equipment and crossbow regulations, including bow draw weight, and possession of a firearm while bow hunting.  
(Section 354, Title 14, CCR)
  
17. **Waterfowl**  
Discuss proposed changes to migratory waterfowl regulations and concurrence with federal regulations.  
(Sections 502 and 509, Title 14, CCR)
  
18. **Klamath River Basin sport fishing**  
Discuss proposed changes to Klamath River Basin sport fishing regulations.  
(Subsection 7.50(b)(91.1), Title 14, CCR)

19. **Central Valley salmon sport fishing**  
 Discuss proposed changes to Central Valley salmon sport fishing regulations.  
 (Subsections 7.50(b)(5), (68), (124) and (156.5), Title 14, CCR)
20. **Upper Klamath-Trinity river spring Chinook salmon**
- (A) Consider the petition, Department's evaluation report, and comments received to determine whether listing Upper Klamath-Trinity river spring Chinook salmon (*Oncorhynchus tshawytscha*) as an endangered or threatened species under the California Endangered Species Act (CESA) may be warranted.  
 (Pursuant to Section 2074.2, Fish and Game Code)  
 Note: If the Commission determines listing may be warranted, a one-year status review will commence before the final decision on listing is made.
  - (B) If the Commission determines that listing may be warranted, consider adopting emergency regulations related to Klamath River Basin sport fishing.
21. **Petitions for regulation change**  
 Consider petitions submitted by members of the public to adopt, amend or repeal a regulation.  
 (Pursuant to Section 662, Title 14, CCR)
- (A) Action on current petitions
    - I. Petition #2018-016: Hope Valley Wildlife Area
    - II. Petition #2018-017: Fillet size for ocean whitefish
  - (B) Action on pending regulation petitions referred to staff or the Department for review
    - I. Petition #2018-014: Boat limits for finfish
22. **Non-regulatory requests**  
 Consider non-regulatory requests submitted by members of the public at previous meetings.
- (A) Action on current non-regulatory requests
  - (B) Action on pending non-regulatory requests referred to staff or the Department for review – None scheduled at this time
23. **Departmental informational items**  
 The Department will highlight items of note since the last Commission meeting.
- (A) Director's report
    - I. Update on tricolored blackbird population estimates and progress with safe harbor agreements
    - II. Annual report regarding necropsies on mountain lions taken under depredation permits
  - (B) Law Enforcement Division
  - (C) Wildlife and Fisheries Division, and Ecosystem Conservation Division
    - I. Update on efforts to eradicate nutria in California
  - (D) Marine Region
    - I. Update on revised timeline for the draft Pacific herring fishery management plan

- II. Update on annual recreational ocean salmon and Pacific halibut regulations, automatic conformance to federal regulations, and outcomes of International Pacific Halibut Commission and Pacific Fishery Management Council activities
  
- 24. **Marine Resources Committee**  
 Receive update on previous committee meeting. Discuss and consider approving draft agenda topics for the next committee meeting. Consider approving new topics to address at a future committee meeting.
  - (A) Update on November 14, 2018 meeting topics related to stakeholder engagement in fishery management plan development
  - (B) Work plan development
    - I. Update on work plan and draft timeline
    - II. Discuss and consider approving new topics
  
- 25. **Recreational take of purple sea urchin**  
 Consider adopting proposed regulations concerning the recreational take of purple sea urchin.  
 (Add Section 29.06, Title 14, CCR)
  
- 26. **California sheephead**  
 Consider adopting proposed changes to regulations concerning the filleting of California sheephead on vessels at sea.  
 (Subsection 27.65(b), Title 14, CCR)
  
- 27. **Charles Friend Oyster Company State Water Bottom Lease No. M-430-04**  
 Consider approving the Department request to extend Charles Friend Oyster Company's State Water Bottom Lease No. M-430-04 for a period of one year.
  
- 28. **Delayed opening and closure of fisheries due to human health risk**  
 Discuss action taken by the Department director to order the delay or closure of fisheries due to human health risk associated with elevated levels of domoic acid.  
 (Pursuant to Section 5523, Fish and Game Code)
  - (A) Delayed opening of the commercial Dungeness crab season from Patrick's Point in Humboldt County north to the California/Oregon state line
  
- 29. **Commercial whaling in Japan**  
 Discuss Japan's announcement that it will leave the International Whaling Commission and resume commercial whaling in July 2019, and potentially approve sending a letter to Japanese Prime Minister Shinzo Abe.
  
- 30. **Strategic planning**  
 Receive an update on and discuss next steps in the strategic planning process.

31. **Commission administrative items**

Discuss and consider action on the upcoming meeting agenda items and rulemaking timetable, and identify any new business for discussion at a future meeting.

- (A) Next meeting – April 17-18, 2019 in Santa Monica
- (B) Rulemaking timetable updates
- (C) New business

Adjourn

## **EXECUTIVE SESSION**

(Not Open to Public)

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

(A) Pending litigation to which the Commission is a Party

- I. Dennis Sturgell v. California Fish and Game Commission, California Department of Fish and Wildlife, and Office of Administrative Hearings (revocation of Dungeness crab vessel permit No. CT0544-T1)
- II. California Cattlemen's Association and California Farm Bureau Federation v. California Fish and Game Commission (gray wolf listing)
- III. Public Interest Coalition v. California Fish and Game Commission (CEQA compliance during adoption of dog collar regulation)
- IV. Pacific Star Sportfishing, Inc. v. California Fish and Game Commission, et al. (suspension of commercial vessel fishing permit)
- V. Aaron Lance Newman v. California Fish and Game Commission (revocation of hunting and sport fishing privileges)

(B) Possible litigation involving the Commission

(C) Staffing

(D) Deliberation and action on license and permit items

- I. Consider Agency Case No. 18ALJ10-FGC, the appeal filed by John Rosca regarding the Department's suspension of a trapping license.
- II. Consider Agency Case No. 17ALJ09-FGC, the appeal filed by Richard Zellers regarding the Department's suspension of a trapping license.
- III. Consider Agency Case No. 18ALJ12-FGC, the appeal filed by Larry Moore regarding the Department's denial of a request to renew a deeper nearshore species fishery permit.
- IV. Consider Agency Case No. 17ALJ15-FGC, the appeal filed by Salvatore Sardina regarding the Department's denial of a request to renew a salmon vessel permit renewal.
- V. Consider the Proposed Decision in Agency Case No. 17ALJ04-FGC, In the Matter of the Accusation against Adam Robert Salvatore Aliotti.
- VI. Consider the Proposed Decision in Agency Case No. 17ALJ17-FGC, In the Matter of the Accusation against Alecia Dawn, Inc.

## California Fish and Game Commission 2019 Meeting Schedule

**Note:** As meeting dates and locations can change, please visit [www.fgc.ca.gov](http://www.fgc.ca.gov) for the most current list of meeting dates and locations. In 2019, wildlife and inland fisheries items will be heard on the first day of Commission meetings, and marine items will be heard on the second day; administrative items will be heard on either day.

Meeting Date	Commission Meeting	Committee Meeting
March 20		<b>Marine Resources</b> Natural Resources Building Redwood Room, 14 <sup>th</sup> Floor 1416 Ninth Street Sacramento, CA 95814
April 17-18	City of Santa Monica Civic Auditorium East Wing 1855 Main Street Santa Monica, CA 90403	
May 16		<b>Wildlife Resources</b> Natural Resources Building Redwood Room, 14 <sup>th</sup> Floor 1416 Ninth Street Sacramento, CA 95814
May 16	Teleconference – Arcata, Fairfield, Sacramento, San Diego	
June 11		<b>Tribal</b> Redding
June 12-13	Redding	
July 11		<b>Marine Resources</b> California Department of Parks and Recreation Orange Coast District Office Training Room 3030 Avenida del Presidente San Clemente, CA 92672
August 7-8	Natural Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
September 5		<b>Wildlife Resources</b> Justice Joseph A. Rattigan State Building Conference Room 410 50 D Street, 4 <sup>th</sup> Floor Santa Rosa, CA 95404
October 8		<b>Tribal</b> San Diego
October 9-10	San Diego	

Meeting Date	Commission Meeting	Committee Meeting
November 5		<b>Marine Resources</b> Natural Resources Building 12 <sup>th</sup> Floor Conference Room 1416 Ninth Street, Room 1206 Sacramento, CA 95814
December 11-12	Natural Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	

### **OTHER 2019 MEETINGS OF INTEREST**

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

- September 22-25, Saint Paul, MN

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

- March 5-12, Vancouver, WA
- April 9-16, Rohnert Park, CA
- June 18-25, San Diego, CA
- September 11-18, Boise, ID
- November 13-20, Costa Mesa, CA

#### **Pacific Flyway Council**

- March 5, Denver, CO
- August 23, TBD

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

- July 11-16, Manhattan, KS

#### **Wildlife Conservation Board**

- March 7, Sacramento, CA
- April 4, Sacramento, CA
- May 22, Sacramento, CA
- August 28, Sacramento, CA
- November 21, Sacramento, CA

## **IMPORTANT COMMISSION MEETING PROCEDURES INFORMATION**

### **WELCOME TO A MEETING OF THE CALIFORNIA FISH AND GAME COMMISSION**

This is the 149<sup>th</sup> 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. In that spirit, we provide the following 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 Reasonable Accommodation Coordinator at (916) 651-1214. Requests for facility and/or meeting accessibility should be received at least 10 working days prior to the meeting to ensure the request can be accommodated.

### **STAY INFORMED**

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

### **SUBMITTING WRITTEN COMMENTS**

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: **E-mail** to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov); **mail** to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; **deliver** to California Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814; or **hand-deliver to a Commission meeting**. Materials provided to the Commission may be made available to the general public.

### **COMMENT DEADLINES**

The **Written Comment Deadline** for this meeting is **5:00 p.m. on January 24, 2019**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Late Comment Deadline** for this meeting is **noon on February 1, 2019**. Comments received by this deadline will be marked "late" and made available to Commissioners at the meeting.

After these deadlines, written comments may be delivered in person to the meeting – Please bring ten (10) copies of written comments to the meeting.

### **NON-REGULATORY REQUESTS**

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

## **PETITIONS FOR REGULATION CHANGE**

Any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1, titled, "Petition to the California Fish and Game Commission for Regulation Change" (as required by Section 662, Title 14, CCR). The form is available at <http://www.fgc.ca.gov/public/information/petitionforregulatorychange.aspx>. To be received by the Commission at this meeting, petition forms must have been delivered by the **Late Comment Deadline** (or delivered during public comment at the meeting). Petitions received at this meeting will be scheduled for consideration at the next business meeting, unless the petition is rejected under staff review pursuant to subsection 662(b), Title 14, CCR.

## **VISUAL PRESENTATIONS/MATERIALS**

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

1. Electronic presentations must be provided by email to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov).
2. All electronic formats must be Windows PC compatible.
3. It is recommended that a print copy of any electronic presentation be submitted in case of technical difficulties.
4. A data projector, laptop and presentation mouse will be available for use at the meeting.

## **CONSENT CALENDAR**

A summary of all items will be available for review at the meeting. Items on the consent calendar are generally non-controversial items for which no opposition has been received and will be voted upon under single action without discussion. Any item may be removed from the consent calendar by the Commission upon request of a Commissioner, the Department, or member of the public who wishes to speak to that item, to allow for discussion and separate action.

## **LASER POINTERS**

Laser pointers may only be used by a speaker during a presentation; use at any other time may result in arrest.

## **SPEAKING AT THE MEETING**

To speak on an agenda item, please complete a "Speaker Card" and give it to the designated staff member before the agenda item is announced. Cards will be available near the entrance of the meeting room. Only one speaker card is necessary for speaking to multiple items.

1. Speakers will be called in groups; please line up when your name is called.
2. When addressing the Commission, 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. Individuals may receive advance approval for additional time to speak if requests for additional time to speak are received by email or delivery to the Commission office by the **Late 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.
  - c. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).
  - d. An individual may receive additional time to speak to an agenda item at the request of any commissioner.
5. If you are presenting handouts/written material to the Commission at the meeting, please provide ten (10) copies to the designated staff member just prior to speaking.