

**Commissioners**  
**Michael Sutton**, President  
Monterey  
**Richard Rogers**, Vice President  
Santa Barbara  
**Jim Kellogg**, Member  
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**Jack Baylis**, Member  
Los Angeles  
**Jacque Hostler-Carmesin**, Member  
McKinleyville

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

**Sonke Mastrup, Executive Director**  
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## Fish and Game Commission



### AGENDA

November 6, 2013, 9:00 a.m.

Embassy Suites La Quinta Hotel & Spa  
50-777 Santa Rosa Plaza, La Quinta

### THIS MEETING MAY NOT BE WEBCAST LIVE

**NOTE:** Items may be heard in any order pursuant to the determination of the presiding commissioner. Also see important information about Commission procedures at the end of the agenda.

1. [DISCUSSION OF PROPOSED CHANGES TO PRIVATE LANDS MANAGEMENT REGULATIONS \(SECTIONS 601 AND 702\(a\), TITLE 14, CCR\)](#)
2. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND DEPARTMENT LANDS REGULATIONS (SECTIONS 550, 550.5, 551, 552, 553, 630 AND 703, TITLE 14, CCR)
3. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND COMMERCIAL MARKET SQUID TWO-TON INCIDENTAL TAKE FISHING REGULATIONS (SECTION 149, TITLE 14, CCR)
4. APPROVAL OF AMENDMENT TO COMMISSION DESIGNATED WILD TROUT WATERS POLICY
5. [ADOPTION/RATIFICATION OF DRAFT FINDINGS FOR COMMISSION'S REJECTION OF PETITION TO LIST THE BLACK-BACKED WOODPECKER \(\*Picoides arcticus\*\) AS A THREATENED OR ENDANGERED SPECIES](#)

<u>CONSENT ITEMS</u> ( <i>Documents available upon request</i> )
6. <a href="#">ADOPTION OF PROPOSED CHANGES TO INLAND TROUT AND SALMON REGULATIONS (SECTION 7.50, TITLE 14, CCR)</a>
7. <a href="#">ADOPTION OF PROPOSED CHANGES TO COMMERCIAL HARVEST OF KELP REGULATIONS (SECTIONS 165 AND 165.5, TITLE 14, CCR)</a>

8. ADOPTION OF AMENDMENT TO DUCK STAMP PROJECT AUTHORIZATION

9. MONITORING RESULTS AND MANAGEMENT REVIEW FOR THE CENTRAL COAST MARINE PROTECTED AREAS
10. REPORT OF CHAPTERED BILLS REQUIRING COMMISSION ACTION
11. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION
12. COMMISSION STAFF REPORT FOR CONSIDERATION AND POSSIBLE ACTION
- (A) RECOMMENDATIONS ON ITEMS OF INTEREST FROM PRIOR MEETINGS
  - (B) PREVIEW OF FUTURE AGENDA ITEMS
  - (C) REVIEW APPROVED 2014 MEETING DATES AND LOCATIONS
  - (D) TRIBAL COMMITTEE
  - (E) NEW BUSINESS
13. DEPARTMENT INFORMATIONAL ITEMS
- (A) DIRECTOR'S REPORT
  - (B) UPDATE ON CA LAW REVISION PROCESS
  - (C) WILDLIFE AND FISHERIES DIVISION AND ECOSYSTEM CONSERVATION DIVISION
    - I. STATUS UPDATE ON [REPORT REGARDING LEVELS OF LEAD FOUND IN CALIFORNIA CONDORS DURING 2012](#) (PURSUANT TO SECTION 3004.5, FISH AND GAME CODE).
  - (D) LAW ENFORCEMENT DIVISION
  - (E) MARINE
  - (F) OTHER
14. OTHER INFORMATIONAL ITEMS
- (A) LEGAL COUNSEL
  - (B) FEDERAL AGENCIES
15. PUBLIC FORUM
- (Any member of the public may address the Commission regarding the implementation of its policies or any other matter within the jurisdiction of the Commission. The issue to be discussed should not be related to any item on the current agenda. As a general rule, action cannot be taken on issues not listed on the agenda; at the discretion of the Commission, staff may be requested to follow up on such items. Submitting written comments is encouraged to ensure that all comments will be included in the record before the Commission. Please be prepared to summarize your comments in the time allocated by the presiding commissioner.)

**2013 FISH AND GAME COMMISSION  
MEETING SCHEDULE**

[www.fgc.ca.gov](http://www.fgc.ca.gov)

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
Dec. 11 (Wed.) Dec. 12 (Thurs.)	Hilton San Diego Mission Valley 901 Camino del Rio South <b>San Diego, CA 92108</b>	No Marine Resources Committee Meeting or Wildlife Resources Committee Meeting scheduled.

**2014 FISH AND GAME COMMISSION  
MEETING SCHEDULE**

[www.fgc.ca.gov](http://www.fgc.ca.gov)

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
Jan. 15 (Wed.)		Wildlife Resources – Los Angeles
Feb. 5 (Wed.) Feb. 6 (Thurs.)	Sacramento	
Mar. 19 (Wed.)		Marine Resources – Santa Rosa
Apr. 16 (Wed.) Apr. 17 (Thurs.)	Ventura	
May 7 (Wed.)		Wildlife Resources – San Francisco/Bay Area
Jun. 4 (Wed.) Jun. 5 (Thurs.)	Eureka	
Jul. 16 (Wed.)		Marine Resources – Monterey
Aug. 6 (Wed.) Aug. 7 (Thurs.)	San Diego	

Sep. 17 (Wed.)		Wildlife Resources – Sacramento
Oct. 8 (Wed.) Oct. 9 (Thurs.)	Yreka <i>Joint meeting with Oregon DFW</i>	
Nov. 5 (Wed.)		Marine Resources – Los Alamitos
Dec. 3 (Wed.) Dec. 4 (Thurs.)	Los Angeles	

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EXECUTIVE SESSION  
(NOT OPEN TO PUBLIC)

PURSUANT TO THE AUTHORITY OF GOVERNMENT CODE SECTION 11126(a)(1) AND (e)(1), AND SECTION 309 OF THE FISH AND GAME CODE, THE COMMISSION WILL MEET IN CLOSED EXECUTIVE SESSION. THE PURPOSE OF THIS EXECUTIVE SESSION IS TO CONSIDER:

- A. PENDING LITIGATION TO WHICH THE COMMISSION IS A PARTY
  - I. BIG CREEK LUMBER COMPANY AND CENTRAL COAST FOREST ASSOC. vs. CALIFORNIA FISH AND GAME COMMISSION RE: COHO LISTING, SOUTH OF SAN FRANCISCO.
  - II. JAMES BUNN AND JOHN GIBBS vs. CALIFORNIA FISH AND GAME COMMISSION RE: SQUID PERMITS.
  - III. CENTER FOR BIOLOGICAL DIVERSITY vs. CALIFORNIA FISH AND GAME COMMISSION AND DEPARTMENT OF FISH AND GAME RE: PACIFIC FISHER.
  - IV. UNITED ANGLERS OF SOUTHERN CALIFORNIA; COASTSIDE FISHING CLUB; AND ROBERT C. FLETCHER vs. CALIFORNIA FISH AND GAME COMMISSION RE: SOUTH COAST STUDY REGION AND NORTH CENTRAL COAST STUDY REGION MARINE PROTECTED AREAS UNDER THE MARINE LIFE PROTECTION ACT.
  - V. CENTER FOR BIOLOGICAL DIVERSITY AND EARTH ISLAND INSTITUTE vs. FISH AND GAME COMMISSION ADOPTING EMERGENCY REGULATION TO AUTHORIZE INCIDENTAL TAKE OF THE BLACK-BACKED WOODPECKER DURING CANDIDACY PERIOD.
- B. POSSIBLE LITIGATION INVOLVING THE COMMISSION
- C. REPORT ON DRAKES BAY OYSTER COMPANY vs. JEWELL, DECISION BY U.S. COURT OF APPEALS, NINTH CIRCUIT
- D. STAFF PERFORMANCE AND COMPENSATION
- E. RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS

## **IMPORTANT COMMISSION MEETING PROCEDURES INFORMATION**

### **PERSONS WITH DISABILITIES**

These facilities are accessible to persons with disabilities.

1. To request reasonable accommodations for a disability, please contact the California Fish and Game Commission at (916) 653-4899 as soon as possible and no later than five (5) business days prior to the meeting.
2. For persons with a hearing or speech disability, please contact the California Relay Service as soon as possible and no later than five (5) business days prior to the meeting at 1-800-735-2929 (TTY) or 1-800-735-2922 (voice) and request your message be relayed to the California Fish and Game Commission.
3. If a request for an accommodation has been submitted but due to circumstances is no longer needed, please contact the California Fish and Game Commission at (916) 653-4899.

### **SUBMISSION OF WRITTEN MATERIALS**

The public is encouraged to comment on any item on the agenda. You may submit your written comments by one of the following methods (only one is necessary): **E-mail to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov); fax to (916) 653-5040; deliver to California Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814; or hand-deliver to a commission meeting.**

Written comments received at the Commission office by October 25, 2013, at 5:00 p.m. will be submitted to the Commission prior to the meeting. Written comments received between October 25, 2013, at 5:00 p.m. and November 1, 2013, will be submitted to the Commission at the meeting. After November 1, written comments must be delivered at the meeting if you would like the Commission to consider them at the meeting; otherwise they will be delivered to the Commission after the meeting.

### **SPEAKING AT THE MEETING**

If you wish to speak on an agenda item, please fill out a "Speaker Card" and give it to the designated staff member before the agenda item is heard. Cards will be available near the entrance of the meeting room.

1. Speakers will be called in groups, so please line up behind the podium when your name is called.
2. Please begin by giving your name and affiliation (if any) and the number of people you represent.
3. Each speaker typically has three minutes to speak to the Commission. However, the time allotted for each agenda item may be adjusted by the Commission, which may decrease the time each speaker receives.
4. If there are several speakers with the same concerns, please try to appoint a spokesperson and avoid repetitive testimony.
5. Ceding time to other speakers - The presiding commissioner may allow attendees to cede time to a spokesperson, but only under the following conditions: A) each individual ceding time is forfeiting their right to speak to the agenda item, B) the person speaking must attach to his/her card the speaker

cards of each individual ceding time, and C) the presiding commissioner will determine the total amount of time allotted to the person speaking.

6. If speaking about a specific proposal, the Commission is particularly interested in the reasons you are speaking about that proposal and any recommendations you have for how it can be improved.
7. If speaking during public forum, 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 Commission members discuss that item). As a general rule, the Commission may not take action on issues not listed on the agenda; public forum is an opportunity to bring matters to the attention of the Commission, but you may also do so via email, standard mail, and fax. At the discretion of the Commission, staff may be requested to follow up on the subject you raise.
8. If you would like to present handouts/written material to the Commission at the meeting, please provide 12 copies to the designated staff member just prior to speaking.

#### **WHEN WILL MY AGENDA ITEM BE HEARD?**

The Commission begins each session at the time listed on the agenda and generally considers each agenda item in the sequence listed, except in extraordinary circumstances.

#### **VISUAL PRESENTATIONS/MATERIALS**

PowerPoint presentations must be provided on a USB flash drive, flash memory card, DVD or CD.

1. All electronic formats must be Windows PC compatible.
2. Files created on a Mac are not supported.
3. It is recommended that a hard copy of any electronic presentation be submitted in case of technical difficulties.
4. A data projector, laptop and presentation mouse will be available.

#### **CONSENT CALENDAR**

Any item may be removed from the consent calendar by the Commission or upon the request of the Department or someone in the audience who would like to speak to that item.

**LASER POINTERS** may only be used by a speaker during a presentation; use at any other time may result in arrest.