

Commissioners

Michael Sutton, President
Monterey

Jack Baylis, Vice President
Los Angeles

Jim Kellogg, Member
Discovery Bay

Richard Rogers, Member
Santa Barbara

Jacque Hostler-Carmesin, Member
McKinleyville

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission



Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

MEETING AGENDA December 3, 2014, 8:00 a.m.

**Airtel Plaza Hotel
7277 Valjean Avenue, Van Nuys, CA**

The meeting will be live streamed at www.cal-span.org

NOTE: *Items may be heard in any order pursuant to the discretion of the presiding commissioner. See important information about Commission deadlines and procedures at the end of the agenda; the prime comment deadline is 5:00 pm on November 20.*

1. RECEIPT, DISCUSSION, AND POSSIBLE ACTION FOR ITEMS PREVIOUSLY REFERRED TO THE MARINE RESOURCES COMMITTEE
 - (A) NOVEMBER MEETING SUMMARY
 - (B) RECOMMENDATIONS FROM NOVEMBER MEETING
2. RECEIPT, DISCUSSION, AND POSSIBLE ACTION FOR ITEMS PREVIOUSLY REFERRED TO THE WILDLIFE RESOURCES COMMITTEE
 - (A) POTENTIAL JANUARY 2015 MEETING TOPICS
3. DISCUSSION AND POSSIBLE ACTION FOR ITEMS PREVIOUSLY REFERRED TO THE TRIBAL COMMITTEE
4. POSSIBLE ADOPTION OF PROPOSED CHANGES TO SPORT FISHING REGULATIONS FOR 2015 (SECTION 1.45 ET AL., TITLE 14, CCR)
5. POSSIBLE ADOPTION OF REGULATIONS TO PROHIBIT INDUCEMENTS FOR NONGAME MAMMAL AND FURBEARER HUNTING CONTESTS (SECTIONS 465 AND 472, TITLE 14, CCR)

6. TRICOLORED BLACKBIRD
 - (A) RECEIPT OF PETITION FROM THE CENTER FOR BIOLOGICAL DIVERSITY TO LIST THE TRICOLORED BLACKBIRD (*Agelaius tricolor*) AS AN ENDANGERED SPECIES UNDER THE CALIFORNIA ENDANGERED SPECIES ACT (PURSUANT TO SECTION 2073.3, FISH AND GAME CODE)
 - (B) POSSIBLE ADOPTION OF EMERGENCY REGULATION TO ADD TRICOLORED BLACKBIRD (*Agelaius tricolor*) TO THE LIST OF ENDANGERED SPECIES (PURSUANT TO SECTION 2076.5, FISH AND GAME CODE)
7. POSSIBLE ADOPTION OF PROPOSED CHANGES TO RECREATIONAL GROUND FISH REGULATIONS FOR 2015 FOR CONSISTENCY WITH FEDERAL RULES (SECTION 1.91 ET AL., TITLE 14, CCR)
8. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO AMEND PACIFIC HALIBUT SPORT FISHING REGULATIONS FOR 2015 FOR CONSISTENCY WITH FEDERAL RULES (SECTION 28.20, TITLE 14, CCR)
9. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO AMEND REGULATIONS REGARDING SPORT FISHING BAG AND POSSESSION LIMITS FOR BLUEFIN TUNA FOR CONSISTENCY WITH FEDERAL RULES IN 2015 (SECTIONS 27.65 AND 28.38, TITLE 14, CCR)
10. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO AMEND GENERAL AND OCEAN SALMON SPORT FISHING REGULATIONS
 - (A) SEASON DATES, SIZE LIMITS AND DAILY BAG LIMITS FOR APRIL 2015, RECOVERING CODED-WIRE TAG FROM SALMON HEADS, AND OCEAN SALMON FISHERY CLOSURES AROUND RIVER MOUTHS (SECTIONS 1.73 AND 27.75 AND SUBSECTION 27.80(c), TITLE 14, CCR)
 - (B) SEASON DATES, SIZE LIMITS AND DAILY BAG LIMITS FOR MAY-NOVEMBER 2015 (SUBSECTION 27.80(d), TITLE 14, CCR)
11. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO AMEND KLAMATH RIVER SALMON SPORT FISHING REGULATIONS (SUBSECTIONS 7.50(b)(91.1) AND (b)(195), TITLE 14, CCR)
12. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO AMEND CENTRAL VALLEY RIVER SALMON SPORT FISHING REGULATIONS (SUBSECTIONS 7.50(b)(5), (68) AND (156.5), TITLE 14, CCR)

13. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO AMEND MAMMAL HUNTING REGULATIONS (SECTIONS 360, 361, 362, 363, 364, 364.1, 702, 708.5, 708.11, 708.18 AND 713, TITLE 14, CCR)
14. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO AMEND BOBCAT TRAPPING REGULATIONS (PURSUANT TO SECTION 4155, FISH AND GAME CODE)
15. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO AMEND REGULATIONS REGARDING AUTHORIZED METHODS OF TAKE FOR WILDLIFE USING LEAD AMMUNITION – PHASING OUT THE USE OF LEAD AMMUNITION (PURSUANT TO SECTION 3004.5, FISH AND GAME CODE)
16. DISCUSSION OF PROPOSED REGULATIONS FOR PETITIONING THE COMMISSION TO CHANGE REGULATIONS (ADD SECTION 662, TITLE 14, CCR)

CONSENT ITEMS

17. ADOPTION OF 2015 REGULATORY CALENDAR
18. APPROVAL OF AMENDMENT TO COMMISSION DESIGNATED WILD TROUT WATERS POLICY
19. RATIFICATION OF FINDINGS TO LIST CLEAR LAKE HITCH (*Lavinia exilicauda chi*) AS A THREATENED SPECIES UNDER THE CALIFORNIA ENDANGERED SPECIES ACT (PURSUANT TO SECTION 2075.5, FISH AND GAME CODE)
20. APPROVAL OF THE DEPARTMENT'S REQUEST FOR A SIX MONTH EXTENSION TO COMPLETE THE STATUS REPORT AND PEER REVIEW PROCESS FOR THE PETITION TO LIST THE NORTHERN SPOTTED OWL (*Strix occidentalis caurina*) AS A THREATENED OR ENDANGERED SPECIES UNDER THE CALIFORNIA ENDANGERED SPECIES ACT (PURSUANT TO SECTION 2074.6, FISH AND GAME CODE)
21. APPROVAL OF THE DEPARTMENT'S REQUEST FOR A SIX MONTH EXTENSION TO COMPLETE THE STATUS REPORT AND PEER REVIEW PROCESS FOR THE PETITION TO LIST THE TOWNSEND'S BIG-EARED BAT (*Corynorhinus townsendii*) AS A THREATENED OR ENDANGERED SPECIES UNDER THE CALIFORNIA ENDANGERED SPECIES ACT (PURSUANT TO SECTION 2074.6, FISH AND GAME CODE)
22. RECEIPT OF THE DEPARTMENT'S EVALUATION OF THE PETITION TO LIST THE FLAT-TAILED HORNED LIZARD (*Phrynosoma mcallii*) AS ENDANGERED UNDER THE CALIFORNIA ENDANGERED SPECIES ACT (PURSUANT TO SECTION 2073.5, FISH AND GAME CODE)
23. RECEIPT OF NATURAL SCIENCES, LLC APPLICATION TO LEASE KELP

BEDS 102, 103, 107, AND 108 AT SAN CLEMENTE AND SAN NICOLAS ISLANDS, AND HARVEST PLAN TO MECHANICALLY HARVEST IN LEASED AND OPEN BEDS IN SOUTHERN CALIFORNIA

24. APPROVAL OF APPLICATION FROM MR. GEIR NILSEN TO TRANSFER HALIBUT BOTTOM TRAWL VESSEL PERMIT (BT0023) UPON THE SALE OF THE F/V SEA BIRD (FG12744)
 25. PERMANENT REVOCATION OF SPORT FISHING PRIVILEGES FOR LANH THI NGUYEN TRAN, ELK GROVE
 26. APPROVAL OF REQUEST FROM CHRISTINE ALLEN (EXECUTOR OF THE ESTATE OF THOMAS L. PTAK) TO EXTEND THE TIME TO TRANSFER MR. THOMAS L. PTAK'S TRANSFERABLE NEARSHORE FISHERY PERMIT AND NEARSHORE FISHERY TRAP ENDORSEMENT UNTIL DECEMBER 15, 2015
27. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION
 28. RECEIPT AND POSSIBLE APPROVAL OF KELP HARVESTING PLANS REQUIRED FOR MECHANICAL HARVEST OF KELP (PURUSANT TO SECTION 165(a)(6), TITLE 14, CCR):
 - (A) THE ABALONE FARM, INC
 - (B) THE CULTURED ABALONE FARM, LLC
 29. RECEIPT AND POSSIBLE ACTION ON DEPARTMENT REQUEST TO AMEND SANTA BARBARA MARICULTURE STATE WATER BOTTOM LEASE #M-653-02 IN SANTA BARBARA, TO CORRECT BOUNDARIES AND EXTEND LEASE PERIOD FOR ONE YEAR
 30. RECEIPT AND POSSIBLE ACTION ON REQUEST BY COVE MUSSEL COMPANY TO SUBLEASE A PORTION OF STATE WATER BOTTOM LEASE #M-430-06 IN TOMALES BAY TO CHRISTOPHER STARBIRD
 31. PRESENTATION AND POTENTIAL ENDORSEMENT OF THE OCEAN PROTECTION COUNCIL'S MARINE PROTECTED AREAS PARTNERSHIP PLAN
 32. NEW BUSINESS
 - (A) DISCUSSION OF IDEAS TO CLARIFY POSSESSION LIMITS WHEN LAWFULLY PROCESSING GAME BIRDS AND GAME MAMMALS INTO FOOD (SECTION 3080, FISH AND GAME CODE)
 33. ITEMS OF INTEREST FROM PREVIOUS MEETINGS
 - (A) POSSIBLE ACTION ON PETITIONS FOR REGULATORY CHANGE RECEIVED AT THE OCTOBER 2014 MEETING (summary of requests will be posted at fgc.ca.gov/meetings/2014 about November 26, 2014)

- (B) POSSIBLE ACTION ON NON-REGULATORY REQUESTS RECEIVED AT THE OCTOBER 2014 MEETING (summary of requests will be posted at fgc.ca.gov/meetings/2014 about November 26, 2014)
- 34. DISCUSSION AND POSSIBLE ACTION ON FUTURE MEETING ITEMS
 - (A) NEXT MEETING – FEBRUARY 11-12, 2015, IN SACRAMENTO
- 35. DEPARTMENT INFORMATIONAL ITEMS
 - (A) DIRECTOR'S REPORT
 - (B) WILDLIFE AND FISHERIES DIVISION, AND ECOSYSTEM CONSERVATION DIVISION
 - (C) LAW ENFORCEMENT DIVISION
 - (D) MARINE
 - (E) OTHER
- 36. 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.

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 (COHO LISTING, SOUTH OF SAN FRANCISCO)
 - II. JAMES BUNN AND JOHN GIBBS vs. CALIFORNIA FISH AND GAME COMMISSION (SQUID PERMITS)
 - III. CENTER FOR BIOLOGICAL DIVERSITY AND EARTH ISLAND INSTITUTE vs. CALIFORNIA FISH AND GAME COMMISSION (BLACK-BACKED WOODPECKER)
- (B) POSSIBLE LITIGATION INVOLVING THE COMMISSION
- (C) STAFF PERFORMANCE AND COMPENSATION
- (D) RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS
 - I. MR. TAM VAN TRAN - REVOKE SPORT FISHING PRIVILEGES
 - II. MR. DENNIS STURGELL – REVOKE DUNGENESS CRAB VESSEL PERMIT (CT0544-T1)

**2015 FISH AND GAME COMMISSION
MEETING SCHEDULE**

www.fgc.ca.gov

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
January 14		Wildlife Resources Sacramento-San Joaquin Delta Conservancy 1450 Halyard Drive, Suite 6 West Sacramento, CA 95691
February 11-12	Resources Building 1416 Ninth Street First Floor Auditorium Sacramento, CA 95814	
March 4		Marine Resources Monterey County Library Marina Branch 190 Seaside Circle Marina, CA 93933
March 16	Special Meeting (teleconference)-- <i>Location and Time TBD</i>	
April 7		Tribal Committee Santa Rosa
April 8-9	Santa Rosa	
April 17	Special Meeting (teleconference)- Location and Time TBD	
May 6		Wildlife Resources Department of Transportation (CalTrans) Conference Room 01.037 100 South Main Street Los Angeles, CA 90012
June 9		Tribal Committee Mammoth Lakes
June 10-11	Mammoth Lakes	
July 8		Marine Resources North Coast
August 4-5	Fortuna	
September 9		Wildlife Resources Central California
October 6		Tribal Committee Ventura

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
October 7-8	Ventura	
November 4		Marine Resources Southern California
December 9-10	San Diego	

11/13/2014

OTHER MEETINGS OF INTEREST

Western Association of Fish and Wildlife Agencies

- January 8-11, Las Vegas, NV
- July 16-22, Reno, NV

Pacific Fishery Management Council

- March 7-12, Vancouver, WA
- April 11-16, Rohnert Park, CA
- June 12-17, Spokane, WA
- September 11-16, Sacramento, CA
- November 14-19, Garden Grove, CA

Wildlife Conservation Board – Dates unknown at this time

Pacific Flyway Council

- March 10, Omaha, NE
- July 24, TBD

IMPORTANT COMMISSION MEETING PROCEDURES INFORMATION

WELCOME TO A MEETING OF THE CALIFORNIA FISH AND GAME COMMISSION

This is the 144th year of operation of the Commission in partnership with the California Department of Fish and Wildlife. Our goal is conserving 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.

SUBMITTING WRITTEN MATERIALS

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; fax to (916) 653-5040; delivery to 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 **5:00 pm on November 20** will be made available to Commissioners prior to the meeting. Comments received by **12 noon on November 26** will be marked late and made available to Commissioners at the meeting. Otherwise, 12 copies of written comments must be brought to the meeting. All materials provided to the Commission may be made available to the general public.

PETITIONS FOR REGULATORY CHANGE AND NON-REGULATORY REQUESTS

All petitions for regulatory change and non-regulatory requests will follow a two-meeting cycle to ensure proper review and thorough consideration of each item. All requests submitted by **noon on November 26** (or heard during public forum at the meeting) will be scheduled for receipt at this meeting, and scheduled for consideration at the next business meeting.

VISUAL PRESENTATIONS/MATERIALS

PowerPoint presentations must be provided by email or delivered to the Commission office on a USB flash drive by noon on November 26. All electronic formats must be Windows PC compatible. 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. Any item may be removed from the consent calendar by the Commission, or upon the request of the Department or member of the public who wish 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.

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, provide your name and the name of any organization you represent, and provide your comments on the item under consideration.
3. Each speaker has three minutes to address the Commission, however, time may be adjusted at the discretion of the presiding commissioner. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. Speakers may cede their time to an individual spokesperson, but only under the following conditions:
 - a. Individuals ceding time forfeit their right to speak to the agenda item;
 - b. The minimum number of individuals required to cede time to a spokesperson and the amount of time allocated are arranged in advance with the presiding commissioner.
5. If you are presenting handouts/written material to the Commission at the meeting, please provide 12 copies to the designated staff member just prior to speaking.