

## STAFF SUMMARY FOR DECEMBER 9-10, 2015

**23B. OTHER ITEMS – STAFF REPORT****Today's Item**Information Action 

Receive the staff report, including the Oct meeting highlights and staff time allocations.

**Summary of Previous/Future Actions (N/A)****Background*****Oct Meeting Highlights***

As requested, staff has prepared a shortened summary of meeting outcomes for the previous meeting (Exhibit B1).

***Staff Capacity and Roles***

In an effort to help keep FGC current on its staffing and where staff is expending its time, staff has developed a report that shows the allocation of time in general categories for the previous month, as well as highlights some of the specific activities for the previous and current months (Exhibit B2).

For the most recent Wildlife Advisor recruitment effort, nearly two dozen individuals have submitted applications for the position (senior environmental scientist, specialist), with four of the applications incomplete. Staff reviewed the applications and interviewed six potential candidates; second round interviews will be conducted in December. The position remains open until filled.

The need for dedicated legal assistance has been steadily increasing as FGC issues have become more complex. To address this need, Michael Yuan became FGC's legal counsel on Nov 2, 2015. Michael has spent his first month with FGC in various training and learning how FGC operates.

Executive Director Sonke Mastrup has taken another position with the state effective Jan 1, 2016; his last day in the FGC office will be Dec 24, 2015. In the first few months of 2016 he will be available to the interim executive director for limited consultations.

The deputy executive director has been on leave since March of 2014; that position is expected to become vacant in early 2016, at which time a recruitment effort can begin.

**Significant Public Comments (N/A)****Recommendation (N/A)****Exhibits**

- B1. [Staff summary of the Oct 2015 FGC meeting outcomes](#)
- B2. [Staff Report on Staff Time Allocation – dated November 25, 2015](#)

**Motion/Direction (N/A)**

**Commissioners**  
**Jack Baylis**, President  
Los Angeles  
**Jim Kellogg**, Vice President  
Discovery Bay  
**Jacque Hostler-Carmesin**, Member  
McKinleyville  
**Eric Sklar**, Member  
Saint Helena  
**Anthony C. Williams**, Member  
Huntington Beach

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

**Sonke Mastrup, Executive Director**  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814  
(916) 653-4899

## Fish and Game Commission



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*Wildlife Heritage and Conservation*  
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### MEETING OUTCOMES FOR OCTOBER 7-8, 2015

These meeting outcomes were prepared by staff.

The official meeting minutes – video and audio recordings – may be obtained from [www.cal-span.org](http://www.cal-span.org).

**Embassy Suites – LAX North**  
**9801 Airport Blvd., Los Angeles**

#### DAY 1 – OCTOBER 7, 2015

Pursuant to the call of the president, the California Fish and Game Commission (Commission) met at the Embassy Suites – LAX North, 9801 Airport Drive, Los Angeles, California on October 7, 2015.

The meeting was called to order at 8:40 a.m. by President Baylis, who introduced Executive Director Sonke Mastrup. Executive Director Mastrup introduced the meeting format and indicated that there was a request to move agenda item 15 to earlier in the day.

#### FISH AND GAME COMMISSION ATTENDANCE

Jack Baylis	President	Present
Jim Kellogg	Vice President	Present
Jacque Hostler-Carmesin	Member	Absent
Eric Sklar	Member	Present
Anthony C. Williams	Member	Present

1. Public Forum

**No action taken.**

#### CONSENT ITEMS

2. Receive and approve request from Mr. Francesco Licata to transfer his California Halibut Trawl Vessel Permit No. BT0050 to Mr. Thomas Nguyen
3. Approve settlement agreement between the Department of Fish and Wildlife (Department) and Mr. Craig Yerkins, et al. regarding appeal of the Department's denial to reinstate Transferable Dungeness Crab Vessel Permit No. CT0068-T7 for F/V Terry S (FG03513)

**CONSENT (continued)**

4. Approve settlement agreement between the Department and Mr. Robert Jackson regarding his appeal of the Department's denial to reinstate Transferable Dungeness Crab Vessel Permit No. CT0215-T7 , for F/V Brooke Michelle (FG70433)
5. Approve settlement agreement between the Department and Mr. John Reid regarding his appeal of the Department's denial to reinstate Transferable Dungeness Crab Vessel Permit No. CT0108-T7 for F/V Huson (FG06579)
6. Approve Neushul Mariculture, Inc.'s request to renew state water bottom lease M-654-03 for aquaculture

**The Commission adopted the consent calendar, items 2-6, as presented.**

***Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams***

***Absent: J. Hostler-Carmesin***

7. Tribal Committee
  - (A) Meeting summary
    - I. Receive recommendations
  - (B) Work plan development
    - I. Update on current work plan and timeline
    - II. Discuss and approve new topics

**No action taken.**

8. Marine Resources Committee
  - (A) Work plan development
    - I. Update on current work plan and timeline
    - II. Discuss and approve new topics

**The Commission approved draft agenda topics for the November 2015 Marine Resources Committee meeting, and approved placing on a future Commission meeting agenda a presentation from the California Wetfish Producers Association regarding squid research.**

***Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams***

***Absent: J. Hostler-Carmesin***

9. Adopt proposed changes to commercial squid logbook and regulations (Section 149 and Appendix A, Title 14, CCR)

**The Commission adopted squid logbook and regulation changes as proposed.**

***Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams***

***Absent: J. Hostler-Carmesin***

10. Adopt proposed changes to commercial hagfish regulations  
(Section 180.6, Title 14, CCR)

**The Commission adopted commercial hagfish regulation changes as proposed, including a change from two lines to three which will require a 15-day notice.**

***Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams***

***Absent: J. Hostler-Carmesin***

11. Adopt proposed changes to commercial herring regulations and certify the final supplemental environmental document  
(Sections 163 and 164, Title 14, CCR)

**The Commission certified the final supplemental environmental document for commercial herring and adopted commercial herring regulation changes as proposed.**

***Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams***

***Absent: J. Hostler-Carmesin***

12. Adopt proposed changes to Dungeness crab and crab trap sport fishing regulations and negative declaration  
(Sections 29.80 and 29.85, Title 14, CCR)

**The Commission adopted the negative declaration for Dungeness crab and crab trap sport fishing and adopted Dungeness crab and crab trap sport fishing regulations as proposed.**

***Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams***

***Absent: J. Hostler-Carmesin***

13. Discuss proposed changes to marine protected area regulations  
(Section 632, Title 14, CCR)

**No action taken.**

14. Update and direction on petition for changes to sea urchin regulations

**The Commission directed staff to begin working with the California Sea Urchin Commission on a draft initial statement of reasons and appropriate California Environmental Quality Act document for the proposal as presented, and to schedule a rulemaking for 2016.**

***Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams***

***Absent: J. Hostler-Carmesin***

15. Climate change adaptation presentations and discussion  
(A) Charlton Bonham, Director, Department of Fish and Wildlife

- (B) Dr. Mark Gold, Associate Vice Chancellor, UCLA Institute of the Environment and Sustainability

**The Commission will work closely with the Department and other relevant state agencies to develop policies specific to wildlife and climate change.**

***Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams***

***Absent: J. Hostler-Carmesin***

- 16. Announce results from Executive Session

**Christopher Ames reported that the Office of Administrative Hearing's proposed decision for Mr. Fred Todd has become final.**

- 17. Department informational items
  - (A) Director's report
  - (B) Wildlife and Fisheries Division, and Ecosystem Conservation Division
  - (C) Law Enforcement Division
  - (D) Marine Region
  - (E) Overview of aquaculture in California
  - (F) Other

**No action taken.**

- 18. Other items
  - (A) Staff report
  - (B) Legislative update and possible action
  - (C) Federal agencies report

**No action taken.**

**The Commission meeting recessed at 4:31 p.m. to reconvene on October 8, 2015 at 8:00 a.m.**

## **DAY 2 – OCTOBER 8, 2015**

Pursuant to the call of the president, the Commission reconvened at the Embassy Suites – LAX North, 9801 Airport Drive, Los Angeles, California on October 8, 2015. The meeting was called to order at 8:04 a.m. by President Baylis.

### **FISH AND GAME COMMISSION ATTENDANCE**

Jack Baylis	President	Present
Jim Kellogg	Vice President	Present
Jacque Hostler-Carmesin	Member	Absent
Eric Sklar	Member	Present
Anthony C. Williams	Member	Present

19. Public Forum

**No action taken.**

**CONSENT ITEMS**

20. Receive and approve initial Private Lands Wildlife Habitat Enhancement and Management Area (PLM) plans and 2015-2020 licenses for:  
(Pursuant to Section 601, Title 14, CCR)  
(A) Pacheco Ranch (Santa Clara County)  
(B) Camp 5 Outfitters Roth Ranch (Monterey and San Luis Obispo Counties)
21. Approve the Department's request for a 30-day extension to complete its evaluation of the petition to list the Humboldt marten (*Martes caurina humboldtensis*) as an endangered species under the California Endangered Species Act  
(Pursuant to Section 2073.5, Fish and Game Code)

**The Commission adopted the consent calendar, items 20-21, as presented.**

***Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams***

***Absent: J. Hostler-Carmesin***

22. Wildlife Resources Committee
- (A) Meeting summary
- I. Receive and adopt recommendations
  - II. Update and direction concerning definition of frangible bullet
  - III. Update and direction concerning take of sambar deer
- (B) Work plan development
- I. Update on current work plan and timeline
  - II. Discuss and approve new topics
  - III. Appointments to predator workgroup

**The Commission approved recommendations of the Wildlife Resources Committee:**

- 1. Modify the definition of legal bullets for big game to exclude "frangible" bullets, after discussions with stakeholders.**
- 2. Start a rulemaking to delete the prohibition on the use of GPS for hounds.**
- 3. Support Department proposals for changes to upland game, mammals, Klamath River and waterfowl regulations.**
- 4. Conduct additional investigation into the 12-month fishing license proposal and ways to encourage public participation in fishing.**
- 5. Support efforts to increase efficiency in addressing depredating pigs.**
- 6. Support the continuing effort to implement Fish and Game Code Section 3080(e).**

**7. Move forward with the predator policy workgroup nomination process, with initial, potential appointments in December.**

**Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams**

**Absent: J. Hostler-Carmesin**

23. Items of interest from previous meetings

- (A) Action on petitions for regulatory change received at the August 2015 meeting
- (B) Action on petitions for non-regulatory changed received at the August 2015 meeting

**The Commission adopted the staff recommendations for actions on the petitions for regulation change and requests for non-regulatory action.**

**Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams**

**Absent: J. Hostler-Carmesin**

- (C) Commission budget review

**No action taken.**

- (D) Update on bobcat trapping prohibition effective date

**No action taken.**

- (E) Update on at-risk fisheries rulemaking

**No action taken.**

- (F) Other

**No action taken.**

24. Adopt proposed changes to the transgenic definition, application and fee regulations  
(Sections 1.92 and 703, Title 14, CCR)

**The Commission adopted changes to the transgenic definition, application and fee as proposed.**

**Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams**

**Absent: J. Hostler-Carmesin**

25. Discuss proposed changes to sport fishing regulations  
(Sections 1.05, et al., Title 14, CCR)

**No action taken.**

26. Request for authorization to publish notice of intent to amend commission meeting procedures regulations  
(Section 665, Title 14, CCR)

**The Commission directed staff to amend the agendas section of the proposed verbatim to (1) strike the vice president from the list of those who can amend agendas, and (2) change “amend” agendas to “add to” agendas.**

***Ayes: J. Baylis, E. Sklar, A. Williams***

***Noes: J. Kellogg***

***Absent: J. Hostler-Carmesin***

**The Commission provided additional suggestions and directed staff to bring a revised proposal for commission meeting regulations to the December 2015 meeting.**

27. Tricolored blackbird (*Agelaius tricolor*)
- (A) Acknowledge receipt of petition from the Center for Biological Diversity to list as endangered via emergency regulation and via the listing process set forth under the California Endangered Species Act (Pursuant to Sections 2073.3 and 2076.5, Fish and Game Code)
  - (B) Receive the Department’s evaluation of the petition to list as an endangered species (Pursuant to 2073.5, Fish and Game Code)
  - (C) Receive and act on requests from the Center for Biological Diversity to reconsider the Commission’s June 2015 decision on whether listing as a threatened or endangered species may be warranted and to move consideration to the Commission’s December 2015 meeting.

**The Commission rejected the request for reconsideration of its June 2015 decision regarding the tricolored blackbird.**

***Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams***

***Absent: J. Hostler-Carmesin***

**The Commission acknowledged receipt of the August 2015 petition for emergency listing of the tricolored blackbird and received the Department’s evaluation of the petition.**

***Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams***

***Absent: J. Hostler-Carmesin***

28. Department report on the status of Coho salmon  
(Pursuant to Section 2113, Fish and Game Code)

**No action taken.**

29. Discussion and action on future meeting items

- (A) Next meeting – December 9-10 in San Diego

**The Commission approved the December agenda topics, with the addition of a presentation from the Department on the review of state laws and other resource agency policies related to climate change.**

- (B) Perpetual timetable for regulatory action updates (including changes to timing of DFW Lands Pass, falconry clean-up, spiny lobster, and commercial logbooks)

**The Commission approved changes to anticipated regulatory actions as identified in the perpetual timetable.**

- (C) New business  
I. Commission name  
II. Timing of officer elections

**No action taken.**

**There being no further business, the Commission meeting adjourned at 1:31 p.m.**

## **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. v. California Fish and Game Commission (Coho listing, south of San Francisco)
  - II. James Bunn and John Gibbs v. California Fish and Game Commission (squid permits)
  - III. Center for Biological Diversity and Earth Island Institute v. California Fish and Game Commission (black-backed woodpecker)
  - IV. 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)
  - V. Kele Younger v. California Fish and Game Commission, et al. (restricted species inspection fee waiver and Administrative Procedure Act)
- (B) Possible litigation involving the Commission
  - I. Tricolored blackbird
  - II. Bobcat trapping prohibition
- (C) Staff performance and compensation
- (D) Update on hearing officer recommendations for license and permit items
  - I. Mr. Fred Todd

**FISH AND GAME COMMISSION  
2015 MEETING SCHEDULE**  
[www.fgc.ca.gov](http://www.fgc.ca.gov)

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
November 4		<b>Marine Resources</b> Four Points by Sheraton Ventura Harbor Resort 1050 Schooner Drive Ventura, CA 93001
December 9-10	Town and Country Resort & Convention Center 500 Hotel Circle North San Diego, CA 92108	

**OTHER MEETINGS OF INTEREST**

**Wildlife Conservation Board**

- November 19, 2015, Sacramento, CA

**Pacific Fishery Management Council**

- November 14-19, 2015, Garden Grove, CA
- March 9-14, 2016, Sacramento, CA
- April 9-14, 2016, Vancouver, WA
- June 23-28, 2016, Tacoma, WA
- September 15-20, 2016 Boise, ID
- November 16-21, 2016, Garden Grove, CA

**Western Association of Fish and Wildlife Agencies**

- January 7-10, 2016, San Diego, CA
- July, 2016, Cody, WY

**California Fish and Game Commission**  
**Staff Report on Staff Time Allocation**  
*November 25, 2015*

Staff time is a tangible and invaluable asset. This report identifies where Commission staff allocated working time to general categories during September and October 2015 (see table); note that the total percentage of staff time is greater than 100% as a result of overtime. This report also highlights some of the specific activities for October, November and December.

**General Allocation**

Category*	Sep Staff Time Expended	Oct Staff Time Expended
Regulatory Program	15%	12%
Commission Meetings	20%	17%
Legal Matters	2%	2%
External Affairs	7%	8%
Special Projects	2%	1%
Administration	18%	25%
Leave Time	18%	17%
Unfilled Positions	21%	22%
Total Staff Time	103%	103%

*Note: Total staff time is greater than 100% due to overtime*

**Activity Highlights**

Highlights for activities conducted in October:

- Prepared for and conducted the October Commission and Tribal Committee meetings
- Prepared for the November Marine Resources Committee meeting
- Participated in the fishing from piers stakeholder meeting in Santa Monica
- Began preparations for arrival of new attorney
- Participated in Tribal Leaders Forum in Sacramento
- Hosted commissioner for office hours
- Participated in a “climate change and fisheries” meeting with the Ocean Protection Council and California Department of Fish and Wildlife
- Participated in the California Department of Fish and Wildlife’s red abalone fishery management plan development meetings
- Six staff completed a 3-day course titled “Economic Tools for Resource Management”
- Participated in California Department of Fish and Wildlife kickoff meeting for Marine Life Management Act master plan amendments and a related data evaluation workshop

Highlights of activities conducted or expected for November:

- Prepared for and conducted the November Marine Resources Committee meeting
- Prepared for and conducted emergency Commission meeting, and participated in follow-up meetings, regarding domoic acid in crabs
- Prepared materials for the December Commission meeting
- Hosted commissioners for office hours
- Begin onboarding new attorney
- Presented to the Governor's Tribal Drought Task Force regarding tribal consultation
- Conducted interviews with potential wildlife resource advisor candidates
- Reviewed personnel files and conducted reference checks for potential wildlife resource advisor candidates
- Participated in the Marine Protected Areas North Coast Collaborative meeting
- Participated in quarterly regulatory coordination meeting with the California Department of Fish and Wildlife
- Assist in search for interim executive director and begin preparations for the transition from executive director

Highlights of activities expected for December:

- Prepare for and conduct the December Commission meeting
- Assist Commission in recruitment of new executive director and interim executive director
- Prepare for the January Wildlife Resources Committee
- Participate in the California Department of Fish and Wildlife's Joint Leadership Team meeting
- Participate in a legislative hearing on crab in Santa Rosa
- Conduct second round of interviews for wildlife resource advisor candidates
- Participate in meetings on fisheries and fishery management plans
- Participate in California Sea Urchin Commission meeting in Los Alamitos
- Participate in the Marine Protected Areas Statewide Leadership Team meeting
- Participate in a tour of the Fund for Animals Wildlife Center in Ramon

**\* General Allocation Categories with Sample Tasks**

***Regulatory Program***

- Coordination meetings with DFW to develop timetables and notices
- Prepare and file notices, re-notices, ISORS and FSORs
- Review and process CESA petitions
- Track and respond to public comments
- Consult, research and respond to inquiries from OAL
- Prepare administrative records

### ***Commission/Committee Meetings and Support***

- Research and review practices and procedures for adaptive management
- Research and compile subject-specific information
- Review and develop policies
- Develop and distribute meeting agendas and materials
- Agenda and debrief meetings
- Prepare meeting summaries and audio files
- Maintain voting records
- Develop and distribute after-meeting memos/letters
- Make travel arrangements for staff and commissioners
- Conduct onsite meeting management
- Process submitted meeting materials
- Provide commissioner support (expense claims, office hours, etc.)
- Process and analyze regulatory petitions and non-regulatory requests

### ***Legal Matters***

- Respond to Public Records Act requests
- Process appeals and accusations
- Process requests for permit transfers
- Process kelp and state water bottom leases
- Litigation

### ***External Affairs***

- Engage and educate legislators, monitor legislation
- Maintain state, federal and tribal government relations
- DFW partnership, including joint development of management plans and concepts

### ***Special Projects***

- Predator Policy Workgroup
- Fishing from piers and jetties
- Fisheries Bycatch Workgroup
- Streamline routine regulatory actions

### ***Administration***

- Correspondence
- Purchases and payments
- Contract management
- Personnel management
- Strategic planning
- Budget development and tracking
- Health and safety oversight
- Internal processes and procedures
- Staff training and professional development

### ***Leave Time***

- Holidays
- Sick leave
- Vacation
- Absence without leave

### ***Unfilled***

- Wildlife Advisor
- Executive secretary