

Commissioners

Eric Sklar, President
Saint Helena

Jacque Hostler-Carmesin, Vice President
McKinleyville

Anthony C. Williams, Member
Huntington Beach

Russell E. Burns, Member
Napa

Peter S. Silva, Member
Chula Vista

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Valerie Termini, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
www.fgc.ca.gov

Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

REVISED* MEETING AGENDA **August 24-25, 2016**

Lake Natoma Inn Hotel & Conference Center
702 Gold Lake Drive, Folsom

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

NOTE: * Agenda Items 4, 14, 22, 23, 25, and 38 have been revised; revisions are in bold font. See important meeting deadlines and procedures at the end of the agenda.

DAY 1 – AUGUST 24, 2016, 8:30 A.M.

Call to order/roll call to establish quorum

1. Approve agenda and order of items
2. Public forum for items not on agenda
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, 11125.7(a), Government Code)
3. Commission recognition of former Executive Director Sonke Mastrup for his commitment and service to the California Fish and Game Commission

CONSENT ITEMS

4. Approve request from Neushul Mariculture to transfer state water bottom lease No. M-654-03 to **PharmerSea**, LLC
5. Approve request from Grassy Bar Oyster Company to transfer state water bottom lease Nos. M-614-01 and M-614-02 to Grassy Bar Oyster Company, Inc.
6. Authorize publication of notice of intent to amend recreational groundfish regulations (Sections 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.49 and 28.55, Subsections 27.20(a) and 27.20(b), and add section 28.47, Title 14,CCR)
7. Adopt proposed changes to commercial hagfish trap regulations (Subsection 180.6(b), Title 14, CCR)

8. Marine Resources Committee
 - (A) July 21, 2016, meeting summary
 - I. Receive and adopt recommendations
 - (B) Work plan development
 - I. Update on work plan and draft timeline
 - II. Discuss and approve new topics

9. Tribal Committee
 - (A) Work plan development
 - I. Update on work plan and draft timeline
 - II. Discuss and approve new topics
 - (B) Participation in California Native American Day

10. Master Plan for Marine Protected Areas
 - (A) Discuss and approve text related to traditional ecological knowledge
 - (B) Adopt proposed final Master Plan for Marine Protected Areas and the Marine Life Protection Program pursuant to the Marine Life Protection Act (Pursuant to Section 2850, et seq., Fish and Game Code)

11. Authorize publication of notice of intent to amend regulations concerning tribal take in marine protected areas (Section 632, Title 14, CCR)

12. Announce results from Executive Session

13. Marine items of interest from previous meetings
 - (A) Update on lessons learned from the Dungeness and rock crab emergency closures and planning for future harmful algal blooms
 - (B) Other

14. Marine petitions for regulation change and non-regulatory requests from previous meetings
 - (A) Action on petitions for regulation change
 - (B) Action on non-regulatory requests
 - (C) Update **and possible action** on pending petitions and requests referred to staff and the Department for review

15. Other informational items
 - (A) Staff report
 - (B) Legislative update and possible action
 - I. Proposition 67 – A referendum to overturn the statewide ban on single-use plastic bags
 - (C) Federal agencies report
 - (D) Other

16. Department informational items
 - (A) Director's report
 - (B) Wildlife and Fisheries Division, and Ecosystem Conservation Division
 - (C) Law Enforcement Division
 - (D) Marine Region
 - (E) Other

17. Discuss and act on future Commission meeting items
 - (A) Adopt proposed meeting dates and locations for 2017
 - (B) Next meetings
 - (C) Rulemaking calendar updates
 - (D) New business
 - (E) Other

Recess

DAY 2 – AUGUST 25, 2016, 8:00 A.M.

Call to order/roll call to establish quorum

18. Public forum for items not on agenda
 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, 11125.7(a), Government Code)

19. Commission recognition of former Commissioner Jim Kellogg for his commitment and service to the California Fish and Game Commission

20. Commission recognition of newly inducted members to California Waterfowler's Hall of Fame

CONSENT ITEM

21. Approve Department's request for a 30-day extension of time to complete its evaluation of the petition to list coast yellow leptosiphon (*Leptosiphon croceus*) as an endangered species under the California Endangered Species Act (Pursuant to Section 2073.5, Fish and Game Code)

22. Approve amendment to Private Lands Wildlife Habitat Enhancement and Management Area (PLM) **five-year license for 2016-2021**, and seasons, harvests and habitat improvements for 2016-2017 for:
 (Pursuant to Section 601, Title 14, CCR)
 - (A) DeFrancesco & Eaton Ranch (Merced County)

CONSENT ITEM

23. Approve initial five-year PLM license for **2016-2021**, and seasons, harvests and habitat improvements for 2016-2017 for:
(Pursuant to Section 601, Title 14, CCR)

- (A) Clover Creek Ranch (Shasta County)
- (B) Kramer Ranch (Lassen County)

24. Approve annual PLM seasons, harvests and habitat improvements for 2016-2017 for:
(Pursuant to Section 601, Title 14, CCR)

- (A) Bardin Ranch (Monterey County)
- (B) Basin View Ranch (Modoc County)
- (C) Bell Ranch (Tehama County)
- (D) Big Morongo Springs Ranch (San Bernardino County)
- (E) Bird Haven Ranch (Glenn County)
- (F) Black Ranch (Shasta County)
- (G) Clarks Valley Ranch (Lassen County)
- (H) Deseret Farms – Ballard Unit (Butte County)
- (I) Deseret Farms – Wilson Unit (Butte County)
- (J) Duncan Creek Ranch (Shasta County)
- (K) Five Dot Ranch - Avila (Lassen County)
- (L) Five Dot Ranch – School Section (Lassen County)
- (M) Hathaway Oak Run Ranch (Shasta County)
- (N) M&T Chico Ranch (Butte County)
- (O) Ordway Ranch (Calaveras County)
- (P) Pacheco Ranch (Santa Clara County)
- (Q) Rock Creek (Butte and Tehama counties)
- (R) Santa Catalina Island (Los Angeles County)
- (S) Sopher-Wheeler (Butte County)
- (T) Spurlock Ranch (Glenn County)
- (U) Sugarloaf – Bangor Ranch (Yuba County)

25. Approve five-year renewal of PLM license for **2016-2021**, and seasons, harvests and habitat improvements for 2016-2017 for:
(Pursuant to Section 601, Title 14, CCR)

- (A) Coon Creek Ranch (Santa Clara County)
- (B) Little Dry Creek Ranch (Tehama County)
- (C) Mendiboure Cold Springs Ranch (Lassen County)
- (D) R Wild Horse Ranch (Tehama County)
- (E) Roaring River Ranch (Shasta County)

26. Wildlife Resources Committee

- (A) Work plan development
 - I. Update on work plan and draft timeline
 - II. Discuss and approve new topics

27. Consider the petition, Department's evaluation report, and comments received to determine whether listing the northern spotted owl (*Strix occidentalis caurina*) as a threatened or endangered species is warranted
(Pursuant to Sections 2075 and 2075.5, Fish and Game Code)
Note: Findings will be adopted at a future meeting
28. Consider the petition, Department's evaluation report, and comments received to determine whether listing the Townsend's big-eared bat (*Corynorhinus townsendii*) as a threatened or endangered species is warranted
(Pursuant to Sections 2075 and 2075.5, Fish and Game Code)
Note: Findings will be adopted at a future meeting
29. Consider the petition, Department's evaluation report, and comments received to determine whether listing the Livermore tarplant (*Deinandra bacigalupii*) as a threatened or endangered species is warranted
(Pursuant to Sections 2075 and 2075.5, Fish and Game Code)
Note: Findings will be adopted at a future meeting
30. Authorize publication of notice of intent to amend sport fishing regulations
(Sections 1.74, 5.05, 5.40, 5.60, 7.00, and 7.50, and subsections 29.45(a)(1), 43(c), 671(c)(3), and 671(c)(7), Title 14, CCR)
31. Authorize publication of notice of intent to amend falconry regulations
(Section 670, Title 14, CCR)
32. Authorize publication of notice of intent to adopt regulations concerning enhanced penalties for illegal take of game
(Add Section 748.6, Title 14, CCR)
33. Discuss proposed regulations to establish an upland game bird special hunt drawing and fee
(Section 702 and add Section 715, Title 14, CCR)
34. Adopt proposed changes to Department Lands Pass Program and lands public uses regulations, and certify the addendum to the final 2012 environmental document
(Sections 550, 550.5, 551, 552, 630 and 702., Title 14, CCR)
35. Adopt proposed changes to definitions for tidal waters and finfish gear restrictions in San Francisco and San Pablo bays
(Sections 1.53 and 27.00, and subsection 28.65(a), Title 14, CCR)
36. Adopt proposed changes to upland game bird hunting regulations
(Sections 300, 311, and 745.5, Title 14, CCR)
37. Non-marine items of interest from previous meetings

38. Non-marine petitions for regulation change and non-regulatory requests from previous meetings
- (A) Action on petitions for regulation change
 - (B) Action on non-regulatory requests
 - (C) Update **and possible action** on pending petitions and requests referred to staff and the Department for review

Adjournment

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 Young v. California Fish and Game Commission, et al. (restricted species inspection fee waiver)
 - VI. Public Interest Coalition v. California Fish and Game Commission (California Environmental Quality Act)
- (B) Possible litigation involving the Commission
- (C) Staffing
- (D) Deliberation and act on license and permit items
 - I. Approve a renewal request for a Pacific Herring Gillnet Permit, which is the subject of a settlement agreement between Mr. Steven Kramer and California Department of Fish and Wildlife
 - II. Approve Office of Administrative Hearing's proposed decision for Exotic Feline Breeding Compound, Inc.'s appeal.

**FISH AND GAME COMMISSION
2016 MEETING SCHEDULE**

www.fgc.ca.gov

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING	OTHER MEETINGS
September 21		Wildlife Resources Woodland Public Library Leake Center Community Room 250 First Street Woodland, CA 95695	
September 28			Predator Policy Workgroup Department of Fish and Wildlife - Yolo Bypass Wildlife Area Conference Room 45211 County Road 32b Davis, CA 95618
October 18		Tribal Red Lion Inn 1929 4 th Street Eureka, CA 95501	
October 19-20	Red Lion Inn 1929 4 th Street Eureka, CA 95501		
November 1			Predator Policy Workgroup Department of Parks and Recreation Redwood Room 1416 Ninth Street, 14 th Floor Sacramento, CA 95814
November 17		Marine Resources Sacramento	
December 7-8	Portofino Inn & Suites 3805 Murphy Canyon Road San Diego, CA 92123		

OTHER MEETINGS OF INTEREST

Pacific Fishery Management Council

- September 12-20, Boise, ID
- November 16-21, Garden Grove, CA

Pacific Flyway Council

- September 30, Sun Valley, ID

Wildlife Conservation Board

- August 30, Sacramento
- November 16, Sacramento

IMPORTANT COMMISSION MEETING PROCEDURES INFORMATION

WELCOME TO A MEETING OF THE CALIFORNIA FISH AND GAME COMMISSION

This is the 146th 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, and 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: **Email** to fgc@fgc.ca.gov; **delivery** to Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814; or **hand-deliver to a Commission meeting**.

Comment Deadlines: Written comments received at the Commission office by **5:00 p.m. on August 11** will be made available to Commissioners prior to the meeting. Comments received by **12 noon on August 19** will be marked late and made available to Commissioners at the meeting. Otherwise, 10 copies of written comments must be brought to the meeting. All materials provided to the Commission may be made available to the general public.

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 **12 noon on August 19** (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.

PETITIONS FOR REGULATORY 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 **12 noon on August 19** (or delivered during public forum at the meeting) and will be scheduled for consideration at the next business meeting, unless the petition is rejected under staff review of petition pursuant to subsection 662(b), Title 14, CCR.

VISUAL PRESENTATIONS/MATERIALS

All electronic presentations must be submitted by **12 noon on August 19** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email or delivered to the Commission on a USB flash drive by the written materials deadline.
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 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. Each speaker has up to three minutes to address the Commission as determined by 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; and
 - 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 10 copies to the designated staff member just prior to speaking.