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STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

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

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

Meeting Outcomes for October 19-20, 2016

These meeting outcomes were finalized by staff on November 29, 2016.

The official meeting minutes – video and audio recordings – may be obtained from www.cal-span.org.

DAY 1 – OCTOBER 19, 2016

Pursuant to the call of the president, the California Fish and Game Commission (Commission) convened at the Red Lion Hotel, 1929 Fourth Street, Eureka, California, on October 19, 2016. The meeting was called to order at 10:03 a.m. by President Eric Sklar.

A quorum was established:

Eric Sklar	President	Present
Jacque Hostler-Carmesin	Vice President	Present
Anthony C. Williams	Member	Absent
Russell E. Burns	Member	Present
Peter S. Silva	Member	Present

President Sklar introduced Executive Director Valerie Termini, who shared details about the meeting format and procedures, and also introduced Commission legal counsel and staff and California Department of Fish and Wildlife (Department) staff.

The Commission took Item 29 out of order, but it is shown in numerical order in this summary.

All Commission action at this meeting was unanimous, with no abstentions and one absence (A. Williams).

1. Approve agenda and order of items

The Commission approved the agenda and order of items as noticed.

2. Public forum for items not on agenda

No action taken.

CONSENT ITEMS

- 3. Approve Commission Conflict of Interest Code pursuant to the requirements of the Political Reform Act
(Add Section 782.1, Title 14, CCR)

The Commission adopted the Consent Calendar, Item 3.

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

The Commission approved the draft agenda topics for the November 15, 2016, Marine Resources Committee meeting as recommended by staff and approved adding the topic of potential emergency action for abalone.

- 5. Tribal Committee
 - (A) October 18, 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

The Commission approved two recommendations from the October 18, 2016, Tribal Committee meeting: (1) Add to the committee work plan development of a potential visioning statement, and (2) planning for the annual Commission/tribal planning meeting consistent with the Commission’s Tribal Consultation Policy.

- 6. Resolution recognizing National Disability Employment Awareness Month

The Commission adopted the resolution as presented.

- 7. Discuss proposed changes to regulations concerning tribal take in marine protected areas
(Section 632, Title 14, CCR)

Vice President Hostler-Carmesin recused herself for discussion of this item.

No action taken.

- 8. Discuss proposed changes to recreational groundfish regulations for 2017-2018 for consistency with federal rules
(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)

No action taken.

- 9. Re-adoption of emergency regulations regarding closure of recreational razor clam fishing due to elevated levels of domoic acid
(Section 29.45, Title 14, CCR)

The Commission re-adopted the emergency regulations related to closure of the recreational razor clam fishery for the immediate preservation of public health due to elevated levels of domoic acid, and determined that the action was exempt from CEQA as an action necessary to prevent or mitigate an emergency.

10. Announce results from Executive Session

The Commission adopted the proposed decision from the Office of Administrative Law denying the request by Jack Morici for reinstatement of commercial fishing privileges.

11. Marine items of interest from previous meetings
- (A) Update on domoic acid
 - (B) Update on preliminary abalone survey results and possible need for regulatory action
 - (C) Update on spiny lobster rulemaking
 - (D) Other

No action taken.

12. 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 on pending petitions and requests referred to staff and the Department for review

The Commission adopted the staff recommendations for actions on August 2016 regulation petitions and non-regulatory requests.

13. Staff presentation concerning the Commission's rulemaking authority under the California Administrative Procedure Act

No action taken; this item was rescheduled to the December 2016 meeting.

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

No action taken.

15. California Department of Fish and Wildlife informational items
- (A) Director's report
 - (B) Wildlife and Fisheries Division, and Ecosystem Conservation Division

- (C) Law Enforcement Division
 - I. Presentation concerning efforts to remediate environmental damage from illegal marijuana grows
- (D) Marine Region
- (E) Other

No action taken.

The Commission recessed at 3:15 p.m. to reconvene on October 20, 2016 at 8:00 a.m.

DAY 2 – OCTOBER 20, 2016

Pursuant to the call of the president, the Commission reconvened at the Red Lion Hotel, 1929 Fourth Street, Eureka, California, on October 19, 2016. The meeting was called to order at 8:07 a.m. by President Sklar.

A quorum was established:

Eric Sklar	President	Present
Jacque Hostler-Carmesin	Vice President	Present
Anthony C. Williams	Member	Absent
Russell E. Burns	Member	Present
Peter S. Silva	Member	Present

President Sklar introduced Executive Director Termini, who shared details about the meeting format and procedures, and introduced Commission legal counsel and staff and Department staff.

The Commission took Item 29 out of order, but it is shown in numerical order in this summary.

All Commission action at this meeting was unanimous, with no abstentions and one absence (A. Williams).

- 16. Public forum for items not on agenda

No action taken.

CONSENT ITEMS

- 17. Petition to list Lassics lupine (*Lupinus constancei*) as an endangered species under the California Endangered Species Act
 - (A) Receive petition from the Center for Biological Diversity (Pursuant to Section 670.1(c), Title 14, CCR)
 - (B) Approve Department’s request for a 30-day extension of time to complete its evaluation of the petition (Pursuant to Section 2073.5, Fish and Game Code)

CONSENT ITEMS (continued)

18. Receive Department's 90-day evaluation report on the petition to list coast yellow leptosiphon (*Leptosiphon croceus*) as an endangered species
(Pursuant to Section 2073.5, Fish and Game Code)
19. Receive Department's one-year status report and recommendation on the petition to list flat-tailed horned lizard (*Phrynosoma mcallii*) as an endangered species
(Pursuant to Section 2074.6, Fish and Game Code)
20. Ratify findings on the decision to list Livermore tarplant (*Deinandra bacigalupii*) as an endangered species
(Pursuant to Section 2075.5, Fish and Game Code)
21. Ratify findings on the decision to not list Townsend's big-eared bat (*Corynorhinus townsendii*) as a threatened or endangered species
(Pursuant to Section 2075.5, Fish and Game Code)
22. Receive Department's annual report on the status and progress of the Coho salmon recovery strategy
(Pursuant to Section 2113, Fish and Game Code)

The Commission adopted the Consent Calendar, items 17-22.

23. Wildlife Resources Committee
 - (A) September 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

President Sklar noted that Vice President Hostler-Carmesin arrived just prior to the start of public forum and had been present since.

The Commission approved the recommendation from the September 2016 Wildlife Resources Committee (WRC) meeting to authorize staff to work with the Department to prepare rulemaking packages for the items contained in the WRC agenda (items 3A-3D – mammal hunting, waterfowl hunting, Klamath River sport fishing, and Central Valley Chinook salmon fishing), except that Petition #2016-004 related to bear hunting in Modoc County will not be included in the mammal package but will be considered by the Commission when a Department study is complete.

24. Adopt proposed regulations to establish an upland game bird special hunt drawing and fee
(Section 702 and add Section 715, Title 14, CCR)

The Commission adopted the proposed changes as presented, including the fee reduction.

25. Adopt proposed changes to non-game animal regulations
(Section 472, Title 14, CCR)

The Commission adopted the proposed changes as presented.

26. Authorize publication of notice of intent to amend regulations concerning use of GPS collars for hunting dogs
(Section 265, Title 14, CCR)

The Commission authorized publication of a notice as presented.

27. Discuss proposed changes to sport fishing regulations for 2017
(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)

No action taken.

28. Discuss proposed changes to falconry regulations
(Section 670, Title 14, CCR)

No action taken.

29. Approve proposed amendments to Commission Designated Wild Trout Waters Policy
(Pursuant to Section 1727, Fish and Game Code)

The Commission adopted the proposed amendments as presented.

30. Informational presentations on bat conservation
- (A) Scott Osborn, Department of Fish and Wildlife, concerning the California Bat Conservation Plan
 - (B) Dr. Dave Johnston, H.T. Harvey & Associates, concerning the status of pallid bats in California

No action taken.

31. Non-marine items of interest from previous meetings

No action taken.

32. 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 on pending petitions and requests referred to staff and the Department for review

The Commission adopted the staff recommendations for actions on the August 2016 regulation petitions and non-regulatory requests.

33. Discuss and act on future Commission meeting items

(A) Next meetings

The Commission approved the draft agenda items for the December 7-8, 2016, meeting, as amended with the addition of three agenda items described today: (1) potential letter of support for federal legislation, (2) potential commissioner attendance at the International Pacific Halibut Commission meeting, and (3) Dr. Jenn Caselle and California Ocean Science Trust presentation on south coast marine protected area monitoring.

(B) Rulemaking timetable updates

The Commission approved the proposed amendments to the rulemaking timetable.

(C) New business

No action taken.

(D) Other

No action taken.

There being no further business, the Commission adjourned at 10:38 a.m.

EXECUTIVE SESSION

(Not Open to Public)

Pursuant to the authority of Government Code Section 11126(a)(1), (c)(3), 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 action on license and permit items

- I. Approve Office of Administrative Hearing's proposed decision for Petition for Reinstatement of Commercial Fishing Privileges for Jack Morici

**FISH AND GAME COMMISSION
2016 MEETING SCHEDULE**

Note: As meeting dates and locations can change, please visit www.fgc.ca.gov for the most current list of meeting dates and locations.

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING	OTHER MEETINGS
November 1			Predator Policy Workgroup Department of Parks and Recreation Redwood Room 1416 Ninth Street, 14 th Floor Sacramento, CA 95814
November 15		Marine Resources WestEd Building Ed Meyers Classroom 4665 Lampson Avenue, Suite A Los Alamitos, CA 90720	
December 7-8	Hilton Garden Inn San Diego Mission Valley/Stadium 3805 Murphy Canyon Road San Diego, CA 92123		

OTHER MEETINGS OF INTEREST

Pacific Fishery Management Council

- November 16-21, Garden Grove, CA

Wildlife Conservation Board

- November 16, Sacramento