

State of California
FISH AND GAME COMMISSION
(916) 653-4899
www.fgc.ca.gov

Meeting of
October 19, 2011 (Wednesday)
10:00 a.m.²

Beach Resort Monterey
2600 Sand Dunes Drive
La Grande Room¹
Monterey

AGENDA³

ALL MEETINGS OPEN TO THE PUBLIC

NOTE: Items may be heard on either day and in any order pursuant to the determination of the Commission President.

1. PUBLIC FORUM— Any member of the public may address and/or ask questions of the Commission relating to 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. Submittal of 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 to the time allocated by the President.
2. [CONSIDERATION AND ADOPTION OF CHANGES TO SECTION 632, TITLE 14, CCR, AS PROVIDED IN THE OCTOBER 3, 2011 NOTICE, RE: SOUTH COAST STUDY REGION MARINE PROTECTED AREAS.](#)
3. [RECEIPT OF DEPARTMENT UPDATE AND REQUEST FOR COMMISSION DIRECTION ON OVERARCHING ISSUES FOR INCLUSION IN THE DRAFT INITIAL STATEMENT OF REASONS FOR MARINE PROTECTED AREAS WITHIN THE MARINE LIFE PROTECTION ACT NORTH COAST STUDY REGION.](#)
4. CONSIDERATION AND POSSIBLE AMENDMENT/REVISION OF COMMISSION FINDINGS ON THE PETITION [TO LIST THE CEDARS WILD BUCKWHEAT \(*Eriogonum cedrorum*\) AS AN ENDANGERED SPECIES.](#)
5. UPDATE ON THE DEPARTMENT'S ONE YEAR STATUS REPORT/RECOMMENDATION ON THE [PETITION TO LIST THE MOUNTAIN YELLOW-LEGGED FROG \(*Rana muscosa* and *Rana sierrae*\) AS AN ENDANGERED SPECIES.](#)

¹ These facilities are accessible to persons with disabilities. To request reasonable accommodations for a disability, please contact California Relay Service at 1 (800) 735-2929 (TT) or 1 (800) 735-2922 (Voice) and ask them to contact the California Fish and Game Commission at (916) 653-4899.

² The Commission may break for lunch at approximately 12:00 noon.

³ The public is encouraged to comment on any item on the agenda. In order for the Commission to adequately consider public comments, the public is requested to submit written comments no later than **ten** days prior to the meeting. Written comments received fewer than **ten** days preceding the meeting will be submitted to the Commission at the meeting; however, Commission staff is unable to deliver material received one day before and on the day of the meeting to the Commissioners when the meeting is not in Sacramento. Please send your comments to be received no later than two days before the meeting.

If you decide to speak at the Commission meeting, please begin by giving your name and affiliation (if any) and the number of people represented by your organization. Then tell the Commission your concerns. Time allotted for each agenda item depends upon the number of speakers for each item and the length of the agenda. The Commission is interested in your views; don't worry about how to say them. If several people have spoken, try not to be repetitious. If there are several with the same concerns, please try to appoint a spokesperson. The Commission is particularly interested in the specific reasons you are for or against a proposal because the Commission's decision needs to be based on specific reasons.

If you would like to present handouts/written material to the Commission at the meeting, please provide eleven (11) copies.

6. (A) PURSUANT TO SECTION 2074.2 OF THE FISH AND GAME CODE, CONSIDERATION OF THE [DEPARTMENT'S INITIAL REVIEW AND RECOMMENDATION](#), AND POSSIBLE ACTION ON THE [PETITION TO LIST AMERICAN PIKA \(*Ochotona princeps*\) AS A THREATENED SPECIES UNDER THE CALIFORNIA ENDANGERED SPECIES ACT](#). Note: At its February 3, 2011 meeting, the Commission resubmitted the petition (and supplemental materials) to the Department for further review as an amended petition pursuant to Fish and Game Code Section 2073.7, and at its May 4, 2011 meeting, the Commission resubmitted the petition (and additional supplemental materials) to the Department for further review as a second amended petition pursuant to Fish and Game Code Section 2073.7.
- (B) (Note: This item will only be considered if the Commission makes a finding in 6. (A) that listing American pika as threatened or endangered may be warranted.)

RECEIPT OF DEPARTMENT RECOMMENDATION CONCERNING THE ISSUANCE OF INCIDENTAL TAKE PERMITS PURSUANT TO SECTION 2080 OF THE FISH AND GAME CODE.

OR

PURSUANT TO SECTION 2084 OF THE FISH AND GAME CODE, CONSIDERATION AND POSSIBLE EMERGENCY ACTION TO ADD SECTION 749.7, TITLE 14, CCR, RE: SPECIAL ORDER RELATING TO INCIDENTAL TAKE OF AMERICAN PIKA DURING CANDIDACY PERIOD.

7. SCOPING OF POSSIBLE 2012 MAMMAL REGULATION CHANGES.
8. DISCUSSION AND POSSIBLE ADOPTION OF MEETING DATES AND LOCATIONS FOR 2012.
9. CONSIDERATION OF DEPARTMENT RECOMMENDATIONS FOR SPECIES TO BE DEPICTED ON THE CALIFORNIA DUCK STAMP, 2013-2017.
10. RECEIPT OF DEPARTMENT OF FISH AND GAME INFORMATIONAL ITEMS.
- (A) RECEIPT OF DEPARTMENT OF FISH AND GAME DIRECTOR'S REPORT.
- (B) WILDLIFE AND FISHERIES DIVISION UPDATE.
- (C) ECOSYSTEM CONSERVATION DIVISION UPDATE.
- (D) LAW ENFORCEMENT DIVISION UPDATE.
- (E) UPDATE ON PACIFIC FISHERY MANAGEMENT COUNCIL (PFMC) ACTIVITIES.
- (F) PRESENTATION OF [NEW MOBILE MPA WEBSITE](#).
- (G) OTHER.

11. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.
 - (A) ITEMS THAT DID NOT MAKE AGENDA AND NEED TO BE RESCHEDULED.
 - I. UPDATE ON STATUS OF REGULATORY NOTICE TO AMEND SECTION 238.5, TITLE 14, CCR, PRIVATE STOCKING PERMIT, REGULATORY PROPOSAL AND POSSIBLE COMMISSION ACTION. (Note: This item will be placed on the December 2011 meeting agenda.)
 - II. UPDATE ON STATUS OF REGULATORY NOTICE TO AMEND SECTION 550, TITLE 14, CCR, RE: METHODS AUTHORIZED FOR TAKE OF RESIDENT SMALL GAME, BIG GAME, AND NONGAME BIRDS AND MAMMALS ON LANDS ADMINISTERED BY THE DEPARTMENT OF FISH AND GAME. (Note: This item will be scheduled for a meeting in 2012.)
 - III. UPDATE ON STATUS OF REGULATORY NOTICE TO AMEND SECTIONS 401, 472, 475 AND 487, AND ADD SECTION 250.7, TITLE 14, CCR, RE: LEAD PROJECTILES, CONDOR RANGE. (Note: This item will be scheduled for a meeting in 2012.)
12. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.
 - (A) MARINE RESOURCES COMMITTEE.
 - (B) BUDGET COMMITTEE.
 - (C) OTHER.
13. RECEIPT OF LEGISLATIVE REPORTS.
 - (A) DEPARTMENT OF FISH AND GAME REPORT.
14. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.
15. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.

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. KERN COUNTY WATER AGENCY vs. CALIFORNIA FISH AND GAME COMMISSION, DEPARTMENT OF FISH AND GAME, DEPARTMENT OF WATER RESOURCES RE: STATE WATER PROJECT AND CALIFORNIA ENDANGERED SPECIES ACT.
- IV. CENTER FOR BIOLOGICAL DIVERSITY vs. CALIFORNIA FISH AND GAME COMMISSION RE: AMERICAN PIKA.
- V. TACY LEE vs. CALIFORNIA FISH AND GAME COMMISSION AND DEPARTMENT OF FISH AND GAME RE: DENIAL OF TRANSFER OF LOBSTER OPERATOR PERMIT.
- VI. CENTER FOR BIOLOGICAL DIVERSITY vs. CALIFORNIA FISH AND GAME COMMISSION AND DEPARTMENT OF FISH AND GAME RE: PACIFIC FISHER.
- VII. 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 PROTECTION ACT.
- VIII. MARILLEY vs. FISH AND GAME COMMISSION AND DEPARTMENT OF FISH AND GAME RE: COMMERCIAL FISHING PERMIT FEES.

B. POSSIBLE LITIGATION INVOLVING THE COMMISSION.

C. STAFF PERFORMANCE AND COMPENSATION.

D. RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS.
