

**Commissioners**  
**Michael Sutton**, President  
Monterey  
**Richard Rogers**, Vice President  
Santa Barbara  
**Jim Kellogg**, Member  
Discovery Bay  
**Jack Baylis**, Member  
Los Angeles  
Vacant, Member

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

**Sonke Mastrup, Executive Director**  
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[www.fgc.ca.gov](http://www.fgc.ca.gov)

## Fish and Game Commission



**Meeting of**  
**March 6, 2013 (Wednesday)**  
**8:30 a.m.**

**Mt. Shasta Hatchery Museum**  
**#3 North Old Stage Road**  
**Mount Shasta**

### AGENDA

#### ALL MEETINGS OPEN TO THE PUBLIC

**NOTE: Items may be heard in any order pursuant to the determination of the Commission President. Also see important information about Commission procedures at the end of the agenda.**

1. 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. 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. COMMITTEE ASSIGNMENTS
  - I. MARINE RESOURCES COMMITTEE
  - II. LEAD COMMITTEE
  - III. WILDLIFE RESOURCES COMMITTEE
3. DISCUSSION OF PROPOSED CHANGES TO MAMMAL HUNTING REGULATIONS (SECTIONS 354, 360, 361, 362, 363, 364, AND 708.9, TITLE 14, CCR)  
Note: The final decision will be considered at the April meeting.
4. DISCUSSION OF PROPOSED CHANGES TO KLAMATH-TRINITY SPORT FISHING REGULATIONS (SECTION 7.50, TITLE 14, CCR)  
Note: The final decision will be considered at the April meeting.

5. OCEAN SALMON SPORT FISHING REGULATIONS FOR CONSIDERATION AND POSSIBLE ACTION
  - (A) DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO REGULATIONS FOR APRIL 2013 (SUBSECTION 27.80(c), TITLE 14, CCR)
  - (B) DISCUSSION OF PROPOSED CHANGES TO REGULATIONS FOR MAY TO NOVEMBER 2013 (SUBSECTION 27.80(d), TITLE 14, CCR)  
Note: The final decision will be considered at the April meeting.
  
6. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO LOBSTER REPORT CARD PERIOD AND FEES, AND OTHER SPORT FISHING REPORT CARD REQUIREMENTS (SECTIONS 1.74 AND 701, TITLE 14, CCR)
  
7. FALCONRY REGULATIONS FOR CONSIDERATION AND POSSIBLE ACTION
  - (A) CONSIDERATION OF CERTIFICATION OF FINAL ENVIRONMENTAL DOCUMENT
  - (B) DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES (SECTION 670, TITLE 14, CCR)
  
8. CONSIDERATION OF PETITION, DEPARTMENT'S REPORT, AND COMMENTS RECEIVED ON WHETHER LISTING CLEAR LAKE HITCH (*Lavinia exilicauda chi*) AS A THREATENED SPECIES MAY BE WARRANTED (FISH AND GAME CODE SECTION 2074.2)  
Note: If the Commission determines listing may be warranted, a one-year status review will commence before the final decision on listing is made.

<u>CONSENT ITEMS</u>
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| <ol style="list-style-type: none"> <li>9. RECEIPT OF DEPARTMENT'S 90 DAY EVALUATION REPORT ON PETITION TO LIST THE NORTHERN SPOTTED OWL (<i>Strix occidentalis caurina</i>) AS A THREATENED OR ENDANGERED SPECIES (FISH AND GAME CODE SECTION 2073.5)</li> </ol> |
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Note: The Commission's decision on whether listing may or may not be warranted will be considered at the April meeting.

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| <ol style="list-style-type: none"> <li>10. RECEIPT OF THE JOHN MUIR PROJECT OF EARTH ISLAND INSTITUTE AND THE CENTER FOR BIOLOGICAL DIVERSITY'S STATUS REVIEW ON THE BLACK-BACKED WOODPECKER (<i>Picoides arcticus</i>) (SECTION 670.1(h), TITLE 14, CCR)</li> </ol> |
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Note: This independent report will be considered at a future meeting.

11. COMMISSION STAFF REPORT FOR CONSIDERATION AND POSSIBLE ACTION
  - (A) RECOMMENDATIONS ON ITEMS OF INTEREST FROM PRIOR MEETINGS
  - (B) DISCUSSION OF PROPOSED REGULATIONS REGARDING MEETING AND BUSINESS PROCEDURES PURSUANT TO AB 2609
  - (C) PREVIEW OF FUTURE AGENDA ITEMS
12. DEPARTMENT OF FISH AND WILDLIFE INFORMATIONAL ITEMS
  - (A) DIRECTOR'S REPORT
  - (B) WILDLIFE AND FISHERIES DIVISION AND ECOSYSTEM CONSERVATION DIVISION
  - (C) LAW ENFORCEMENT DIVISION
  - (D) MARINE
  - (E) UPDATE ON PROPOSED CHANGES TO ABALONE REGULATIONS FOR CATCH REDUCTION
  - (F) REPORT ON STATUS OF UPPER TRINITY RIVER TROUT POPULATIONS
  - (G) OTHER
13. OTHER INFORMATIONAL ITEMS
  - (A) LEGAL COUNSEL
  - (B) FEDERAL AGENCIES
14. POSSIBLE DIRECTION ON LEGISLATIVE MATTERS
15. COMMISSION POLICIES FOR CONSIDERATION AND POSSIBLE ACTION
  - (A) PROPOSED CODE OF CONDUCT POLICY PURSUANT TO AB 2609
16. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION

- 17. POSSIBLE ACTION ON NEW BUSINESS, COMMISSION FOLLOW-UP AND STAFF DIRECTION
- 18. ANNOUNCEMENT OF FUTURE MEETINGS

**2013 FISH AND GAME COMMISSION  
MEETING SCHEDULE**  
[www.fgc.ca.gov](http://www.fgc.ca.gov)

April 17 (Wed.) April 18 (Thurs.)	Flamingo Conference Resort & Spa 2777 Fourth Street Santa Rosa
May 22 (Wed.) May 23 (Thurs.)	Los Angeles
June 26 (Wed) June 27 (Thurs.)	Sacramento
August 7 (Wed.) August 8 (Thurs.)	San Luis Obispo
September 4 (Wed.) September 5 (Thurs.)	Yreka Medford, OR Joint meeting with Oregon Fish and Wildlife Commission
October 2 (Wed.) October 3 (Thurs.)	Ventura
November 6 (Wed.) November 7 (Thurs.)	Santa Barbara
December 11 (Wed.) December 12 (Thurs.)	San Diego

Pacific Fishery Management Council Meeting, March 6-11, Tacoma, WA  
 Pacific Fishery Management Council Meeting, April 6-11, Portland, OR  
 Pacific Flyway Meeting, March 26, Arlington, VA  
 Summer WAFWA Meeting, July 19-24, Omaha, NE

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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 AND DEPARTMENT OF FISH AND GAME RE: PACIFIC FISHER.
  - V. 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.
  - VI. CENTER FOR BIOLOGICAL DIVERSITY AND EARTH ISLAND INSTITUTE vs. FISH AND GAME COMMISSION ADOPTING EMERGENCY REGULATION TO AUTHORIZE INCIDENTAL TAKE OF THE BLACK-BACKED WOODPECKER DURING CANDIDACY PERIOD.
- B. POSSIBLE LITIGATION INVOLVING THE COMMISSION.
- C. STAFF PERFORMANCE AND COMPENSATION.
- D. RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS.
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## **IMPORTANT COMMISSION MEETING INFORMATION**

### **PERSONS WITH DISABILITIES**

These facilities are accessible to persons with disabilities.

1. To request reasonable accommodations for a disability, please contact the California Fish and Game Commission at (916) 653-4899 no later than four (4) business days prior to the meeting.
2. For persons with a hearing or speech disability, please contact the California Relay Service no later than four (4) business days prior to the meeting at 1-800-735-2929 (TTY) or 1-800-735-2922 (voice) and request they contact the California Fish and Game Commission.

### **SUBMISSION OF WRITTEN MATERIALS**

The public is encouraged to comment on any item on the agenda. You may submit your comments by one of the following methods (only one is necessary): **E-mail to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov), Fax to (916) 653-5040, or deliver to California Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814 by postal mail or other means.**

Written comments received at the Commission office by February 24, 2013 (ten days before a meeting) will be submitted to the Commission prior to the meeting for its consideration.

Written comments received at the Commission office between February 25 and March 4, 2013 at 12:00 p.m. (after ten days before a meeting) will be submitted to the Commission at the meeting for its consideration.

Written comments received at the Commission office after 12:00 p.m. on March 4, 2013 (by noon two business days before a meeting not in Sacramento) will not be delivered to the meeting. These late comments will be included in the materials the Commission receives for the following meeting *only if the subject matter will be on that agenda.*

### **SPEAKING AT THE MEETING**

If you wish to speak on an agenda item, please fill out a "Speaker Card" and give it to the designated staff member before the agenda item is heard. Cards will be available near the entrance of the meeting room.

1. Speakers will be called in groups, so please line up behind the podium when your name is called.
2. Please begin by giving your name and affiliation (if any) and the number of people you represent.
3. Each speaker typically has three minutes to speak to the Commission. However, the time allotted for each agenda item may be adjusted by the Commission, which may decrease the time each speaker receives.
4. If there are several speakers with the same concerns, please try to appoint a spokesperson and avoid repetitive testimony.

5. If speaking about a specific proposal, the Commission is particularly interested in the reasons you are speaking about that proposal and any recommendations you have for how it can be improved.
6. If you would like to present handouts/written material to the Commission at the meeting, please provide seven (7) copies to the designated staff member just prior to speaking.

### **WHEN WILL MY AGENDA ITEM BE HEARD?**

The Commission begins each session at the time listed on the Meeting Notice and generally considers each agenda item in the sequence listed, except in extraordinary circumstances.

### **VISUAL PRESENTATIONS/MATERIALS**

PowerPoint presentations must be provided on a USB flash drive, flash memory card, DVD or CD.

1. All electronic formats must be Windows PC compatible.
2. Files created on a Mac are not supported.
3. It is recommended that a hard copy of any electronic presentation be submitted in case of technical difficulties.
4. A data projector, laptop and presentation mouse will be available.

**LASER POINTERS** may only be used by a speaker during a presentation; use by others at any time may result in arrest.