

Commissioners
Michael Sutton, President
Monterey

Richard Rogers, Vice President
Santa Barbara

Jim Kellogg, Member
Discovery Bay

Jack Baylis, Member
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STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission



Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

Meeting of
April 17, 2013 (Wednesday)
10:00 a.m.

Flamingo Conference Resort & Spa
2777 Fourth Street
Santa Rosa

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. WILDLIFE RESOURCES COMMITTEE
3. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO MAMMAL HUNTING REGULATIONS (SECTIONS 354, 360, 361, 362, 363, 364, AND 708.9, TITLE 14, CCR)
4. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO KLAMATH-TRINITY SPORT FISHING REGULATIONS (SECTION 7.50, TITLE 14, CCR)
5. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO OCEAN SALMON SPORT FISHING REGULATIONS FOR MAY TO NOVEMBER 2013 (SUBSECTION 27.80(d), TITLE 14, CCR)

6. **CONSIDERATION OF PETITION, DEPARTMENT'S REPORT, AND COMMENTS RECEIVED ON WHETHER LISTING NORTHERN SPOTTED OWL (*Strix occidentalis caurina*) AS A THREATENED OR ENDANGERED 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.

7. **REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND ABALONE REGULATIONS PURSUANT TO THE ABALONE RECOVERY AND MANAGEMENT PLAN (SECTION 29.15, TITLE 14, CCR)**
 Note: Discussion and adoption hearings are scheduled for May and June, respectively.

<p><u>CONSENT ITEMS</u></p>

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| <ol style="list-style-type: none"> 8. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND DEPREDATION PERMIT APPLICATION REGULATIONS (SECTIONS 401 AND 480, TITLE 14, CCR)
 Note: Discussion and adoption hearings are scheduled for May and June, respectively.
 9. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO ADOPT MEETING PROCEDURE REGULATIONS (SECTION 665, TITLE 14, CCR)
 Note: The discussion and adoption hearing is scheduled for the June meeting.
 10. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND FISHING ACTIVITY RECORDS REGULATIONS (SECTIONS 190 AND 195, TITLE 14, CCR)
 Note: The discussion and adoption hearing is scheduled for the June meeting.
 11. RECEIPT OF THE DEPARTMENT'S ONE YEAR STATUS REPORT/RECOMMENDATION ON THE PETITION TO LIST THE AMERICAN PIKA (<i>Ochotona princeps</i>) AS A THREATENED SPECIES (FISH AND GAME CODE SECTION 2074.6)
 Note: This agenda item is for public notification purposes only. Commission action will be scheduled for the May meeting.
 12. APPROVAL OF REQUEST OF MR. BRADFORD FLOYD TO REINSTATE THE SALMON VESSEL PERMIT FOR THE F/V RONNIE B
 13. APPROVAL OF REQUEST OF MR. KEN BEER TO OBTAIN BROODSTOCK STRIPED BASS PERMIT FROM THE WILD AS SPECIFIED BY THE DEPARTMENT |
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14. POSSIBLE APPROVAL OF ANNUAL REPORT AND 2013 PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA PLANS FOR:

- (A) BIG MORONGO SPRINGS RANCH, SAN BERNARDINO COUNTY
- (B) LEWIS RANCH, SAN BENITO COUNTY
- (C) LONE RANCH, SAN BENITO COUNTY
- (D) PEACHTREE RANCH, MONTEREY COUNTY

15. COMMISSION STAFF REPORT FOR CONSIDERATION AND POSSIBLE ACTION

- (A) RECOMMENDATIONS ON ITEMS OF INTEREST FROM PRIOR MEETINGS
- (B) REPORT ON CALIFORNIA LAW REVISION COMMISSION PROCESS
- (C) PREVIEW OF FUTURE AGENDA ITEMS
- (D) MARINE RESOURCES COMMITTEE

- I. RECEIPT AND CONSIDERATION OF MARINE RESOURCES COMMITTEE RECOMMENDATIONS
- II. RECEIPT AND CONSIDERATION OF MARINE RESOURCES COMMITTEE RULES OF ORDER AND PROCEDURES

Note: Commission action on the Rules of Order and Procedures may be scheduled at a future meeting.

16. DEPARTMENT OF FISH AND WILDLIFE INFORMATIONAL ITEMS

- (A) DIRECTOR'S REPORT
- (B) UPDATE ON BLACK-BACKED WOODPECKER PETITION ONE-YEAR STATUS REPORT
- (C) UPDATE ON TOWNSEND'S BIG-EARED BAT PETITION 90-DAY EVALUATION REPORT
- (D) WILDLIFE AND FISHERIES DIVISION AND ECOSYSTEM CONSERVATION DIVISION
 - I. MONITORING AND ADAPTIVE MANAGEMENT
- (E) LAW ENFORCEMENT DIVISION
- (F) MARINE

- (G) OTHER
17. OTHER INFORMATIONAL ITEMS
 - (A) LEGAL COUNSEL
 - (B) FEDERAL AGENCIES
 - (C) UPDATE ON THE STATE OF THE CENTRAL COAST SYMPOSIUM – REFLECTING ON THE FIRST FIVE YEARS OF MONITORING AND MANAGEMENT
 18. RECEIPT OF AND POSSIBLE ACTION ON LEGISLATIVE MATTERS
 - (A) DEPARTMENT OF FISH AND WILDLIFE REPORT
 19. COMMISSION POLICIES TO CONSIDER FOR REPEAL
Note: Commission action will be scheduled at the May 2013 meeting.
 - (A) COMMISSION AGENDA
 - (B) COMMISSION OFFICE STAFFING NEEDS
 - (C) CRITERIA FOR CONSIDERING APPEALS OF PERMANENT REVOCATIONS OF A SPORT AND COMMERCIAL LICENSE OR PERMIT
 20. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION
 21. POSSIBLE ACTION ON NEW BUSINESS, COMMISSION FOLLOW-UP AND STAFF DIRECTION
 - (A) REQUEST LEGAL CLARIFICATION OF FISH AND GAME COMMISSION AND COASTAL COMMISSION JURISDICTION OVER AQUACULTURE.

22. ANNOUNCEMENT OF FUTURE MEETINGS

**2013 FISH AND GAME COMMISSION
MEETING SCHEDULE**

www.fgc.ca.gov

May 22 (Wed.) May 23 (Thurs.)	Los Angeles
June 26 (Wed) June 27 (Thurs.)	Department of Consumer Affairs 1747 North Market Blvd. Sacramento
August 7 (Wed.) August 8 (Thurs.)	San Luis Obispo
September 4 (Wed.) September 5 (Thurs.)	Yreka (Sacramento?) 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 (Palm Desert?)
December 11 (Wed.) December 12 (Thurs.)	San Diego

Summer WAFWA Meeting, July 19-24, Omaha, NE

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; 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 April 7, 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 April 8 and April 15, 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 April 15, 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.

CONSENT CALENDAR

Any item may be removed from the consent calendar by the Commission or upon the request of the Department or someone in the audience who would like to speak to that item.

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