

Commissioners
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Discovery Bay

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McKinleyville

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Saint Helena

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STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Sonke Mastrup, 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

MEETING AGENDA December 9-10, 2015

Town and Country Resort & Convention Center
500 Hotel Circle North, San Diego

Field Trip: Fund for Animals Wildlife Center
December 8, 2015, at 3:00 p.m.
18740 Highland Valley Road, Ramona, CA 92065
Members of the public are invited, but must provide their own transportation.

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

NOTE: See important meeting procedures and information at the end of the agenda.

DAY 1 – DECEMBER 9, 2015, 8:30 A.M.

1. Call to order/roll call to establish quorum
2. Approve agenda and order of items
3. Public forum for items not on the 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 a future meeting agenda. (Pursuant to sections 11125 and 11125.7(a), Government Code)

CONSENT ITEMS

4. Authorize publication of notice of intent to amend ocean salmon sport fishing regulations
 - (A) Season dates, size limits, and daily bag limits for April 2016
(Subsection 27.80(c), Title 14, CCR)
 - (B) Season dates, size limits, and daily bag limits for May-November 2016
(Subsection 27.80(d), Title 14, CCR)
5. Receive request from Charles Friend Oyster Company to amend State Water Bottom Lease No. M-430-04 to add new aquaculture cultivation methods

CONSENT ITEMS

6. Receive request from Tomales Bay Oyster Company to amend State Water Bottom Lease No. M-430-05 to add new aquaculture cultivation methods
7. Approve request from Hog Island Oyster Company to renew State Water Bottom Lease No. M-430-15 for aquaculture
8. Marine Resources Committee
 - (A) 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) Discuss items identified for a proposed rulemaking to allow tribal take exemptions in select marine protected areas
 - (B) Work plan development
 - I. Update on work plan and draft timeline
 - II. Discuss and approve new topics
10. Adopt proposed changes to marine protected areas regulations (Section 632, Title 14, CCR)
11. Request for authorization to publish notice of intent to amend Pacific halibut sport fishing regulations (Section 28.20, Title 14, CCR)
12. Receive draft Spiny Lobster Fishery Management Plan
13. Receive proposed final Master Plan for Marine Protected Areas pursuant to the Marine Life Protection Act
14. Approve request for an extension of time to transfer Mr. Thomas L. Ptak's transferable nearshore fishery permit and nearshore fishery trap endorsement for the Nearshore Fishery South Coast Regional Management Area
15. Approve request for an extension of Santa Barbara Mariculture's State Water Bottom Lease No. M-653-02 for aquaculture
16. Receive informational update on electronic reporting and pilot program for commercial passenger fishing vessel log books
17. Request for authorization to publish notice of intent to amend Commission meeting procedures regulations (Section 665, Title 14, CCR)

18. Approve Commission Conflict of Interest Code pursuant to the requirements of the Political Reform Act
19. Announce results from Executive Session
20. Receive presentation on state agencies' climate change policies and provide direction for development of Commission policy
21. Items of interest from previous meetings
 - (A) Action on petitions for regulation change received at the October 2015 meeting
 - (B) Action on non-regulatory requests received at the October 2015 meeting
 - (C) Update on domoic acid in recreational and commercial crab fisheries
 - (D) Update on schedule and approach to sea urchin regulatory change proposal
22. 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
23. Other informational items
 - (A) Executive director's report
 - (B) Staff report
 - (C) Legislative update and possible action
 - (D) Federal agencies report
 - (E) Other
24. Recess

DAY 2 – DECEMBER 10, 2015, 8:00 A.M.

25. Call to order
26. Public forum for items not on the 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 a future meeting agenda. (Pursuant to sections 11125, 11125.7(a), Government Code)

CONSENT ITEMS

27. Receive the Department's 90-day evaluation report on the petition to list the Humboldt marten (*Martes caurina humboldtensis*) as an endangered species under the California Endangered Species Act (Pursuant to Section 2073.5, Fish and Game Code)

28. Wildlife Resources Committee

(A) Work plan development

I. Update on work plan and draft timeline

II. Discuss and approve new topics

III. Make appointments to Predator Policy Workgroup

29. Approve proposed amendments to Commission Designated Wild Trout Waters Policy

30. Adopt proposed changes to endangered or threatened animals regulations to add gray wolf (*Canis lupus*) to the list of endangered species (Section 670.5, Title 14, CCR)

31. Consider the petition, Department's evaluation report, and comments received to determine whether listing the tricolored blackbird (*Agelaius tricolor*) as a threatened or endangered species may be warranted (Pursuant to 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.

32. Sport fishing regulations (Section 1.05, et al., Title 14, CCR)

(A) Certify California Environmental Quality Act document

(B) Adopt proposed changes to regulations

33. Request for authorization to publish notice of intent to amend Central Valley salmon sport fishing regulations (Subsection 7.50(b)(5), (68) and (156.5), Title 14, CCR)

34. Request for authorization to publish notice of intent to amend Klamath River salmon sport fishing regulations (Subsection 7.50(b)(91.1), Title 14, CCR)

35. Fisheries at risk (Section 8.01, Title 14, CCR)

(A) Consider and re-adopt emergency regulations regarding special measures for fisheries at risk due to drought conditions.

(B) Request for authorization to publish notice of intent to adopt permanent regulations regarding special measures for fisheries at risk

36. Request for authorization to publish notice of intent to amend mammal hunting regulations
(Sections 265, et al., Title 14, CCR)
37. Request for authorization to publish notice of intent to amend waterfowl hunting regulations
(Sections 502 and 507, Title 14, CCR)
38. Discuss and act on future Commission meeting items
 - (A) Next meeting – February 10-11, 2016, in Sacramento
 - (B) Rulemaking calendar updates
 - (C) New business
 - (D) Other
39. 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 Younger v. California Fish and Game Commission, et al. (restricted species inspection fee waiver and Administrative Procedure Act)
- (B) Possible litigation involving the Commission
 - I. Tricolored blackbird
 - II. Bobcat trapping prohibition
- (C) Staff performance and compensation
- (D) Receive hearing officer recommendations on license and permit items
 - I. Mr. Peter Vitali – Appeal of the Department's permanent revocation of his hunting privileges and request for reinstatement of such privileges

**FISH AND GAME COMMISSION
2016 MEETING SCHEDULE**

www.fgc.ca.gov

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
January 20		Wildlife Resources Stanley Mosk Library and Courts Building 914 Capitol Mall, Room 500 Sacramento, CA 95814
February 10-11	Resources Building – Auditorium 1416 Ninth Street Sacramento, CA 95814	
March 15	Special Meeting — Teleconference Arcata, Sacramento, Los Alamitos and Yountville	
March 21		Marine Resources West Ed Building – Ed Meyers Classroom 4665 Lampson Avenue, Suite A Los Alamitos, CA 90720
April 12		Tribal Meeting River Rock Casino Quail Run Buffet 3250 Highway 128 East Geyserville, CA 95441
April 13-14	Flamingo Conference Resort & Spa 2777 Fourth Street Santa Rosa, CA 95405	
April 18	Special Meeting — Teleconference Arcata, Sacramento, Los Alamitos and Yountville	
May 18		Wildlife Resources Department of General Services Ziggurat Building – Auditorium 707 3 rd Street West Sacramento, CA 95605
June 21		Tribal Huntington Beach, CA
June 22-23	Huntington Beach, CA	
July 21		Marine Resources Napa, CA

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
August 24-25	Sacramento, CA	
September 21		Wildlife Resources Sacramento, CA
October 18		Tribal Crescent City, CA
October 19-20	Crescent City, CA	
November 17		Marine Resources Irvine, CA
December 7-8	San Diego	

OTHER MEETINGS OF INTEREST

Wildlife Conservation Board – Dates unknown at this time

Pacific Fishery Management Council

- March 9-14, Sacramento, CA
- April 9-14, Vancouver, WA
- June 23-28, Tacoma, WA
- September 15-20, Boise, ID
- November 16-21, Garden Grove, CA

Pacific Flyway Council

- March 15, Pittsburgh, PA
- September, TBD

Western Association of Fish and Wildlife Agencies

- January 7-10, San Diego, CA
- July 2016, Cody, WY

IMPORTANT COMMISSION MEETING PROCEDURES INFORMATION

WELCOME TO A MEETING OF THE CALIFORNIA FISH AND GAME COMMISSION

This is the 145th 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.

SUBMITTING WRITTEN MATERIALS

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: **E-mail to fgc@fgc.ca.gov; hand delivery to Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814; or hand-deliver to a Commission meeting. *The Commission no longer accepts written comments or requests for regulations changes via facsimile; please submit written comments by email, mail service or in person, or submit requests for regulation change at <http://www.fgc.ca.gov/public/FGC1.docx>.***

Written comments received at the Commission office by **5:00 p.m. on November 24** will be made available to Commissioners prior to the meeting. Comments received by **12 noon on December 4** 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.

PETITIONS FOR REGULATORY CHANGE AND NON-REGULATORY REQUESTS

All petitions for regulatory change and 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 December 4** (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.

All petitions for regulation change must be submitted in writing on the authorized petition form, FGC 1 Petition to the California Fish and Game Commission for Regulation Change, available at <http://www.fgc.ca.gov/public/information/petitionforregulatorychange.aspx>.

VISUAL PRESENTATIONS/MATERIALS

All electronic presentations must be submitted by **December 4 at 12 noon** 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. Any item may be removed from the consent calendar by the Commission, or upon the request of the Department or member of the public who wishes to speak to that item.

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.