

**Commissioners**  
**Jack Baylis**, President  
Los Angeles

**Jim Kellogg**, Vice President  
Discovery Bay

**Jacque Hostler-Carmesin**, Member  
McKinleyville

**Eric Sklar**, Member  
Saint Helena

**Anthony C. Williams**, Member  
Huntington Beach

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](http://www.fgc.ca.gov)

## Fish and Game Commission



*Wildlife Heritage and Conservation*  
*Since 1870*

### MEETING OUTCOMES December 9-10, 2015

These meeting outcomes were prepared by staff.

The official meeting minutes – video and audio recordings – may be obtained from [www.cal-span.org](http://www.cal-span.org).

Field Trip: On Tuesday, December 8, 2016, at 3:00 p.m. three Commission members (J. Baylis, E. Sklar and A. Williams) participated in a field trip to the Fund for Animals Wildlife Center, 18740 Highland Valley Road, in Ramona, California. Members of the public were invited and participated.

#### **DAY 1 – DECEMBER 9, 2015**

1. Call to order/roll call to establish quorum

**Pursuant to the call of the president, the Commission convened at the Town and Country Resort & Convention Center, 500 Hotel Circle North, San Diego, California on December 9, 2015. The meeting was called to order at 8:37 a.m. by President Baylis, who introduced Executive Director Sonke Mastrup. Executive Director Mastrup introduced the meeting format.**

**A quorum was established:**

<b>Jack Baylis</b>	<b>President</b>	<b>Present</b>
<b>Jim Kellogg</b>	<b>Vice President</b>	<b>Present</b>
<b>Jacque Hostler-Carmesin</b>	<b>Member</b>	<b>Absent</b>
<b>Eric Sklar</b>	<b>Member</b>	<b>Present</b>
<b>Anthony C. Williams</b>	<b>Member</b>	<b>Present</b>

2. Approve agenda and order of items

**The Commission removed Item 5 (Charles Friend Oyster Company lease amendment) per the applicant's request, and moved Item 15 to immediately before Item 10 due to a scheduling conflict.**

3. Public forum for items not on the agenda

**The Commission directed staff to add to the February 2016 Commission meeting agenda a presentation on desalination plants and potential impacts to marine protected areas and connectivity.**

## **CONSENT ITEMS**

4. Authorize publication of notice of intent to amend ocean salmon sport fishing regulations
  - Season dates, size limits, and daily bag limits for April 2016 (Subsection 27.80(c), Title 14, CCR)
  - 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
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

**The Commission adopted consent calendar items 4, 6 and 7 as presented. Item 5 was removed at the applicant's request.**

***Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams***

***Absent: J. Hostler-Carmesin***

8. Marine Resources Committee

**The Commission approved the Marine Resources Committee (MRC) recommendations, approved adding to the February 2016 Commission meeting agenda an update on the federal process to protect unmanaged forage species, and directed staff to continue discussions with fishing communities regarding support by the Commission. The recommendations of the MRC were:**

1. **Master Plan for Marine Protected Areas:** Schedule review and discussion for three Commission meetings, as opposed to the minimum of two required for the master plan, per the California Department of Fish and Wildlife (Department) recommendation.
2. **California's Fishing Communities:** Consider hosting a scoping discussion on fishing communities at or in conjunction with a future Commission meeting.
3. **Kelp Regulations Review:** Support the Department's recommendation to revise the order of the Commission's approved 3-phase approach to amending kelp harvest regulations, and undertake Phase 3 (improve management) prior to Phase 2 (funding and fees to cover management).
4. **Possible Future Agenda Topics:** Consider scheduling the following topics on future MRC and/or Commission meeting agendas:
  - a. **Commission – Schedule for February 2016 an update from the Department's Marine Region on outcomes of the federal process to protect unmanaged forage species**

- b. **MRC – Receive an update from the Ocean Protection Council (OPC) on ocean acidification**
- c. **MRC – Refer to it an informational item on plastic pollution and marine debris (by the Plastic Pollution Coalition, and possibly OPC)**
- d. **MRC – Receive an update from the Department on the commercial sea cucumber fishery**

**Ayes: J. Baylis, J. Kellogg, E. Sklar**

**Absent: J. Hostler-Carmesin, A. Williams**

9. Tribal Committee

**No action taken.**

10. Adopt proposed changes to marine protected areas regulations (Section 632, Title 14, CCR)

**The Commission adopted the proposed changes to Section 632 related to marine protected areas.**

**Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams**

**Absent: J. Hostler-Carmesin**

11. Request for authorization to publish notice of intent to amend Pacific halibut sport fishing regulations (Section 28.20, Title 14, CCR)

**The Commission authorized publication of a notice of its intent to amend Section 28.20 related to Pacific halibut sport fishing.**

**Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams**

**Absent: J. Hostler-Carmesin**

12. Receive draft Spiny Lobster Fishery Management Plan

**The Commission directed staff to publish notice of its intent to adopt a fishery management plan with two modifications as recommended by the Department for *California Spiny Lobster Fishery Management Plan*.**

**Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams**

**Absent: J. Hostler-Carmesin**

13. Receive proposed final Master Plan for Marine Protected Areas pursuant to the Marine Life Protection Act

**The Commission confirmed the schedule for adopting the MPA master plan as proposed, with a discussion hearing in February 2016 and a discussion/adoption hearing in April 2016.**

**Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams**

**Absent: J. Hostler-Carmesin**

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

**The Commission did not grant the extension of time and instead directed staff to initiate an appeal process through the Office of Administrative Hearings (OAH), after attorneys Michael Yaun, David Kiene and Chris Shourds have discussed the scope of issues and questions to be addressed by OAH.**

15. Approve request for an extension of Santa Barbara Mariculture's State Water Bottom Lease No. M-653-02 for aquaculture

**This item was heard immediately after Agenda Item 9, but is shown in numerical order here. The Commission approved the request for a one year extension of the lease period for Santa Barbara Mariculture's State Water Bottom Lease No. M-653-02.**

**Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams**

**Absent: J. Hostler-Carmesin**

16. Receive informational update on electronic reporting and pilot program for commercial passenger fishing vessel log books

**No action taken.**

17. Request for authorization to publish notice of intent to amend Commission meeting procedures regulations  
(Section 665, Title 14, CCR)

**The Commission authorized publication of a notice of its intent to amend Section 665, Title 14, California Code of Regulations, regarding meeting procedures as recommended by Commission staff and adding "present" after "membership" to proposed subsections 665(a)(5)(A) and (a)(5)(A)1. regarding Commission voting.**

**Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams**

**Absent: J. Hostler-Carmesin**

18. Approve Commission Conflict of Interest Code pursuant to the requirements of the Political Reform Act

**The Commission authorized publication of a notice of its intent to amend Section 782, Title 14, California Code of Regulations, regarding the Commission's conflict of interest code.**

**Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams**

**Absent: J. Hostler-Carmesin**

19. Announce results from Executive Session

**Deputy Attorney General Christopher Ames reported that the Commission reviewed and discussed personnel matters, directed staff to proceed with the state-required procedures for hiring an executive director, and adopted the Office of Administrative Hearings' proposed decision for Mr. Peter Vitali.**

20. Receive presentation on state agencies' climate change policies and provide direction for development of Commission policy

**The Commission directed Legal Counsel Mike Yaun to work with the Department's Climate Change Associate, Whitney Albright, to develop a straw proposal for a Commission climate change policy.**

21. Items of interest from previous meetings

**The Commission adopted the staff recommendations for actions on October 2015 regulatory and non-regulatory requests, and directed staff to send a notice to the petitioners for barnacle harvest that if they provide significant information that argues for creating a barnacle fishery that the Commission will then consider the request.**

***Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams***

***Absent: J. Hostler-Carmesin***

22. Department informational items

**No action taken.**

23. Other informational items

- (A) Executive director's report
- (B) Staff report
- (C) Legislative update and possible action
- (D) Federal agencies report
- (E) Other

**The Commission directed staff to continue working with Senator Bigelow regarding SB 290 to allow greater hunting of feral pigs, and to report back to the Commission at a future meeting.**

24. Recess

**The Commission meeting recessed at 5:31 p.m. to reconvene on December 10, 2015 at 8:00 a.m.**

**DAY 2 – DECEMBER 10, 2015**

Pursuant to the call of the president, the Commission reconvened at the Town and Country Resort & Convention Center, 500 Hotel Circle North, San Diego, California on December 10, 2015.

25. Call to order

The meeting was called to order at 8:04 a.m. by President Baylis. A quorum was established:

Jack Baylis	President	Present
Jim Kellogg	Vice President	Present
Jacque Hostler-Carmesin	Member	Absent
Eric Sklar	Member	Present
Anthony C. Williams	Member	Present

The Commission appointed Michael Yaun, legal counsel for the Commission, as the acting supervisor for the Commission with full signature authority. Any time the executive director is absent from the office and when he leaves his position with the Commission, Michael Yaun will continue to have full signature authority for the Commission until further notice.

*Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams*

*Absent: J. Hostler-Carmesin*

The Commission granted Commissioner Eric Sklar all the authority of the President in the absence of both the President and the Vice President.

*Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams*

*Absent: J. Hostler-Carmesin*

The Commission adopted two resolutions for:

- Leon and LaVelle Lesicka, for over 50 years of wildlife conservation, and
- Dan Yparraguirre, who is retiring after 32 years with the Department.

26. Public forum for items not on the agenda

The Commission directed staff to add to the Commission’s April meeting agenda an informational update on the Department’s work related to bats.

**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)

**The Commission adopted consent calendar Item 27 as presented.**

**Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams**

**Absent: J. Hostler-Carmesin**

28. Wildlife Resources Committee

**The Commission appointed to the predator policy workgroup a ten-member drafting group composed of Bill Gaines, Erica Sanko, Jean Su, Jennifer Fearing, Josh Brones, Mark Hennelly, Noelle Cremers, Rick Hopkins, Rebecca Dmytryk and Tony Leininger**

**Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams**

**Absent: J. Hostler-Carmesin**

**The Commission determined that it will appoint the review group at the next Commission meeting.**

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

**The Commission approved the proposed amendments to the Commission Designated Wild Trout Waters Policy.**

**Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams**

**Absent: J. Hostler-Carmesin**

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)

**The Commission directed staff to add to the February 2016 meeting agenda a Department presentation on the wolf management plan, including strategies for co-existence and the potential for partnerships between public and private organizations to best help prepare the rural landscape over the next ten years.**

**The Commission adopts the proposed changes to Section 670.5 related to animals of California declared to be endangered or threatened.**

**Ayes: J. Baylis, E. Sklar, A. Williams**

**Noes: J. Kellogg**

**Absent: J. Hostler-Carmesin**

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).

**The Commission closed the record for the 2015 tricolored blackbird petition from the Center for Biological Diversity.**

***Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams***

***Absent: J. Hostler-Carmesin***

**The Commission designated the tricolored blackbird a candidate for endangered species status.**

***Ayes: J. Baylis, E. Sklar, A. Williams***

***Noes: J. Kellogg***

***Absent: J. Hostler-Carmesin***

**The Commission found that the petition to list the tricolored blackbird as an endangered species on an emergency basis moot.**

***Ayes: J. Baylis, E. Sklar, A. Williams***

***Noes: J. Kellogg***

***Absent: J. Hostler-Carmesin***

**The Commission directed staff to add to the February 2016 agenda potential emergency action related to incidental take for tricolored blackbird.**

**The Commission moved up Agenda Item 34 before Agenda Item 32 (though it is listed here in numerical order).**

***Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams***

***Absent: J. Hostler-Carmesin***

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

**The Commission certified the negative declaration, adopted the proposed project, and adopted the proposed changes to freshwater sport fishing regulations.**

***Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams***

***Absent: J. Hostler-Carmesin***

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)

**The Commission authorized publication of a notice of its intent to amend Subsections 7.50(b)(5), (68) and (156.5) regarding Central Valley salmon regulations.**

***Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams***

***Absent: J. Hostler-Carmesin***

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)

**The Commission authorized publication of a notice of its intent to amend subsection 7.50(b)(91.1) regarding Klamath River sport fishing, with the addition of a regulatory option to modify the Blue Creek closure.**

***Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams***

***Absent: J. Hostler-Carmesin***

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

**The Commission adopted a 90-day extension of the emergency regulations regarding special measures for fisheries at risk due to drought conditions while efforts are in place to make the regulations permanent.**

***Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams***

***Absent: J. Hostler-Carmesin***

**The Commission authorized publication of a notice of its intent to make permanent the addition of Section 8.01 regarding special measures for fisheries at risk regulations with an amendment to the criteria for adult fish as presented by the Department.**

***Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams***

***Absent: J. Hostler-Carmesin***

36. Request for authorization to publish notice of intent to amend mammal hunting regulations  
(Sections 265, et al., Title 14, CCR)

**The Commission removed from the proposal the changes to Section 472.**

**The Commission authorized publication of a notice of its intent to amend Sections 265, 353, 360, 361, 362, 363, 364, 364.1, and 708.18 regarding mammal hunting regulations for the 2016-2017 season, to include any amendments for materially correct recommendations as discussed during the meeting.**

***Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams***

***Absent: J. Hostler-Carmesin***

37. Request for authorization to publish notice of intent to amend waterfowl hunting regulations  
(Sections 502 and 507, Title 14, CCR)

**The Commission delayed to the February 2016 meeting action on publication of a notice regarding waterfowl hunting regulations.**

**Ayes: J. Baylis, J. Kellogg, E. Sklar, A. Williams**

**Absent: J. Hostler-Carmesin**

38. Discuss and act on future Commission meeting items

(A) Next meeting – February 10-11, 2016, in Sacramento

**The Commission reviewed the February 10-11, 2016 agenda topics and made the following changes:**

- **Add a presentation on desalination plants and potential impacts to MPAs and connectivity.**
- **Add an update from the Department’s Marine Region on outcomes of the federal process to protect unmanaged forage species.**
- **Add a Department presentation on the wolf management plan and collaborative efforts.**
- **Add an item for honoring Commissioners and staff who have left (Rogers, Sutton, Baylis, Mastrup, Ames)**
- **The presiding officer for the February 2016 meeting will winnow down the agenda as the draft version is too full.**

**The Commission cancelled the January 20, 2016 Wildlife Resources Committee meeting.**

(B) Rulemaking calendar updates

**The Commission approved changes to anticipated regulatory actions as identified in the perpetual timetable, along with six additional changes:**

- **Add Clear Lake hitch for adoption of a regulation change at the February 2016 meeting**
- **Add commercial sea urchin regulations for notice in February 2016 and discussion/adoption in April 2016 (as discussed under Agenda Item 21)**
- **Defer the waterfowl notice to February 2016**
- **Defer the Section 472 changes to notice in February 2016 and discussion/adoption in April 2016**
- **Add to the February 2016 agenda the emergency adoption of incidental take of tricolored blackbird regulations (Section 749) pursuant to Fish and Game Code Section 2084**
- **Add the Commission’s conflict of interest code (Section 782) as a rulemaking with notice in February 2016 and discussion/adoption in June 2016.**

(C) New business

**No action taken.**

(D) Other

**No action taken.**

39. Adjournment

**There being no further business, the Commission meeting adjourned at 3:36 p.m.**

### **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](http://www.fgc.ca.gov)**

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
January 20		<b>Wildlife Resources</b> 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	<b>Special Meeting — Teleconference</b> <b>Arcata, Sacramento, Los Alamitos and Yountville</b>	
March 21		<b>Marine Resources</b> West Ed Building – Ed Meyers Classroom 4665 Lampson Avenue, Suite A Los Alamitos, CA 90720
April 12		<b>Tribal Meeting</b> 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	<b>Special Meeting — Teleconference</b> <b>Arcata, Sacramento, Los Alamitos and Yountville</b>	
May 18		<b>Wildlife Resources</b> Department of General Services Ziggurat Building – Auditorium 707 3 <sup>rd</sup> Street West Sacramento, CA 95605
June 21		<b>Tribal</b> Huntington Beach, CA
June 22-23	Huntington Beach, CA	
July 21		<b>Marine Resources</b> Napa, CA

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
August 24-25	Sacramento, CA	
September 21		<b>Wildlife Resources</b> Sacramento, CA
October 18		<b>Tribal</b> Crescent City, CA
October 19-20	Crescent City, CA	
November 17		<b>Marine Resources</b> 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