

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

Fish and Game Commission



www.fgc.ca.gov

Wildlife Heritage and Conservation
Since 1870

MEETING OUTCOMES FOR OCTOBER 7-8, 2015

These meeting outcomes were prepared by staff.

The official meeting minutes – video and audio recordings – may be obtained from www.cal-span.org.

Embassy Suites – LAX North
9801 Airport Blvd., Los Angeles

DAY 1 – OCTOBER 7, 2015

Pursuant to the call of the president, the California Fish and Game Commission (Commission) met at the Embassy Suites – LAX North, 9801 Airport Drive, Los Angeles, California on October 7, 2015.

The meeting was called to order at 8:40 a.m. by President Baylis, who introduced Executive Director Sonke Mastrup. Executive Director Mastrup introduced the meeting format and indicated that there was a request to move agenda item 15 to earlier in the day.

FISH AND GAME COMMISSION ATTENDANCE

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

1. Public Forum

No action taken.

CONSENT ITEMS

2. Receive and approve request from Mr. Francesco Licata to transfer his California Halibut Trawl Vessel Permit No. BT0050 to Mr. Thomas Nguyen
3. Approve settlement agreement between the Department of Fish and Wildlife (Department) and Mr. Craig Yerkins, et al. regarding appeal of the Department's denial to reinstate Transferable Dungeness Crab Vessel Permit No. CT0068-T7 for F/V Terry S (FG03513)

CONSENT (continued)

4. Approve settlement agreement between the Department and Mr. Robert Jackson regarding his appeal of the Department's denial to reinstate Transferable Dungeness Crab Vessel Permit No. CT0215-T7 , for F/V Brooke Michelle (FG70433)
5. Approve settlement agreement between the Department and Mr. John Reid regarding his appeal of the Department's denial to reinstate Transferable Dungeness Crab Vessel Permit No. CT0108-T7 for F/V Huson (FG06579)
6. Approve Neushul Mariculture, Inc.'s request to renew state water bottom lease M-654-03 for aquaculture

The Commission adopted the consent calendar, items 2-6, as presented.

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

Absent: J. Hostler-Carmesin

7. Tribal Committee
 - (A) Meeting summary
 - I. Receive recommendations
 - (B) Work plan development
 - I. Update on current work plan and timeline
 - II. Discuss and approve new topics

No action taken.

8. Marine Resources Committee
 - (A) Work plan development
 - I. Update on current work plan and timeline
 - II. Discuss and approve new topics

The Commission approved draft agenda topics for the November 2015 Marine Resources Committee meeting, and approved placing on a future Commission meeting agenda a presentation from the California Wetfish Producers Association regarding squid research.

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

Absent: J. Hostler-Carmesin

9. Adopt proposed changes to commercial squid logbook and regulations (Section 149 and Appendix A, Title 14, CCR)

The Commission adopted squid logbook and regulation changes as proposed.

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

Absent: J. Hostler-Carmesin

10. Adopt proposed changes to commercial hagfish regulations
(Section 180.6, Title 14, CCR)

The Commission adopted commercial hagfish regulation changes as proposed, including a change from two lines to three which will require a 15-day notice.

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

Absent: J. Hostler-Carmesin

11. Adopt proposed changes to commercial herring regulations and certify the final supplemental environmental document
(Sections 163 and 164, Title 14, CCR)

The Commission certified the final supplemental environmental document for commercial herring and adopted commercial herring regulation changes as proposed.

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

Absent: J. Hostler-Carmesin

12. Adopt proposed changes to Dungeness crab and crab trap sport fishing regulations and negative declaration
(Sections 29.80 and 29.85, Title 14, CCR)

The Commission adopted the negative declaration for Dungeness crab and crab trap sport fishing and adopted Dungeness crab and crab trap sport fishing regulations as proposed.

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

Absent: J. Hostler-Carmesin

13. Discuss proposed changes to marine protected area regulations
(Section 632, Title 14, CCR)

No action taken.

14. Update and direction on petition for changes to sea urchin regulations

The Commission directed staff to begin working with the California Sea Urchin Commission on a draft initial statement of reasons and appropriate California Environmental Quality Act document for the proposal as presented, and to schedule a rulemaking for 2016.

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

Absent: J. Hostler-Carmesin

15. Climate change adaptation presentations and discussion
(A) Charlton Bonham, Director, Department of Fish and Wildlife

- (B) Dr. Mark Gold, Associate Vice Chancellor, UCLA Institute of the Environment and Sustainability

The Commission will work closely with the Department and other relevant state agencies to develop policies specific to wildlife and climate change.

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

Absent: J. Hostler-Carmesin

- 16. Announce results from Executive Session

Christopher Ames reported that the Office of Administrative Hearing's proposed decision for Mr. Fred Todd has become final.

- 17. Department informational items
 - (A) Director's report
 - (B) Wildlife and Fisheries Division, and Ecosystem Conservation Division
 - (C) Law Enforcement Division
 - (D) Marine Region
 - (E) Overview of aquaculture in California
 - (F) Other

No action taken.

- 18. Other items
 - (A) Staff report
 - (B) Legislative update and possible action
 - (C) Federal agencies report

No action taken.

The Commission meeting recessed at 4:31 p.m. to reconvene on October 8, 2015 at 8:00 a.m.

DAY 2 – OCTOBER 8, 2015

Pursuant to the call of the president, the Commission reconvened at the Embassy Suites – LAX North, 9801 Airport Drive, Los Angeles, California on October 8, 2015. The meeting was called to order at 8:04 a.m. by President Baylis.

FISH AND GAME COMMISSION ATTENDANCE

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

19. Public Forum

No action taken.

CONSENT ITEMS

20. Receive and approve initial Private Lands Wildlife Habitat Enhancement and Management Area (PLM) plans and 2015-2020 licenses for:
(Pursuant to Section 601, Title 14, CCR)
(A) Pacheco Ranch (Santa Clara County)
(B) Camp 5 Outfitters Roth Ranch (Monterey and San Luis Obispo Counties)
21. Approve the Department's request for a 30-day extension to complete its evaluation of 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 the consent calendar, items 20-21, as presented.

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

Absent: J. Hostler-Carmesin

22. Wildlife Resources Committee
- (A) Meeting summary
- I. Receive and adopt recommendations
 - II. Update and direction concerning definition of frangible bullet
 - III. Update and direction concerning take of sambar deer
- (B) Work plan development
- I. Update on current work plan and timeline
 - II. Discuss and approve new topics
 - III. Appointments to predator workgroup

The Commission approved recommendations of the Wildlife Resources Committee:

- 1. Modify the definition of legal bullets for big game to exclude "frangible" bullets, after discussions with stakeholders.**
- 2. Start a rulemaking to delete the prohibition on the use of GPS for hounds.**
- 3. Support Department proposals for changes to upland game, mammals, Klamath River and waterfowl regulations.**
- 4. Conduct additional investigation into the 12-month fishing license proposal and ways to encourage public participation in fishing.**
- 5. Support efforts to increase efficiency in addressing depredating pigs.**
- 6. Support the continuing effort to implement Fish and Game Code Section 3080(e).**

7. Move forward with the predator policy workgroup nomination process, with initial, potential appointments in December.

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

Absent: J. Hostler-Carmesin

23. Items of interest from previous meetings

- (A) Action on petitions for regulatory change received at the August 2015 meeting
- (B) Action on petitions for non-regulatory changed received at the August 2015 meeting

The Commission adopted the staff recommendations for actions on the petitions for regulation change and requests for non-regulatory action.

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

Absent: J. Hostler-Carmesin

- (C) Commission budget review

No action taken.

- (D) Update on bobcat trapping prohibition effective date

No action taken.

- (E) Update on at-risk fisheries rulemaking

No action taken.

- (F) Other

No action taken.

24. Adopt proposed changes to the transgenic definition, application and fee regulations
(Sections 1.92 and 703, Title 14, CCR)

The Commission adopted changes to the transgenic definition, application and fee as proposed.

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

Absent: J. Hostler-Carmesin

25. Discuss proposed changes to sport fishing regulations
(Sections 1.05, et al., Title 14, CCR)

No action taken.

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

The Commission directed staff to amend the agendas section of the proposed verbatim to (1) strike the vice president from the list of those who can amend agendas, and (2) change “amend” agendas to “add to” agendas.

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

Noes: J. Kellogg

Absent: J. Hostler-Carmesin

The Commission provided additional suggestions and directed staff to bring a revised proposal for commission meeting regulations to the December 2015 meeting.

27. Tricolored blackbird (*Agelaius tricolor*)
- (A) Acknowledge receipt of petition from the Center for Biological Diversity to list as endangered via emergency regulation and via the listing process set forth under the California Endangered Species Act (Pursuant to Sections 2073.3 and 2076.5, Fish and Game Code)
 - (B) Receive the Department’s evaluation of the petition to list as an endangered species (Pursuant to 2073.5, Fish and Game Code)
 - (C) Receive and act on requests from the Center for Biological Diversity to reconsider the Commission’s June 2015 decision on whether listing as a threatened or endangered species may be warranted and to move consideration to the Commission’s December 2015 meeting.

The Commission rejected the request for reconsideration of its June 2015 decision regarding the tricolored blackbird.

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

Absent: J. Hostler-Carmesin

The Commission acknowledged receipt of the August 2015 petition for emergency listing of the tricolored blackbird and received the Department’s evaluation of the petition.

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

Absent: J. Hostler-Carmesin

28. Department report on the status of Coho salmon
(Pursuant to Section 2113, Fish and Game Code)

No action taken.

29. Discussion and action on future meeting items

- (A) Next meeting – December 9-10 in San Diego

The Commission approved the December agenda topics, with the addition of a presentation from the Department on the review of state laws and other resource agency policies related to climate change.

- (B) Perpetual timetable for regulatory action updates (including changes to timing of DFW Lands Pass, falconry clean-up, spiny lobster, and commercial logbooks)

The Commission approved changes to anticipated regulatory actions as identified in the perpetual timetable.

- (C) New business
I. Commission name
II. Timing of officer elections

No action taken.

There being no further business, the Commission meeting adjourned at 1:31 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) Update on hearing officer recommendations for license and permit items
 - I. Mr. Fred Todd

**FISH AND GAME COMMISSION
2015 MEETING SCHEDULE**
www.fgc.ca.gov

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
November 4		Marine Resources Four Points by Sheraton Ventura Harbor Resort 1050 Schooner Drive Ventura, CA 93001
December 9-10	Town and Country Resort & Convention Center 500 Hotel Circle North San Diego, CA 92108	

OTHER MEETINGS OF INTEREST

Wildlife Conservation Board

- November 19, 2015, Sacramento, CA

Pacific Fishery Management Council

- November 14-19, 2015, Garden Grove, CA
- March 9-14, 2016, Sacramento, CA
- April 9-14, 2016, Vancouver, WA
- June 23-28, 2016, Tacoma, WA
- September 15-20, 2016 Boise, ID
- November 16-21, 2016, Garden Grove, CA

Western Association of Fish and Wildlife Agencies

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