

**Commissioners**  
**Eric Sklar**, President

Saint Helena

**Jacque Hostler-Carmesin**, Vice President  
McKinleyville

**Anthony C. Williams**, Member

Huntington Beach

**Vacant**, Member

**Vacant**, Member

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

**Mike Yaun, Acting Executive Director**

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www.fgc.ca.gov

## Fish and Game Commission



*Wildlife Heritage and Conservation*  
*Since 1870*

### MEETING AGENDA April 13-14, 2016

**Flamingo Conference Resort & Spa**  
**2777 Fourth Street, Santa Rosa**

The meeting will be live streamed at [www.cal-span.org](http://www.cal-span.org)

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

#### **DAY 1 – APRIL 13, 2016, 8:30 A.M.**

Call to order/roll call to establish quorum

1. Approve agenda and order of items
2. Public forum for items not on 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 the agenda of a future meeting.  
(Sections 11125, 11125.7(a), Government Code)

#### **CONSENT ITEMS**

3. Adopt proposed changes to fishing activity records and logbook regulations  
(Sections 190 and 195, Title 14, CCR)
4. Adopt proposed changes to commercial sea urchin fishing regulations  
(Section 120.7, Title 14, CCR)
5. Adopt proposed changes to Pacific halibut sport fishing regulations  
(Section 28.20, Title 14, CCR)

6. Marine Resources Committee

- (A) March 21, 2016 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

7. Tribal Committee
  - (A) April 12, 2016 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
8. California spiny lobster
  - (A) Adopt negative declaration pursuant to California Environmental Quality Act
  - (B) Adopt fishery management plan
  - (C) Discuss proposed changes to sport and commercial fishing regulations (Section 29.80, et al., and Appendix A, Title 14, CCR)
9. Recreational Dungeness crab and rock crab fisheries: consideration and re-adoption of emergency regulations regarding emergency closure due to elevated levels of domoic acid (Section 29.85, Title 14, CCR)
10. Adopt proposed final Master Plan for Marine Protected Areas and the Marine Life Protection Program pursuant to the Marine Life Protection Act (Pursuant to Section 2850, et seq., Fish and Game Code)
11. Presentation of north central coast marine protected areas baseline data collection results and five-year management review
12. Tribal take in marine protected areas (MPAs) (Section 632, Title 14, CCR)
  - (A) Presentation by the Santa Ynez Band of Chumash Indians regarding its request for exemptions from take in certain south coast MPAs
  - (B) Discussion and direction regarding current tribal requests for changes to specified MPA regulations
13. Department presentation concerning Federal regulations to protect unmanaged forage fish species in Federal marine waters
14. Marine items of interest from previous meetings
  - (A) Action on petitions for regulation change received at previous meetings
  - (B) Action on non-regulatory requests received at previous meetings
  - (C) Other
15. Announce results from Executive Session
16. Update on and discussion of executive director position recruitment

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

18. 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

Recess

**DAY 2 – APRIL 14, 2016, 8:00 A.M.**

Call to order/roll call to establish quorum

19. Public forum for items not on 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 the agenda of a future meeting.  
 (Sections 11125, 11125.7(a), Government Code)

**CONSENT ITEM**

20. Ratify findings on the petition to list fisher (*Pekania pennanti*) (formerly Pacific fisher (*Martes pennanti*)) as a threatened or endangered species under the California Endangered Species Act  
 (Pursuant to Section 2075.5, Fish and Game Code)
21. Receive five-year status report for Swainson's hawk (*Buteo swainsoni*)  
 (Pursuant to Section 2077, Fish and Game Code)
22. Adopt proposed regulations regarding special measures for fisheries at risk  
 (Section 8.01, Title 14, CCR)
23. Request for authorization to publish notice of intent to amend regulations regarding definitions for tidal waters and finfish gear restrictions in San Francisco and San Pablo bays  
 (Sections 1.53 and 27.00, and subsection 28.65(a), Title 14, CCR)

24. Wildlife Resources Committee
  - (A) Work plan development
    - I. Update on Predator Policy Workgroup
    - II. Update on work plan and draft timeline
    - III. Discuss and approve new topics

25. Consider the petition, Department's evaluation report, and comments received to determine whether listing the northern spotted owl (*Strix occidentalis caurina*) as a threatened or endangered species is warranted  
(Pursuant to Sections 2075 and 2075.5, Fish and Game Code)  
*Note: Findings will be adopted at a future meeting*
26. Adopt proposed changes to mammal hunting regulations  
(Section 265, et al., Title 14, CCR)
27. Waterfowl hunting
  - (A) Certify California Environmental Quality Act document
  - (B) Adopt proposed changes to regulations  
(Sections 502 and 507, Title 14, CCR)
28. Request for authorization to publish notice of intent to amend upland game bird regulations  
(Section 300, et al., Title 14, CCR)
29. Nonlead ammunition
  - (A) Department update on the implementation of AB 711 (Chap. 742, Stats. 2013)
  - (B) Request for authorization to publish notice of intent to establish a nonlead ammunition coupon program  
(Section 250.2, Title 14, CCR)
30. Request for authorization to publish notice of intent to amend Department lands pass regulations  
(Section 550, et al., Title 14, CCR)
31. Discussion of proposed changes to Commission meeting procedures regulations  
(Section 665, Title 14, CCR)
32. Non-marine items of interest from previous meetings
  - (A) Action on petitions for regulation change received at previous meetings
    - I. Presentation by the California Trappers Association concerning petition to reconsider bobcat trapping regulations
  - (B) Action on non-regulatory requests received at previous meetings
  - (C) Other
33. Receive Department presentation concerning the Conservation Plan for Gray Wolves in California
34. Discuss and act on future Commission meeting items
  - (A) Next meetings
  - (B) Rulemaking calendar updates
  - (C) New business
  - (D) Other

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. 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 Young v. California Fish and Game Commission, et al. (restricted species inspection fee waiver and Administrative Procedure Act)

(B) Possible litigation involving the Commission

- I. Listing decisions

(C) Staffing

(D) Receipt of hearing officer recommendations on license and permit items

**FISH AND GAME COMMISSION  
2016 MEETING SCHEDULE**  
[www.fgc.ca.gov](http://www.fgc.ca.gov)

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
April 18	<b>Teleconference — Sacramento, Arcata, Los Alamitos and Napa</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> TBD
June 22-23	TBD	
July 21		<b>Marine Resources</b> Petaluma Regional Library 100 Fairgrounds Drive Petaluma, CA 94952
August 24-25	Lake Natoma Inn Hotel & Conference Center 702 Gold Lake Drive Folsom, CA 95630	
September 21		<b>Wildlife Resources</b> Woodland Public Library Leake Center Community Room 250 First Street Woodland, CA 95695
October 18		<b>Tribal</b> TBD
October 19-20	TBD	
November 17		<b>Marine Resources</b> Irvine, CA
December 7-8	Portofino Inn & Suites 3805 Murphy Canyon Road San Diego, CA 92123	

**OTHER MEETINGS OF INTEREST**

**Wildlife Conservation Board**

- May 26, Sacramento
- August 30, Sacramento
- November 16, Sacramento

**Pacific Fishery Management Council**

- June 23-28, Tacoma, WA
- September 15-20, Boise, ID
- November 16-21, Garden Grove, CA

## **Pacific Flyway Council**

- September 2016, Date and location TBD

## **Western Association of Fish and Wildlife Agencies**

- July 21-27, 2016, Cody, WY

## **IMPORTANT COMMISSION MEETING PROCEDURES INFORMATION**

### **WELCOME TO A MEETING OF THE CALIFORNIA FISH AND GAME COMMISSION**

This is the 146<sup>th</sup> 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.

### **STAY INFORMED**

To receive meeting agendas and regulatory notices about those subjects of interest to you, please visit the Commission's website, [www.fgc.ca.gov](http://www.fgc.ca.gov), and sign up on our electronic mailing lists.

### **SUBMITTING WRITTEN COMMENTS**

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](mailto:fgc@fgc.ca.gov); **delivery** to Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814; or **hand-deliver to a Commission meeting**.

**Comment Deadlines:** Written comments received at the Commission office by **5:00 p.m. on March 30** will be made available to Commissioners prior to the meeting. Comments received by **12 noon on April 8** 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.

### **NON-REGULATORY REQUESTS**

All 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 April 8** (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.

### **PETITIONS FOR REGULATORY CHANGE**

Any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1, titled Petition to the California Fish and Game Commission for Regulation Change (as required by Section 662, Title 14, CCR). The form is available at <http://www.fgc.ca.gov/public/information/petitionforregulatorychange.aspx>. To be received by

the Commission at this meeting, petition forms must have been delivered by **12 noon on April 8** (or delivered during public forum at the meeting) and will be scheduled for consideration at the next business meeting, unless the petition is rejected under staff review of petition pursuant to subsection 662(b), Title 14, CCR.

### **VISUAL PRESENTATIONS/MATERIALS**

All electronic presentations must be submitted by the written materials deadline (**April 8 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. Items on the consent calendar are generally non-controversial items for which no opposition has been received and will be voted upon under single action without discussion. Any item may be removed from the consent calendar by the Commission upon request of a Commissioner, the Department, or member of the public who wishes to speak to that item, to allow for discussion and separate action.

**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.