

Valerie Termini, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
www.fgc.ca.gov

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Commissioners
Eric Sklar, President
Saint Helena
Jacque Hostler-Carmesin, Vice President
McKinleyville
Anthony C. Williams, Member
Huntington Beach
Russell E. Burns, Member
Napa
Peter S. Silva, Member
Chula Vista

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

MEETING OUTCOMES FOR AUGUST 24-25, 2016

These meeting outcomes were finalized by staff on October 14, 2016.

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

DAY 1 – AUGUST 24, 2016

Pursuant to the call of the president, the California Fish and Game Commission (Commission) convened at the Lake Natoma Inn, 702 Gold Lake Drive, Folsom, California, on August 24, 2016. The meeting was called to order at 9:07 a.m. by President Eric Sklar.

A quorum was established with the presence of President Eric Sklar, Commissioner Anthony C. Williams and Commissioner Peter S. Silva.

1. Approve agenda and order of items

The Commission approved the agenda and order of items as noticed, noting that under Item 38 Petition #2016-011 was withdrawn by the petitioners.

Ayes: *P. Silva, E. Sklar, A. Williams*

Noes: *None*

Absent: *R. Burns, J. Hostler-Carmesin*

President Sklar introduced Executive Director Valerie Termini, who shared details about the meeting format and procedures.

President Sklar acknowledged that Vice President Jacque Hostler-Carmesin joined the meeting and also introduced Commission staff, legal counsel, and California Department of Fish and Wildlife (Department) staff.

2. Public forum for items not on agenda

No action taken.

3. Commission recognition of former Executive Director Sonke Mastrup for his commitment and service to the California Fish and Game Commission

The Commission presented former Fish and Game Commission Executive Director Sonke Mastrup with a resolution and gift.

CONSENT ITEMS

4. Approve request from Neushul Mariculture to transfer state water bottom lease No. M-654-03 to PharmerSea, LLC
5. Approve request from Grassy Bar Oyster Company to transfer state water bottom lease Nos. M-614-01 and M-614-02 to Grassy Bar Oyster Company, Inc.
6. Authorize publication of notice of intent to amend recreational groundfish regulations (Sections 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.49 and 28.55, Subsections 27.20(a) and 27.20(b), and add section 28.47, Title 14,CCR)
7. Adopt proposed changes to commercial hagfish trap regulations (Subsection 180.6(b), Title 14, CCR)

The Commission adopted the consent calendar, items 4-7.

Ayes: J. Hostler-Carmesin, P. Silva, E. Sklar, A. Williams

Noes: None

Absent: R. Burns

8. Marine Resources Committee
 - (A) July 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

The Commission approved the three recommendations from the July 2016 Marine Resources Committee meeting.

Ayes: J. Hostler-Carmesin, P. Silva, E. Sklar, A. Williams

Noes: None

Absent: R. Burns

9. Tribal Committee
 - (A) Work plan development
 - I. Update on work plan and draft timeline
 - II. Discuss and approve new topics
 - (B) Participation in California Native American Day

No action taken.

10. Master Plan for Marine Protected Areas
 - (A) Discuss and approve text related to traditional ecological knowledge
 - (B) 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)

The Commission approved the text related to traditional ecological knowledge as proposed, and adopted the final 2016 Master Plan for Marine Protected Areas and the Marine Life Protection Program.

Ayes: J. Hostler-Carmesin, P. Silva, E. Sklar, A. Williams

Noes: None

Absent: R. Burns

11. Authorize publication of notice of intent to amend regulations concerning tribal take in marine protected areas (Section 632, Title 14, CCR)

The Commission authorized publication of the notice as presented.

Ayes: P. Silva, E. Sklar, A. Williams

Noes: None

Abstentions: J. Hostler-Carmesin

Absent: R. Burns

12. Announce results from Executive Session

The Commission reached a decision regarding the proposed settlement agreement between Steve Kramer and the Department, and reached a decision regarding the proposed decision from the Office of Administrative Hearings for Exotic Feline Breeding Compound.

To address pending litigation, the Commission voted to add to its October 2016 meeting agenda the consideration of a notice of proposed amendments to Title 14, Section 265.

13. Marine items of interest from previous meetings
 - (A) Update on lessons learned from the Dungeness and rock crab emergency closures and planning for future harmful algal blooms
 - (B) Other

No action taken.

14. Marine petitions for regulation change and non-regulatory requests from previous meetings
 - (A) Action on petitions for regulation change
 - (B) Action on non-regulatory requests
 - (C) Update and possible action on pending petitions and requests referred to staff and the Department for review

The Commission adopted the staff recommendations for actions on the June 2016 petitions for regulation change and non-regulatory requests.

Ayes: J. Hostler-Carmesin, P. Silva, E. Sklar, A. Williams

Noes: None

Absent: R. Burns

15. Other informational items

- (A) Staff report
- (B) Legislative update and possible action
 - I. Proposition 67 – A referendum to overturn the statewide ban on single-use plastic bags
- (C) Federal agencies report
- (D) Other

The Commission approved a position in support of Proposition 67 to uphold the statewide ban on plastic bags as a means to reduce ocean debris and protect marine life.

Ayes: J. Hostler-Carmesin, P. Silva, E. Sklar, A. Williams

Noes: None

Absent: R. Burns

16. 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

No action taken.

17. Discuss and act on future Commission meeting items

- (A) Adopt proposed meeting dates and locations for 2017

The Commission (1) directed staff to secure meeting facilities for the identified meeting dates and locations for 2017, except October 2017 for which alternate locations will be researched in the San Luis Obispo or Morro Bay area; (2) approved the staff recommendation that for the 2017 Commission meetings, day 1 will be non-marine items and day 2 will be marine items; and (3) to relocate and reschedule the November 2016 Marine Resources Committee meeting to November 15 in the Los Alamitos area.

Ayes: J. Hostler-Carmesin, P. Silva, E. Sklar, A. Williams

Noes: None

Absent: R. Burns

(B) Next meetings

Executive Director Termini announced that for the December 2016 meeting, the meeting site has not changed, but the name of the Portofino Inn has changed to the Hilton Garden Inn San Diego/Mission Valley/Stadium.

The Commission approved the draft agenda items for the October 19-20, 2016 meeting, as amended.

Ayes: J. Hostler-Carmesin, P. Silva, E. Sklar, A. Williams

Noes: None

Absent: R. Burns

The Commission approved adding a staff presentation on the rulemaking process for the October 19-20, 2016 meeting.

Ayes: J. Hostler-Carmesin, P. Silva, E. Sklar, A. Williams

Noes: None

Absent: R. Burns

(C) Rulemaking calendar updates

The Commission approved the proposed amendments to the rulemaking calendar.

Ayes: J. Hostler-Carmesin, P. Silva, E. Sklar, A. Williams

Noes: None

Absent: R. Burns

(D) New business

No action taken.

(E) Other

No action taken.

The Commission recessed at 2:24 p.m., to reconvene on August 25, 2016 at 8:00 a.m.

DAY 2 – AUGUST 25, 2016

Pursuant to the call of the president, the Commission reconvened at the Lake Natoma Inn, 702 Gold Lake Drive, Folsom, California, on August 25, 2016. The meeting was called to order at 8:16 a.m. by President Eric Sklar.

A quorum was established with the presence of President Sklar, Commissioner Williams and Commissioner Silva.

President Sklar introduced Executive Director Termini, who shared details about the meeting format and procedures, and introduced Commission staff, legal counsel, and Department staff.

President Sklar acknowledged that Vice President Hostler-Carmesin joined the meeting.

18. Public forum for items not on agenda

The Commission requested that at a future Wildlife Resources Committee meeting there be a presentation from the Department and discussion on the issue of predator-prey relationships in the Sacramento-San Joaquin River Delta.

19. Commission recognition of former Commissioner Jim Kellogg for his commitment and service to the California Fish and Game Commission

The Commission presented former Commissioner Jim Kellogg with a resolution, gift, and brass nameplate for the Commission conference room, newly re-named The Jim Kellogg Conference Room.

20. Commission recognition of newly inducted members to California Waterfowler's Hall of Fame

The Commission recognized Howard Ellman, Bill Pinches, Thomas Seeno, John Takekawa and Jeff Thomson as members of California Waterfowler's Hall of Fame.

CONSENT ITEMS

21. Approve Department's request for a 30-day extension of time to complete its evaluation of the petition to list coast yellow leptosiphon (*Leptosiphon croceus*) as an endangered species under the California Endangered Species Act (Pursuant to Section 2073.5, Fish and Game Code)
22. Approve amendment to Private Lands Wildlife Habitat Enhancement and Management Area (PLM) five-year license for 2016-2021, and seasons, harvests and habitat improvements for 2016-2017 for:
(Pursuant to Section 601, Title 14, CCR)
- (A) DeFrancesco & Eaton Ranch (Merced County)
23. Approve initial five-year PLM license for 2016-2021, and seasons, harvests and habitat improvements for 2016-2017 for:
(Pursuant to Section 601, Title 14, CCR)
- (A) Clover Creek Ranch (Shasta County)
(B) Kramer Ranch (Lassen County)
24. Approve annual PLM seasons, harvests and habitat improvements for 2016-2017 for:
(Pursuant to Section 601, Title 14, CCR)

- (A) Bardin Ranch (Monterey County)
- (B) Basin View Ranch (Modoc County)
- (C) Bell Ranch (Tehama County)
- (D) Big Morongo Springs Ranch (San Bernardino County)
- (E) Bird Haven Ranch (Glenn County)
- (F) Black Ranch (Shasta County)
- (G) Clarks Valley Ranch (Lassen County)
- (H) Deseret Farms – Ballard Unit (Butte County)
- (I) Deseret Farms – Wilson Unit (Butte County)
- (J) Duncan Creek Ranch (Shasta County)
- (K) Five Dot Ranch - Avila (Lassen County)
- (L) Five Dot Ranch – School Section (Lassen County)
- (M) Hathaway Oak Run Ranch (Shasta County)
- (N) M&T Chico Ranch (Butte County)
- (O) Ordway Ranch (Calaveras County)
- (P) Pacheco Ranch (Santa Clara County)
- (Q) Rock Creek (Butte and Tehama counties)
- (R) Santa Catalina Island (Los Angeles County)
- (S) Sopher-Wheeler (Butte County)
- (T) Spurlock Ranch (Glenn County)
- (U) Sugarloaf – Bangor Ranch (Yuba County)

25. Approve five-year renewal of PLM license for 2016-2021, and seasons, harvests and habitat improvements for 2016-2017 for:
(Pursuant to Section 601, Title 14, CCR)

- (A) Coon Creek Ranch (Santa Clara County)
- (B) Little Dry Creek Ranch (Tehama County)
- (C) Mendiboure Cold Springs Ranch (Lassen County)
- (D) R Wild Horse Ranch (Tehama County)
- (E) Roaring River Ranch (Shasta County)

The Commission adopted the consent calendar, items 21-25.

Ayes: J. Hostler-Carmesin, P. Silva, E. Sklar, A. Williams

Noes: None

Absent: R. Burns

26. Wildlife Resources Committee

- (A) Work plan development
 - I. Update on work plan and draft timeline
 - II. Discuss and approve new topics

The Commission approved the draft agenda topics for the September 2016 Wildlife Resources Committee meeting and approved five new topics for future committee meetings: (1) Falconry, (2) Hatchery and Inland Fisheries Fund, (3) lead

ammunition ban implementation, (4) predator-prey relationships in the Sacramento-San Joaquin River Delta, and (5) wild pig management.

Ayes: *J. Hostler-Carmesin, P. Silva, E. Sklar, A. Williams*

Noes: *None*

Absent: *R. Burns*

27. 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)

The Commission found that listing northern spotted owl (*Strix occidentalis caurina*) as a threatened species under the California Endangered Species Act is warranted.

Ayes: *J. Hostler-Carmesin, P. Silva, E. Sklar, A. Williams*

Noes: *None*

Absent: *R. Burns*

The Commission authorized publication of a notice of its intent to add northern spotted owl to the list of animals of California declared to be threatened.

Ayes: *J. Hostler-Carmesin, P. Silva, E. Sklar, A. Williams*

Noes: *None*

Absent: *R. Burns*

28. Consider the petition, Department's evaluation report, and comments received to determine whether listing the Townsend's big-eared bat (*Corynorhinus townsendii*) as a threatened or endangered species is warranted (Pursuant to Sections 2075 and 2075.5, Fish and Game Code)

The Commission found that listing Townsend's big-eared bat (*Corynorhinus townsendii*) as an endangered or threatened species under the California Endangered Species Act is not warranted.

Ayes: *J. Hostler-Carmesin, P. Silva, E. Sklar, A. Williams*

Noes: *None*

Absent: *R. Burns*

29. Consider the petition, Department's evaluation report, and comments received to determine whether listing the Livermore tarplant (*Deinandra bacigalupii*) as a threatened or endangered species is warranted

The Commission found that listing Livermore taplant (*Deinandra bacigalupii*) as an endangered species under the California Endangered Species Act is warranted.

Ayes: *J. Hostler-Carmesin, P. Silva, E. Sklar, A. Williams*

Noes: *None*

Absent: *R. Burns*

The Commission authorized publication of a notice of its intent to add Livermore tarplant to the list of plants of California declared to be endangered.

Ayes: J. Hostler-Carmesin, P. Silva, E. Sklar, A. Williams

Noes: None

Absent: R. Burns

30. Authorize publication of notice of intent to amend sport fishing regulations (Sections 1.74, 5.05, 5.40, 5.60, 7.00, and 7.50, and subsections 29.45(a)(1), 43(c), 671(c)(3), and 671(c)(7), Title 14, CCR)

The Commission authorized publication of the notice as presented.

Ayes: J. Hostler-Carmesin, P. Silva, E. Sklar, A. Williams

Noes: None

Absent: R. Burns

31. Authorize publication of notice of intent to amend falconry regulations (Section 670, Title 14, CCR)

The Commission authorized publication of the notice as presented.

Ayes: J. Hostler-Carmesin, P. Silva, E. Sklar, A. Williams

Noes: None

Absent: R. Burns

Following Item 31, President Sklar noted that Vice President Hostler-Carmesin was no longer present and part of the quorum.

32. Authorize publication of notice of intent to adopt regulations concerning enhanced penalties for illegal take of game (add Section 748.6, Title 14, CCR)

The Commission authorized publication of the notice as presented.

Ayes: P. Silva, E. Sklar, A. Williams

Noes: None

Absent: R. Burns, J. Hostler-Carmesin

33. Discuss proposed regulations to establish an upland game bird special hunt drawing and fee (Section 702 and add Section 715, Title 14, CCR)

The Commission requested that the Department review the proposed special hunt fee and consider a fee of “up to \$5.00.”

No action taken.

34. Adopt proposed changes to Department Lands Pass Program and lands public uses regulations, and certify the addendum to the final 2012 environmental document (Sections 550, 550.5, 551, 552, 630 and 702., Title 14, CCR)

The Commission certified the Addendum to the 2012 Final Environmental Document and adopted the proposed changes as recommended by staff.

Ayes: P. Silva, E. Sklar, A. Williams

Noes: None

Absent: R. Burns, J. Hostler-Carmesin

35. Adopt proposed changes to 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)

The Commission found that the proposed regulation is consistent with the Negative Declaration certified by the Commission on December 10, 2015, and adopted the proposed regulations as presented.

Ayes: P. Silva, E. Sklar, A. Williams

Noes: None

Absent: R. Burns, J. Hostler-Carmesin

36. Adopt proposed changes to upland game bird hunting regulations
(Sections 300, 311, and 745.5, Title 14, CCR)

The Commission certified the Negative Declaration and adopted the proposed changes as presented.

Ayes: P. Silva, E. Sklar, A. Williams

Noes: None

Absent: R. Burns, J. Hostler-Carmesin

37. Non-marine items of interest from previous meetings

No action taken.

38. Non-marine petitions for regulation change and non-regulatory requests from previous meetings

(A) Action on petitions for regulation change

(B) Action on non-regulatory requests

(C) Update and possible action on pending petitions and requests referred to staff and the Department for review

The Commission adopted the staff recommendations for actions on the June 2016 petitions for regulation change and non-regulatory requests, except for Petition No. 2016-011 (bass size and bag limits), which was withdrawn by the petitioner, and Petition No. 2016-008 (domestic ferrets), which will be considered at the October 2016 meeting. The Commission also approved adding Petition No. 2015-004 (native reptiles) to the 2017 regulatory calendar.

Ayes: P. Silva, E. Sklar, A. Williams

Noes: None

Absent: R. Burns, J. Hostler-Carmesin

Executive Director Termini announced that for the December 2016 meeting, the meeting site has not changed, but the name of the Portofino Inn has changed to the Hilton Garden Inn San Diego/Mission Valley/Stadium. She reminded everyone that for 2017 the marine and non-marine days at Commission meetings will switch; the first day will focus on non-marine items and the second day will focus on marine items.

Executive Director Termini also announced that the Commission is seeking a deputy executive director and encouraged qualified applicants to apply (see www.jobs.ca.gov).

The Commission closed the meeting in memory of Gregory Schmidt, former long-time secretary of the California Senate.

There being no further business, the Commission adjourned at 4:12 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 Young v. California Fish and Game Commission, et al. (restricted species inspection fee waiver)
- VI. Public Interest Coalition v. California Fish and Game Commission (California Environmental Quality Act)

(B) Possible litigation involving the Commission

(C) Staffing

(D) Deliberation and act on license and permit items

- I. Approve a renewal request for a Pacific Herring Gillnet Permit, which is the subject of a settlement agreement between Mr. Steven Kramer and California Department of Fish and Wildlife
- II. Approve Office of Administrative Hearing's proposed decision for Exotic Feline Breeding Compound, Inc.'s appeal.

**FISH AND GAME COMMISSION
2016 MEETING SCHEDULE
www.fgc.ca.gov**

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING	OTHER MEETINGS
September 21		Wildlife Resources Woodland Public Library Leake Center Community Room 250 First Street Woodland, CA 95695	
September 28			Predator Policy Workgroup Department of Fish and Wildlife - Yolo Bypass Wildlife Area Conference Room 45211 County Road 32b Davis, CA 95618
October 18		Tribal Red Lion Inn 1929 4 th Street Eureka, CA 95501	
October 19-20	Red Lion Inn 1929 4 th Street Eureka, CA 95501		
November 1			Predator Policy Workgroup Department of Parks and Recreation Redwood Room 1416 Ninth Street, 14 th Floor Sacramento, CA 95814
November 17		Marine Resources Sacramento	
December 7-8	Portofino Inn & Suites 3805 Murphy Canyon Rd San Diego, CA 92123		

OTHER MEETINGS OF INTEREST

Pacific Fishery Management Council

- September 12-20, Boise, ID
- November 16-21, Garden Grove, CA

Pacific Flyway Council

- September 30, Sun Valley, ID

Wildlife Conservation Board

- August 30, Sacramento
- November 16, Sacramento