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STATE OF CALIFORNIA
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Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

MEETING AGENDA December 7-8, 2016

Hilton Garden Inn San Diego Mission Valley/Stadium
3805 Murphy Canyon Road, San Diego

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

NOTE: See important meeting deadlines and procedures at the end of the agenda. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.

DAY 1 – DECEMBER 7, 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).
3. Commission recognition of former Commissioner Jack Baylis for his commitment and service to the California Fish and Game Commission

CONSENT ITEMS

4. Authorize publication of notice of intent to amend recreational ocean salmon fishing regulations
 - (A) Season dates, size limits, and daily bag limits for April 2017
(Subsection 27.80(c), Title 14, CCR)
 - (B) Season dates, size limits, and daily bag limits for May-November 2017
(Subsection 27.80(d), Title 14, CCR)
5. Authorize publication of notice of intent to amend recreational Pacific halibut fishing regulations
(Section 28.20, Title 14, CCR)

CONSENT ITEMS (continued)

6. Adopt proposed changes to recreational groundfish regulations for 2017-2018 for consistency with federal rules (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. Marine Resources Committee
 - (A) November 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. Tribal Committee
 - (A) Work plan development
 - I. Update on work plan and draft timeline
 - II. Discuss and approve new topics
9. Santa Barbara Mariculture
 - (A) Update on application for new State Water Bottom lease adjacent to existing lease No. M-653-02
 - (B) Approve Department request for extension of State Water Bottom Lease No. M-653-02 for a period of six months
10. Authorize emergency action to amend recreational abalone fishing regulations in advance of 2017 season (Section 29.15, Title 14, CCR)
11. Adopt proposed changes to regulations concerning tribal take in marine protected areas (MPAs) (Section 632, Title 14, CCR)
12. Informational presentations on the status of the regional assessment of south coast MPAs
 - (A) Steve Wertz, California Department of Fish and Wildlife, and Dr. Benét Duncan, California Ocean Science Trust, with an overview of the South Coast State of the Region report scheduled for presentation in April 2017
 - (B) Dr. Jennifer Caselle, University of California, Santa Barbara, on results from over 10 years of monitoring Channel Islands MPAs
13. Staff presentation concerning the Commission's rulemaking authority under the California Administrative Procedure Act
14. Announce results from Executive Session

15. Marine items of interest from previous meetings
16. Marine petitions for regulation change and non-regulatory requests from previous meetings
 - (A) Action on petitions for regulation change
 - I. Petition No. 2016-020: Recreational shark fishing with bow and arrow or harpoon
 - (B) Action on non-regulatory requests
 - (C) Update on pending petitions and requests referred to staff and the Department for review
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) Other
18. Other informational items
 - (A) Staff report
 - (B) Legislative update and possible action
 - I. Federal Shark Fin Trade Elimination Act of 2016 (S. 3095, Booker)
 - II. Other
 - (C) Federal agencies report
 - (D) Other

Recess

DAY 2 – DECEMBER 8, 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 ITEMS

20. Receive Department's 90-day evaluation report on the petition to list the Lassics lupine (*Lupinus constancei*) as an endangered species
 (Pursuant to 2073.5, Fish and Game Code)
21. Approve Department's request for a six month extension of time to submit its status review report on the petition to list the tricolored blackbird (*Agelaius tricolor*) as an endangered species
 (Pursuant to 2074.6, Fish and Game Code)

CONSENT ITEMS (continued)

22. Adopt proposed changes to sport fishing regulations for 2017
(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)
23. Adopt proposed regulations concerning enhanced penalties for illegal take of game species
(Section 748.6, Title 14, CCR)
24. Wildlife Resources Committee
- (A) Work plan development
- I. Update on work plan and draft timeline
- II. Discuss and approve new topics
25. Consider the petition, Department's status review report, and comments received to determine whether listing the flat-tailed horned lizard (*Phrynosoma mcallii*) as an 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. Consider the petition, Department's evaluation report, and comments received to determine whether listing the coast yellow leptosiphon (*Leptosiphon croceus*) as an 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.
27. Authorize publication of notice of intent to amend Klamath River Basin salmon sport fishing regulations
(Subsection 7.50(b)(91.1), Title 14, CCR)
28. Central Valley salmon
- (A) Authorize publication of notice of intent to amend sport fishing regulations
(Subsections 7.50(b)(5), 7.50(b)(68) and 7.50(b)(156.5), Title 14, CCR)
- (B) Add to the notice the Sacramento River between Keswick Dam and the Highway 44 bridge to protect winter-run Chinook salmon
(Subsection 7.50(b)(156.5)(B), Title 14, CCR)
29. Authorize publication of notice of intent to amend mammal hunting regulations
(Subsections 360(b) and 360(c), and Sections 361, 362, 363, 364, 364.1, Title 14, CCR)
30. Authorize publication of notice of intent to amend regulations concerning deer tagging and reporting requirements
(Section 708.5, Title 14, CCR)

31. Authorize publication of notice of intent to amend waterfowl hunting regulations (Section 502, Title 14, CCR)
32. Discuss proposed changes to regulations concerning the use of dogs for the pursuit and take of mammals (Section 265, Title 14, CCR)
33. Adopt proposed changes to falconry regulations (Sections 670, Title 14, CCR)
34. Non-marine items of interest from previous meetings
 - (A) Department presentation on the status of gray wolves in California
 - (B) Other
35. Non-marine petitions for regulation change and non-regulatory requests from previous meetings
 - (A) Action on petitions for regulation change
 - I. Petition No. 2016-023: Ban use of roe for salmon and steelhead; seasonal fishing closure in portion of Smith River
 - II. Petition No. 2016-024: Incidental take of tricolored blackbird
 - (B) Action on non-regulatory requests
 - (C) Update on pending petitions and requests referred to staff and the Department for review
36. Discuss and act on Commission administrative items
 - (A) Next meetings
 - (B) Rulemaking calendar
 - I. Proposed changes to rulemaking timetable
 - II. Proposed 2017 rulemaking calendar for the Office of Administrative Law
 - (C) New business
 - (D) Other
 - I. Approve a Commissioner attending and representing the Commission at the International Pacific Halibut Commission meeting in January 2017

Adjournment

EXECUTIVE SESSION

(Not Open to Public)

Pursuant to the authority of Government Code Section 11126(a)(1), (c)(3), 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 action on license and permit items

**FISH AND GAME COMMISSION
2017 MEETING SCHEDULE**

Note: As meeting dates and locations can change, please visit www.fgc.ca.gov for the most current list of meeting dates and locations.

DATE	COMMISSION MEETING	COMMITTEE MEETING	OTHER MEETINGS
January 18		Wildlife Resources Redding Library Community Room 1100 Parkview Avenue Redding, CA 96001	
February 7		Tribal Santa Rosa	
February 8-9	Santa Rosa		
February 21			Predator Policy Workgroup Department of Water Resources Conference Room 1131 1416 Ninth Street, 11 th Floor Sacramento, CA 95814
March 15	Teleconference — Arcata, Napa, Sacramento and Los Alamitos		
March 23		Marine Resources San Clemente/Oceanside	
April 13	Teleconference — Arcata, Napa, Sacramento and Los Alamitos		
April 26-27	Los Angeles		
May 24		Wildlife Resources Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
June 20		Tribal Crescent City/Fortuna	
June 21-22	Crescent City/Fortuna		
July 20		Marine Resources Petaluma	
August 16-17	Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814		

DATE	COMMISSION MEETING	COMMITTEE MEETING	OTHER MEETINGS
September 13		Wildlife Resources California Tower 3737 Main Street Highgrove Room 200 Riverside, CA 92501	
October 10		Tribal Morro Bay/San Luis Obispo	
October 11-12	Morro Bay/San Luis Obispo		
November 9		Marine Resources Marina	
December 6-7	San Diego		

OTHER MEETINGS OF INTEREST IN 2017

Association of Fish and Wildlife Agencies

- September 10-13, Snowbird, UT

Pacific Fishery Management Council

- March 7-14, Vancouver, WA
- April 6-12, Sacramento, CA
- June 7-14, Spokane, WA
- September 11-18, Boise, ID
- November 13-20, Costa Mesa, CA

Pacific Flyway Council

- March 7, Spokane, WA
- September, TBD

Western Association of Fish and Wildlife Agencies

- January 5-8, Litchfield Park, AZ
- July 6-11, Vail, CO

Wildlife Conservation Board

- February 23
- May 25
- August 24
- November 30

IMPORTANT COMMISSION MEETING PROCEDURES INFORMATION

WELCOME TO A MEETING OF THE CALIFORNIA FISH AND GAME COMMISSION

This is the 146th 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, 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; **delivery** to Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814; or **hand-deliver to a Commission meeting**.

COMMENT DEADLINES

The **Written Comment Deadline** for this meeting is **5:00 p.m. on November 22, 2016**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Late Comment Deadline** for this meeting is **12 noon on December 2, 2016**. Comments received by this deadline will be marked "late" and made available to Commissioners at the meeting.

After these deadlines, written comments may be delivered in person to the meeting – Please bring ten (10) copies of written comments 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 the **Late Comment Deadline** (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, 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 the **Late Comment Deadline** (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 **Late Comment Deadline** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email.
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 ten (10) copies to the designated staff member just prior to speaking.