

**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**, 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 February 10-11, 2016

These meeting outcomes were finalized by staff on April 8, 2016.

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

**Note: The Commission reordered agenda items for Thursday and moved agenda item 41 to Wednesday. The agenda items are summarized in this document in the original order as noticed.**

#### **DAY 1 – FEBRUARY 10, 2016**

1. Call to order/roll call to establish quorum

**Pursuant to the call of the presiding commissioner, the Commission convened at the Resources Building Auditorium, 1416 Ninth Street, California on February 10, 2016. The meeting was called to order at 8:35 a.m. by Commissioner Eric Sklar, who introduced Legal Counsel Mike Yaun.**

**Mike Yaun introduced Commission staff, legal counsel from the California Attorney General's Office, and California Department of Fish and Wildlife (Department) staff; he also shared details about the meeting format and procedures.**

**A quorum was established:**

<b>Eric Sklar</b>	<b>Presiding Commissioner</b>	<b>Present</b>
<b>Jacque Hostler-Carmesin</b>	<b>Member</b>	<b>Present</b>
<b>Anthony C. Williams</b>	<b>Member</b>	<b>Present</b>
<b>Vacant</b>	<b>Member</b>	
<b>Vacant</b>	<b>Member</b>	

2. Approve agenda and order of items.

**Received public comment.**

**The Commission approved staff recommendations for changes to the agenda, to include moving agenda item 41 to Wednesday and on Thursday moving agenda items 29, 30, 31 and 36 to the end of the agenda, respectively.**

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

**Noes: None**

3. Commission recognition of former Commissioners and staff

**Received public comment.**

**The Commission directed staff to develop and present at the March 15 teleconference meeting a proposal for a future Commission recognition of former Commissioners and staff.**

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

**Noes: None**

4. Election of Commission President and Vice President

**No public comment.**

**The Commission elected Eric Sklar as president and Jacque Hostler-Carmesin as vice president.**

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

**Noes: None**

5. Committee Assignments

- (A) Marine Resources Committee
- (B) Wildlife Resources Committee
- (C) Tribal Committee

**Received public comment.**

**The Commission assigned Commissioner Sklar to chair the Marine Resources Committee, Commissioner Hostler-Carmesin to chair the Tribal Committee, and Commissioner Williams to chair the Wildlife Resources Committee.**

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

**Noes: None**

6. Public forum for items not on the agenda

**Received public comment.**

**No action taken.**

7. Receive and approve addition to lease template for state water bottom leases, related to best management practices

**No action taken. Staff will develop specific recommendations for a future Commission meeting.**

**CONSENT ITEMS**

8. Authorize publication of notice of intent to amend fishing activity records and logbook regulations  
(Sections 190, et al., Title 14, CCR)
9. Authorize publication of notice of intent to amend commercial sea urchin fishing regulations  
(Section 120.7, Title 14, CCR)
10. Receive request from Grassy Bar Oyster Company to transfer State water bottom lease Nos. M-614-10-Parcel 1 and M-614-02 to the lessee's incorporated business, Grassy Bar Oyster Company, Inc.

**The Commission unanimously approved removing agenda item 11 from consent to allow public comment and discussion.**

**The Commission adopted the Consent Calendar, items 8-10.**

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

***Noes: None***

11. Point Reyes Oyster Company, Inc. State water bottom leases for aquaculture
  - (A) Approve request to renew State Water Bottom Lease No. M-430-13  
(Pursuant to Section 15406, Fish and Game Code)
  - (B) Approve request to renew State Water Bottom Lease No. M-430-17 (Pursuant to Section 15406, Fish and Game Code)

**Received public comment.**

**The Commission approved a one-year extension of state water bottom lease Nos. M-430-13 and M-430-17 under existing terms and conditions in lieu of lease renewal, to allow the California Department of Fish and Wildlife Marine Region to evaluate terms of a lease renewal, use of best management practices, and any other details that would be important for this lease. The Commission will consider renewal once lease practices and terms are clarified and resolved.**

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

***Noes: None***

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

**Received public comment.**

**The Commission approved the draft agenda topics for the March 2016 MRC meeting.**

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

**Noes: None**

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

**Received public comment.**

**The Commission directed staff to schedule an agenda item at the April 13-14, 2016 meeting to (1) continue discussions about a potential rulemaking for tribal take in marine protected areas; (2) receive presentations from invited tribal leaders of those tribes requesting take within marine protected areas, and (3) discuss potential tribal take in “no-take” state marine conservation areas.**

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

**Noes: None**

**The Commission approved four topics for future Tribal Committee meetings: Elk depredation and elk tags, tribal co-management in marine protected areas, and to explore potential legislation to memorialize the Tribal Committee.**

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

**Noes: None**

14. Charles Friend Oyster Company request to renew State Water Bottom Lease No. M-430-04 for aquaculture  
(Pursuant to Section 15406, Fish and Game Code)

**The Commission approved a one year extension of lease No. M-430-04 under existing terms and conditions, and will consider renewal once compliance with all other permitting agencies has been substantiated by the Department.**

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

**Noes: None**

15. California spiny lobster

- (A) Discuss draft fishery management plan

**The Commission directed staff to create a new appendix to the fishery management plan to memorialize near-consensus recommendations and new or emerging issues identified in public comments, which will allow later evaluation and adaptation.**

- (B) Request for authorization to publish notice of intent to amend regulations (Sections 29.80, 29.90, 121, 121.5, 122, 705, and Appendix A, Title 14, CCR)

**The Commission authorized publication of a notice of its intent to amend sections 29.80, 29.90, 121, 121.5, 122, 705, and Appendix A, and add new sections 122.1 and 122.2, related to California spiny lobster regulations.**

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

**Noes: None**

16. Discuss proposed changes to ocean salmon sport fishing regulations

- (A) Season dates, size limits, and daily bag limits for April 2016 (Subsection 27.80(c), Title 14, CCR)  
(B) Season dates, size limits, and daily bag limits for May-November 2016 (Subsection 27.80(d), Title 14, CCR)

**No public comment.**

**No action taken.**

17. Discuss proposed changes to Pacific halibut sport fishing regulations (Section 28.20, Title 14, CCR)

**No action taken.**

18. Discuss proposed final Master Plan for Marine Protected Areas pursuant to the Marine Life Protection Act

**No action taken.**

19. Announce results from Executive Session

**No action taken.**

20. Discussion and update regarding Executive Director and Deputy Executive Director positions

**The Commission took emergency action to appoint Mike Yaun as acting executive director, appoint Susan Ashcraft as acting deputy executive director, and to add an agenda item to the March teleconference to revisit this subject.**

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

**Noes: None**

**The Commission directed staff to pursue the six additional recruitment strategies recommended by staff in the staff summary, and to bring an update on actions taken to the March teleconference.**

21. 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) Review outstanding regulatory and non-regulatory requests from 2015

**The Commission adopted the staff recommendations for actions on December 2015 marine regulatory and non-regulatory requests, except to move to the April 13-14, 2016 meeting action on Jenn Eckerle's request for a letter to the California Coastal Commission. In addition, per a request of the petitioner, the Commission delayed to the June 22-23, 2016 meeting action on Dan Yoakum's squid petition received under public forum for this meeting that was scheduled for action at the April 13-14, 2016 meeting.**

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

**Noes: None**

**The Commission adopted the identified staff recommendations for resolution of pending marine regulatory and non-regulatory requests.**

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

**Noes: None**

22. 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.**

23. Other informational items

(A) Staff report

**No action taken.**

(B) Legislative update and possible action

**No action taken.**

(C) Federal agencies report

**No action taken.**

(D) Other

**No action taken.**

24. Recess

**There being no further business, the Commission meeting recessed at 5:47 p.m.**

**DAY 2 – FEBRUARY 11, 2016**

25. Call to order

**The meeting was called to order at 8:04 a.m. by Presiding Commissioner Eric Sklar, who introduced Acting Executive Director Mike Yaun.**

**A quorum was established:**

<b>Eric Sklar</b>	<b>President</b>	<b>Present</b>
<b>Jacque Hostler-Carmesin</b>	<b>Vice-President</b>	<b>Present</b>
<b>Anthony C. Williams</b>	<b>Member</b>	<b>Present</b>
<b>Vacant</b>	<b>Member</b>	
<b>Vacant</b>	<b>Member</b>	

**Mike Yaun introduced Commission staff, legal counsel from the California Attorney General’s Office, and Department staff; he also shared details about the meeting format and procedures.**

**Per action taken on the first day, the Commission approved staff recommendations for changes to the agenda, to include moving agenda item 41 to Wednesday and on Thursday moving agenda items 29, 30, 31 and 36 to the end of the agenda, respectively.**

26. Public forum for items not on the agenda

**Received public comment.**

**CONSENT ITEMS**

- 27. Adopt proposed changes to endangered or threatened animals regulations to add Clear Lake hitch to the list of threatened species  
(Section 670.5, Title 14, CCR)
- 28. Approve the Department's request for a six month extension to complete the status report and peer review process for the petition to list the flat-tailed horned lizard as an endangered species  
(Pursuant to Section 2074.6, Fish and Game Code)

**The Commission adopted the consent calendar, items 27-28.**

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

- 29. Non-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) Review outstanding regulatory and non-regulatory requests from 2015

**No public comment.**

**The Commission adopted the staff recommendations for actions on December 2015 non-marine regulatory and non-regulatory requests.**

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

**Noes: None**

**The Commission adopted the identified staff recommendations for resolution of pending non-marine regulatory and non-regulatory requests.**

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

**Noes: None**

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

**Received public comment.**

**The Commission directed WRC at its May meeting to discuss possible changes to pig regulations and suggestions for potential legislation to share with Assembly Member Bigelow, and then report back to the Commission in June.**

**The Commission directed the Predator Policy Workgroup writing members to meet and share draft products for review and comment with those individuals who requested to be part of a review group, prior to presenting recommendations to the WRC.**

31. Receive the Department's status review report on the petition to list northern spotted owl as a threatened or endangered species  
(Pursuant to Section 2074.6, Fish and Game Code)

**Received public comment.**

**No action taken.**

32. Possible adoption of emergency action regarding special order relating to incidental take of tricolored blackbird during candidacy period, pursuant to Fish and Game Code Section 2084  
(Add Section 749.8, Title 14, CCR)

**Received public comment.**

**The Commission found that:**

- **A failure to adequately protect the tricolored blackbird would cause serious harm to the general welfare of the citizens of the State of California.**
- **Action is necessary to ensure the protection and immediate conservation of the tricolored blackbird during the upcoming harvest of grain fields planted for silage.**
- **This finding is based on the record before the Commission, generally and specifically the past activity under the Natural Resources Conservation Service program and the timing of the candidacy of the tricolored blackbird in relation to the upcoming harvest.**

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

**Noes: None**

**The Commission adopted the emergency language submitted to the Commission as revised on January 27, 2016 by the California Farm Bureau Federation and January 28, 2016 by the Center for Biological Diversity as an emergency regulation to be codified in Section 749.8.**

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

**Noes: None**

33. Consider the petition, Department's evaluation report, and comments received to determine whether listing the Humboldt marten as a threatened or endangered species may be warranted  
(Pursuant to Fish and Game Code, Section 2074.2).

**Received public comment.**

**The Commission designated the Humboldt marten as a candidate for endangered species status. A one-year status review will now commence before a final decision is made on listing.**

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

**Noes: None**

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

**Received public comment.**

**The Commission authorized publication of a notice of its intent to amend Sections 502 and 507 regarding waterfowl hunting regulations for the 2016-2017 season, with the addition of the inclusion of type C area and public waterways in the northeastern zone.**

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

**Noes: None**

35. Adopt proposed emergency regulation to close to fishing 5.5 miles of the Sacramento River (excluding tributaries) from the Highway 44 bridge in Redding upstream to Keswick Dam  
(Subsection 7.50(b)(156.5)(B), Title 14, CCR)

**No public comment.**

**The Commission takes emergency action to amend Subsection (b)(156.5)(B) of Section 7.50, to close all fishing in the Sacramento River from 650 feet below Keswick Dam to the Highway 44 bridge.**

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

**Noes: None**

36. 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)

**Pursuant to action taken under agenda item #41 on Wednesday, this item was delayed to the April 2016 meeting in Santa Rosa.**

37. Request for authorization to publish notice of intent to amend Klamath River sport fishing regulations  
(Subsection 7.50(b)(91.1), Title 14, CCR)

**Received public comment.**

**The Commission authorized publication of a notice of its intent to amend subsection (b)(91.1) of Section 7.50 related to Klamath River sport fishing as recommended by the Department in the Sep 9, 2015, ISOR, and including the following option regarding the conservation closures near the confluence of Blue Creek:**

- **Modify the regulations for the existing fishing closure on the Klamath River during the Jun 15 through Sep 14 closure period by changing the distance closed below the mouth of Blue Creek to 500 feet for public discussion of regulation changes for the 2016 season. The distance of the closure above the mouth of Blue Creek remains at 500 feet. The regulations for the September 15 through December 31 fishing closure on the main stem Klamath River would not change.**

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

**Noes: None**

**The Commission directed staff to work with the Department and stakeholders to develop a study as quickly as possible, hopefully during this season, to better inform review of the fishing regulations next year.**

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

**Noes: None**

38. Discuss proposed changes to mammal hunting regulations and take action regarding draft environmental document  
(Sections 265, et al., Title 14, CCR)

**Received public comment.**

**The Commission authorized publication of a revised notice of its intent to amend Sections 364 and 364.1 regarding mammal hunting for the 2016-2017 season.**

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

**Noes: None**

39. Discuss proposed changes to Central Valley salmon sport fishing regulations  
(Subsections 7.50(b)(5), (68) and (156.5), Title 14, CCR)

**No public comment.**

**No action taken.**

40. Discuss proposed regulations regarding special measures for fisheries at risk (Section 8.01, Title 14, CCR)

**Received public comment.**

**No action taken.**

41. Discuss and act on future Commission meeting items

- (A) Next meetings – March 15, 2016, teleconference; April 13-14, 2016, Santa Rosa; April 18, 2016, teleconference

**The Commission (1) set the March 15, 2016 teleconference start time at 10:00 a.m. and (2) reviewed the draft agenda topics and made the following changes:**

- **Add: Receive and discuss proposal for recognizing former Commissioners and staff.**
- **Add: Revisit executive director and deputy executive director positions, including revised duty statements**
- **Add: Update on additional recruitment strategies undertaken by staff**

**The Commission reviewed the April 13-14, 2016 meeting agenda topics and made the following changes:**

- **Add: Discuss potential rulemaking for tribal take in marine protected areas (with invited presentations from tribal elders)**
- **Add: Presentation from the Department regarding AB 711 implementation**

**The Commission set the April 18, 2016 teleconference start time at 10:00 a.m.**

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

**Noes: None**

- (B) Rulemaking calendar updates

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

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

**Noes: None**

(C) New business

**The Commission directed staff to begin developing a proposed plan for a process to revise the Commission's strategic plan, for discussion at the June meeting.**

(D) Other

**The Commission directed staff to move the October 2016 meeting to the Eureka or Shasta areas and to move the June meeting to Irvine, though if the three Irvine locations being investigated are not feasible, look at potential sites in Bakersfield.**

**The Commission directed staff to schedule receipt of the Mercer Lawer petition at the March 15 teleconference meeting.**

42. Adjournment

**There being no further business, the Commission meeting adjourned at 1:15 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

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

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
March 15	<b>Teleconference — Arcata, Sacramento, Los Alamitos and Napa</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>Teleconference — Arcata, Sacramento, 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	

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
November 17		<b>Marine Resources</b> Irvine, CA
December 7-8	San Diego	

**OTHER MEETINGS OF INTEREST**

**Wildlife Conservation Board**

- February 24, Sacramento
- May 26, Sacramento
- August 30, Sacramento
- November 16, Sacramento

**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** – Dates unknown at this time

**Western Association of Fish and Wildlife Agencies**

- July 2016, Cody, WY