

**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

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

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

## Fish and Game Commission



*Wildlife Heritage and Conservation*  
*Since 1870*

### MEETING OUTCOMES FOR JUNE 22-23, 2016

These meeting outcomes were finalized by staff on July 28, 2016.

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

#### DAY 1 – JUNE 22, 2016

Pursuant to the call of the president, the California Fish and Game Commission (Commission) convened at the Bakersfield Elks Lodge #266, 1616 30th Street, Bakersfield, California on June 22, 2016. The meeting was called to order at 9:07 a.m. by President Eric Sklar.

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>Russell E. Burns</b>	<b>Member</b>	<b>Present</b>
<b>Peter S. Silva</b>	<b>Member</b>	<b>Present</b>

President Eric Sklar introduced Executive Director Valerie Termini, who shared details about the meeting format and procedures, and invited the new Commission members, Pete Silva and Russ Burns, to introduce themselves. Commissioner Williams welcomed everyone to his hometown of Bakersfield. Valerie Termini also introduced Commission staff, legal counsel, and California Department of Fish and Wildlife (Department) staff.

1. Approve agenda and order of items

**The Commission approved the agenda and order of items as noticed.**

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

**Noes: None**

2. Public forum for items not on agenda

**No action taken.**

3. Committee assignments
  - (A) Marine Resources
  - (B) Wildlife Resources
  - (C) Tribal

**The Commission assigned P. Silva to the Marine Resources Committee, assigned R. Burns to the Wildlife Resources Committee, and retained existing assignments for E. Sklar on the Marine Resources Committee, A. Williams on the Wildlife Resources Committee, and J. Hostler-Carmesin on the Tribal Committee.**

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

***Noes: None***

4. Delegation of Commission president responsibilities in the absence of the president

**The Commission selected Commissioner Williams to be presiding officer for any activities otherwise delegated to the president and vice president in the absence of the president and vice president, or their incapacity, and directed that the vice president attend Wildlife Conservation Board meetings in the absence of the president.**

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

***Noes: None***

<p><b><u>CONSENT ITEMS</u></b></p> <ol style="list-style-type: none"> <li>5. Receive white seabass fishery management plan annual review (Pursuant to Section 5.9, Fishery Management Plan)</li> <li>6. Request for authorization to publish notice of intent to amend commercial hagfish regulations (Section 180.6, Title 14, CCR)</li> </ol>
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**The Commission adopted the Consent Calendar, agenda items 5-6.**

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

***Noes: None***

7. Marine 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 July 2016 Marine Resources Committee meeting and approved adding:**

- (1) an update on a tool developed by the Department in cooperation with the Ocean Protection Council's Science Advisory Team which helps to evaluate the risk of allowing scientific collecting in a marine protected area (MPA) relative to the goals of the MPA and any other collecting currently taking place in that MPA;

- (2) the topic of marine debris and plastic pollution, including a recommendation on whether to formally oppose the initiative to overturn the state's plastic bag ban;
- (3) an update from the Department's Marine Region on its review of the pending request for nearshore fishery permit changes; and
- (4) the topic of the Commission potentially partnering with Pixar or others on a public service campaign about blue tang fish.

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

**Noes:** *None*

**Staff announced that the fishing communities public meeting has been moved to July 20 in Petaluma, the day before the Marine Resources Committee meeting.**

8. Tribal Committee

- (A) June 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 five recommendations from the June 21, 2016 Tribal Committee meeting related to:**

- (1) Requesting the Ocean Protection Council seek tribal government representation on the MPA Statewide Leadership Team.
- (2) Additional training module for tribal exemptions in MPAs for the Department's Law Enforcement Division and increasing its interactions with tribal nations.
- (3) Tribal ecological knowledge (TEK) language proposed for inclusion in the MPA master plan.
- (4) Working with the Department on co-management definitions and strategies.
- (5) Developing sub-committees or workgroups for the subjects of co-management and tribal committee legislation.

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

**Noes:** *None*

9. Point Reyes Oyster Company

- (A) Approve request to renew state water bottom lease M-430-13
- (B) Approve request to renew state water bottom lease M-430-17

**The Commission approved the state water bottom leases for a period of 15 years and determined that the approvals are exempt from the California Environmental Quality Act.**

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

**Noes: None**

10. Master Plan for Marine Protected Areas

(A) Receive and provide direction concerning incorporation of information received 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 continued this item for possible adoption at its August 2016 meeting, with the expectation that by July 29 tribal councils would provide any input on the tribal ecological knowledge portion of the master plan. The Commission closed public comment on all other aspects of the master plan.**

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

**Noes: None**

11. Adopt proposed changes to spiny lobster sport and commercial fishing regulations (Section 29.80, et al., and Appendix A, Title 14, CCR)

**The Commission adopted the proposed changes as recommended by the Department.**

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

**Noes: None**

12. Wildlife Prosecutor of the Year

(A) Discuss and approve proposed policy

**The Commission adopted the proposed policy.**

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

**Noes: None**

(B) Announce 2016 recipient

**The Commission selected Deputy District Attorney Matt Beauchamp as the 2016 Wildlife Prosecutor of the Year.**

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

**Noes: None**

13. Announce results from Executive Session

**The Commission adopted the proposed decision regarding John A. Wilson's licenses and permits consistent with the settlement agreement reached by the parties.**

14. Marine items of interest from previous meetings
  - (A) Update and direction for best management practices for state water bottom leases
  - (B) Update concerning proposed tribal take exemptions in marine protected areas
  - (C) Other

**No action taken.**

15. 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 on pending petitions and requests referred to staff or the Department for review

**The Commission approved the staff recommendations for actions on April 2016 regulatory petitions and non-regulatory requests.**

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

***Noes: None***

16. Other informational items
  - (A) Staff report
    - I. Update on crab closures due to domoic acid and future planning efforts
  - (B) Legislative update and possible action
  - (C) Federal agencies report
  - (D) Other

**No action taken.**

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

**No action taken.**

**The Commission recessed at 3:38 p.m. to reconvene on June 23, 2016 at 8:00 a.m.**

**DAY 2 – JUNE 23, 2016**

Pursuant to the call of the president, the Commission reconvened at the Bakersfield Elks Lodge #266, 1616 30th Street, Bakersfield, California on June 23, 2016. The meeting was called to order at 8:10 a.m. by President Eric Sklar.

President Eric Sklar introduced two new commissioners, Russell Burns and Peter Silva, as well as the new executive director, Valerie Termini, who shared details about the meeting format and procedures. Commissioner Williams welcomed everyone to his hometown of Bakersfield. Valerie Termini also introduced Commission staff, legal counsel, and Department staff.

A quorum was established:

Eric Sklar	President	Present
Jacque Hostler-Carmesin	Vice President	Present
Anthony C. Williams	Member	Present
Russell E. Burns	Member	Present
Peter S. Silva	Member	Present

18. Public forum for items not on agenda

**No action taken.**

**CONSENT ITEMS**

19. Approve UC Merced request to add transgenic zebrafish to its Restricted Species Permit No. 3054  
(Pursuant to Section 671.1(a)(8), Title 14, CCR)
20. Receive the Department's one-year status report on the petition to list Townsend's big-eared bat (*Corynorhinus townsendii*) as an endangered species  
(Pursuant to Section 2075, Fish and Game Code)
21. Receive the Department's one-year status report on the petition to list Livermore tarplant (*Deinandra bacigalupii*) as an endangered species  
(Pursuant to Section 2075, Fish and Game Code)
22. Approve proposed Duck Stamp projects for Fiscal Year 2016-17
23. Receive and approve initial Private Lands Wildlife Habitat Enhancement and Management Area (PLM) plans and 2016-2021 licenses for:  
(Pursuant to Section 601, Title 14, CCR)
- (A) Long Prairie Farms (Siskiyou County)
  - (B) Red Rock Valley Farms (Siskiyou County)
  - (C) Sky Rose Ranch, LLC (Monterey County)
24. Receive and approve annual PLM plans and 2016-2021 licenses for:  
(Pursuant to Section 601, Title 14, CCR)

- (A) 3D Ranch (Tehama County)
- (B) Alexander Ranch (Monterey County)
- (C) Alexandre Ecodairy Farms (Mendocino County)
- (D) Amann Ranch (Mendocino County)
- (E) Ash Valley Ranch (Lassen County)
- (F) Avenales Ranch (San Luis Obispo County)
- (G) Big Bluff Ranch (Tehama County)
- (H) Big Lagoon PLM (Humboldt County)
- (I) Camp 5 Outfitters-Roth Ranch PLM (Monterey and San Luis Obispo counties)
- (J) Capistran Ranch (Mendocino County)
- (K) Carley Ranch (Mendocino County)
- (L) Carnaza Ranch (San Luis Obispo County)
- (M) Carrizo Ranch (San Luis Obispo County)
- (N) Chimney Rock Ranch (San Luis Obispo County)
- (O) Christensen Ranch (Mendocino County)
- (P) Clark and White Ranch (San Luis Obispo County)
- (Q) Connolly and Corral Hollow Ranch (San Joaquin County)
- (R) Cottrell Ranch (Humboldt County)
- (S) Diamond C Outfitters (Humboldt County)
- (T) D-Rafter-"L" Ranch, LLC (San Luis Obispo County)
- (U) Five Dot Ranch-Horse Lake (Lassen County)
- (V) Five Dot Ranch-Tunnel Springs (Lassen County)
- (W) Five Dot Ranch-Willow Creek (Lassen County)
- (X) Four Pines Ranch (Mendocino County)
- (Y) Fulton Ranch (Humboldt County)
- (Z) Hartnell Ranch (Monterey County)
- (AA) Hearst Ranch (San Luis Obispo County)
- (BB) Hunter Ranch (Humboldt County)
- (CC) Jerusalem Creek Ranch (Shasta County)
- (DD) JS Ranch (Shasta County)
- (EE) Klamath PLM (Humboldt County)
- (FF) Lewis Ranch (San Benito County)
- (GG) Llano Seco Ranch (Butte County)
- (HH) Lookout Ranch (Modoc County)
- (II) Mendiboure Ranch (Lassen County)
- (JJ) Miller-Eriksen Ranch (Mendocino County)
- (KK) Morisoli Ranch (Monterey and San Benito counties)
- (LL) Pepperwood Springs Ranch (Humboldt County)
- (MM) Potter Valley Wildlife Management Area (Mendocino County)
- (NN) Rainbow Ridge PLM (Humboldt County)
- (OO) Red Rock Ranch (Lassen County)
- (PP) Redwood House Ranch (Humboldt County)
- (QQ) Roberts Ranch (Modoc County)
- (RR) Roostercomb Ranch (Stanislaus County)
- (SS) Schneider Ranch (Mendocino County)
- (TT) SL Ranch (Modoc County)
- (UU) Smith River PLM (Humboldt County)
- (VV) Spring Valley Ranch (Mendocino County)
- (WW) Stackhouse Ranch (Shasta County)
- (XX) Stewart Ranch (Trinity County)

- (YY) Stover Ranch (Humboldt County)
- (ZZ) Summer Camp Ranch (Mendocino County)
- (AAA) Tejon Ranch (Kern and Los Angeles counties)
- (BBB) Temblor Ranch (San Luis Obispo and Kern counties)
- (CCC) Travis Ranch (Trinity County)
- (DDD) Trincherro Ranch (San Benito County)
- (EEE) Wiggins Ranch (Humboldt County)
- (FFF) Work Ranch (Monterey County)

25. Receive and approve five-year PLM plans and 2016-2021 licenses for:  
(Pursuant to Section 601, Title 14, CCR)

- (A) Buckeye Ranch (Solano County)
- (B) DE Francesco & Eaton Ranch (Merced County)
- (C) Dixie Valley Ranch (Lassen County)
- (D) Indian Valley Cattle Company-Lombardo Ranch (Monterey County)
- (E) Lone Ranch (San Benito County)
- (F) Peachtree Ranch (Monterey County)
- (G) R-R Ranch (Mendocino County)
- (H) Rancho La Cuesta (San Benito County)
- (I) Roseburg Resources Ponderosa (Siskiyou County)
- (J) Salt Creek Ranch (Tehama County)
- (K) Shamrock Ranch (Mendocino)
- (L) Triple B Ranch (Shasta County)

**The Commission adopted the Consent Calendar, agenda items 19-25.**

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

***Noes: None***

26. Wildlife Resources Committee

- (A) May 18, 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 directed staff to add to the Wildlife Resources Committee (WRC) work plan a discussion about the Hatchery and Inland Fisheries Fund.**

**The Commission approved the recommendations from the May 2016 WRC meeting and directs staff to not add any more reviewers to the Predator Policy Workgroup.**

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

***Noes: None***

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 continued this item to its August 2016 meeting.**

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

***Noes: None***

28. Adopt proposed changes to Commission meeting procedures regulations  
(Section 665, Title 14, CCR)

**The Commission adopted the proposed changes as presented.**

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

***Noes: None***

29. Adopt proposed regulations to establish a nonlead coupon program  
(Add Section 250.2, Title 14, CCR)

**The Commission adopted the proposed changes as presented.**

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

***Noes: None***

30. Request for authorization to publish notice of intent to amend falconry regulations  
(Section 670, Title 14, CCR)

**The Commission continued this item to its August 2016 meeting.**

**The Commission requested that additional potential amendments to falconry regulations that are not included in the current initial statement of reasons be discussed by WRC.**

31. Request for authorization to publish notice of intent to amend nongame animal regulations (Section 472, Title 14, CCR)

**The Commission authorized publication of the notice as presented.**

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

***Noes: None***

32. Request for authorization to publish notice of intent to amend upland game bird special hunt drawing regulations (Section 702 and add Section 715, Title 14, CCR)

**The Commission authorized publication of the notice as presented.**

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

***Noes: None***

33. Discuss proposed changes to upland game bird hunting regulations (Sections 300, et al., Title 14, CCR)

**No action taken.**

34. Discuss 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)

**No action taken.**

35. Discuss proposed changes to Department lands pass program and lands public uses regulations (Sections 550, et al., Title 14, CCR)

**No action taken.**

36. Department presentation on five-year status report of Swainson's Hawk (*Buteo swainsoni*)

**No action taken.**

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 on pending petitions and requests referred to staff and the Department for review

**The Commission adopted the staff recommendations for actions on April 2016 regulatory petitions and non-regulatory requests, and approves moving petition 2016-003 to the 2017 regulation cycle for consideration.**

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

**Noes: None**

39. Discuss and act on future Commission meeting items

(A) Next meetings

**The Commission approved the draft agenda items for its August 24-25, 2016 meetings, as amended.**

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

**Noes: None**

**The Commission directed staff to make two changes to the draft proposed 2017 meeting schedule.**

(B) Rulemaking calendar updates

**The Commission approved the proposed changes as presented.**

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

***Noes: None***

(C) New business

**No action taken.**

(D) Other

**No action taken.**

**There being no further business, the Commission adjourned at 2:23 p.m.**

## **EXECUTIVE SESSION**

(Not Open to Public)

Pursuant to the authority of Government Code Section 11126(a)(1), (d)(2), 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 on license and permit items

- I. Proposed settlement agreement between John Anthony Wilson and the California Department of Fish and Wildlife regarding Mr. Wilson's commercial fishing license, lobster operator permit, southern rock crab trap permit, and fish receiver's license

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

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
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> Red Lion Inn 1929 4 <sup>th</sup> Street Eureka, CA 95501
October 19-20	Red Lion Inn 1929 4 <sup>th</sup> Street Eureka, CA 95501	
November 17		<b>Marine Resources</b> Sacramento
December 7-8	Portofino Inn & Suites 3805 Murphy Canyon Road San Diego, CA 92123	

**OTHER MEETINGS OF INTEREST**

**Wildlife Conservation Board**

- August 30, Sacramento
- November 16, Sacramento

**Pacific Fishery Management Council**

- August 30, Sacramento
- November 16, Sacramento

**Pacific Flyway Council**

- September 30, Sun Valley, ID

**Western Association of Fish and Wildlife Agencies**

- July 21-27, Cody, WY