

**Commissioners**

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STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

**Valerie Termini, Executive Director**  
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Sacramento, CA 95814  
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## Fish and Game Commission



*Wildlife Heritage and Conservation*  
*Since 1870*

### MEETING AGENDA

June 22-23, 2016

**Bakersfield Elks Lodge #266**  
**1616 30th Street, Bakersfield**

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 – JUNE 22, 9:00 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. Committee assignments
  - (A) Marine Resources
  - (B) Wildlife Resources
  - (C) Tribal
4. Delegation of Commission president responsibilities in the absence of the president

#### **CONSENT ITEMS**

5. Receive white seabass fishery management plan annual review  
(Pursuant to Section 5.9, Fishery Management Plan)
6. Request for authorization to publish notice of intent to amend commercial hagfish regulations  
(Section 180.6, Title 14, CCR)

7. Marine Resources Committee
  - (A) Work plan development
    - I. Update on work plan and draft timeline
    - II. Discuss and approve new topics
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
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
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)
11. Adopt proposed changes to spiny lobster sport and commercial fishing regulations (Section 29.80, et al., and Appendix A, Title 14, CCR)
12. Wildlife Prosecutor of the Year
  - (A) Discuss and approve proposed policy
  - (B) Announce 2016 recipient
13. Announce results from Executive Session
14. Marine items of interest from previous meetings
  - (A) Update and direction for best management practices for state water bottom leases
  - (B) Update on proposed tribal take exemptions in marine protected areas
  - (C) Other
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

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

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

Recess

**DAY 2 – JUNE 23, 8:00 A.M.**

Call to order/roll call to establish quorum

18. 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**

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)

## **CONSENT ITEMS**

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)

## **CONSENT ITEMS**

- (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) Trincherero 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 Pondosa (Siskiyou County)
  - (J) Salt Creek Ranch (Tehama County)
  - (K) Shamrock Ranch (Mendocino)
  - (L) Triple B Ranch (Shasta County)
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
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)  
*Note: Findings will be adopted at a future meeting*
28. Adopt proposed changes to Commission meeting procedures regulations  
(Section 665, Title 14, CCR)

29. Adopt proposed regulations to establish a nonlead coupon program  
(Add Section 250.2, Title 14, CCR)
30. Request for authorization to publish notice of intent to amend falconry regulations  
(Section 670, Title 14, CCR)
31. Request for authorization to publish notice of intent to amend nongame animal regulations  
(Section 472, Title 14, CCR)
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)
33. Discuss proposed changes to upland game bird hunting regulations  
(Sections 300, et al., Title 14, CCR)
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)
35. Discuss proposed changes to Department lands pass program and lands public uses regulations  
(Sections 550, et al., Title 14, CCR)
36. Department presentation on five-year status report of Swainson's hawk (*Buteo swainsoni*)  
(Pursuant to Section 2077, Fish and Game Code)
37. Non-marine items of interest from previous meetings
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
39. Discuss and act on future Commission meeting items
  - (A) Next meetings
    - I. Review 2017 proposed meeting schedule and locations
  - (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), (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><br>Petaluma Regional Library<br>100 Fairgrounds Drive<br>Petaluma, CA 94952                           |
| August 24-25  | Lake Natoma Inn Hotel & Conference Center<br>702 Gold Lake Drive<br>Folsom, CA 95630 |   |
| September 21  |  | <b>Wildlife Resources</b><br>Woodland Public Library<br>Leake Center Community Room<br>250 First Street<br>Woodland, CA 95695 |
| October 18    |  | <b>Tribal</b><br>Red Lion Inn<br>1929 4 <sup>th</sup> Street<br>Eureka, CA 95501  |
| October 19-20 | Red Lion Inn<br>1929 4 <sup>th</sup> Street<br>Eureka, CA 95501                      |   |
| November 17   |  | <b>Marine Resources</b><br>Sacramento   |
| December 7-8  | Portofino Inn & Suites<br>3805 Murphy Canyon Road<br>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

## **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); **deliver** 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 June 9** will be made available to Commissioners prior to the meeting. Comments received by **12 noon on June 17** 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 June 17** (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 June 17** (or delivered during public forum at the meeting), unless the petition is rejected under staff review of petition pursuant to subsection 662(b), Title 14,

CCR. Petitions received at this meeting and accepted pursuant to subsection 662(b), Title 14, CCR, will be scheduled for consideration at the August 24-25, 2016 meeting.

### **VISUAL PRESENTATIONS/MATERIALS**

All electronic presentations must be submitted by the written materials deadline (**June 17 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.