

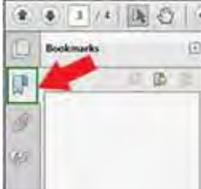
Fish and Game Commission Meeting Binder



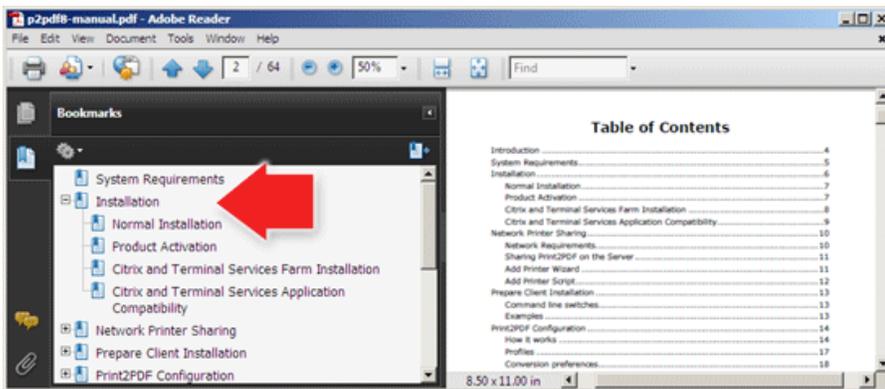
March 15, 2016
Commission Meeting

EASY GUIDE TO THE BINDER

1. Download and open the binder document using your Adobe Acrobat program/application.
2. Immediately click/tap on the “bookmark symbol” located near the top left-hand corner.



3. A bookmark panel should appear on either the top or the left-hand side of the screen. To make adjustments, simply use the Page Display option in the View tab. If done correctly, you should see something like:



4. We suggest leaving open the bookmark panel to help you move efficiently among the analysis sheets and supporting documents included in the binder. It's helpful to think of these bookmarks as a table of contents which allows you to go to specific points in the binder without having to scroll through hundreds of pages.
5. Resize the bars by placing the icon in the dark, vertical line located between the text boxes and using a long click/tap to move ←|→ in either direction. You may also adjust the sizing of the documents by adjusting the sizing preferences located on the Page Display icons found in the top toolbar or in the View tab.
6. Upon locating an analysis sheet for an agenda item that interests you, notice that you can get more information by double-clicking/tapping on any item underlined in red.
7. Return to the analysis sheet by simply re-clicking/tapping on the item in the bookmark panel.

OVERVIEW OF FISH AND GAME COMMISSION BUSINESS MEETING

- This is the 146th year of continuous operation of the Fish and Game Commission (Commission) in partnership with the Department of Fish and Wildlife (Department). Our goal is the preservation of our heritage and conservation of our natural resources through informed decision making. These 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.
- We are operating under Bagley-Keene Open Meeting Act and these proceedings are being recorded and broadcast via Cal-Span.
- In the unlikely event of an emergency, please note the location of the nearest emergency exits. Additionally, the restrooms are located _____.
- Items may be heard in any order pursuant to the determination of the Commission President.
- The amount of time for each agenda item may be adjusted based on time available and the number of speakers.
- Speaker cards need to be filled out **legibly** and turned in to the staff **before** we start the agenda item. Please make sure to list the agenda items you wish to speak to on the speaker card.
- We will be calling the names of several speakers at a time so please line up behind the speakers' podium when your name is called. If you are not in the room when your name is called you may forfeit your opportunity to speak on the item.
- When you speak, please state your name and any affiliation. Please be respectful. Disruptions from the audience will not be tolerated. Time is precious so please be concise.
- 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 for our electronic mailing lists.
- All petitions for regulation change must be submitted in writing on the authorized petition form, FGC 1 Petition to the California Fish and Game Commission for Regulation Change, available at <http://www.fgc.ca.gov/public/information/petitionforregulatorychange.aspx>.
- **Reminder!** Please silence your mobile devices and computers to avoid interruptions.
- **Warning!** The use of a laser pointer by someone other than a speaker doing a presentation may result in arrest.

INTRODUCTIONS FOR FISH AND GAME COMMISSION COMMISSION MEETINGS

FISH AND GAME COMMISSIONERS

Eric Sklar	President (Saint Helena)
Jacque Hostler-Carmesin	Vice-President (McKinleyville)
Anthony Williams	Member (Huntington Beach)
Vacant	
Vacant	

COMMISSION STAFF

Mike Yaun	Acting Executive Director/Legal Counsel
Susan Ashcraft	Acting Deputy Executive Director/Marine Advisor
Erin Chappell	Wildlife Advisor
Mary Brittain	Administrative Assistant
Sherrie Fonbuena	Analyst
Caren Woodson	Analyst

OFFICE OF THE ATTORNEY GENERAL

Chris Ames	Deputy Attorney General
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DEPARTMENT OF FISH AND WILDLIFE- Directorate

Chuck Bonham	Director
Stafford Lehr	Acting Deputy Director, Wildlife and Fisheries Division
David Bess	Chief, Law Enforcement Division

I would also like to acknowledge special guests who are present:
(i.e., elected officials, tribal chairpersons, other special guests)

Mike Yaun, Acting 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
Vacant, Member
Vacant, Member

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

MEETING AGENDA - TELECONFERENCE

March 15, 2016, 10:00 a.m.

Resources Building
Fish and Game Commission Conference Room 1320
1416 Ninth Street, Sacramento

NOTICE: Members of the public may participate in the teleconference at the address above and at the following Department of Fish and Wildlife offices:

- 50 Ericson Court, Arcata, CA 95521
- 7329 Silverado Trail, Napa, CA 94558
- 4665 Lampson Avenue, Los Alamitos, CA 90720

The meeting will be live streamed at www.cal-span.org, for listening purposes only.

NOTE: See important meeting deadlines and procedures information at the end of the agenda.

Call to order/roll call

1. Approve agenda and order of items
2. Public forum
The Commission **may not** discuss or take action on any matter raised during this item, except to decide whether to place the matter on a future meeting agenda.
(Pursuant to Sections 11125 and 11125.7(a), Government Code)
3. Discussion and adoption of proposed changes to season dates, size limits and daily bag limits for April 2016 recreational ocean salmon fishing
(Subsection 27.80(c), Title 14, CCR)
4. Consideration and re-adoption of emergency regulations regarding special measures for fisheries at risk due to drought conditions
(Section 8.01, Title 14, CCR)
5. Receive and discuss proposal for recognizing former Commissioners and staff

6. Executive Director and Deputy Executive Director positions
 - (A) Receive and discuss potential revised duties
 - (B) Receive update on executive director recruitment efforts

7. Adjournment

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

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
March 21		Marine Resources West Ed Building – Ed Meyers Classroom 4665 Lampson Avenue, Suite A Los Alamitos, CA 90720
April 12		Tribal 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	Teleconference — Arcata, Sacramento, Los Alamitos and Yountville	
May 18		Wildlife Resources Department of General Services Ziggurat Building – Auditorium 707 3 rd Street West Sacramento, CA 95605
June 21		Tribal Huntington Beach, CA
June 22-23	Huntington Beach, CA	
July 21		Marine Resources 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		Wildlife Resources Woodland Public Library Leake Center Community Room 250 First Street Woodland, CA 95695
October 18		Tribal Crescent City, CA
October 19-20	Crescent City, CA	
November 17		Marine Resources Irvine, CA
December 7-8	Portofino Inn & Suites 3805 Murphy Canyon Road San Diego	

OTHER MEETINGS OF INTEREST

Wildlife Conservation Board

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

Pacific Fishery Management Council

- April 9-14, Vancouver, WA
- June 23-28, Tacoma, WA
- September 15-20, Boise, ID
- November 16-21, Garden Grove, CA

Pacific Flyway Council

- March 15, Pittsburgh, PA
- September 2016, TBD

Western Association of Fish and Wildlife Agencies

- July 2016, Cody, WY

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 for our electronic mailing lists.

SUBMITTING WRITTEN MATERIALS

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: **Email 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. *The Commission no longer accepts written comments or requests for regulations changes via facsimile; please submit written comments by email, mail service or in person. Submit requests for regulation change following the instructions on the form located at <http://www.fgc.ca.gov/public/FGC1.docx>.***

Written comments received at the Commission office by **5:00 p.m. on March 2** will be made available to Commissioners prior to the meeting. Comments received by **12 noon on March 10** will be marked late and made available to Commissioners at the meeting. Otherwise, two copies of written comments must be brought to the meeting. All materials provided to the Commission may be made available to the general public.

PETITIONS FOR REGULATORY CHANGE AND NON-REGULATORY REQUESTS

All petitions for regulatory change and 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 March 10** (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.

All petitions for regulation change must be submitted in writing on the authorized petition form, FGC 1 Petition to the California Fish and Game Commission for Regulation Change, available at <http://www.fgc.ca.gov/public/information/petitionforregulatorychange.aspx>.

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 must be present during discussion of the agenda item;
 - b. Individuals ceding time forfeit their right to speak to the agenda item; and
 - c. 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 two (2) copies to the designated staff member just prior to speaking.

VISUAL PRESENTATIONS/MATERIALS

Visual presentations will not be allowed at this meeting.

STAFF SUMMARY FOR MARCH 15, 2016

2. PUBLIC FORUM**Today's Item****Information** **Action**

Receipt of verbal public comments for items not on the agenda.

Summary of Previous/Future Actions (N/A)**Background**

Comments submitted in writing are traditionally held for receipt at regularly scheduled in-person FGC meetings. Therefore, written comments submitted following the February 10-11, 2016 FGC meeting will be received at the April 13-14, 2016 meeting in Santa Rosa.

Today's agenda item is to receive verbal public comments for items not on the agenda. Under the Bagley-Keene Act, FGC cannot act on any matter not included on the agenda except to schedule issues raised by the public for consideration at future meetings.

Significant Public Comments (N/A)**Recommendation**

Consider whether any new future agenda items are needed to address issues raised and within the FGC's authority.

Exhibits (N/A)**Motion/Direction**

Provide staff direction on scheduling any issues raised in public comment.

STAFF SUMMARY FOR MARCH 15, 2016

3. APRIL 2016 OCEAN SALMON**Today's Item**Information Action

Adopt proposed changes to ocean salmon sport fishing regulations. DFW will present the final recommendations at the meeting.

Summary of Previous/Future Actions

- Notice hearing Dec 9-10, 2015, San Diego
- Discussion hearing Feb 10-11, 2016; Sacramento
- **Today's Adoption hearing** Mar 15, 2016; Teleconference

Background

FGC annually adopts ocean salmon sport fishing regulations in State waters to conform to federal rules. The Pacific Fishery Management Council (PFMC) coordinates West Coast management of recreational and commercial ocean salmon fisheries in the federal fishery management zone, 3 to 200 miles offshore WA, OR and CA. PFMC ocean salmon recommendations are subsequently implemented by the National Marine Fisheries Service (NMFS), effective May 1 of each year.

On May 1, 2015, NMFS implemented the 2015 federal ocean salmon regulations, which included the PFMC's recommendation to open the California ocean salmon recreational fishing season south of Horse Mountain on Apr 2, 2016. While federal waters south of Horse Mountain will open on Apr 2, 2016, State waters in this area will not open unless the Commission takes regulatory action to do so.

The proposed regulations include a broad range of options to encompass the range of federal ocean salmon regulations that are expected to be in effect Apr 2 through Apr 30, 2016. This approach will allow the Commission to adopt State ocean salmon recreational fishing regulations to conform to those in effect in federal waters. (FGC will adopt the ocean salmon sport fishing regulations for the remainder of 2016 at its Apr 18 teleconference.)

Significant Public Comments (N/A)**Recommendation**

FGC staff: Adopt the proposed regulations as recommended by DFW during the meeting

Exhibits

1. DFW memo, received Oct 19, 2015
2. ISOR

Motion/Direction

The Commission adopts the proposed changes to subsection 27.80(c), related to ocean salmon sport fishing regulations, as recommended by the Department.

STAFF SUMMARY FOR MARCH 15, 2016

4. FISHERIES AT RISK**Today's Item**Information Action

Consider re-adoption of 90-day emergency regulations extension for fisheries at risk due to drought conditions while FGC pursues permanent regulations under a separate rulemaking.

Summary of Previous/Future Actions

- Adopt emergency regulations Jun 10-11, 2015; Mammoth Lakes
- Adopt 90-day extension of emergency regulations Dec 9-10, 2015; San Diego
- **Today re-adopt extension of emergency regulations Mar 15, 2016; Teleconference**

Background

In Jun 2015, FGC adopted emergency regulations regarding special measures for fisheries at risk due to drought conditions (Exhibit 1). The emergency regulation added Section 8.01, Title 14, CCR, which authorizes DFW to enact emergency closure or associated reopening of waters of the state to angling, using specific criteria to determine if such action is warranted.

At its Dec 2015 meeting, FGC adopted a 90-day extension of the emergency regulations, which were set to expire on Dec 29, 2015. At the same meeting, FGC authorized notice of its intent to adopt permanent regulations through a regular rulemaking proposal with revisions to refine the approach and associated language, and increase the efficacy of the current emergency action. The permanent regulation is scheduled for adoption at the April 13-14, 2016 FGC meeting; however, the 90-day emergency extension is set to expire on March 28, 2016. Therefore, a second 90-day extension would be required to maintain emergency regulations until the permanent regulation is in place (Exhibit 2).

Pursuant to Section 11346.1(h), Government Code, OAL may approve not more than two re-adoptions, each for a period not to exceed 90 days, of an emergency regulation that is the same as or substantially equivalent to an emergency regulation previously adopted by that agency. This action is for the second 90-day extension which will allow the original emergency action to remain in place pending the adoption and approval of the permanent regulations scheduled to become effective in late June.

Significant Public Comments (N/A)**Recommendations**

FGC staff recommends the adoption of a second 90-day extension of emergency regulations for the immediate conservation, preservation, or protection of fish resources.

Exhibits

1. Original emergency action
2. Statement of emergency action to readopt

STAFF SUMMARY FOR MARCH 15, 2016

Motion/Direction

Moved by _____ and seconded by _____ that the Commission adopts the proposed second 90-day extension of emergency regulations, as established in Section 8.01, based on its finding that the extension is necessary for the retention of immediate process for temporarily closing rivers to fishing while efforts are in place to make these regulations permanent.

STAFF SUMMARY FOR MARCH 15, 2016

5. RECOGNIZING FORMER COMMISSIONERS AND STAFF**Today's Item**Information Action

Discuss staff proposal for recognitions and provide staff direction on timing and format of future recognitions.

Summary of Previous/Future Actions (N/A)**Background**

Traditionally, FGC has recognized out-going Commissioners for the work those individuals performed during the term they served.

The following individuals have recently left FGC:

- Jim Kellogg of Discovery Bay served for nearly 13 years ending in Dec 2015.
- Richard Rogers of Santa Barbara served for over 10 years ending in Jul 2015.
- Michael Sutton of Monterey served for over 8 years ending in Jul 2015.
- Jack Baylis of Los Angeles served for over 5 years ending in Jan 2016.

Additionally, Sonke Mastrup, who served as executive director of FGC beginning in Jul 2011, left FGC in Dec 2015 to take a management position with DFW's Marine Region. Before joining FGC he worked for the California Department of Fish and Game (now DFW) for 33 years, the last ten years of which were as deputy executive director under four directors and three governors.

Significant Public Comments (N/A)**Recommendation**

FGC staff recommends formally recognizing the work done by former Commissioners and the past Executive Director at the Aug 2016 meeting in Folsom.

At the meeting, FGC could formally present a resolution recognizing each person's service. Belt buckles from Gist Silversmiths in Placerville such as those presented as gifts in the past (see Exhibit 1) or other memorabilia could be purchased as gifts. Note, however, that State funds could not be used to buy the memorabilia.

Current Commissioners or staff could invite the former Commissioners and former Executive Director, as well as legislative members from each of the former Commissioner's areas, to attend the Aug 2016 meeting.

Exhibits

1. Photos of belt buckles purchased previously for former Commissioners from Gist Silversmiths

Motion/Direction

Provide direction to staff regarding future recognitions.

STAFF SUMMARY FOR MARCH 15, 2016

6. EXECUTIVE DIRECTOR AND DEPUTY EXECUTIVE DIRECTOR POSITIONS**Today's Item****Information** **Action**

- A. Receive and discuss potential revised duties for executive director and deputy executive director
- B. Receive update on executive director recruitment efforts

Summary of Previous/Future Actions

- Accepted previous executive director's resignation Dec 9-10, 2015; San Diego
- Granted Mike Yaun alternate signatory and supervisory authority Dec 9-10, 2015; San Diego
- Appointed Mike Yaun and Susan Ashcraft acting executive and deputy executive directors Feb 10-11, 2016; Sacramento
- **Today's update on duties and recruitment Mar 15, 2016; Teleconference**

Background

As of Jan 1, 2016, FGC has a vacancy in its executive director (ED) position. In addition, the deputy executive director (DED) has been on leave since Mar 2014, and the position became vacant on Feb 11, 2016.

At its Feb 10-11, 2016 meeting, FGC appointed an acting ED and acting DED from among existing staff. FGC also provided direction to staff concerning its vision for the respective roles and responsibilities of the ED and DED, to explore possible revisions to the duty statements to reflect this vision (today's Item 6A), and to explore additional recruitment strategies for the positions, including potential use of an executive recruitment professional (today's Item 6B).

- A. Duty statements: A revision to the proposed DED duty statement (Exhibit 1) based on previous FGC input may result in a significant overlap with the ED duties reflected in the posted job bulletin, unless the ED duty statement is also revised according to the differing job functions envisioned by FGC. State hiring protocols require that the duty statement for an advertised position can only be modified if the posting is canceled and a revised duty statement is approved (a process that can take weeks). The DED duty statement may be revised without these actions since it has not yet been posted; however, the ED and DED job functions are most effectively structured in tandem rather than in isolation. Revisions to the DED duty statement could also lead to a need for changes to at least one and possibly two duty statements for other existing positions. Alternatively, the division of duties for the ED and DED could be further clarified once the ED position is filled, which would also allow the new ED to work in tandem with FGC on the structure and function of the FGC office.
- B. Update on ED recruitment efforts: Three applications for the ED position have been received since the Feb 2016 FGC meeting and will be provided for review during executive session at the Apr 13-14, 2016 FGC meeting. A job announcement (Exhibit 2) has been posted to the FGC website (fgc.ca.gov), the California State Jobs website (jobs.ca.gov), the Association of Fish and Wildlife Agencies' website, the Western Association of Fish and Wildlife Agencies' website, OpenChannels (OpenChannels.org), and LinkedIn. The

STAFF SUMMARY FOR MARCH 15, 2016

announcement was prepared using the ED duty statement presented during executive session at the Dec 2015 FGC meeting (Exhibit 3). Staff identified individuals with large networks of fish and wildlife professionals to promote the job opportunity and request their assistance with recruitment.

Staff has researched the issues associated with hiring an executive recruiting firm and has identified a method for doing so in the Executive Recruiter Background (Exhibit 4).

Significant Public Comments (N/A)**Recommendation**

Staff proposes the following strategy to address both items 6A. and 6B.:

1. Retain current duty statements and let a new, permanent ED work with FGC to revise both duty statements, recognizing that revisions to the DED duty statement may have an impact on duty statements for other current positions;
2. Include on the agenda and budget time for vetting of applicants during executive session at the Apr 13-14, 2016 FGC meeting;
3. Beginning in Apr 2016, establish a standing agenda item following executive session for staff to provide a general update on recruiting efforts until a new ED is hired;
4. Direct staff to seek bids from recruiting firms and present the results of the request at the Apr 13-14, 2016 FGC meeting as part of the update on recruiting efforts.

Exhibits

1. Proposed DED duty statement
2. ED job opportunity bulletin
3. ED duty statement
4. Executive Recruiter Background

Motion/Direction

Provide direction to staff regarding ED recruitment, ED and DED duty statements, and future agenda items related to recruitment.

2015 OCT 19 PM 12:19

Memorandum

Date: October 14, 2015

To: Sonke Mastrup
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director



Subject: **Agenda Items for the December 9-10, 2015 Fish and Game Commission Meeting
Re: Request for Notice Authorization to Amend Salmon Fishing Regulations for
2016 (two ISORs; one to amend Section 27.80(c); the second to amend 27.80(d)).**

Attached for the Fish and Game Commission's (Commission) December 9-10, 2015 meeting are two rulemaking proposals for the 2016 Ocean Salmon fishing season. The first package proposes to amend subsection 27.80(c) to establish open fishing days, bag limits and minimum size restrictions for April 2016. The second package proposes to amend subsection 27.80(d) to establish open fishing days, bag limits and minimum size restrictions for the salmon season in effect on or after May 1, 2016.

Existing Title 14 regulations specify ocean salmon recreational fishing regulations that were valid only for the 2015 season. The proposed amendments to Section 27.80(c) contained in the first ISOR would allow the Commission to adopt regulations at its March teleconference meeting that would establish any ocean salmon recreational fishing regulations for the month of April 2016, in conformance with federal rules.

The proposed amendments to Section 27.80(d) contained in the second ISOR would allow the Commission to adopt regulations at its April teleconference meeting that would establish any ocean salmon recreational fishing regulations on or after May 1, 2016, in conformance with federal rules that will be recommended by the Pacific Fishery Management Council on April 14, 2016. The range of alternatives (open fishing days/times, areas, size limits, bag limits) contained in the second ISOR are the same as those contained in the first ISOR, but the resulting regulations apply only for May 1, 2016 through the end of the year.

The Department of Fish and Wildlife (Department) requests the Commission authorize publication of notice of its intent to amend the above referenced subsections of Section 27.80, Title 14, CCR, to establish ocean salmon recreational fishing regulations for the 2016 fishing season. While the proposed rulemakings are related, they should be noticed separately to conform to timelines driven by the federal regulatory process.

Sonke Mastrup, Executive Director
Fish and Game Commission
October 14, 2015
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If you have any questions or need additional information, please contact Dr. Craig Shuman, Regional Manager of the Marine Region, at (805) 568-1246. The public notice for this rulemaking should identify Environmental Scientist, Barry Miller as the Department's point of contact. Mr. Miller can be reached at (707) 576-2860 or by email at Barry.Miller@wildlife.ca.gov.

Attachments

ec: Dr. Craig Shuman, D.Env.
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Sonke Mastrup, Executive Director
Fish and Game Commission
September 30, 2015
Page 3

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STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Subsection (c) of Section 27.80, Title 14, California Code of Regulations
Re: Ocean Salmon Recreational Fishing – April 2016 Season

- I. Date of Initial Statement of Reasons: September 21, 2015
- II. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: December 9, 2015
Location: San Diego, CA
 - (b) Discussion Hearing: Date: February 10, 2016
Location: Sacramento, CA
 - (c) Adoption Hearing: Date: March 15, 2016
Location: Teleconference
- III. Description of Regulatory Action:
 - (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

The Pacific Fishery Management Council (PFMC) coordinates west coast management of recreational and commercial ocean salmon fisheries in the federal fishery management zone (three to 200 miles offshore) along the coasts of Washington, Oregon and California. The annual PFMC ocean salmon regulation recommendations are subsequently implemented by the National Marine Fisheries Service (NMFS) effective on May 1 of each year.

California's recreational salmon fishing regulations need to conform to the federal regulations to achieve optimum yield in California under the federal Salmon Fishery Management Plan. The Fish and Game Commission (Commission) adopts regulations for the ocean salmon recreational fishery in State waters (zero to three miles offshore) which are consistent with these federal fishery management goals.

It is critical to have consistent State and federal regulations establishing season dates, bag/size limits and other management measures, and also critical that the State and federal regulations be effective concurrently in order to maintain continuity of management and enforcement. Conformance with federal regulations is also necessary to maintain continued State authority over its recreational salmon fishery and avoid federal preemption under the Magnuson-Stevens Fishery Conservation Act [16 USC §1856 (b)(1)].

On May 1, 2015, NMFS implemented the 2015 federal ocean salmon regulations, which included the PFMC's recommendation to open the California ocean salmon recreational fishing season south of Horse Mountain on April 2, 2016. While federal waters south of Horse Mountain will open on April 2, 2016, State waters in this area will not open unless the Commission takes regulatory action to do so.

The 2016 season opening dates were not adopted into the State's ocean salmon regulations in 2015 as a matter of precaution, in order to account for the possibility that these dates, along with minimum size limits, bag limits, and open fishing days, or other management measures, may be modified by NMFS and PFMC based on the most up-to-date salmon abundance information. Fishery monitoring and escapement information needed for target stocks and salmon species of special concern, including Sacramento River Winter-run Chinook which is listed as endangered under both federal and State Endangered Species Acts, is not available until the winter or early spring of 2016.

Concurrent Regulatory Action

The Commission will consider the most up-to-date information before determining if ocean salmon fishing should be authorized for April 2016. The proposed regulations would allow the Commission to adopt the April 2 opening date, or a later date in April, along with other fishery management measures for State waters that would be effective through April 30, 2016.

Two separate Commission actions are necessary to conform the State regulations to federal rules that will apply in 2016. The first action would amend subsection 27.80(c), establishing salmon fishing regulations for the month of April 2016 consistent with federal regulations for the federal fishery management zone off California. Recreational salmon fishing regulations for May 1 through the end of 2016 will be considered in the second rulemaking action, tentatively scheduled for adoption in April 2016.

Present Regulations

Regulations for 2015 [subsections 27.80(c) and (d)] authorized ocean salmon recreational fishing seven days per week north of Horse Mountain including Humboldt Bay from May 1 to September 7, 2015. Between Horse Mountain and Point Arena, ocean salmon recreational fishing was authorized seven days per week from April 4 to November 8, 2015. Between Point Arena and Pigeon Point, ocean salmon recreational fishing was authorized seven days per week from April 4 to October 31, 2015. Between Pigeon Point and Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 4 to September 7, 2015. For areas south of Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 4 to July 19, 2015. The bag limit for all areas in 2015 was two fish per day (all species except coho). The areas north of Point Arena had a minimum size limit of 20 inches total length. The area between Point Arena and Pigeon Point had a minimum size limit of 24 inches total length through April 30, 2015 and 20 inches total length

thereafter. Areas south of Pigeon Point had a minimum size limit of 24 inches total length through May 31, 2015 and 20 inches total length thereafter. Since the existing regulations pertained only to the 2015 season, amendment of these regulations is essential to allow for any fishing in State waters during 2016.

Proposed Regulations

For public notice purposes and to facilitate Commission discussion, the Department of Fish and Wildlife (Department) is proposing the following regulations to encompass the range of federal ocean salmon regulations that are expected to be in effect April 2 through April 30, 2016. This approach will allow the Commission to adopt State ocean salmon recreational fishing regulations to conform to those in effect in federal ocean waters shortly after the federal rules are promulgated.

- (1) North of Horse Mountain and in Humboldt Bay: The fishery shall remain closed in this area during April. The remainder of the 2016 season will be decided in April by the PFMC and Commission and the section will be amended pursuant to the regulatory process.
- (2) Between Horse Mountain and Point Arena: The season, if any, may open on a date within the range of April 2 through April 30, 2016. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening date, along with daily bag limit, minimum size, and days of the week open will be determined by the Commission, considering federal regulations applicable to this area for April 2016.
- (3) Between Point Arena and Pigeon Point: The season, if any, may open on a date within the range of April 2 through April 30, 2016. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening date, along with daily bag limit, minimum size, and days of the week open will be determined by the Commission, considering federal regulations applicable to this area for April 2016.
- (4) Between Pigeon Point and Point Sur: The season, if any, may open on a date within the range of April 2 through April 30, 2016. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening date, along with daily bag limit, minimum size, and days of the week open will be determined by the Commission, considering federal regulations applicable to this area for April 2016.
- (5) South of Point Sur: The season, if any, may open on a date within the range of April 2 through April 30, 2016. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening date, along with daily bag limit, minimum size, and days of the week open will be

determined by the Commission, considering federal regulations applicable to this area for April 2016.

It is the policy of the State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State. In addition, it is the policy of the State to promote the development of local fisheries and distant-water fisheries based in California in harmony with international law respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the State. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence and the maintenance of a sufficient resource to support a reasonable sport use, taking into consideration the necessity of regulating individual sport fishery bag limits to the quantity that is sufficient to provide a satisfying sport. Adoption of scientifically-based ocean salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of salmon to maintain their continued existence.

The benefits of the proposed regulations are concurrence with federal law, sustainable management of ocean salmon resources, and promotion of businesses that rely on recreational ocean salmon fishing.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 205, 220, 240, 316.5 and 2084, Fish and Game Code.

Reference: Sections 200, 202, 205, 316.5 and 2084, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

Pacific Fishery Management Council. April 2015. Preseason Report III: Council Adopted Management Measures and Environmental Assessment Part 3 for 2015 Ocean Salmon Fishery Regulations.

http://www.pcouncil.org/wp-content/uploads/2015/04/Preseason_Report_III_2015_FINAL.pdf

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication. The 45-day comment period provides adequate time for review of the proposed amendments.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

(b) No Change Alternative:

The no change alternative would maintain existing regulations which do not provide an ocean salmon recreational fishing season for 2016. Federal regulations are anticipated to open the ocean salmon recreational fishing regulations south of Horse Mountain on April 2, 2016. The State must conform its ocean recreational fishing regulations for salmon in State waters (zero to three miles offshore) to the federal regulations for consistency and to avoid public confusion. Preemption of State regulatory authority by the NMFS could occur if State regulations are in conflict with federal regulations.

(c) Consideration of Alternatives:

In view of the information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are necessary.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Department anticipates status quo fishing levels for April 2016 as compared to the April 2015 ocean salmon sport fishing season.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate that the proposed regulations will have any impact on the creation or elimination of jobs, the creation or elimination of businesses or the expansion of businesses in California.

The Commission anticipates benefits to the health and welfare of California residents. Salmon sport fishing contributes to increased mental health of its practitioners, provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of California's natural resources.

The Commission anticipates benefits to the State's environment in the sustainable management of salmon resources.

Additional benefits of the proposed regulations are concurrence with federal law, and promotion of businesses that rely on recreational ocean salmon fishing.

The Commission does not anticipate benefits to worker safety.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

- (h) Effect on Housing Costs:

None.

VII. Economic Impact Assessment:

The proposed regulatory action would conform the State regulations to federal rules that will apply for the month of April 2016.

- (a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

The Commission does not anticipate any impacts on the creation or elimination of jobs due to the proposed regulation. The Commission anticipates status quo fishing levels for April 2016 as compared to the April 2015 ocean salmon sport fishing season.

- (b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

The Commission does not anticipate any impacts on the creation of new business or the elimination of existing businesses due to the proposed regulation. The Commission anticipates status quo fishing levels for April 2016 as compared to the April 2015 ocean salmon sport fishing season.

- (c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

The Commission does not anticipate any impacts on the expansion of businesses in California due to the proposed regulation. The Commission anticipates status quo fishing levels for April 2016 as compared to the April 2015 ocean salmon sport fishing season.

- (d) Benefits of the Regulation to the Health and Welfare of California Residents:

The Commission anticipates health and welfare benefits to California residents from recreation in, and enjoyment of, a sustainable and satisfying salmon fishery.

- (e) Benefits of the Regulation to Worker Safety:

The proposed regulations conform to federal fisheries management allowable harvest levels, and ensure a sustainable fishery. As such, the agency is not aware of any consequences to worker safety that could arise from the proposed regulations.

(f) Benefits of the Regulation to the State's Environment:

The Commission anticipates benefits to the environment. Adoption of scientifically-based ocean salmon seasons, size limits, and bag and possession limits ensures sufficient residual populations of salmon and their continued existence.

(g) Other Benefits of the Regulation:

The proposed regulations will provide for resource sustainability thus ensuring the continuation and future enjoyment of the salmon fishery. Maintaining healthy populations of salmon will also translate into sustained economic contributions to the State.

The proposed regulations will ensure consistent State and federal regulations establishing season dates, bag/size limits and other management measures in order to maintain continuity of management and enforcement. Conformance with federal regulations is also necessary to maintain continued State authority over its recreational salmon fishery and avoid federal preemption under the Magnuson-Stevens Fishery Conservation Act

Informative Digest (Policy Statement Overview)

The Pacific Fishery Management Council (PFMC) coordinates west coast management of recreational and commercial ocean salmon fisheries in the federal fishery management zone (three to 200 miles offshore) along the coasts of Washington, Oregon and California. The annual PFMC ocean salmon regulation recommendations are subsequently implemented by the National Marine Fisheries Service (NMFS) effective on May 1 of each year.

California's recreational salmon fishing regulations need to conform to the federal regulations to achieve optimum yield in California under the federal Salmon Fishery Management Plan. The Fish and Game Commission (Commission) adopts regulations for the ocean salmon recreational fishery in State waters (zero to three miles offshore) which are consistent with these federal fishery management goals.

Present Regulations

Regulations for 2015 [subsections 27.80(c) and (d)] authorized ocean salmon recreational fishing seven days per week north of Horse Mountain including Humboldt Bay from May 1 to September 7, 2015. Between Horse Mountain and Point Arena, ocean salmon recreational fishing was authorized seven days per week from April 4 to November 8, 2015. Between Point Arena and Pigeon Point, ocean salmon recreational fishing was authorized seven days per week from April 4 to October 31, 2015. Between Pigeon Point and Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 4 to September 7, 2015. For areas south of Point Sur, the ocean salmon recreational fishing season was authorized seven days per week from April 4 to July 19, 2015. The bag limit for all areas in 2015 was two fish per day (all species except coho). The areas north of Point Arena had a minimum size limit of 20 inches total length. The area between Point Arena and Pigeon Point had a minimum size limit of 24 inches total length through April 30, 2015 and 20 inches total length thereafter. Areas south of Pigeon Point had a minimum size limit of 24 inches total length through May 31, 2015 and 20 inches total length thereafter. Since the existing regulations pertained only to the 2015 season, amendment of these regulations is essential to allow for any fishing in State waters during 2016.

Proposed Regulations

Two separate Commission actions are necessary to conform State regulations to federal rules that will apply in 2016. The first action would amend subsection 27.80(c), establishing salmon fishing regulations for the month of April 2016 consistent with federal regulations for the federal fishery management zone off California. Recreational salmon fishing regulations for May 1 through the end of 2016 will be considered in the second rulemaking action, tentatively scheduled for adoption in April 2016.

For public notice purposes and to facilitate Commission discussion, the Department of Fish and Wildlife (Department) is proposing the following regulations to encompass the range of federal ocean salmon regulations that are expected to be in effect April 2 through April 30, 2016. This approach will allow the Commission to adopt State ocean salmon recreational fishing regulations to conform to those in effect in federal ocean waters shortly after the federal rules are promulgated.

- (1) North of Horse Mountain and in Humboldt Bay: The fishery shall remain closed in this area during April. The remainder of the 2016 season will be decided in April by the PFMC and Commission and the section will be amended pursuant to the regulatory process.
- (2) South of Horse Mountain: The season, if any, may open on a date within the range of April 2 through April 30, 2016. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening date, along with daily bag limit, minimum size, and days of the week open will be determined by the Commission, considering federal regulations applicable to each area for April 2016 and may be different for each area.

The benefits of the proposed regulations are concurrence with federal law, sustainable management of ocean salmon resources, and promotion of businesses that rely on recreational ocean salmon fishing.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The legislature has delegated authority to the Commission to adopt sport fishing regulations in general (Sections 200, 202 and 205, Fish and Game Code) and salmon sport fishing regulations specifically (Section 316.5, Fish and Game Code). The proposed regulations are consistent with regulations for sport fishing in marine protected areas (Section 632, Title 14, CCR) and with general sport fishing regulations in Chapters 1 and 4 of Subdivision 1 of Division 1, Title 14, CCR. Commission staff has searched the California Code of Regulations and has found no other State regulations related to the recreational take of salmon in the ocean.

Regulatory Language

Subsection (c) of Section 27.80, Title 14, CCR, is amended to read:

§ 27.80. Salmon

...

(c) Open Fishing Days, Daily Bag Limits, and Minimum Size in effect ~~April 4~~April 2 through April 30, ~~2015~~2016.

(1) North of Horse Mountain (40°05'00" N. lat.) and in Humboldt Bay.

(A) Closed to salmon fishing.

(2) Between Horse Mountain and Point Arena (38°57'30" N. lat.).

(A) Open to salmon fishing ~~from April 4 to April 30~~varied dates within the range from April 2 to April 30, may include periodic closures, ~~2015~~2016. Fishing is authorized ~~7~~0-7 days per week [specify open days of week and date range as needed].

(B) Daily Bag Limit: ~~2~~0-2 salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: ~~20~~20-26 inches total length.

(3) Between Point Arena and Pigeon Point (37°11'00" N. lat.).

(A) Open to salmon fishing ~~from April 4 to April 30~~varied dates within the range from April 2 to April 30, may include periodic closures, ~~2015~~2016. Fishing is authorized ~~7~~0-7 days per week [specify open days of week and date range as needed].

(B) Daily Bag Limit: ~~2~~0-2 salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: ~~24~~20-26 inches total length.

(4) Between Pigeon Point and Point Sur (36°18'00" N. lat.).

(A) Open to salmon fishing ~~from April 4 to April 30~~varied dates within the range from April 2 to April 30, may include periodic closures, ~~2015~~2016. Fishing is authorized ~~7~~0-7 days per week [specify open days of week and date range as needed].

(B) Daily Bag Limit: ~~2~~0-2 salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: ~~24~~20-26 inches total length.

(5) South of Point Sur.

(A) Open to salmon fishing ~~from April 4 to April 30~~varied dates within the range from April 2 to April 30, may include periodic closures, ~~2015~~2016. Fishing is authorized ~~7~~0-7 days per week [specify open days of week and date range as needed].

(B) Daily Bag Limit: ~~2~~0-2 salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: ~~24~~20-26 inches total length.

...

Note: Authority cited: Sections 200, 202, 205, 220, 240, 316.5 and 2084, Fish and Game Code. Reference: Sections 200, 202, 205, 316.5 and 2084, Fish and Game Code.

CALIFORNIA FISH AND GAME COMMISSION
STATEMENT OF PROPOSED EMERGENCY REGULATORY ACTION

Emergency Action to
Add Section 8.01,
Title 14, California Code of Regulations
Re: Special Measures for Fisheries at Risk due to Drought Conditions

I. Statement of Facts Constituting the Need for Emergency Regulatory Action

California continues to suffer under severe drought conditions with record low snow packs in 2014 and 2015. In early 2014, Governor Edmund G. Brown Jr. proclaimed a State of Emergency for California directing state officials to take all necessary actions to prepare for the record level of drought conditions and also signed an Executive Order redoubling state drought actions with additional measures to strengthen the state's response to drought. On April 1, 2015, the Governor ordered state agencies to impose statewide mandatory water restrictions that will save water, increase enforcement against water waste, streamline the state's drought response, and invest in new drought resilient technologies for California.

The hydrological conditions in 2015 are expected to deteriorate from the record low 2014 conditions. The Department of Fish and Wildlife (Department) continues to evaluate and manage the changing impacts of drought on threatened and endangered species and species of special concern, and develop contingency plans for state Wildlife Areas and Ecological Reserves to manage reduced water resources in the public interest.

Statewide water quality and quantity in many systems is likely to be inadequate to support fisheries as the summer progresses, resulting in impeded passage of spawning fish, increased vulnerability to mortality from predation and physiological stress, and increased angling harvest and/or hooking mortality. Furthermore, survival of eggs and juvenile fish in these systems over the coming months will be extremely low. The historically low water conditions will concentrate coldwater fish populations into shrinking pools of cold water habitat making them easy prey for illegal angling methods such as snagging, increased hooking mortality due to legal catch and release, over-harvest, as well as other human-related disturbances within their freshwater habitat. When coupled with drought-related environmental stressors, such as high water temperature, low dissolved oxygen, and severely reduced suitable habitat, these stressors can seriously affect reproductive success and survival rates.

Since 2014, the Department has worked with the Fish and Game Commission (Commission), using the best available science, to determine whether restricting fishing in certain areas will become necessary and prudent as drought conditions persist. The Department and the Commission have determined that a temporary approach is needed to give the Department effective tools to respond more rapidly to the deteriorating water quality and quantity conditions in California's waters for 2015.

Regulatory Proposal

Environmental conditions resulting from the drought may require temporary restrictions on fishing to protect fish populations and sustain future opportunity. These conditional changes may affect each waterbody and fish population differently based on hydrological responses to the drought. Increased angling mortality, harvest, and angling pressure are the key components used to evaluate potential effects associated with degraded environmental conditions and will need to be evaluated on a water by water basis and over time as conditions change.

To ensure that fisheries are protected under critical conditions stemming from the drought, the Department is proposing a set of triggers to guide fishing closure and reopening decisions. The Department's decision to close or open a water will be based on the most current information available, collected by professional staff trained in the associated fields. Criteria for evaluating aquatic conditions are based on site-specific monitoring efforts with an emphasis on listed fish species, species of special concern, and gamefish.

The following proposed criteria will be used to determine if an emergency fishing closure or associated reopening is warranted:

Any water of the state not currently listed in Section 8.00 of these regulations may be closed to fishing by the Department when the Director, or his or her designee, determines one or more the following conditions have been met:

- Water temperatures in occupied habitat exceed 70° Fahrenheit for over eight hours a day for three consecutive days.
- Dissolved oxygen levels in occupied habitat drop below 5 mg/L for any period of time over three consecutive days.
- Fish passage is impeded or blocked for fish species that rely on migration as part of a life history trait.
- Water levels for ponds, lakes and reservoirs drop below 10% of their capacity.
- Adult breeding population levels are estimated to be below 500 individuals.

All waters closed pursuant to this section will be reopened by the Department when the Director, or his or her designee, determines all of the following conditions have been met:

- Water temperatures in occupied habitat do not exceed 70° Fahrenheit for over eight hours a day for seven consecutive days.
- Dissolved oxygen levels in occupied habitat rise above 5 mg/L and are maintained at that level for seven consecutive days.
- Fish passage is available and that no impediment exists to strand or concentrate adults or juveniles during their migration.

- Water levels for ponds, lakes and reservoirs have recovered to greater than 10% of their capacity.
- Adult breeding populations are estimated to be recovered to greater than 500 individuals.

Justification and associated data for closure and reopening decisions will be provided to the Commission for any water that is subject to a fishing closure.

The Department and the Commission will work together to formulate a regular rulemaking proposal that will refine the approach and associated language based on experiences learned, feedback from the public, and revisions to increase the efficacy of this emergency action.

II. Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

- (a) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (b) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (c) Programs Mandated on Local Agencies or School Districts:

None.

- (d) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

- (e) Effect on Housing Costs:

None.

III. Authority and Reference

The Fish and Game Commission proposes this emergency action pursuant to the authority vested by sections 200, 202, 205, 240, and 315 of the Fish and Game Code and to implement, interpret, or make specific sections 200, 202, 205, 240, and 315 of said Code.

IV. Section 240 Finding

Pursuant to Section 240 of the Fish and Game Code, the Commission finds that the adoption of this regulation is necessary for the immediate conservation, preservation, or protection of birds, mammals, reptiles, or fish, including, but not limited to, any nests or eggs thereof.

Updated Informative Digest (Plain English Overview)

California continues to suffer under severe drought conditions with record low snow packs in 2014 and 2015. In early 2014, Governor Edmund G. Brown Jr. proclaimed a State of Emergency for California directing state officials to take all necessary actions to prepare for the record level of drought conditions and also signed an Executive Order redoubling state drought actions with additional measures to strengthen the state's response to drought. On April 1, 2015, the Governor ordered state agencies to impose statewide mandatory water restrictions that will save water, increase enforcement against water waste, streamline the state's drought response, and invest in new drought resilient technologies for California.

The hydrological conditions in 2015 are expected to deteriorate from the record low 2014 conditions. The Department of Fish and Wildlife (Department) continues to evaluate and manage the changing impacts of drought on threatened and endangered species and species of special concern, and develop contingency plans for state Wildlife Areas and Ecological Reserves to manage reduced water resources in the public interest.

Statewide water quality and quantity in many systems is likely to be inadequate to support fisheries as the summer progresses, resulting in impeded passage of spawning fish, increased vulnerability to mortality from predation and physiological stress, and increased angling harvest and/or hooking mortality. Furthermore, survival of eggs and juvenile fish in these systems over the coming months will be extremely low. The historically low water conditions will concentrate coldwater fish populations into shrinking pools of cold water habitat making them easy prey for illegal angling methods such as snagging, increased hooking mortality due to legal catch and release, over-harvest, as well as other human-related disturbances within their freshwater habitat. When coupled with drought-related environmental stressors, such as high water temperature, poor water quality, and severely reduced suitable habitat, these stressors can seriously affect reproductive success and survival rates.

Since 2014, the Department has worked with the Fish and Game Commission (Commission), using the best available science, to determine whether restricting fishing in certain areas will become necessary and prudent as drought conditions persist. The Department and the Commission have determined that a temporary approach is needed to give the Department effective tools to respond more rapidly to the deteriorating water quality and quantity conditions in California's rivers and streams for 2015.

The following proposed criteria will be used to determine if an emergency fishing closure or associated reopening is warranted:

Any water of the state not currently listed in Section 8.00 of these regulations may be closed to fishing by the Department when the Director, or his or her designee, determines one or more of the following conditions have been met:

- Water temperatures in occupied habitat exceed 70° Fahrenheit for over eight hours a day for three consecutive days.

- Dissolved oxygen levels in occupied habitat drop below 5 mg/L for any period of time over three consecutive days.
- Fish passage is impeded or blocked for fish species that rely on migration as part of a life history trait.
- Water levels for ponds, lakes and reservoirs drop below 10% of their capacity.
- Adult breeding population levels are estimated to be below 500 individuals.

All waters closed pursuant to this section will be reopened by the Department when the Director, or his or her designee, determines all of the following conditions have been met:

- Water temperatures in occupied habitat do not exceed 70° Fahrenheit for over eight hours a day for seven consecutive days.
- Dissolved oxygen levels in occupied habitat rise above 5 mg/L and are maintained at that level for seven consecutive days.
- Fish passage is available and that no impediment exists to strand or concentrate adults or juveniles during their migration.
- Water levels for ponds, lakes and reservoirs have recovered to greater than 10% of their capacity.
- Adult breeding populations are estimated to be recovered to greater than 500 individuals.

Justification and associated data for closure and reopening decisions will be provided to the Commission for any water that is subject to a fishing closure.

The Department and the Commission will work together to formulate a regular rulemaking proposal that will refine the approach and regulatory language based on experiences learned, feedback from the public, and revisions to increase the efficacy of this emergency action.

Benefits: The proposed regulation will provide benefits to the environment through the conservation and preservation of listed species, species of special concern, and gamefish populations.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Legislature has delegated authority to the Commission to promulgate sport fishing regulations (sections 200, 202, 205, 240, and 315 Fish and Game Code).

Pursuant to its June 11, 2015 meeting in Mammoth Lakes, the Fish and Game Commission adopted the emergency action.

Regulatory Language

Section 8.01, Title 14, CCR is amended to read:

Section 8.01. Special Gear Provisions Measures for Fisheries at Risk due to Drought Conditions.

(a) In response to continued extreme drought conditions, the commission has established a quick response process to temporarily close fisheries experiencing degraded environmental conditions that may affect fish populations or their habitat within waters of the state. The criteria set forth in subsections (b) and (c) are intended to ensure that fisheries are protected under critical conditions stemming from the drought. These criteria will be monitored in statewide inland fisheries, and they will be evaluated on a water by water basis over time as conditions change.

(b) The department may close to angling any waters of the state not currently listed in Section 8.00 of these regulations if the director, or his or her designee, finds one or more of the following conditions have been met:

(A) Water temperatures in occupied habitat exceed 70° Fahrenheit for over eight hours a day for three consecutive days

(B) Dissolved oxygen levels in occupied habitat drop below 5 mg/L for any period of time over three consecutive days.

(C) Fish passage is impeded or blocked for fish species that rely on migration as part of a life history trait.

(D) Water levels for ponds, lakes and reservoirs drop below 10% of their capacity.

(E) Adult breeding population levels are estimated to be below 500 individuals.

(c) Waters closed pursuant to subsection (b) shall be reopened by the department when the director, or his or her designee, finds all of the following conditions have been met:

(A) Water temperatures in occupied habitat do not exceed 70° Fahrenheit over eight hours a day for seven consecutive days

(B) Dissolved oxygen levels in occupied habitat rise above 5 mg/L and are maintained at that level over seven consecutive days.

(C) Fish passage is available and no impediment exists to strand or concentrate adults or juveniles during their migration.

(D) Water levels for ponds, lakes and reservoirs have recovered to greater than 10% of their capacity.

(E) Adult breeding population levels are estimated to be recovered to greater than 500 individuals.

(d) It shall be unlawful to take fish in any waters of the state closed to angling pursuant to this Section.

(e) Notification of department actions.

(1) The department shall maintain a list of closed waters of the state and update that list on Wednesday of each week by 1:00 pm. In the event that water conditions change later in the week, the fishing status for each specific water will not change until the day following the next Wednesday. It shall be the responsibility of the angler to use the telephone number provided on the department's website to obtain the current status of any water. The number to call for information is (916) 445-7600.

Note: Authority cited: Sections 200, 202 ~~and 210~~, 205, 240, and 315, Fish and Game Code. Reference: Sections 200, 202, 205 ~~and 210~~, 240, and 315, Fish and Game Code.

**FISH AND GAME COMMISSION
STATEMENT OF EMERGENCY ACTION
FOR RE-ADOPTION OF EMERGENCY REGULATIONS**

Emergency Action to Re-adopt Section 8.01, Title 14, CCR,
Re: Fisheries at Risk

March 4, 2016

I. Request for Approval of Re-adoption of Emergency Regulations

In response to the continued extreme drought conditions, the Department of Fish and Wildlife (Department) is requesting that the Fish and Game Commission (Commission) extend the Department's authority set forth in Section 8.01, Title 14 of the California Code of Regulations, to temporarily close fisheries that are experiencing rapidly degrading environmental conditions within waters of the state. The Department requests that the Commission readopt the emergency regulations that went into effect on July 2, 2015 for an additional period of 90 days while a Certificate of Compliance rulemaking is under consideration.

II. Emergency Regulation in Effect to Date

On January 17, 2014, Governor Edmund G. Brown Jr. proclaimed a State of Emergency to exist in California due to severe drought conditions. As part of the declaration, the Governor ordered the Department to work with the Commission, using the best available science, to determine whether restricting fishing in certain areas would become necessary and prudent as drought conditions persist.

Over the next several months, environmental conditions resulting from the drought requires temporary restrictions on fishing on parts of four rivers to protect fish populations and sustain future opportunity. The Department and the Commission determined that another approach was needed to give the Department more efficient tools to provide quicker response to deteriorating water quality and quantity conditions in California's waters. As a result, on June 11, 2015, the Commission adopted emergency regulations which established a process to temporarily close fisheries experiencing degraded environmental conditions that may affect fish populations or their habitat within waters of the state. The criteria set forth in these regulations are intended to ensure that fisheries are protected under critical conditions stemming from the drought.

Since adoption of the emergency regulations the Department has implemented one emergency fishing closure on state waters, of the lower Merced River, on August 18, 2015. The Department used the criteria established in subsection (b) of Section 8.01 to determine that a closure was warranted.

Following protocol, the Department held a public meeting in Merced prior to the fishing closure. In addition, the Department provided the Commission the biological data used to justify the closure and made the data available to the public on the Department's Emergency Fishing Closure webpage.

The Department and Commission are currently working together to formulate a regular rulemaking proposal that will refine the approach and associated language based on experience and feedback from the public, and with revisions to increase the efficacy of this emergency action.

III. Statement of Emergency

The hydrological conditions in 2015 deteriorated from the record low 2014 conditions. The Department of Fish and Wildlife (Department) continues to evaluate and manage the changing impacts of drought on threatened and endangered species and species of special concern, and to develop contingency plans for state Wildlife Areas and Ecological Reserves to manage reduced water resources in the public interest.

Statewide water quality and quantity in many systems is likely to be inadequate to support fisheries until significant and sustained rain and snow accumulate, resulting in impeded passage of spawning fish, increased vulnerability to mortality from predation and physiological stress, and increased angling harvest and/or hooking mortality. Furthermore, survival of eggs and juvenile fish in these systems over the coming months is expected to be extremely low. The historically low water conditions will continue to concentrate coldwater fish populations into shrinking pools of cold water habitat making them easy prey for illegal angling methods such as snagging, increased hooking mortality due to legal catch and release, over-harvest, as well as other human-related disturbances within their freshwater habitat. When coupled with drought-related environmental stressors, such as high water temperature, low dissolved oxygen, and severely reduced suitable habitat, these stressors can seriously affect reproductive success and survival rates.

Since 2014, the Department has worked with the Commission using the best available science, to determine whether restricting fishing in certain areas will become necessary and prudent as drought conditions persist. The Department and Commission have determined that a temporary approach is needed to give the Department effective tools to respond more rapidly to deteriorating water quality and quantity conditions in California's waters for 2015 and early 2016.

V. Re-adoption Criteria

1) Same or Substantially Equivalent

Pursuant to Government Code Section 11346.1(h), the text of a re-adopted regulation must be the "same or substantially equivalent" to the text of the

original emergency regulation. The proposed language for the re-adopted regulatory amendment is the same as the language of the original emergency regulation.

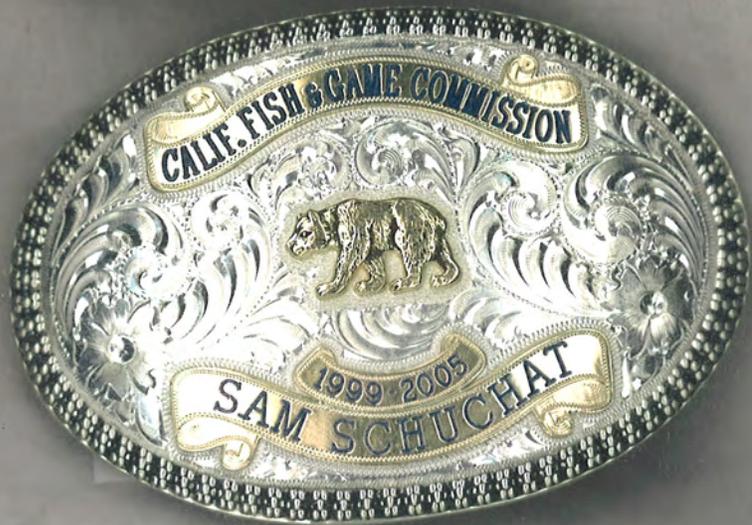
(2) Substantial Progress

Government Code Section 11346.1(h) specifies that the emergency rulemaking agency must demonstrate that it is making “substantial progress and has proceeded with due diligence” to comply with the standard rulemaking provisions. The Commission, at its December 10, 2015 meeting was requested by the Department to authorize staff to file this emergency readopt, as well as file notice of its intent to file a Certificate of Compliance.

Work on the emergency standard has been conducted by DFW biologists to determine longer term impacts which necessitated filing the notice of the Commission's intent to file a Certificate of Compliance in December. Due to the statutory requirement for the Commission to hear the proposed Certificate of Compliance rulemaking at its February 11, 2016 and April 14, 2016 meetings, it is necessary for the Commission to request this first Emergency Readopt for a period of 90-days, followed by a second 90 day request which is proposed to be voted on at the Commission's March 15, 2016 teleconference.









The California Fish and Game Commission
INVITES APPLICATIONS FOR
EXECUTIVE DIRECTOR
FISH AND GAME COMMISSION
EXEMPT APPOINTMENT
SACRAMENTO, CALIFORNIA

MONTHLY SALARY: \$9,634.00 - \$10,734.00

FINAL FILING DATE: Until Filled

The California Fish and Game Commission (Commission) is looking for a talented and exceptional Executive Director to take the helm of a high performing team to support and carry out the mission of the Commission. The position involves extensive travel throughout one of the most beautiful states in the union while working with a diverse, growing and exciting population of citizens.

FISH AND GAME COMMISSION: Established in 1870, the Commission is composed of five members, appointed by the Governor and confirmed by the Senate. The Commission has a small staff, including the Executive Director, Deputy Executive Director, a Program Manager, and administrative and analytical support personnel. The Commission conducts public meetings throughout the State to promulgate regulations for sport fishing and hunting, many commercial fisheries, threatened and endangered species, wildlife areas and ecological reserves; set policy for the Department of Fish and Wildlife; and accept mitigation lands on behalf of the State.

POSITION DESCRIPTION: The Executive Director is the executive officer for the Commission. Appointment to and service in the position is at the pleasure of the Commission.

The Executive Director oversees the administration of a critical statewide regulatory program; under the direction of the Commission sets meeting agendas; schedules and assists in conducting quasi-judicial license and permit hearings; maintains close contact with and briefs legislators; makes operational decisions on budget, personnel, and program management; represents the Commission in negotiations on issues within its jurisdiction; and is accountable for the overall operations of the Commission.

DESIRABLE QUALIFICATIONS: College degree in a natural resources field; executive management experience, especially past success in working with a board or commission; familiarity with California government operations and processes, including legislation, promulgation of regulations, budgeting, administration and personnel; ability to establish and maintain cooperative working relationships with representatives of all levels of government, the public, and special interest groups; and public speaking experience.

SPECIAL PERSONAL CHARACTERISTICS: A thorough commitment to the Commission's mission and vision, strong leadership skills to motivate others to define and solve problems, excellent oral and written communication skills, the highest level of integrity as well as tact and discretion, ability to work well on a small team, a judicial temperament, ability to thrive in a timeline-driven environment, dependable, and self-motivated.

APPLICATION INFORMATION: Interested persons should submit the following: A standard State Application Form (STD 678) (<https://jobs.ca.gov/Profile/StateApplication>) with original signature; a one-page Statement of Qualifications describing how his or her experience and education satisfy the desired qualifications; a current resume; and two letters of professional recommendation. If you have any questions, please contact Sherrie Fonbuena in the Commission office at (916) 653-4899. Please send your application and related information to the following address:

CALIFORNIA FISH AND GAME COMMISSION
ATTN: SHERRIE FONBUENA
1416 NINTH STREET, ROOM 1320
SACRAMENTO, CA 95814

“The State of California is an equal opportunity employer to all, regardless of age, ancestry, color, disability (mental and physical), exercising the right to family care and medical leave, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, political affiliation, race, religious creed, sex (includes pregnancy, childbirth, breastfeeding and related medical conditions), and sexual orientation.”

DUTY STATEMENT

EXECUTIVE DIRECTOR FISH AND GAME COMMISSION 565-001-0771-401

Under general direction of the Fish and Game Commission, the Executive Director oversees the administration of a critical statewide regulatory program, maintains close contact with legislators, makes operational decisions on budget, personnel, and program management, represents the Commission and performs the following duties.

<u>Percent</u>	<u>Activity</u>
25	Oversees and directs the items that appear on the Commission meeting agenda and coordinates the development of background information on agenda items. Advises the Commission regarding these issues. Briefs the audience on agenda items at the Commission's meetings, facilitates the meetings and assures compliance with the provisions of the Administrative Procedure Act. Conducts public hearings as directed by the Commission. Disseminates information concerning actions of the Commission. Certifies Commission orders and rulemaking files with the Office of Administrative Law for inclusion in the California Code of Regulations.
20	Manages and resolves a wide variety of complex issues, many of which are of a sensitive and controversial nature and which may have legal implications. Represents the Commission in negotiations on issues within its jurisdiction.
15	Maintains liaison with members of the Legislature and legislative committees, the Resources Agency, other boards and commissions, the public, conservation groups, Department administrators, county boards of supervisors and allied agencies, both state and federal. Speaks to a variety of groups on Commission affairs.
10	Responsible for researching and developing for Commission ratification, general policies for the conduct of the Department. Provides interpretation of those policies and ensures compliance.
10	Responsible for legislative proposals and amendments, and being aware of new or proposed legislation that impact the powers, duties and responsibilities of the Commission, and state fish and wildlife conservation activities. Maintains a comprehensive working knowledge of Department programs and operations.

- 7 Schedules and assists in conducting quasi-judicial license and permit revocation and appeal proceedings and provides legal notification to individuals involved. Provides certified copies of such actions to appropriate entities as requested.
- 5 Investigates and reports to the Commission members on complaints received relating to Commission rules, regulations or policies and recommends appropriate corrective action. Keeps apprised of statewide resource issues and promotes discussions with the Commission members.
- 5 Advises the Commission, the Department and the Attorney General's Office regarding the provisions of the Fish and Game Code and related statutes. Schedules matters which require specific action by the Commission. Takes independent action, as required, to implement Fish and Game Code provisions.
- 3 Prepares and administers the Commission's annual budget.

DUTY STATEMENT

DFW 242A (REV. 03/19/14)

INSTRUCTIONS: A duty statement and organizational chart must be submitted with each Request for Personnel Action, Form 242		EFFECTIVE DATE: December 1, 2015
CDFW DIVISION/BRANCH/REGION/OFFICE Fish and Game Commission	POSITION NUMBER (Agency-Unit-Class-Serial) 565-001-7500-001	
UNIT NAME AND LOCATION Fish and Game Commission - Sacramento	CLASS TITLE Career Executive Assignment (CEA) A	
INCUMBENT	CURRENT POSITION NUMBER (Agency-Unit-Class-Serial)	
BRIEFLY DESCRIBE THE POSITION'S ORGANIZATION SETTING AND MAJOR FUNCTIONS The CEA serves as a member of the Fish and Game Commission Executive Leadership Team, working with and on behalf of the Executive Director, and acting in his/her absence. The CEA identifies and directs formulation and development of statewide policies; oversees and directs consistent application and implementation of those policies; and ensures policies are consistent with and support the Commission's mission and goals through collaboration with the Department of Fish and Wildlife (DFW) and Natural Resources Agency. Advises the Executive Director and members of the Commission on matters relating to issue resolution; delivers reports and makes presentations to DFW's Executive Leadership Team, and members of the Commission. Manages the statewide regulatory program, conducts strategic planning, manages media relations and public outreach, and supervises Commission staff.		

PERCENTAGE OF TIME PERFORMING DUTIES	INDICATE THE DUTIES AND RESPONSIBILITIES ASSIGNED TO THE POSITION AND THE PERCENTAGE OF TIME SPENT ON EACH. GROUP RELATED TASKS UNDER THE SAME PERCENTAGE WITH THE HIGHEST PERCENTAGE FIRST.
20%	<u>ESSENTIAL FUNCTIONS</u> <i>Policy Development and Advice.</i> Independently and in collaboration with the Executive Director, makes policy decisions on legislative matters and political strategies. Identifies and develops policies on complex resource management issues within the Commission's statutory authority, makes recommendations on policy decisions before the Commission, and reviews and makes recommendations for changes to existing policies. Advises the Executive Director, Commission, DFW's Executive Leadership Team, Natural Resources Agency, and Governor's Office on policy issues concerning fish and wildlife resources.
20%	<i>Intergovernmental Affairs.</i> Represents and independently makes recommendations on behalf of the Executive Director and Commission in a variety of local, state and national settings, including before legislative committees, the DFW Leadership Team and the Ocean Protection Council, and in high-level task forces. Conducts meetings and work sessions with the highest level executive officers within DFW, Natural Resources Agency, other government agencies, and the California State Legislature. Assists the Executive Director in establishing and maintaining cooperative relations with tribes and tribal communities concerned with the conservation of fish and wildlife resources. Works closely with other government agencies to identify opportunities for collaboration on resource conservation and recreational opportunities. Gathers information from DFW, other government agencies, tribes, and stakeholders, and integrates all information to provide Commissioners with recommendations and advice on natural resource policy and regulatory decisions.
20%	<i>Public Affairs.</i> Establishes and maintains cooperative working relationships with constituents concerned with fish and wildlife resources. Works with constituents in collaboration with senior DFW, legislative and Natural Resources Agency staff to help resolve complex policy issues with substantial economic or political ramifications and that significantly affect fish and wildlife resources. Acts as the Commission's ombudsman to

DUTY STATEMENT

	constituent organizations, hearing and helping settle their concerns and reporting outcomes to the Executive Director and Commission. Represents the Commission in a variety of public settings and in meetings and events with constituent organizations. Manages public communication, education and outreach efforts, and interacts with the media.
15%	Regulatory Program. Oversees the Commission's statewide regulatory program, providing policy direction in creating, modifying and implementing regulations, as well as ensuring California Environmental Quality Act compliance. Effectively coordinates with DFW leadership, government agencies, tribes and stakeholders in identifying potential regulation changes to resolve complex fish and wildlife policy issues. Advises the Executive Director and Commission on policy issues related to the statewide regulatory program.
15%	Strategic Planning. Conducts planning, coordination and implementation of annual Commission programmatic work plan; integrates the programmatic work plan into annual strategic plan tracking and measurement; reviews and makes recommendations for changes to Commission policies in support of the Commission's strategic plan; and reviews and makes recommendations for changes to the strategic plan.
10%	Administration and Personnel. Supervises and directs the work of multidisciplinary professional and administrative staff; analyzes administrative policies, organization and practices to attain common goals; oversees operational processes to promote staff development and retention; and ensures administrative consistency with state policies and regulations, including equal employment opportunity and preventing discrimination and harassment.
	INDICATE THE KNOWLEDGE AND ABILITIES NECESSARY FOR THIS POSITION
	See the minimum qualifications, including knowledge and abilities, for this class at www.calhr.ca.gov/state-hr-professionals/pages/7500.aspx .
	INDICATE THE DESIRABLE QUALIFICATIONS FOR THE POSITION
	<ul style="list-style-type: none"> • Experience in managing programs and interdisciplinary professional staff • Experience in formulating policies and strategies for complex programs and succinctly explaining the ramifications of recommended actions • Experience in public administration, personnel management, leadership and supervision • Experience in researching, analyzing and presenting information about complex and contentious issues in a clear, concise and logical fashion, both orally and in writing • Experience in developing and maintaining cooperative working relationships with local, state, federal and tribal government agencies, the legislature, the Governor's Office, industry, non-governmental organizations and the public • Experience in proactively and independently taking action, with open-mindedness, flexibility and tact involving sensitive matters and relations • Experience in strategic thinking and planning, setting and attaining goals, and promoting the vision and mission of an organization • Familiarity with California Fish and Game Code, Title 14 of the California Code of Regulations, the Administrative Procedure Act, and the Bagley-Keene Open Meeting Act • Basic understanding of natural resource management issues and trends

DUTY STATEMENT

	<p><i>Special Personal Characteristics</i></p> <ul style="list-style-type: none"> • Possess a high level of personal integrity and mature judgment • Be self-motivated and willing to work independently • Understand and value inclusive and transparent decision-making • Be flexible, resourceful and adapt to changing priorities • Desire to take on increasing responsibility and learn new things <p><i>Interpersonal Skills</i></p> <ul style="list-style-type: none"> • Possess excellent oral and written communication skills to interact professionally and courteously with Commissioners, elected officials, the media, staff and the public • Develop and maintain cooperative and respectful working relationships with a diversity of individuals, organizations and other government agencies • Possess willingness to work in a team environment, courteously assist other staff, and ask for help 	
<p>INDICATE THE WORKING CONDITIONS FOR THIS POSITION</p>		
	<ul style="list-style-type: none"> • Private office in a smoke-free environment, equipped with a desk, telephone, and computer, as well as nearby printer, copier, scanner and fax • Professional office environment where appropriate business attire is required • Flexible, irregular work hours, including evenings and weekends as needed • Frequent travel throughout California, up to 20% of time • Use of a smart phone, computer, related software applications, and the Internet 	
<p>SUPERVISOR'S STATEMENT: I HAVE DISCUSSED THE DUTIES OF THE POSITION WITH THE EMPLOYEE.</p>		
<p>PRINT SUPERVISOR'S NAME</p>	<p>SUPERVISOR'S SIGNATURE</p>	<p>DATE</p>
<p>EMPLOYEE'S STATEMENT: I HAVE DISCUSSED WITH MY SUPERVISOR THE DUTIES OF THE POSITION AND HAVE RECEIVED A COPY OF THE DUTY STATEMENT.</p> <p>I HAVE READ AND UNDERSTAND THE DUTIES AND ESSENTIAL FUNCTIONS OF THE POSITION AND CAN PERFORM THESE DUTIES WITH OR WITHOUT REASONABLE ACCOMMODATION.</p>		
<p>PRINT EMPLOYEE'S NAME</p>	<p>EMPLOYEE'S SIGNATURE</p>	<p>DATE</p>

Executive Recruiter Background

Prepared for March 15, 2016 FGC Teleconference Meeting

This document identifies and explains the issues associated with FGC obtaining the assistance of an executive search firm for recruiting applicants to permanently fill the Executive Director position.

State Contracting

A very basic overview of the relevant requirements of State contracting:

- The State process requires competitive selection except in rare instances;
- The Department of General Services (DGS) is authorized to select contractors to work for the State;
- DGS has delegated certain contracting responsibility to DFW;
- DFW regularly assists FGC in purchasing goods and services;
- Many of the formal requirements of State contracting do not apply as long as the service is under \$50,000;
- Without the formal requirements, FGC could follow an informal process of seeking quotes from several vendors and selecting the vendor with the lowest quote that met the required specifications.

Executive Recruiter Industry

Percentage Pricing

The traditional search firm prices are not based on effort, time spent searching, or the difficulty of a particular engagement. Rather, it is based on a percentage of annual compensation. Recruiters that charge based on percentage of compensation typically follow one of two traditional search firm models: retained search firms and contingency firms.

1. Retained: Retained executive search firms are paid a retainer to do the work of executive search. The fee is not contingent upon making an actual placement. Retained firms tend to concentrate on recruiting senior executives who are passive candidates — those who are not actively looking for the next job.
Retained Search Fee: 30-33% of total first year cash compensation of the candidate placed, plus expenses.
2. Contingency: Contingency search firms are only paid when they make a placement. They tend to concentrate on recruiting candidates that are actively looking for their next jobs. While there is some cross over — mainly at the Vice President and Director levels — retained firms focus on executive searches, and contingency firms focus on non-executive search.
Contingency Search Fee: 20-25% of first year base salary of the candidate placed.

Based on the advertised Executive Director salary range and the percentage ranges above, the estimated fee for an executive recruiter with percentage pricing model would be anywhere from **\$23,100 to \$42,500**.

Flat Fee Pricing

A small percentage of search firms charge a flat fee. Most fixed fees are similar in total amount to the percentage based fees. However those fees can be very high for certain firms. Industry estimates average Full-Service Executive Search prices from \$50,000 to \$300,000.

Industry Focus

Many recruiters focus on specific industries. Two frequently identified industries of focus are governmental service and environmental fields. Staff research has identified a few examples of potential recruiters with relevant industry focus:

- *Explore Company* (<http://www.explorecompany.com>): Executive search and management consulting firm specializing in recruitment for nonprofit and philanthropic organizations with a heavy focus on fish and wildlife.
- *Sequence Staffing* (<http://www.sequencestaffing.com/welcome-employer.html>): Executive search and staffing firm providing employment focused on the environmental, climate change, engineering, construction, and light industrial industries around the world.
- *CPS HR* (http://www.cpshr.us/search_recruitment.html): A multi-service human resources consultant that includes recruiting services and focuses on government clients with experience in positions related to natural resources.
- *Stanton Chase* (<http://www.stantonchase.com>): A large international executive search firm that serves a broad range of industries, but identifies two relevant categories of specialization: governmental/education/non-profit and natural resources.

Potential FGC Budget for Executive Recruiter

FGC could fund a contract with an executive recruiter out of Program Cost Account (PCA) 75004.

Under that PCA, this fiscal year's FGC budget has \$204,031 for Operating Expenses and Equipment (OE&E) of which FGC has already spent \$47,378. FGC has already encumbered an additional \$66,991 for expenses. Finally, staff anticipates that, based on past expenditures related to travel reimbursement and miscellaneous supplies, FGC would spend an additional \$28,000 on travel (which could be much less if new commissioners are not appointed), and \$6,000 on miscellaneous supplies and equipment.

This leaves an anticipated surplus of \$55,662 of the original \$204,031 for OE&E.

This same PCA is also the funding source for Executive Director and Deputy Executive Director salaries. For each month the Executive Director position is vacant, we will experience a savings of approximately \$15,000. In addition, for each month the Deputy Executive Director position is vacant, we will experience a savings of approximately \$11,000.

Although the budget identifies salary and OE&E as two separate expenses, if FGC overspends from the identified PCA on OE&E, but underspends for salary, those two line items can be reconciled as long as the overall authorization for the PCA is not exceeded.

Conclusion

- With the help of DFW, FGC could informally request quotes from several vendors;
- Assuming the quotes don't exceed the informal contracting amount of \$50,000, FGC could select the vendor with the lowest quote that meets the required specifications;
- FGC has available funds to pay for the expected amount and would still leave some funds for out of the ordinary expenses, but would greatly reduce funds available this year.

PERPETUAL TIMETABLE FOR CALIFORNIA FISH AND GAME COMMISSION ANTICIPATED REGULATORY ACTIONS

Updated: 02/25/16

For FGC Staff use.				REGULATORY CHANGE CATEGORY	ACTION DATE, TYPE AND LOCATION	2016												2017					
						MAR 15	MAR 21	APR 12	APR 13	APR 14	APR 18	MAY 18	JUN 21	JUN 22	JUN 23	JUL 21	AUG 24	AUG 25	SEP 21	OCT 19	OCT 20	NOV 17	DEC 7
QTRLY EFFECTIVE	DFW RU ANALYST	FGC ANALYST	LEAD			TELECONFERENCE	MRC LOS ALAMITOS	TRIBAL COMMITTEE GEYSERSVILLE	FGC SANTA ROSA	TELECONFERENCE	WRC WEST SACRAMENTO	TRIBAL COMMITTEE TBD	FGC TBD	MRC PETALUMA	FGC FOLSOM	WRC WOODLAND	FGC TBD	MRC IRVINE	FGC SAN DIEGO	WRC TBD	FGC TBD		
						File Notice w/OAL by	1/19/16		2/16/16	2/23/16			4/26/16		6/28/16		8/11/15		10/13/15				
						Notice Published	1/29/16		2/26/16	3/4/16			5/6/16		7/8/16		8/21/15		10/23/15				
*	SB	SF	MR	MARINE PROTECTED AREAS	632		E 3/1																
*	MR	ST	OGC	GRAY WOLF	670.5		E 3/1																
	SB	JS	FB	SPORT FISH	1.05 et al.		E 3/1									N		D					
	SB	SF	MR	PACIFIC HALIBUT SPORT FISHING	28.20			A			E 5/1								N			D	
	SB	SF	MR	OCEAN SALMON SPORT FISHING (PHASE I)	27.80(c)			A			E 5/1								N			D	
	SB	SF	MR	OCEAN SALMON SPORT FISHING (PHASE II)	27.80(d)					A	E 5/1								N			D	
	SB	SF	FB	KLAMATH RIVER SPORT FISHING	7.50(b)(91.1)					A	V				E 8/1				N			D	
*		ST	OGC	CLEAR LAKE HITCH	670.5			E 4/1															
*		ST	OGC	TRICOLORED BLACKBIRD - 2084 EMERGENCY	749								180 Days Expires 8/9/16										
	SB	ST	FB	UPPER SACRAMENTO RIVER EMERGENCY	7.50(b)(156.5)								180 Days Expires 8/9/16										
	MR	JS	FB	CENTRAL VALLEY SALMON SPORT FISHING	7.50(b)					A					E 8/1						N		D
	MR	JS	WLB	MAMMAL HUNTING 2016-2017	265 et al.					A	V			E 7/1							N		D
	SB	JS	FB	FISHERIES AT RISK EM 1ST 90 DAY EXTENSION	8.01		90 Day Ext. Expires 3/29																
	SB	JS	FB	FISHERIES AT RISK EM 2ND 90 DAY EXTENSION	8.01		EM	OAL NLT 3/19					90 Day Ext. Expires 6/29										
	SB	JS	FB	FISHERIES AT RISK REGULAR RULEMAKING	8.01				A				Effective NLT 6/28/2016										
	MR	JS	WLB	WATERFOWL	502					D/A				E 7/1							N		D
*	MR	CW	MR	ELECTRONIC REPORT OF MARINE LOGBOOKS	190				D/A					E 7/1									
*	MR	ST	MR	COMMERCIAL SEA URCHIN (PHASE I)	120.7				D/A					E 7/1									
*		SF	FGC	COMMISSION MEETING PROCEDURES	665					D			A			E 10/1							
*	SB	ST	MR	SPINY LOBSTER, SPORT AND COMMERCIAL	29.80 et al.					D			A			E 10/1							
*	SB	CW	WLB	NONLEAD AMMUNITION COUPON PROGRAM	250.2					N			D/A			E 10/1							
	SB	JS	FB	TIDAL WATERS SF/SAN PABLO BAY	1.53 27.00 28.65(a)					N			D		A							E 1/1	
*	SB	CW	WLB	DFW LANDS PASS	550 et al.					N			D		A							E 1/1	
*	MR	JS	WLB	FALCONRY CLEAN-UP	670					N			D		A							E 1/1	
*		CW	FGC	CONFLICT OF INTEREST CODE	782					N			D		A							E 1/1	
	MR	CW	WLB	UPLAND (RESIDENT) GAME BIRD	300					N			D		A	E 9/1						R	
*	MR	CW	WLB	NONGAME ANIMALS - GENERAL PROVISIONS	472					N			D		A							E 1/1	
*	SB	SF	MR	COMMERCIAL HAGFISH BARREL TRAPS	180.6(b)					N			D		A							E 1/1	
	MR	SF	MR	RECREATIONAL GROUND FISH	27.20 et al.									N			D					A	E 1/1
*	SB	CW	EB	ENHANCE PENALTIES FOR GAME ILLEGAL TAKE	715 (new)					V					N			A				E 1/1	
	MR	JS	WLB	BIG GAME TAG QUOTA REPORTING PROCESS	360, 361, 362, 363, 364										N			D				A	
*			MR	KELP AND ALGAE HARVEST MANAGEMENT	165, 165.5, 704									V								V	
*	MR	SF	MR	PACIFIC HALIBUT SPRT CONFORM PROCESS [2016]	28.20																		
*			MR	COMMERCIAL SEA CUCUMBER [2016]	128																		
*			ST	COMMERCIAL SEA URCHIN (PHASE II) [TBD]	120.7																		
*			OGC	AZA/ZAA [TBD]	671.1																		

EM = Emergency, E = Anticipated Effective Date (RED = expedited review), N = Notice Hearing, D = Discussion Hearing, A = Adoption Hearing, V = Vetting, R = Committee Recommendation, WRC = Wildlife Resources Committee, MRC = Marine Resources Committee