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STATE OF CALIFORNIA
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Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

MEETING AGENDA October 19-20, 2016

Red Lion Hotel
1929 Fourth Street, Eureka

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

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

EVENT INVITATION: The Buckeye has invited members of the public to a barbeque dinner at Camp Bauer in Korbel, California beginning at 5:00 p.m. on October 19. Dinner is \$30 per person and members of the public must provide their own transportation. RSVP to buckeye@humboldt1.com or (707) 725-8847 by October 14. Please dress warmly. No dogs or smoking are allowed on the premises.

DAY 1 – OCTOBER 19, 2016, 10:00 A.M.

Call to order/roll call to establish quorum

1. Approve agenda and order of items
2. Public forum for items not on agenda
The Commission **may not** discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting.
(Sections 11125, 11125.7(a), Government Code)

CONSENT ITEMS

3. Approve Commission Conflict of Interest Code pursuant to the requirements of the Political Reform Act
(Add Section 782.1, Title 14, CCR)
4. Marine Resources Committee
 - (A) Work plan development
 - I. Update on work plan and draft timeline
 - II. Discuss and approve new topics

5. Tribal Committee
 - (A) October 18, 2016, meeting summary
 - I. Receive and adopt recommendations
 - (B) Work plan development
 - I. Update on work plan and draft timeline
 - II. Discuss and approve new topics
6. Resolution recognizing National Disability Employment Awareness Month
7. Discuss proposed changes to regulations concerning tribal take in marine protected areas
(Section 632, Title 14, CCR)
8. Discuss proposed changes to recreational groundfish regulations for 2017-2018 for consistency with federal rules
(Sections 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.49 and 28.55, subsections 27.20(a) and 27.20(b), and add section 28.47, Title 14,CCR)
9. Re-adoption of emergency regulations regarding closure of recreational razor clam fishing due to elevated levels of domoic acid
(Section 29.45, Title 14, CCR)
10. Announce results from Executive Session
11. Marine items of interest from previous meetings
 - (A) Update on domoic acid
 - (B) Update on preliminary abalone survey results and possible need for regulatory action
 - (C) Update on Spiny Lobster rulemaking
 - (D) Other
12. Marine petitions for regulation change and non-regulatory requests from previous meetings
 - (A) Action on petitions for regulation change
 - (B) Action on non-regulatory requests
 - (C) Update on pending petitions and requests referred to staff and the Department for review
13. Staff presentation concerning the Commission's rulemaking authority under the California Administrative Procedure Act
14. Other informational items
 - (A) Staff report
 - (B) Legislative update and possible action
 - (C) Federal agencies report
 - (D) Other

15. California Department of Fish and Wildlife informational items
 - (A) Director's report
 - (B) Wildlife and Fisheries Division, and Ecosystem Conservation Division
 - (C) Law Enforcement Division
 - I. Presentation concerning efforts to remediate environmental damage from illegal marijuana grows
 - (D) Marine Region
 - (E) Other

Recess

DAY 2 – OCTOBER 20, 2016, 8:00 A.M.

Call to order/roll call to establish quorum

16. Public forum for items not on agenda
 The Commission **may not** discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting.
 (Sections 11125, 11125.7(a), Government Code)

CONSENT ITEMS

17. Petition to list Lassics lupine (*Lupinus constancei*) as an endangered species under the California Endangered Species Act
 - (A) Receive petition from the Center for Biological Diversity
 (Pursuant to Section 670.1(c), Title 14, CCR)
 - (B) Approve Department's request for a 30-day extension of time to complete its evaluation of the petition
 (Pursuant to Section 2073.5, Fish and Game Code)
18. Receive Department's 90-day evaluation report on the petition to list coast yellow leptosiphon (*Leptosiphon croceus*) as an endangered species
 (Pursuant to Section 2073.5, Fish and Game Code)
19. Receive Department's one-year status report and recommendation on the petition to list flat-tailed horned lizard (*Phrynosoma mcallii*) as an endangered species
 (Pursuant to Section 2074.6, Fish and Game Code)
20. Ratify findings on the decision to list Livermore tarplant (*Deinandra bacigalupii*) as an endangered species
 (Pursuant to Section 2075.5, Fish and Game Code)
21. Ratify findings on the decision to not list Townsend's big-eared bat (*Corynorhinus townsendii*) as a threatened or endangered species
 (Pursuant to Section 2075.5, Fish and Game Code)

CONSENT ITEMS

22. Receive Department's annual report on the status and progress of the Coho salmon recovery strategy
(Pursuant to Section 2113, Fish and Game Code)
23. Wildlife Resources Committee
 - (A) September 21, 2016, meeting summary
 - I. Receive and adopt recommendations
 - (B) Work plan development
 - I. Update on work plan and draft timeline
 - II. Discuss and approve new topics
24. Adopt proposed regulations to establish an upland game bird special hunt drawing and fee
(Section 702 and add Section 715, Title 14, CCR)
25. Adopt proposed changes to non-game animal regulations
(Section 472, Title 14, CCR)
26. Authorize publication of notice of intent to amend regulations concerning use of GPS collars for hunting dogs
(Section 265, Title 14, CCR)
27. Discuss proposed changes to sport fishing regulations for 2017
(Sections 1.74, 5.05, 5.40, 5.60, 7.00, and 7.50, and subsections 29.45(a)(1), 43(c), 671(c)(3), and 671(c)(7), Title 14, CCR)
28. Discuss proposed changes to falconry regulations
(Section 670, Title 14, CCR)
29. Approve proposed amendments to Commission Designated Wild Trout Waters Policy
(Pursuant to Section 1727, Fish and Game Code)
30. Informational presentations on bat conservation
 - (A) Scott Osborn, Department of Fish and Wildlife, concerning the California Bat Conservation Plan
 - (B) Dr. Dave Johnston, H.T. Harvey & Associates, concerning the status of pallid bats in California
31. Non-marine items of interest from previous meetings

32. Non-marine petitions for regulation change and non-regulatory requests from previous meetings
- (A) Action on petitions for regulation change
 - (B) Action on non-regulatory requests
 - (C) Update on pending petitions and requests referred to staff and the Department for review
33. Discuss and act on future Commission meeting items
- (A) Next meetings
 - (B) Rulemaking timetable updates
 - (C) New business
 - (D) Other

Adjournment

EXECUTIVE SESSION

(Not Open to Public)

Pursuant to the authority of Government Code Section 11126(a)(1), (c)(3), and (e)(1), and Section 309 of the Fish and Game Code, the Commission will meet in closed Executive Session. The purpose of this Executive Session is to consider:

(A) Pending litigation to which the Commission is a Party

- I. Big Creek Lumber Company and Central Coast Forest Assoc. v. California Fish and Game Commission (Coho listing, south of San Francisco)
- II. James Bunn and John Gibbs v. California Fish and Game Commission (squid permits)
- III. Center for Biological Diversity and Earth Island Institute v. California Fish and Game Commission (black-backed woodpecker)
- IV. Dennis Sturgell v. California Fish and Game Commission, California Department of Fish and Wildlife, and Office of Administrative Hearings (revocation of Dungeness crab vessel permit No. CT0544-T1)
- V. Kele Young v. California Fish and Game Commission, et al. (restricted species inspection fee waiver)
- VI. Public Interest Coalition v. California Fish and Game Commission (California Environmental Quality Act)

(B) Possible litigation involving the Commission

(C) Staffing

(D) Deliberation and action on license and permit items

- I. Approve Office of Administrative Hearing's proposed decision for Petition for Reinstatement of Commercial Fishing Privileges for Jack Morici

**FISH AND GAME COMMISSION
2016 MEETING SCHEDULE**

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

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING	OTHER MEETINGS
November 1			Predator Policy Workgroup Department of Parks and Recreation Redwood Room 1416 Ninth Street, 14 th Floor Sacramento, CA 95814
November 15		Marine Resources WestEd Building Ed Meyers Classroom 4665 Lampson Avenue, Suite A Los Alamitos, CA 90720	
December 7-8	Hilton Garden Inn San Diego Mission Valley/Stadium 3805 Murphy Canyon Road San Diego, CA 92123		

OTHER MEETINGS OF INTEREST

Pacific Fishery Management Council

- November 16-21, Garden Grove, CA

Wildlife Conservation Board

- November 16, Sacramento

IMPORTANT COMMISSION MEETING PROCEDURES INFORMATION

WELCOME TO A MEETING OF THE CALIFORNIA FISH AND GAME COMMISSION

This is the 146th year of operation of the Commission in partnership with the California Department of Fish and Wildlife. Our goal is the preservation of our heritage and conservation of our natural resources through informed decision making; Commission meetings are vital in achieving that goal. In that spirit, we provide the following information to be as effective and efficient toward that end. Welcome and please let us know if you have any questions.

PERSONS WITH DISABILITIES

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Reasonable Accommodation Coordinator at (916) 651-1214. Requests for facility and/or meeting accessibility should be received at least 10 working days prior to the meeting to ensure the request can be accommodated.

STAY INFORMED

To receive meeting agendas and regulatory notices about those subjects of interest to you, please visit the Commission's website, www.fgc.ca.gov, and sign up on our electronic mailing lists.

SUBMITTING WRITTEN COMMENTS

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: **E-mail** to fgc@fgc.ca.gov; **delivery** to Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814; or **hand-deliver to a Commission meeting**.

COMMENT DEADLINES

The **Written Comment Deadline** for this meeting is: **5:00 p.m. on October 6, 2016**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Late Comment Deadline** for this meeting is: **12 noon on October 14, 2016**. Comments received by this deadline will be marked "late" and made available to Commissioners at the meeting.

After these deadlines, written comments may be delivered in person to the meeting – Please bring ten (10) copies of written comments to the meeting. All materials provided to the Commission may be made available to the general public.

NON-REGULATORY REQUESTS

All non-regulatory requests will follow a two-meeting cycle to ensure proper review and thorough consideration of each item. All requests submitted by the **Late Comment Deadline** (or heard during public forum at the meeting) will be scheduled for receipt at this meeting, and scheduled for consideration at the next business meeting.

PETITIONS FOR REGULATORY CHANGE

Any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1, titled Petition to the California Fish and Game

Commission for Regulation Change (as required by Section 662, Title 14, CCR). The form is available at www.fgc.ca.gov/public/information/petitionforregulatorychange.aspx. To be received by the Commission at this meeting, petition forms must have been delivered by the **Late Comment Deadline** (or delivered during public forum at the meeting) and will be scheduled for consideration at the next business meeting, unless the petition is rejected under staff review of the petition pursuant to subsection 662(b), Title 14, CCR.

VISUAL PRESENTATIONS/MATERIALS

All electronic presentations must be submitted by the **Late Comment Deadline** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email by the written materials deadline.
2. All electronic formats must be Windows PC compatible.
3. It is recommended that a print copy of any electronic presentation be submitted in case of technical difficulties.
4. A data projector, laptop and presentation mouse will be available for use at the meeting.

CONSENT CALENDAR

A summary of all items will be available for review at the meeting. Items on the consent calendar are generally non-controversial items for which no opposition has been received and will be voted upon under single action without discussion. Any item may be removed from the consent calendar by the Commission upon request of a Commissioner, the Department, or member of the public who wishes to speak to that item, to allow for discussion and separate action.

LASER POINTERS may only be used by a speaker during a presentation; use at any other time may result in arrest.

SPEAKING AT THE MEETING

To speak on an agenda item, please complete a "Speaker Card" and give it to the designated staff member before the agenda item is announced. Cards will be available near the entrance of the meeting room. Only one speaker card is necessary for speaking to multiple items.

1. Speakers will be called in groups; please line up when your name is called.
2. When addressing the Commission, give your name and the name of any organization you represent, and provide your comments on the item under consideration.
3. Each speaker has up to three minutes to address the Commission as determined by the presiding commissioner. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. Speakers may cede their time to an individual spokesperson, but only under the following conditions:
 - a. Individuals ceding time forfeit their right to speak to the agenda item; and
 - b. The minimum number of individuals required to cede time to a spokesperson and the amount of time allocated are *arranged in advance* with the presiding commissioner.
5. If you are presenting handouts/written material to the Commission at the meeting, please provide ten (10) copies to the designated staff member just prior to speaking.