

**Commissioners**  
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Saint Helena

**Jacque Hostler-Carmesin**, Vice President  
McKinleyville

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Huntington Beach

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Chula Vista

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

**Valerie Termini, Executive Director**  
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Sacramento, CA 95814  
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www.fgc.ca.gov

## Fish and Game Commission



*Wildlife Heritage and Conservation*  
*Since 1870*

### **REVISED\*** MEETING AGENDA February 8-9, 2017

**DoubleTree by Hilton Hotel Sonoma Wine Country**  
**One DoubleTree Drive, Rohnert Park**

The meeting will be live streamed at [www.cal-span.org](http://www.cal-span.org)

\* The start time for February 8 and Executive Session, Item D, have been revised; revisions are in ***bold italicized*** font.

**NOTE:** See important meeting deadlines and procedures at the end of the agenda. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.

#### **DAY 1 – FEBRUARY 8, 2017, 8:30 A.M.**

Call to order/roll call to establish quorum

1. Approve agenda and order of items
2. Election of Commission President and Vice President
3. Committee Assignments
  - (A) Marine Resources Committee
  - (B) Wildlife Resources Committee
  - (C) Tribal Committee
4. 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**

5. Adopt proposed changes to regulations to add Livermore tarplant (*Deinandra bacigalupii*) to the list of plants of California declared to be endangered  
(Section 670.2, Title 14, CCR)

**CONSENT ITEMS (CONT.)**

6. Receive Department's request for a six month extension of time to submit its status review report on the petition to list Humboldt marten (*Martes caurina humboldtensis*) as an endangered species  
(Pursuant to Section 2074.6, Fish and Game Code)
7. Receive petition from the Center for Biological Diversity to list foothill yellow-legged frog (*Rana boylei*) as endangered under the California Endangered Species Act (CESA)  
(Pursuant to Section 2073.3, Fish and Game Code, and Section 670.1(c), Title 14, CCR)
8. Ratify findings on the petition to list northern spotted owl (*Strix occidentalis caurina*) as a threatened or endangered species under CESA  
(Pursuant to Section 2075.5, Fish and Game Code)
9. Ratify findings on the petition to list flat-tailed horned lizard (*Phrynosoma mcallii*) as an endangered species under CESA  
(Pursuant to Section 2075.5, Fish and Game Code)

10. Wildlife Resources Committee

- (A) January 2017 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

11. Tribal Committee

- (A) February 2017 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

12. Adopt emergency regulation concerning special order relating to incidental take of tricolored blackbird (*Agelaius tricolor*) during candidacy period as an endangered species  
(Pursuant to Section 2084, Fish and Game Code)

13. Consider the petition, Department's evaluation report, and comments received to determine whether listing Lassics lupine (*Lupinus constancei*) as a threatened or endangered species may be warranted  
(Pursuant to Section 2074.2, Fish and Game Code)  
Note: If the Commission determines listing may be warranted, a one-year status review will commence before the final decision on listing is made.

14. Authorize publication of notice of intent to amend upland game bird hunting regulations  
(Section 300, Title 14, CCR)

15. Discuss proposed changes to waterfowl hunting regulations  
(Section 502, Title 14, CCR)
16. Discuss proposed changes to Klamath River Basin salmon sport fishing regulations  
(Subsection 7.50(b)(91.1), Title 14, CCR)
17. Discuss proposed changes to Central Valley salmon sport fishing regulations  
(Subsections 7.50(b)(5), 7.50(b)(68) and 7.50(b)(156.5), Title 14, CCR)
18. Discuss proposed changes to mammal hunting regulations  
(Subsections 360(b) and 360(c) and Sections 361, 362, 363, 364 and 364.1, Title 14, CCR)
19. Discuss proposed changes to regulations concerning deer tagging and reporting requirements  
(Section 708.5, Title 14, CCR)
20. Adopt proposed changes to regulations concerning the use of dogs for the pursuit and take of mammals  
(Section 265, Title 14, CCR)
21. Announce results from Executive Session
22. Non-marine items of interest from previous meetings
  - (A) Importation of American bullfrogs and non-native turtles
  - (B) Other
23. Non-marine petitions for regulation change and non-regulatory requests from previous meetings
  - (A) Action on petitions for regulation change
    - i. Petition #2016-026 to permit use of jacketed frangible bullets
    - ii. Petition #2016-028 to clarify which fire service members may validate hunting tags
  - (B) Action on non-regulatory requests
  - (C) Update on pending regulation petitions and non-regulatory requests referred to staff and the Department for review
24. Department informational items
  - (A) Director's report
  - (B) Wildlife and Fisheries Division, and Ecosystem Conservation Division
  - (C) Law Enforcement Division
  - (D) Other
    - i. Receive annual mountain lion necropsy report

Recess

**DAY 2 – FEBRUARY 9, 2017, 8:00 A.M.**

Call to order/roll call to establish quorum

25. 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**

26. Receive Dungeness Crab Task Force report  
(Pursuant to Section 8276.4, Fish and Game Code)
27. Receive application from Robert Brodsky, San Andreas Shellfish, for lease of State water bottoms for aquaculture in Tomales Bay
28. Marine Resources Committee
- (A) Work plan development
- i. Update on work plan and draft timeline
- ii. Discuss and approve new topics
29. Approve Department request for extension of Charles Friend Oyster Company State Water Bottom Lease No. M-430-04 for a period of one year
30. Authorize publication of notice of intent to amend Dungeness crab and lobster recreational gear, and commercial lobster harbor restricted fishing area regulations (Sections 29.80 and 122, Title 14, CCR)
31. Discuss proposed changes to recreational ocean salmon fishing regulations in conformance with federal regulations
- (A) Season dates, size limits, and daily bag limits for April 2017  
(Subsection 27.80(c), Title 14, CCR)
- (B) Season dates, size limits, and daily bag limits for May-November 2017  
(Subsection 27.80(d), Title 14, CCR)
32. Discuss proposed changes to recreational Pacific halibut fishing regulations in conformance with federal regulations  
(Subsection 28.20, Title 14, CCR)
33. Discussion of recent action by Department Director to continue closure of the recreational razor clam fishery in Humboldt and Del Norte counties due to elevated levels of domoic acid  
(Pursuant to Subsection 5523(a)(2), Fish and Game Code)
34. Marine items of interest from previous meetings

- 35. Marine petitions for regulation change and non-regulatory requests from previous meetings
  - (A) Action on petitions for regulation change
    - i. Petition # 2016-029 to provide a tribal take exemption for Big Lagoon Rancheria at Reading Rock State Marine Conservation Area
  - (B) Action on non-regulatory requests
  - (C) Update on pending regulation petitions and non-regulatory requests referred to staff and the Department for review
  
- 36. Other informational items
  - (A) Staff report
  - (B) Legislative update and possible action
  - (C) Federal agencies report
  - (D) Other
    - i. Update on Commissioner attendance at the International Pacific Halibut Commission meeting in January 2017
  
- 37. Discuss and act on Commission administrative items
  - (A) Next meetings
  - (B) Rulemaking calendar updates
  - (C) New business
  - (D) Other

Adjournment

## **EXECUTIVE SESSION**

(Not Open to Public)

Pursuant to the authority of Government Code Section 11126(a)(1), (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. Center for Biological Diversity and Earth Island Institute v. California Fish and Game Commission (black-backed woodpecker)
  - III. 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)
  - IV. Kele Young v. California Fish and Game Commission, et al. (restricted species inspection fee waiver)
  - V. 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. ***Take action on the Office of Administrative Hearing's proposed decision In the Matter of the Accusation against Troy Tecklenburg (OAH Matter No. 2016060664).***

**FISH AND GAME COMMISSION  
2017 MEETING SCHEDULE**

**Note:** As meeting dates and locations can change, please visit [www.fgc.ca.gov](http://www.fgc.ca.gov) for the most current list of meeting dates and locations.

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING	OTHER MEETINGS
February 21			<b>Predator Policy Workgroup</b> California Department of Water Resources Conference Room #1131 1416 Ninth Street, 11 <sup>th</sup> Floor Sacramento, CA 95814
March 15	Teleconference — Arcata, Napa, Sacramento and Los Alamitos		
March 23		<b>Marine Resources</b> Holiday Inn Express 35 Via Pico Plaza San Clemente, CA 92672	
April 13	Teleconference — Arcata, Napa, Sacramento and Los Alamitos		
April 26-27	Airtel Plaza Hotel 7277 Valjean Avenue Van Nuys, CA 91406		
May 24		<b>Wildlife Resources</b> Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
June 20		<b>Tribal</b> Crescent City/Fortuna	
June 21-22	Crescent City/Fortuna		
July 20		<b>Marine Resources</b> Petaluma	
August 16-17	Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814		
September 13		<b>Wildlife Resources</b> California Tower 3737 Main Street Highgrove Room 200 Riverside, CA 92501	
October 10		<b>Tribal</b> Morro Bay/San Luis Obispo	

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING	OTHER MEETINGS
October 11-12	Morro Bay/San Luis Obispo		
November 9		<b>Marine Resources</b> Marina	
December 6-7	Handlery Hotel 950 Hotel Circle North San Diego, CA 92108		

### OTHER MEETINGS OF INTEREST

#### **Association of Fish and Wildlife Agencies**

- September 11-14, Philadelphia, PA

#### **Pacific Fishery Management Council**

- March 7-14, Vancouver, WA
- April 6-12, Sacramento, CA
- June 7-14, Spokane, WA
- September 11-18, Boise, ID
- November 13-20, Costa Mesa, CA

#### **Pacific Flyway Council**

- March 7, Spokane, WA
- September, TBD

#### **Western Association of Fish and Wildlife Agencies**

- July 6-11, Vail, CO

#### **Wildlife Conservation Board**

- February 23, Sacramento, CA
- May 25, Sacramento, CA
- August 24, Sacramento, CA
- November 30, Sacramento, CA



## **IMPORTANT COMMISSION MEETING PROCEDURES INFORMATION**

### **WELCOME TO A MEETING OF THE CALIFORNIA FISH AND GAME COMMISSION**

This is the 147<sup>th</sup> year of operation of the Commission in partnership with the California Department of Fish and Wildlife. Our goal is the preservation of our heritage and conservation of our natural resources through informed decision making; Commission meetings are vital in achieving that goal. In that spirit, we provide the following information to be as effective and efficient toward that end. Welcome and please let us know if you have any questions.

### **PERSONS WITH DISABILITIES**

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

### **STAY INFORMED**

To receive meeting agendas and regulatory notices about those subjects of interest to you, please visit the Commission's website, [www.fgc.ca.gov](http://www.fgc.ca.gov), and sign up for our electronic mailing lists.

### **SUBMITTING WRITTEN COMMENTS**

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: **E-mail** to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov); **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 January 26, 2017**. 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 **12:00 p.m. on February 3, 2017**. 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

<http://www.fgc.ca.gov/public/information/petitionforregulatorychange.aspx>. To be received by the Commission at this meeting, petition forms must have been delivered by 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 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. The presiding commissioner may allot up to five minutes to an individual speaker under the following conditions:
  - a. A minimum of three individuals who are present when the agenda item is called have ceded their time to the designated spokesperson; and
  - b. Individuals ceding time forfeit their right to speak to the agenda item.
5. Individuals may receive advance approval for additional time to speak under the following conditions:
  - a. Requests for additional time to speak must be received by email or delivery to the Commission office by the **Late Comment Deadline**;
  - b. The president or designee will approve or deny the request no later than 5:00 p.m. two days prior to the meeting.

6. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).
7. An individual may receive additional time to speak to an agenda item at the request of any commissioner.
8. 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.