

## STAFF SUMMARY FOR FEBRUARY 8-9, 2017

**6. HUMBOLDT MARTEN (CONSENT)****Today's Item**Information Action 

DFW requests an extension of six months to allow further analysis and evaluation of the available science, completion of the status review, and a peer review process for the petition to list Humboldt marten as an endangered species under California Endangered Species Act (CESA).

**Summary of Previous/Future Actions**

- |   |                                    |
|---|------------------------------------|
| • Received petition                                     | Jun 8, 2015                        |
| • FGC transmits petition to DFW                         | Jun 18, 2015                       |
| • Publish notice of receipt of petition                 | Jul 24, 2015                       |
| • Approved DFW request for 30-day extension             | Oct 7-8, 2015; Los Angeles         |
| • Received evaluation and recommendation                | Dec 9-10, 2015; San Diego          |
| • FGC determined listing may be warranted               | Feb 10-11, 2016; Sacramento        |
| • <b>Today act on DFW request for 6-month extension</b> | <b>Feb 8-9, 2017; Rohnert Park</b> |
| • Receive DFW status review report                      | Oct 11-12, 2017; Morro Bay         |
| • Determine if listing is warranted                     | Dec 6-7, 2017; San Diego           |

**Background**

On June 8, 2015, FGC received a petition from the Environmental Protection Information Center and the Center for Biological Diversity to list Humboldt marten as an endangered species under CESA. On Feb 11, 2016 FGC voted to accept the petition for further evaluation and to initiate a 12-month review of the status of Humboldt marten in California. In Jan 2017 DFW requested that FGC grant a six month extension of time to complete its review. If the extension is approved, FGC will consider the petition, DFW's evaluation and other information submitted to determine if listing is warranted at its Dec 6-7, 2017, meeting in San Diego.

**Significant Public Comments**

1. Tom O'Key supporting listing Humboldt marten as an endangered species under CESA. Mr. O'Key requests that all recreational and commercial trapping of predators be made unlawful as protection of Humboldt marten serves as but one of countless examples of the benefits resulting from banning all predator trapping. Mr. O'Key states that a trapping ban would relieve added unnecessary stress related to negative impacts of trapping put upon Humboldt marten and many other threatened predator species (Exhibit 2).

**Recommendation**

**FGC staff:** Approve DFW's request for a 6-month extension

**Exhibits**

1. [DFW memo, dated Jan 3, 2017](#)

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2. [Email from Tom O'Key, received Jan 23, 2017](#)

**Motion/Direction**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission adopts the consent calendar, items 5-9.

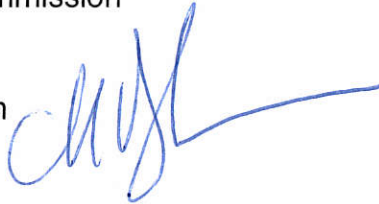
State of California  
Department of Fish and Wildlife

# Memorandum

Date: January 3, 2017

To: Valerie Termini  
Executive Director  
Fish and Game Commission

From: Charlton H. Bonham  
Director



Subject: **Request for 6 Month Extension, Humboldt Marten Status Review**

Per Section 2074.6 of the Fish and Game Code, the Department requests an extension of time, by 6 months, to allow further analysis and evaluation of the available science, completion of the Humboldt marten status review, and peer review process. Such extension would make the due date for the Department's evaluation August 26, 2017, which is 18 months from the date the candidacy findings were published (February 26, 2016).

If you have any questions or need additional information, please contact T.O. Smith at (916)445-3555.

California Fish and Game Commission  
PO Box 944209  
Sacramento, CA 94344-2090  
[fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)

Tom O'Key

January 23, 2017

Dear Commissioners,

Responding to the opportunity to include my opinions on wildlife issues coming before the Commissioners as shown on the agenda for the meeting of February 8 and 9, 2017, I thank the Commission and wish to submit the following requests into the record for consideration.

For a non-agenda comment I wish to restate the request to make unlawful the unlimited take in killing wildlife and particularly contest killing of coyotes. I strongly oppose these activities and believe that current insights in best available science shows the detrimental nature of these misguided allowed activities. It is time to end recreational killing with family fun as the attraction.

I ask that you please accept my input on a number of items I've found important to me from the list of items one through thirty seven as stated on the agenda. My attention is on items 5, 6, 7, 8, 9, 12, 13 and 20

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On Items for consent I submit,

*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)*

I strongly support this declaration.

Preventing the extinction of this plant is entirely dependent on the stewardship that only the Commission and Department can and must provide.

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*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)*

I strongly support immediate protection for the Humboldt marten and ask for immediate action in protecting this species and all other threatened species under California wildlife management.

I ask that all recreational and commercial trapping of predators be made unlawful as protection of the Humboldt marten serves as but one of countless examples of the benefits resulting from banning all predator trapping. Item 6 is well supported with a trapping ban that relieves added unnecessary stress related to negative impacts of trapping put upon the Humboldt marten and many other threatened predator species.

Many fair arguments can be made supporting a ban on all commercial and recreational trapping and an important example is the economic consideration placed on taxpayers who currently carry the burden of responsibility for paying costs of administrating and managing the practice of trapping.

Time is past due for the enforcement of existing laws as contained in California SB1148 as well as in section 4006c of the California Dept. F&G Code. Full financial costs of allowing trapping to continue must be imposed upon the consumptive users of the current allowance or the allowance must come to an end.

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7. Receive petition from the Center for Biological Diversity to list foothill yellowlegged 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 a threatened or endangered species under CESA (Pursuant to Section 2075.5, Fish and Game Code)

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 *Lupinus 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.

I encourage expediency in administrating agenda items 7, 8, 9, 12, and 13, and of all issues of similar concern.

Given the potential for changes in Federal oversight of endangered and threatened species, new federal laws may soon jeopardize fair protections. The California Fish and Game Commission and the California Department of Wildlife Services must maintain sustainable local management opportunities. Since potential major negative impacts of Federal administrative impositions are possible, I believe time is of the essence in maintaining local control of crucial issues.

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20. Adopt proposed changes to regulations concerning the use of dogs for the pursuit and take of mammals (Section 265, Title 14, CCR)

I oppose all laws allowing the use of dogs to pursue and take mammals.

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Thank you for your consideration,

Sincerely, Tom O'Key

