

Commissioners
Samantha MurrayEric Sklar, President
La Jolla/Saint Helena
Erika Zavaleta, Vice President
Santa Cruz
Jacque Hostler-Carmesin, Member
McKinleyville
Samantha Murray, Member
La Jolla

Eric Sklar, Member
Saint Helena
Anthony Williams, Member
Huntington Beach

STATE OF CALIFORNIA
Gavin Newsom, Governor

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

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DRAFT MEETING OUTCOMES **February 8-9, 2023**

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1. Consider approving agenda and order of items

The Commission approved the agenda and order of items as noticed.

2. Election of Commission president and vice president

The commissioners annually elect one of their number as president and one as vice president, by a concurrent vote of at least three commissioners.
(Pursuant to Section 102, Fish and Game Code)

The Commission elected Commissioner Eric Sklar as President and Commissioner Erika Zavaleta as Vice President.

3. Committee assignments

The Commission forms three committees from its membership, consisting of at least one commissioner: Marine Resources Committee, Wildlife Resources Committee, and Tribal Committee.
(Pursuant to sections 105, 106 and 106.5, Fish and Game Code)

The Commission assigned:

- **Commissioners Murray and Sklar as co-chairs to the Marine Resources Committee;**
- **Commissioners Zavaleta and Williams as co-chairs to the Wildlife Resources Committee; and**
- **Commissioner Jacque Hostler-Carmesin as chair of Tribal Committee with rotating, visiting commissioners to be determined. Commissioner Williams will attend at the April 18-19-20, 2023 FGCTribal Committee meeting.**

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4. General public comment for items not on the agenda

Receive public comment regarding topics within the Commission's authority that are not included on the agenda.

Note: 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 and 11125.7(a), Government Code).

Notable public comments:

- Bob Sparre, fishing guide: Stated his belief that the Central Valley fall run Chinook salmon has collapsed due to failed management and water policy. He is considering moving out of state to be able to continue guiding. Submitted petition to list Sacramento Valley Fall Run Chinook Salmon under CESA and asked for changes to water management.
- Josette Lewis, Almond Board of California: Spoke on voluntary actions by farmers and ranchers to add habitat and bee-friendly orchards to working lands, plant cover crops, and implement integrated pest management in recognition of the importance of bees. She noted that the industry has broadened its focus to include all pollinators. They plan to add habitat across more agricultural systems informed by conservation partnerships and have initiated discussions with the Department on finding a regulatory mechanism to protect these growers.
- Erin Woolley, Sierra Club: ~~Testified~~ Stated that the State has published trailer bill language to propose an alternative to a CESA listing for the ~~WJT~~ western Joshua tree. She noted that it is clearly a policy bill which should go through a process that includes opportunities for legislative committees and the public to weigh in, but, in its current form as a trailer bill, it would not be subject to those requirements and is contradictory to Commission values. She urged the Commission to not consider the trailer bill as a substitute for listing under CESA.
- Julie Gilbert, environmental consultant: Asked the Commission to address the egregious take mitigation measures for western Joshua tree that she states are causing the cancellation of key public and private projects by making them prohibitively expensive. She asked that the take revert to thresholds in the emergency regulations and that a working group be developed to establish appropriate mitigation measures.
- Jeff Reed, Del Norte ~~w~~Waterfowlers: Spoke on unnecessary waterfowl hunting closures on the north coast and how due to restoration work that occurred during only 28% of the closed times, which deprived hunters of 72% of potential hunting days. He ~~pointed out~~ stated that approximately 245 days outside of the waterfowl season are available for dune restoration work. He is worried a current grant request will result in additional closures.

No action taken.

5. Shasta snow-wreath

Consider ratifying findings on the decision to list Shasta snow-wreath (*Neviusia cliffonii*) as endangered under the California Endangered Species Act (CESA). (Pursuant to Section 2075.5, Fish and Game Code)

No notable public comment.

Commissioners were advised that the agenda indicates findings for Shasta snow wreath were for listing as endangered, but the staff summary and the actual findings confirm commission determination of threatened.

The Commission listed and ratified the findings for its decision to list Shasta snow-wreath as threatened under CESA.

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6. Greater sage-grouse

Consider approving the Department's request for a 30-day extension to review the petition to list greater sage-grouse (*Centrocercus urophasianus*) as a threatened or endangered species under CESA.
(Pursuant to Section 2073.5(b), Fish and Game Code)

No notable public comment.

~~Melissa advised that the agenda indicates findings for Shasta snow wreath as endangered, but the staff summary and the actual findings indicate a determination of threatened.~~

The Commission approved the Department's request for a 30-day extension.

7. Electronic display of licenses via mobile application

Consider adopting regulations to enable the Department to accept electronic display of licenses on a Department mobile application, consistent with Assembly Bill 817 (Chapter 607, Statutes of 2021).
(Amend Section 700.4, Title 14, CCR)

Notable public comments:

- Mark Smith, Coastal Conservation Association of California: Asked for updated statistics for license sales with implementation of the 365-day license.

President Murray would also like to see new data as it develops.

The Commission adopted the ~~proposed regulations as~~ proposed recommended by the Department.

8. Commission executive director and Department reports

Receive updates on items of note since the previous Commission meeting.

(A) Commission executive director's report

- I. Update on planning and coordination for reviewing Commission policies
- II. Progress on the justice, equity, diversity and inclusion plan
- III. Public notice that a greater sage-grouse CESA petition was received
- IV. Annual report regarding necropsies on mountain lions taken under 2022 depredation permits

No action taken.

(B) Department director and Department Law Enforcement Division

No action taken.

9. Western Joshua tree

Consider the petition, the Department's status review report, and comments received to potentially determine whether listing western Joshua tree (*Yucca brevifolia*) as threatened under CESA is warranted.
(Pursuant to sections 2075 and 2075.5, Fish and Game Code)

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Note: At is October 12-13, 2022 meeting, the Commission closed the public hearing and administrative record for the Commission's decision, except for input from and consultation with tribal governments, and continued deliberation to this meeting. The Commission is not expected to take any further comment on this item other than from tribal governments.

Note: Findings will be adopted at a future meeting.

Notable public comments:

- John Eagle Spirit Elliott, Manzanita Band of the Kumeyaay Nation: The Manzanita Tribe is considering a renewable energy project with the city of Adelanto and urged the Commission to remove western Joshua Tree as a candidate for listing citing his belief that economic development and renewable energy development is essential to the future of the state and the tribes.

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Discussion

President Commissioner Murray spoke on the value of the legislative measure as a way to address the need for coordination of a WJT recovery plan and noted that the WJT would remain protected even if not listed under CESA. She questioned whether the timeline would be synchronous with the budget approval and thinks July is a good planning marker.

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Vice President Zavaleta asked about keeping the record open for additional tribal input. President Murray agreed and requested a discussion of the proposed legislation be included on the agenda in April for discussion.

Anthony Commissioner Williams commented that he is not persuaded to go with the Department recommendation. He noted the WJT conservation legislation is specifically designed for Joshua trees and strikes a balance. He encouraged stakeholders to support it. If the only option to protect the species is through the Commission listing, then he would be open to it.

Commissioner Hostler-Carmesin agreed with keeping tribal record open and encouraged tribes to contact Director Bonham to request consultation. She supports having more control over the local government.

Commissioner Sklar suggested that the item be included in April so they can get public comment on what the legislation means while keeping comments on just WJT open to tribes only.

Commissioner Williams advised that April is probably too soon because we'll be in the middle of the budget hearings, and it would be better for stakeholders to focus energy on that process. FGC would also need a plan for how to handle public comment. There will be opportunity for an update as well as for public comment at the June meeting, closer to the legislative timeline, suggested it be agendized for June.

President Commissioner Murray asked the Department for an update in April. She also asked how mitigation is working and whether the status quo, project by project, is protective enough.

Director Bonham confirmed how fees from the WJT Conservation Act might be used and that WCB would not expressly be included in land acquisitions.

~~Vice President Zavaleta commented that WJT is different from any other species they have dealt with in that it is still abundant albeit threatened. She asked to continue the discussion to the August meeting and leave comment open to tribes.~~

~~Commissioner Williams added that trailer bills sometimes follow the budget enactment. He suggested that adding a Department update for June and continuing this to a future unspecified meeting, possibly June or August but would not want to continue it again.~~

~~Mike Yaun advised that approving a recurring agenda item for future meeting topics would mean having to make that decision each time on whether to included it. Melissa added that the Commission president has the ability to add this to the meeting without concurrence from other commissioners.~~

~~Commissioner Sklar asked to resume the discussion at the next meetings and prefers a joint decision on how they proceed.~~

~~Melissa offered that Commission staff can include updates from the department upon request of the commissioners.~~

The Commission moved this item to a future meeting (to be determined) and leaves the public record open solely for input from tribal nations, and requests an update on the trailer bill from the Department in April under the standing legislative agenda item.

10. **Central Valley sport fishing**

Consider authorizing publication of notice of intent to amend central valley sport fishing regulations.

(Amend subsections 7.40(b)(4), (43), (66) and (80), Title 14, CCR)

Notable public comments:

- James Stone, NorCal Guides and Sportsmen's Association: Expressed concern regarding the late fall fishery if there was a closure and how to protect the stocks. He would like to see any protections coincide with the late fall.
- Colin Gallagher: Asked how the Commission proposes to communicate to the public what the triggers are and whether there is an option for regulations to potentially be relaxed.

Discussion

Jonathan Nelson advised that the Department would consider James Stone's request. Regarding flow triggers, in April there will be a meeting where the council determines the allocations. Based on those allocations, CDFW will make recommendations on closures and bag limits for possible May adoption and which would be set for the remainder of the year; there is no flexibility to change the regulations during the season outside of emergency closures.

Commission Hostler-Carmesin expressed support for a fourth option that allows for flexibility in managing regulations for protection of stocks.

The Commission authorized publication of notice as proposed.

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11. Klamath River Basin sport fishing

Consider authorizing publication of notice of intent to amend Klamath River Basin sport fishing regulations.
(Amend Section 5.87 and subsection 7.40(b)(50), Title 14, CCR)

No notable public comment.

The Commission authorized publication of notice as proposed.

12. Waterfowl hunting

Discuss proposed amendments to waterfowl hunting regulations.
(Amend Section 502, Title 14, CCR)

Notable public comment:

- Mark Henley, California Waterfowl Association (CWA): Expressed concern over having veteran and youth hunts on the same days. Youth hunt has been around longer and has always been to keep the focus on the youth. There is high pressure in the Sacramento Valley which result in kids competing with adults for the same hunting spots and birds, especially on public lands and with shrinking habitat. He would like to see the science about the bird populations and the biological impact of a late-season hunt. He requested a discussion with the Department prior to the next CWA regs meeting.
- Bill Gaines: Spoke in support of the Department recommendation embracing the federal framework. Regarding combining youth and veteran hunts, the hunting community is split. He suggested a separate meeting for a discussion with stakeholders.
- Multiple people spoke against combining veteran and youth hunts for various reasons including that not all spaces are equal, and younger hunters might end up stuck in areas that are not suitable for their size and abilities. They would like more discussion.

Discussion

Commissioners Hostler-Carmesin and Williams supported the suggestion for stakeholders to come together and find a solution and asked Commission staff to work with ~~CDFW~~the Department and stakeholders before the April meeting.

Vice-President Zavaleta suggested the possibility of Sunday opportunities. She also highlighted that in addition to protecting the opportunity for kids, she wants thoughtful consideration of vets taking a spot from kids.

~~Commissioner ? warned that separating the two hunts would result in two fewer adult hunting days which could result in more complaints.~~

~~President~~Commissioner Murray noted there is reduced participation in hunting and fishing in the state of California, and we don't have the engagement of young people – we want these days to provide that opportunity. Would like to know more about why people sign up to hunt and then don't show up.

Vice President Zavaleta asked for more details on the Sunday no-show rate – there could be more opportunity there to increase participation. She supports more

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conversation and mentorship.

No action taken.

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13. Elk hunting

Discuss proposed amendments to elk hunting regulations.
(Amend sections 364 and 364.1, Title 14, CCR)

Notable public comment:

- ~~Bill Gaines, Rocky Mountain Elk Foundation: Spoke in support of the proposal and He noted that with expanding elk populations and increasing ranges, there is increasing human-wildlife conflict, as well as the possibility of crossbreeding with tule elk.~~
- ~~James Galliver, California Bowman Hunters: Interested in when the seasons might be and whether there will be an archery season.~~
- Dan Ryan: Gave some recommendations for Bear Valley and the Cash Creek modifications (season duration increase from 16 October days to 60 consecutive days) to help reduce that likelihood of tag reductions for heavy fire season; for the Siskiyou County elk (push back bull season and increase cow season and increase tags, keep bull tags during the same time in September) to help prevent issues like overcrowding and low satisfaction rate. He suggested greater flexibility in the future.

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Discussion

~~President Commissioner Murray mentioned previous conversations with tribes and is open to more with continued co-management. She would like future discussions on opportunity as well as hybridization risks, and on conflicts that elk introduction is causing with farmers.~~

No action taken.

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14. Bighorn sheep hunting

Discuss proposed amendments to bighorn sheep hunting regulations.
(Amend Section 362, Title 14, CCR)

Notable public comment:

- ~~Bill Gaines, Wild Sheep Foundation, et al. and two others: Hunters have already accepted previous reductions but would like to a discussion regarding anything further for Marble and Clipper units.~~

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No action taken.

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15. Game fish contests

Consider approving sufficiently related changes to the regulations adopted by the Commission on June 16, 2022 for game fish contests.
(Amend Section 230, Title 14, CCR)

No notable public comment.

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The Commission approved the proposed changes, to the regulations

16. Department update on in-river salmon

Receive Department presentation and discuss in-river salmon needs and threats.

Notable public comment:

- James Stone and Tom Cannon, NorCal Guides and Sportsman's Association: Asked the Commission and Department: (1) to support the inland fisheries abundance for the recreational fisheries and proper species management; as the fisheries have collapsed, and there are fewer than five full-time salmon guides left who have no other source of income; (2) direct the Department in the immediate implementation of a raised floor escapement of a minimum of 180,000 fish to protect the stocks, and amend/adopt the Sacramento conservation objective; and (3) increase short-term additional hatchery production to save recreational enthusiasm.
- Larry Nevilles, sportsman: Reported that these are the most deplorable river conditions he has ever seen, and water agencies need to be held accountable. He suggests daily report cards would help provide more real-time data.
- Andy Marx, Native Fish Society: Asked that the Commission and Department act together to move forward on the Little Springs Dam and covert removal projects to improve the Coho salmon habitat on the Shasta River.

Discussion

Commissioner Hostler-Carmesin asked if the recommendations from James Stone are possible? Director Bonham responded that the presentation was accurate, and the single biggest challenge is a population decline over time. There are unresolved questions and not always within code authority to address. When the fishery closes, there is opposition. Agreed that the threshold numbers need to increase. He suggested a delegation of California appointees to the Pacific Fishery Management Council should sit down with the Commission. He also suggested that the Commission make this an urgent matter and for two commissioners to meet with delegates or write a letter to the council PFMC. He commented that, regarding Central Valley runs, it is difficult to see recovery because the populations have declined compared to previous decades.

Jay Rowan advised that revisiting the escapement objectives is on the council PFMC's radar.

Vice President Zavaleta lamented the Commission's lack of involvement in the role of water quality, but is interested in the Fish and Game Code Section 5937 idea.

James Stone remarked that as an organization, they are not advocating for closures. They are waiting for the latest data to be able to complete their analysis. What they do this spring will affect numbers in 2025. Spawning is not enough; greater abundance is needed.

Commissioner Sklar suggested the two WRC co-chairs write a letter to the council and the commission delegate authority.

Melissa advised it would need to be one co-chair and a commissioner not on the WRC. The Commission directed staff to... ???

No action taken.

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17. Regulation change petitions (wildlife and inland fisheries)

(A) **New petitions**

Receive new petitions for regulation change.
(Pursuant to Section 662, Title 14, CCR)

Consideration of whether to grant, deny, or refer for additional review is expected to be scheduled for the April 19-20, 2023 meeting.

No action taken.

~~(B)~~ **Previously received petitions**

Consider whether to grant, deny, or refer for additional review, petitions for regulation change received at previous meetings. Petitions granted today will be added to the Commission's rulemaking calendar for development and future consideration.

~~(B)~~ (Pursuant to Section 662, Title 14, CCR)

- I. *Petition 2021-007*: Request to revise authorized methods of take and designation for wild pig.
- II. *Petition 2021-017*: Request to make various changes to big game hunting regulations.
- III. *Petition 2022-18*: Request to delay season start dates for deer hunting.

The Commission denied petitions 2021-007 and 2022-18 and granted in part and denied in part Petition 2021-017.

Notable public comment:

- Colin Gallagher: Suggested alternatives for BB device use and asked that the item be continued to the next meeting and/or to make it a future agenda item.
- ~~Jenny Berg, HSUS: Spoke in support of denial of the portion of Pet 2021-017 concerning adding a second bear tag.~~
- Sue Burk on behalf of John Burk: Stated that climate change has impacted deer migration which affects hunters' success during the fall season. ~~This past October was quite warm, and buck take was down. Would like CDFW~~the Department to push the deer season later to align with the changes in climate.
- Dan Ryan: Asked that components of ~~the~~his petition be added as recurring WRC agenda items or discussion topics, possibly every other meeting.
- Dennis Fox: Announced that the Bakersfield city habitat conservation plan for the city has "run out." In April ~~He~~he would like ~~CFGC~~the Commission to take a tour of current reserves in April and explain the difference between habitat and parks.
- Mike Costello: Expressed disappointment that more work was not done on proposals ~~for~~in Petition 2021-017 and would like some of the ideas to move forward. He believes ~~There~~there is an appetite in the hunting community to have developments and progress, but that takes more hours of workshops. Regarding Petition 2022-18, he states more deer management is needed, and ~~he~~he believes that additional petitions will come forward if the ~~d~~Department doesn't make tag adjustments.

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• ~~Discussion~~ Discussion

~~Melissa Miller-Henson counterstated that conversations can be facilitated without going through a petition process. She suggested indicated Commission staff is further exploring with CDFW of the Department ideas for these types of conversations in a less formal setting, perhaps at WRC. These petitions are becoming more challenging and, are a workload issue, and are not the most helpful ways for stakeholders to engage.~~

~~Vice President Zavaleta stated air gun regs will depend on addressing a lead loophole for air guns. Sshe would love to see CFGC the Commission work effectively with CDFW the Department and stakeholders to be responsive to the changing seasonality of key game species.~~

The Commission denied petitions 2021-007 and 2022-18, and granted in part and denied in part Petition 2021-017 as proposed.

18. **Non-regulatory requests from previous meetings (wildlife and inland fisheries)**
Consider and potentially act on wildlife and inland fisheries non-regulatory requests submitted by members of the public at previous meetings.

No notable public comment.

The Commission adopted the staff recommendations as proposed.

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19. **Committee and Department reports**
Receive updates on items of note since the previous Commission meeting from Commission committees and Department divisions.

- (A) **Wildlife Resources Committee**
Receive summary and consider approving recommendations from the January 11-12, 2023 committee meeting. Discuss referred topics and consider revisions to topics and timing.

No notable public comment.

Discussion

~~Vice President Zavaleta pointed out important future topics such as chronic wasting disease and the Klamath dam removal, including the need to consider how the waters above the dam are going to be affected positively over the long term.~~

The Commission approved the recommendations from the January 11-12, 2023 Wildlife Resources Committee (WRC) meeting and the updated work plan as discussed.

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- (B) **Department Wildlife and Fisheries Division, and Department Ecosystem Conservation Division**
- I. Update on Clear Lake hitch efforts
 - II. Annual report regarding Camp Roberts, Camp Pendleton, and Fort Hunter Liggett deer and elk hunts.

No notable public comment.

Discussion

Vice President Zavaleta noted that hitch spawning season is near, and action is needed now to ensure adequate stream flows.

No action taken.

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20. General public comment for items not on the agenda

Receive public comment regarding topics within the Commission's authority that are not included on the agenda.

~~Note: 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 and 11125.7(a), Government Code).~~

Notable public comment:

- ~~Walter Lamb, Ballona Wetlands Land Trust: Urged CFGCthe Commission to provide an update on the realignment of the creek.~~
- ~~Pat Wright: Requested that ferrets be made legal to own in California.~~
- Keith Rootsart, Giant Kelp Restoration Project: Warned of a 90 percent kelp loss in Monterey and that urchins are a symptom of the problem. He asked the Commission to allow the removal project to continue.

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21. Kelp Harvest

I. Kelp harvest plan

Consider approving a six-month extension of The Cultured Abalone Farm, LLC's current five-year kelp harvest plan (2018-2023). (Pursuant to subsections 165(c) and 165.5(b)(2), Title 14, CCR)

No notable public comments.

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The Commission approved a six-month extension.

II. Administrative kelp bed lease

Consider approving a six-month extension of The Cultured Abalone Farm, LLC's existing lease for Administrative Kelp Bed 26 in Santa Barbara County. (Pursuant to Section 165.5, Title 14, CCR)

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No notable public comments.

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The Commission approved a six-month extension.

22. Recreational hoop net regulations

Consider adopting a 90-day extension of emergency regulations to amend and clarify hoop net regulations in order to minimize entanglement risk of federally-protected species and to expand the current identification requirement in effect south of Pt. Arguello, Santa Barbara County, to apply statewide. (Amend subsection 29.80(b), Title 14, CCR)

No notable public comments.

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The Commission adopted a 90-day extension of emergency regulation changes.

23. Marine protected areas decadal management review

Receive a presentation from the Department on the first decadal management review report for the statewide network of marine protected areas.

Notable public comment:

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~~• Azsha Hudson, Environmental Defense Center: Commended the positive impacts of MPAs.~~

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~~• Michael Quill: LA WaterKeepers: Spoke of the valuable lessons learned and the chance to build deeper relationships.~~

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• Emily Parker, Heal the Bay: Echoed the sentiments of the many positive outcomes for biodiversity. Noted that the feedback from commercial ocean users does not necessarily reflect the thoughts of all users. Expressed concerns regarding review – report dissemination and opportunities for public comment.

• Multiple students from UC Berkeley spoke regarding a variety of ideas and concerns: requested increased MPAs, protection of oceans during the DMR process, letting California set an example for other states, mitigating plastic pollution, and extending protections in the oceans.

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Discussion

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Commissioner Sklar observed that tribal involvement and ~~TEK~~traditional ecological knowledge is showing up in all kinds of places now. The involvement on a full basis of tribes in everything we do is because of that work.

Commissioner Hostler-Carmesin commented that ~~we~~the Commission will be working on a tribal subsistence harvest definition for the upcoming months and years. The programs tribes are developing is helping harvest responsibly. She strongly appreciates the partnerships and collaboration.

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~~• Ben Grundy, Environment California: SLR and other climate change; we need strengthened and expanded MPAs. Importance of clarity throughout the process.~~

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• Multiple students from UC Berkeley spoke regarding a variety of ideas and concerns: requested increased MPAs, protection of oceans during the DMR process, letting California set an example for other states, mitigating plastic pollution and extending protections to the oceans.

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Discussion

Chuck Bonham pronounce that the case has been made that the MPA network is working. The relationship between tribes and the State has improved over the years. We have adaptively managed over the years. This will not mean overnight dramatic protection of ocean. There is time to adopt a lot of the advice from the letters from the conservation community. The DMR will provide a good opportunity for engagement and will ensure that there is diverse participation. CDFW is improving in JEDI but still seeks to further improve.

Melissa remarked that the recommendations are based on a variety of input. This is the beginning of a dialogue and adaptively managing the program and the network and meeting the goals of the MLPA. She highlighted important opportunities to engage including MPA Day and part II of the MRC in Monterey which are focused strictly on the forum and the dialogue that's been started and a pathway forward for the discussion.

President Murray We can have strong protections—we can have thriving economies and strong protections. Highlights she pulled: species diversity in rocky intertidal habitats were higher, community stability—higher larval continuity. More than 70 percent of fish species were larger in size and abundance. It should be diverse but not reflect the opinions of a small subset of people. The DMR should reflect California's diversity (including ocean users). March 16 MRC meeting is a place where we want to hear people think.

Vice President Zavaleta echoed President Murray noticed some of the same trendlines while noting overlooked tribal co-management opportunities. Spoke to the nuanced data. Suggested potential opportunity as many Californians love/rely on the ocean. We can focus on ayst to expand compatible uses within MPAs and protect. Tells us how much the ranges differ. Dig into where and to what degree shore based, rec, and subsistence fishing need to be excluded and where they don't. reembrace customary (?) uses. MPAs are a social ecological ecosystem.

JHC: has been involved since DFW came to the north coast in 2010. Tribal voice was strong. Grateful that the tribal voice is throughout the document. Regarding the human connection, I see tribes up and down the coast—numerous examples; connectivity. Grateful the tribal voice is throughout.

No action taken.

24. Commercial and recreational take of California spiny lobster and recreational hoop net requirements for take of crustaceans

Discuss proposed amendments to regulations for (a) commercial and recreational take of California spiny lobster, and (b) recreational hoop net requirements for take of

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crustaceans.

(Amend sections 29.80, 29.90, 29.91, 121, 121.5, 122, 122.1, 122.2 and 705, Title 14, CCR)

No notable public comment:

~~George Osborne, Coastside Fishing Club: Recognized that opening is discretionary, and Coastside FC will continue discussions with CDFW~~

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No action taken.

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25. Commercial kelp harvest permit

Consider approving the renewal of Lance (Jeff) Maassen's kelp harvest permit for commercial harvest of *Sargassum horneri* and consider adding a new harvesting site at Catalina Island, Los Angeles County.

(Pursuant to subsection 165(f)(1), Title 14, CCR)

Notable public comment:

- Jeff Maassen, applicant: ~~Stated that *S. horneri* came in through ballast water, and that it's as far north as Monterey and exists in Ensenada; it's not a palatable seaweed for local species. He hopes to experiment with it, scale it, and develop a market for it. He is working with SDSU and USC at a project site on Catalina Island (no longer Toyon Bay). Would like commission to override the recommendation on Catalina island.~~
- Keith Rootsart: ~~Explained that methods for removing *Sargassum* are important for improving ecosystems.~~

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Discussion

Discussion

President Murray: Interpreted that low level of take and terms indicate no reproductive individuals. Regarding experimental pilot projects, we do not have proof of concept yet. ~~Stated her belief that we are already beyond the point of eradication at Anacapa and Santa Rosa, but At Catalina, we're not beyond that point of eradication. She agrees with staff recommendations to stay in Anacapa and Santa Rosa before moving on to Catalina.~~

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Vice President Zavaleta expressed reservations about the approach in the original petition.

The Commission approved the renewing of Lance (Jeff) Maassen's kelp harvest permit for commercial harvest of *Sargassum horneri*, as proposed, and denied the request to add a new harvesting site at Catalina Island as staff proposed.

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26. Experimental fishing permit (EFP) application

Receive, consider, and potentially act on an application submitted by Bart Chadwick, the Department's recommendations, and comments received for an EFP to test the commercial use of timed and acoustic release pop-up gear systems developed by Sub Sea Sonics in the California Dungeness crab fishery.

(Pursuant to Section 91, Title 14, CCR)

Notable public comment:

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Discussion

Discussion

Commissioner Williams asked for the evidence that 96 hours is effective in reducing entanglements.

Ryan Bartling clarified that the regulations are more about regular servicing and minimizing bycatch. In this EFP, if whales are foraging in the area, the applicant should move their pots.

President Murray mentioned a letter from the crab fleet requesting that permittees cannot be experimenting until the season has actually opened in the fall. Craig Shuman responded that they Department understands the concerns about the early season opener, but also wants there to be an incentive for people to try out the new gear. If it does actually collect more crab, they can help anglers switch over.

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Melissa urged EFP applicants to submit timely comments and feedback to staff.

Notable public comment:

- Bart Chadwick commented that on the RAMP and alternative gear page, there is essentially no alternative gear for D crab. They are trying to create an opportunity to be able to fish when they couldn't otherwise because of risk with vertical lines.
- Lisa Damrosch, Dungenessene Crab Gear Working Group: Is part of the D crab working group and provided the letter. This comment is about the variability in the D crab fishery right now, and each little fluctuation affects the entire system. The crab fishery which is a sensitive system and susceptible to small changes. This is a time where there is less activity, and she believes it is more appropriate to test when there is higher entanglement risk. She supports testing either after the season opens or perhaps after a closure.
- Nickolous Sackett, Social Compassion in Legislation: Supports ropeless gear and implementing testing this new equipment.

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Discussion

President Murray spoke in favor of trying out new kinds of gear that does have lines in the water — she would like to see if it works.

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Commissioner Hostler Carmesin expressed concern regarding the north coast area's commercial crabbers. She is favor of testing but doubts the gear will work in rougher waters.

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The Commission approved the EFP application and conditions as proposed by the Department.

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27. Regulation change petitions (marine)

a. New petitions

Receive new petitions for regulation change.
(Pursuant to Section 662, Title 14, ~~CCR~~)

Consideration of whether to grant, deny, or refer for additional review is expected to be scheduled for the April 19-20, 2023 meeting.

No action taken.

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~~b. Previously received petitions~~

Consider whether to grant, deny, or refer for additional review, petitions for regulation change received at previous meetings. Petitions granted today will be added to the Commission's rulemaking calendar for development and future consideration.

b. (Pursuant to Section 662, Title 14, CCR)

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- I. *Petition 2022-17*: Request to amend the number and type of buoys required for recreational crab traps.

Notable public comment:

- Dave Kasheta, recreational fishing rep: ~~Is upset~~ Upset about the main buoy, stating that most recreational fisherman already have several buoys. He supports the recommendation.

The Commission referred Petition 2022-17 to the Department for review.

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28. Non-regulatory requests from previous meetings (marine)

Consider and potentially act on marine non-regulatory requests submitted by members of the public at previous meetings.

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No notable public comment.

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The Commission adopted the staff recommendations as proposed.

29. Committee and Department reports

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Receive updates on items of note since the previous Commission meeting from Commission committees and Department divisions.

(A) Marine Resources Committee

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on March 14 and 16, 2023.

No notable public comment.

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Discussion

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Discussion

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President Murray asked how much the public will be giving feedback on the 15th and what is the role ~~CFCG~~the Commission can play?

Becky Ota encouraged stakeholders to attend the forum, but that if stakeholders they're want to making "public comments," to bring them on the 16th, to the second day of the MRC meeting. Is not sure the best way to bring comments to CFCG because it's not a formal comment event. The MRC meeting is the right place to bring the comments.

Susan Ashcraft noted that another consideration is that the March 16th discussion at MRC will help prepare the MRC for coming back to the full commission in April with any recommendations.

The Commission approved changes to the work plan and the topics for the March 14 and 16, 2023 Marine Resources Committee meeting.

(B) **Department Marine Region**

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- I. Outcomes of International Pacific Halibut Commission annual meeting held January 23-27, 2023
- II. Update and public discussion on Department actions during the recreational Dungeness crab fishing season to protect humpback whales, blue whales, and/or Pacific leatherback sea turtles (Pursuant to Section 29.80)

No notable public comment.

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No action taken.

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(C) **Tribal Committee**

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on April 18, 2023.

III-I. Tribal Subsistence Harvest Workgroup structure and process

Notable public comment:

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- Marilyn Jasper: Expressed concern over tribes potentially having non-public meetings with the commission

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Mike Yaun assured her that the Commission that it is abiding by the law.

Commissioner Sklar explained that tribal nations are sovereign nations and different than stakeholders.

Discussion

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TC Commissioner Chair Hostler-Carmesin would like to reduce her TC workload temporarily given lack of advisor. Updated draft CFC policy to TC (hopefully recommended)

~~Discussion on DMR. In the essence of time and staffing, if there is things that we'd like to move to the august meeting.~~

~~Melissa noted that in the TC work plan, there is an update on the JEDI plan (delivered primarily from Rachel); tribal subsistence harvest work group (dependent on June meeting) and co-management round table discussion. Depending on where we are in the hiring/recruitment project; may want to hold off until June. For the April meeting, not sure if the tribal subsistence definition is something that can be a full discussion item. Anthony Williams is going to attend in either April or August as well as Commissioner Murray.~~

~~Melissa asked about kelp and harvest regulations — can we make that a written update or should we have a discussion? Craig Shuman prefers a written update.~~

~~Notable public comment:~~

- ~~● Marilyn Jasper — concerned about tribes having nonpublic meetings with the commission~~

~~Mike Yaun advised he is confident CFGC is abiding by the law.~~

~~Commissioner Sklar advised that tribal nations are sovereign nations which is different than stakeholders.~~

The Commission approved the changes to the work plan and the agenda topics for the April 18, 2023 Tribal Committee meeting, as discussed.

30. Commission administrative items

(A) Legislation and other agency regulations

Commissioner Murray noted that April 11th is California Ocean Day.

No action taken.

(B) Rulemaking timetable updates

No notable public comment.

The Commission approved the proposed changes to the rulemaking timetable.

(C) Future meetings – April 19-20, 2023 and new business

No notable public comment.

The Commission approved the proposed agenda items for the April 19-20, 2023 meeting.

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Adjourn

4.

EXECUTIVE SESSION
(Not Open to Public)

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At a convenient time during the regular agenda of the meeting listed above, the Commission will recess from the public portion of the agenda and conduct a closed session on the agenda items below. The Commission is authorized to discuss these matters in a closed session pursuant to Government Code Section 11126, subdivisions (a)(1), (c)(3), and (e)(1), and Fish and Game Code Section 309. After closed session, the Commission will reconvene in public session, which may include announcements about actions taken during closed session.

- (A) Pending litigation to which the Commission is a Party
 - I. The Ballona Wetlands Land Trust v. California Fish and Game Commission (Ballona Wetlands Ecological Reserve petition for regulation change)
 - II. Fall River Conservancy and California Trout v. California Fish and Game Commission and California Department of Fish and Wildlife (California Environmental Quality Act determination regarding amendments to inland trout regulations)
 - III. United Water Conservation District v. California Fish and Game Commission (southern California steelhead “may be warranted” determination under the California Endangered Species Act and regulation authorizing limited take under Fish and Game Code Section 2084)
 - IV. Crowe v. California Fish and Game Commission (suspension of a commercial fishing license and a lobster operator permit)
- (B) Possible litigation involving the Commission
- (C) Staffing
- (D) Deliberation and action on license and permit items
 - I. Consider the proposed decision in Agency Case No. 15ALJ07-FGC, the accusation filed against Aaron Lance Newman regarding revocation of sport fishing and hunting privileges.