

Commissioners

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STATE OF CALIFORNIA
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Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

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DRAFT MEETING OUTCOMES **October 9-10, 2019**

DAY 1 – OCTOBER 9, 2019, 9:00 AM

Call to order/roll call to establish quorum

1. **Consider approving agenda and order of items**
2. **General public comment for items not on agenda**
Receive public comment regarding topics within the Commission's authority that are not included on the agenda.

Reg change petitions: A total of three were received:

- #2019-019 Gila monster (in binder);
- #2019-020 Brown trout in Klamath-Trinity River Basin (in binder)
- #2019-021 Definition of leader length for fishing gear (in late comments)

Non-regulatory requests: All will be added to FGC's tracking log for discussion at regs/non-regs meeting.

Select in-meeting comments:

Lynn Cullins, Mountain Lion Foundation – Concern over increase in number of depredation permits issued by DFW in 2018 to 334.

Dianne Nygard, representing Preserve Calavera – Concern over illegal trails cut by off-road bicyclists at Calavera Highlands Ecological Reserve. The regulations aren't protecting it enough.

Wendy Tochihara (Artificial Reef Habitat Committee CCA California) - Request to place artificial reefs in California.

Mark Smith represented the Northern California Guides and Sportsmen –

- Review of licensing standards for California guides
 - Reminder: need to set up meeting to discuss guide standards.
- Poor 2019 inland salmon season in Sacramento valley.
 - Salmon and water releases presentation in December or February per President Sklar request??

CONSENT ITEMS

3. Foothill yellow-legged frog

Receive the Department's one-year status review report on the petition to list foothill yellow-legged frog (*Rana boylei*) as an endangered or threatened species under the California Endangered Species Act.

(Pursuant to Section 2074.6, Fish and Game Code)

4. Executive director's report

Receive an update from the executive director on staffing and legislative information.

(A) Staff report

(B) Legislative report, federal regulatory notices, and possible action

I. Discuss AB 1080 and SB 54 and consider authorizing a comment letter
[FGC motion: Delegated authority to executive director and President Sklar for comment letter to the governor in support for signing SB54 and AB1080.](#)

II. Discuss Pacific Fishery Management Council consideration of authorizing pelagic fishing using longline gear and consider submitting a comment letter

[FGC motion: Delegated authority to executive director and President Sklar for comment letter to PFMC on considering authorizing pelagic fishing using longline gear both outside the EEZ and inside the EEZ.](#)

5. Tribal Committee

Discuss updates and recommendations from the October 8, 2019 committee meeting. Consider approving new topics to address at a future committee meeting.

(A) October 8, 2019 meeting summary

I. Receive and consider adopting recommendations

(B) Work plan development

I. Update on work plan and draft timeline

II. Discuss and consider approving new topics

[The Commission approved TC recommendation to support proposed changes to FGC meeting procedures regulations.](#)

6. Wildlife Resources Committee

Discuss updates and recommendations from the September 10, 2019 committee meeting. Consider approving new topics to address at a future committee meeting.

(A) September 10, 2019 meeting summary

I. Receive and consider adopting recommendations

(B) Work plan development

I. Update on work plan and draft timeline

II. Discuss and consider approving new topics

Bill Gains (Hawking Club). He gave thanks for additional days, asks for ??

The Commission approved two WRC recommendations:

1. Support proposed regulation changes for mammal hunting, waterfowl hunting, Central Valley sport fishing, and Klamath River Basin sport fishing for the 2020-21 seasons, as recommended by DFW, and asked DFW to consider a two-week extension to the Central Valley sport fishing season on the Sacramento River.
2. Schedule a special WRC meeting in Mar 2020, with a date to be determined, focused on simplification of statewide inland fishing regulations proposals.

7. **Possession of nongame animals (nutria)**

Discuss proposed changes to possession of nongame animals regulations, in order to exclude nutria (*Myocastor coypus*) from the list of nongame animals that can be possessed alive with a special permit.

(Section 473, Title 14, CCR)

No action taken.

8. **Wildlife and inland fisheries items of interest from previous meetings**

These items are generally updated on agenda topics recently heard before the Commission.

- (A) Update on stakeholder discussions related to the Commission's draft Delta Fisheries Management Policy and existing Striped Bass Policy
Coming back to FGC in December.

9. **Wildlife and inland fisheries petitions for regulation change**

Consider requests submitted by members of the public to adopt, amend, or repeal a regulation.

(Pursuant to Section 662, Title 14, CCR)

(A) Action on current petitions

- I. Petition #2019-013: Authorize falconers and raptor propagators to receive non-releasable raptors from rehabilitation facilities [DENY]
- II. Petition #2019-016 AM 1: Authorize spring bear hunting [DENY]
- III. Petition #2019-017 AM 1: Establish an open archery season for bear and deer hunting in Marble Mountain and Trinity Alps wilderness areas [DENY]
- IV. Petition #2019-018: Exempt ferrets from the list of restricted species [DENY]

- (B) Action on pending regulation petitions referred to staff or the Department for review – None

President Sklar asked DFW to move forward on falcon rehab petition #2019-013.

The Commission adopted the staff recommendations to deny each petition.

10. **Wildlife and inland fisheries non-regulatory requests from previous meetings**

Consider non-regulatory requests submitted by members of the public at previous meetings.

- (A) Action on non-regulatory requests

- (B) Action on pending non-regulatory requests referred to staff or the Department for review

Mark Smith spoke to need for better oversight for guide licenses including tests and boat inspections.

The Commission adopted the recommendations to take no further action.

11. **Strategic planning**

Receive an update on the strategic planning process, discuss initial input received through interviews and surveys, and initial discussion about goals and objectives.

No action taken. Staff will be scheduling interviews (including with DFW leadership).

12. **Departmental informational items (wildlife and inland fisheries)**

The Department will highlight wildlife and inland fisheries items of note since the last Commission meeting.

- (A) Director's report
- (B) Law Enforcement Division
- (C) Wildlife and Fisheries Division, and Ecosystem Conservation Division

13. **Commission administrative items**

- (A) Next meeting – December 11-12, 2019 in Sacramento

The Commission approved the agenda items, with addition of Wildlife Waystations agenda item.

- (B) Rulemaking timetable updates

The Commission approved the proposed changes to the rulemaking timetable.

- (C) New business

None

Recess

DAY 2 – OCTOBER 10, 2019, 9:00 AM

Call to order/roll call to establish quorum

14. **General public comment for items not on agenda**

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

15. **Marine Resources Committee**

Discuss and consider approving draft agenda topics for the next committee meeting. Consider approving new topics to address at a future committee meeting.

- (A) Work plan development
 - I. Update on work plan and draft timeline

- II. Discuss and consider approving new topics
- (B) Update on abalone fishery management plan

Commenter asked to refer discussion on cowcod take to MRC. Commission expressed interest.

President Sklar spoke in support of small-scale experimental urchin smashing, and supported referring to MRC.

Commissioner Hostler-Carmesin asked for Abalone FMP update at next TC from Craig.

The Commission:

- agreed to postpone the agenda items on cowcod and on authority for commercial fisheries to later MRC meeting;
- approved the draft agenda topics for Nov MRC meeting, including to add purple sea urchin and EFP (Phase II).
- Note: later in meeting, added an update on herring eggs on kelp regulations clean-up package (under DFW update).

16. **Experimental fishing permit program (Phase 1)**

Discuss and consider adopting proposed changes to experimental fishing permit (EFP) regulations, to allow for issuing EFPs to fishermen that were issued experimental gear permits in 2018 for the box crab experimental gear permit program, as approved by the Commission.

(Adopt Chapter 5.6, Section 90; and adopt Section 704, Title 14, CCR)

The Commission found the regulations were exempt from CEQA, and adopted regulations as proposed.

17. **Pacific Herring Fishery Management Plan (FMP)**

Discuss and consider adopting the draft Pacific Herring FMP.

(Pursuant to Fish and Game Code Section 7075, et seq.)

The Commission adopted FMP, but to remove all references to a specific daily bag limit range in the FMP.

18. **Pacific herring regulations**

Consider adopting Pacific herring sport fishing and commercial take regulations that implement the Pacific Herring FMP.

(Add sections 55.00, 55.01, and 55.02, and amend sections 27.60, 28.60, 28.62, 163, 163.1, 163.5, 164, and 705, Title 14, CCR)

Dan Yoakum comments on herring eggs on kelp.

President Sklar:

- recommends addressing the issues Dan raised.
- wants any disagreements brought to him early on and commitment to corrections made.

Craig:

- committed to follow up with needed regulation changes to fix any issues before the next fishing season.
- Offered to add it to MRC discussion. Decision to make it an agenda item (under DFW MR update).

The Commission determined exemption from CEQA; adopted bag limit of 10 gallons, adopted the “No Change” alternatives for subsections 163.1(d) and 164(d) (allows for renumbering), adopted remaining DFW recommended regulations.

15 day notice required (including changes to FMP, which is incorporated by reference).

19. **Malibu Oyster Company application for state water bottom lease**

Determine whether considering a new shellfish aquaculture lease offshore Malibu as applied for by Malibu Oyster Company would be in the public interest.
(Pursuant to Section 15400, Fish and Game Code)

President Sklar asked for updated project proposal to be vetted at MRC before finished with review.

The Commission found the area applied for by Malibu Oyster Company is available for lease, and that the lease would be in the public interest. Directed staff to initiate public notice pursuant to Section 15404 and initiate environmental review.

Request made during the Commission’s motion for a report to be brought by the DFW to FGC on the scoping process, and to include design specifications in that report.

20. **Marine items of interest from previous meetings**

These items are generally updated on agenda topics recently heard before the Commission.

(A) Update on razor clams/domoic acid

Request from Commissioner Hostler-Carmesin for more information on specific location of samples taken.

21. **Marine petitions for regulation change**

Consider requests submitted by members of the public to adopt, amend, or repeal a regulation.

(Pursuant to Section 662, Title 14, CCR)

(A) Action on current petitions

I. Petition #2019-014: Increase restrictions on recreational take of California grunion [REFER to DFW for review]

The Commission referred petition to DFW for review and recommendation.

(B) Action on pending regulation petitions referred to staff or the Department for review – None

22. **Departmental informational items (marine)**

The Department will highlight marine items of note since the last Commission meeting.

(A) Director’s report

(B) Law Enforcement Division

(C) Marine Region

I. MLMA master plan prioritization

1. Prioritization framework

Adjourn