

State of California
FISH AND GAME COMMISSION
(916) 653-4899
www.fgc.ca.gov

Meeting of
December 15, 2011 (Thursday)
8:30 a.m.²

Hubbs-SeaWorld Research Institute
Shedd Auditorium¹
2595 Ingraham Street
San Diego

AGENDA³

ALL MEETINGS OPEN TO THE PUBLIC

1. **PUBLIC FORUM**– Any member of the public may address and/or ask questions of the Commission relating to the implementation of its policies or any other matter within the jurisdiction of the Commission. The issue to be discussed should not be related to any item on the current agenda. As a general rule, action cannot be taken on issues not listed on the agenda. At the discretion of the Commission, staff may be requested to follow up on such items. Submittal of written comments is encouraged to ensure that all comments will be included in the record before the Commission. Please be prepared to summarize your comments to the time allocated by the President.

2. **CONSIDERATION OF PETITION TO LIST BLACK-BACKED WOODPECKER (*Picoides arcticus*).**
 - (A) **PURSUANT TO SECTION 2074.2 OF THE FISH AND GAME CODE , CONSIDERATION OF THE DEPARTMENT’S REVIEW AND RECOMMENDATION, AND POSSIBLE ACTION ON THE PETITION TO LIST BLACK-BACKED WOODPECKER AS A THREATENED SPECIES UNDER THE CALIFORNIA ENDANGERED SPECIES ACT.** (Note: The Department’s Initial Evaluation Report on the Petition was received at the March 2011 meeting and made available for public review. At the November 2011 meeting, the Department again summarized its Initial Evaluation Report and discussed the supplemental information submitted through August 3, 2011. The Commission voted to continue this item to its December meeting, so that petitioner submittals dated November 10 and 11, 2011 could be evaluated.)

¹ These facilities are accessible to persons with disabilities. To request reasonable accommodations for a disability, please contact California Relay Service at 1 (800) 735-2929 (TT) or 1 (800) 735-2922 (Voice) and ask them to contact the California Fish and Game Commission at (916) 653-4899.

² The Commission may break for lunch at approximately 12:00 noon.

³ The public is encouraged to comment on any item on the agenda. In order for the Commission to adequately consider public comments, the public is requested to submit written comments no later than **ten** days prior to the meeting. Written comments received fewer than **ten** days preceding the meeting will be submitted to the Commission at the meeting; however, Commission staff is unable to deliver material received one day before and on the day of the meeting to the Commissioners when the meeting is not in Sacramento. Please send your comments to be received no later than two days before the meeting.

If you decide to speak at the Commission meeting, please begin by giving your name and affiliation (if any) and the number of people represented by your organization. Then tell the Commission your concerns. Time allotted for each agenda item depends upon the number of speakers for each item and the length of the agenda. The Commission is interested in your views; don't worry about how to say them. If several people have spoken, try not to be repetitious. If there are several with the same concerns, please try to appoint a spokesperson. The Commission is particularly interested in the specific reasons you are for or against a proposal because the Commission's decision needs to be based on specific reasons.

If you would like to present handouts/written material to the Commission at the meeting, please provide eleven (11) copies.

- (B) PURSUANT TO SECTION 2084 OF THE FISH AND GAME CODE, CONSIDERATION AND POSSIBLE EMERGENCY ACTION TO ADD SECTION 749.7, TITLE 14, CCR, RE: SPECIAL ORDER RELATING TO INCIDENTAL TAKE OF BLACK-BACKED WOODPECKER DURING CANDIDACY PERIOD. (Note: This item will only be considered if the Commission makes a finding in 2. (A) that listing Black-backed Woodpecker as a threatened species may be warranted.)
3. CONSIDERATION AND ADOPTION OF 2012 REGULATORY CALENDAR.
 4. DEPARTMENT PRESENTATION ON THE STATUS OF COMMERCIAL NEARSHORE FISHERY PERMITS.
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 - (A) DEPARTMENT PRESENTATION ON THE MARKET SQUID FISHERY MANAGEMENT PLAN.
 - (B) POSSIBLE ACTION/COMMISSION DIRECTION TO AMEND THE MARKET SQUID FISHERY MANAGEMENT PLAN.
 - (C) DISCUSSION AND POSSIBLE EMERGENCY ACTION TO AMEND THE MARKET SQUID REGULATIONS OR PROVIDE DIRECTION FOR A STANDARD RULEMAKING.
 6. RECEIPT OF DEPARTMENT OF FISH AND GAME INFORMATIONAL ITEMS.
 - (A) RECEIPT OF DEPARTMENT OF FISH AND GAME DIRECTOR'S REPORT.
 - (B) UPDATE ON STATUS OF PROPOSED CHANGES TO SECTIONS 550, 551, 552, 630, AND 703, ADDITION OF SECTION 550.5, AND REPEAL OF SECTION 553, TITLE 14, CCR, RE: PUBLIC USE OF DEPARTMENT OF FISH AND GAME LANDS.
 - (C) WILDLIFE AND FISHERIES/ECOSYSTEM CONSERVATION DIVISION UPDATE.
 - (D) LAW ENFORCEMENT DIVISION UPDATE.
 - (E) OTHER.
 7. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.
 8. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.
 9. STATUS UPDATE AND POSSIBLE COMMISSION GUIDANCE ON AMENDED INITIAL STATEMENT OF REASONS FOR SECTION 238.5, TITLE 14, CCR, PRIVATE STOCKING PERMITS.
 10. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED ADDITION OF SECTIONS 29.17 AND 127, TITLE 14, CCR, RE: RECREATIONAL AND COMMERCIAL TAKE OF KELLET'S WHELK.
 11. UPDATE AND POSSIBLE REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 27.80, TITLE 14, CCR, RE: OCEAN SALMON.

12. CONSIDERATION OF MAMMAL HUNTING REGULATIONS FOR 2012-2013.
 - (A) RECEIPT OF DEPARTMENT PROPOSALS FOR TAG QUOTA CHANGES, CLARIFICATIONS AND URGENCY CHANGES FOR THE 2012-2013 MAMMAL HUNTING REGULATIONS AND REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO MAKE TAG QUOTA CHANGES, CLARIFICATIONS AND URGENCY CHANGES.
 - (B) RECEIPT OF DEPARTMENT'S TENTATIVE RECOMMENDATIONS FOR ANTLERLESS/EITHER SEX DEER HUNTS FOR 2012-2013.
13. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.
14. RECEIPT AND POSSIBLE ACTION ON COMMISSION INFORMATIONAL ITEMS.
 - (A) SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.
 - (I) MARINE RESOURCES COMMITTEE.
 - (II) AL TAUCHER COMMITTEE.
 - (III) BUDGET COMMITTEE.
 - (IV) OTHER.
 - (B) ITEMS THAT DID NOT MAKE AGENDA AND NEED TO BE RESCHEDULED.
 - (C) NEW BUSINESS/COMMISSION FOLLOW-UP, MEETING REVIEW, AND STAFF DIRECTION.
 - (D) ANNOUNCEMENT OF FUTURE MEETINGS.

2012 FISH AND GAME COMMISSION

MEETING SCHEDULE

www.fgc.ca.gov

February 2 (Thurs.)	State of California Natural Resources Agency Auditorium 1416 Ninth Street Sacramento, CA 95814
March 7 (Wed.)	Riverside
April 11 (Wed.) April 12 (Thurs.)	Eureka
April 18 (Wed.) (Teleconference)	Sacramento (Via Telephone)
May 23 (Wed.) May 24 (Thurs.)	Monterey
June 20 (Wed.) June 21 (Thurs.)	Bishop
August 8 (Wed.) August 9 (Thurs.)	Ventura
October 3 (Wed.) October 4 (Thurs.)	State of California Natural Resources Agency Auditorium 1416 Ninth Street Sacramento, CA 95814
November 7 (Wed.) November 8 (Thurs.)	Los Angeles
December 12 (Wed.) December 13 (Thurs.)	San Diego

PFMC Salmon Meeting, April 1-6
 PFMC Groundfish Meeting, June 20-25
 Federal Waterfowl Meeting, August 1-2
 Winter WAFWA Meeting, January 4-7, San Diego
 Summer WAFWA Meeting, July 20-25, Hawaii

CONSENT CALENDAR

15. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTIONS 28.29, 52.10 AND 150.16, TITLE 14, CCR, RE: GREENLING TOTAL ALLOWABLE CATCH, RECREATIONAL SUB-BAG LIMITS, AND CUMULATIVE TRIP LIMITS.
16. RECEIPT OF DEPARTMENT'S REPORT ON THE PETITION TO LIST THE MOUNTAIN YELLOW-LEGGED FROG (*Rana muscosa* and *Rana sierrae*) AS A THREATENED OR ENDANGERED SPECIES. (Note: Public testimony and possible Fish and Game Commission action is tentatively scheduled for February 2, 2012.)
17. RECEIPT OF DEPARTMENT'S WRITTEN REPORT REGARDING STRIPED BASS AND POTENTIAL CHANGES TO FISHING REGULATIONS. **(Note: This item is scheduled only to receive the Department's written report. Discussion of the Department report is scheduled for February 2, 2012.)**
18. APPROVAL OF MR. DANIEL LYNN'S REQUEST FOR REINSTATEMENT OF HIS TRAPPING PERMIT.
19. RECEIPT OF DEPARTMENT REPORT TO THE FISH AND GAME COMMISSION AND LEGISLATURE ON THE ANNUAL ACCOUNTING OF THE DEPOSITS INTO, AND EXPENDITURES FROM, THE FISH AND GAME PRESERVATION FUND, AS RELATED TO THE REVENUES GENERATED PURSUANT TO SECTION 8587 OF THE FISH AND GAME CODE AND REQUIRED BY SECTION 8589.7 OF THE FISH AND GAME CODE.

EXECUTIVE SESSION
(NOT OPEN TO PUBLIC)

PURSUANT TO THE AUTHORITY OF GOVERNMENT CODE SECTION 11126(a)(1) 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. vs. CALIFORNIA FISH AND GAME COMMISSION RE: COHO LISTING, SOUTH OF SAN FRANCISCO.
- II. JAMES BUNN AND JOHN GIBBS vs. CALIFORNIA FISH AND GAME COMMISSION RE: SQUID PERMITS.
- III. KERN COUNTY WATER AGENCY vs. CALIFORNIA FISH AND GAME COMMISSION, DEPARTMENT OF FISH AND GAME, DEPARTMENT OF WATER RESOURCES RE: STATE WATER PROJECT AND CALIFORNIA ENDANGERED SPECIES ACT.
- IV. TACY LEE vs. CALIFORNIA FISH AND GAME COMMISSION AND DEPARTMENT OF FISH AND GAME RE: DENIAL OF TRANSFER OF LOBSTER OPERATOR PERMIT.
- V. CENTER FOR BIOLOGICAL DIVERSITY vs. CALIFORNIA FISH AND GAME COMMISSION AND DEPARTMENT OF FISH AND GAME RE: PACIFIC FISHER.
- VI. UNITED ANGLERS OF SOUTHERN CALIFORNIA; COASTSIDE FISHING CLUB; AND ROBERT C. FLETCHER vs. CALIFORNIA FISH AND GAME COMMISSION RE: SOUTH COAST STUDY REGION AND NORTH CENTRAL COAST STUDY REGION MARINE PROTECTED AREAS UNDER THE MARINE PROTECTION ACT.
- VII. MARILLEY vs. FISH AND GAME COMMISSION AND DEPARTMENT OF FISH AND GAME RE: COMMERCIAL FISHING PERMIT FEES.

B. POSSIBLE LITIGATION INVOLVING THE COMMISSION.

C. STAFF PERFORMANCE AND COMPENSATION.

D. RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS.

- I. NORMAN SWEEN – DENIAL TO TRANSFER HIS TRANSFERABLE DUNGENESS CRAB VESSEL PERMIT.
 - II. GUY FERRARI – DENIAL TO REINSTATE A PACIFIC RESIDENT HERRING GILL NET PERMIT.
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