



# STANISLAUS COUNTY FISH AND WILDLIFE COMMITTEE

3800 CORNUCOPIA WAY, SUITE C, MODESTO, CALIFORNIA 95358



**THURSDAY, April 26, 2018**

**Meeting Time: 4:00 P.M.**

**Location: DER Conference Room, 3800 Cornucopia Way, Ste. C, Modesto (Stanislaus Building - 2nd floor)**

## AGENDA

### **Call Meeting to Order & Introductions:**

The Stanislaus County *Fish & Wildlife Committee (F&WC)* encourages public participation and welcomes the public's interest.

Members of the public may be heard on any item of the Fish and Wildlife Committee's agenda. A person addressing the Committee will be limited to five (5) minutes, unless the Chairperson of the Committee grants a longer period of time. The Committee will allow comments by members of the public on an agenda item only during consideration of the item.

### **Requests for Funds & Project Updates:**

1. No Fund Requests received

### **Correspondence:**

1. Notice of proposed regulatory action relating to upland game bird regulations – 03/02/18
2. Notice of final consideration of petitions relating to tricolored blackbird, coast yellow leptosiphon and Lassics lupine – 04/16/2018

### **Agenda Items:**

1. Public Comment(s)
2. Introduction of Attendees
3. 2017 Salmon Festival Update/Report – Alexandria Miranda
4. Fish Habitat at Woodward and Modesto Reservoirs - Joe Milosevich
5. Approval of January 25, 2018 Meeting Minutes
6. Wildlife Management Report
7. Fishery Report
8. Wildlife Enforcement Report
9. Wood Duck Report
10. Old Business
11. Committee Comments

### **Adjourn: Next meeting – Thursday, July 26, 2018 at 4:00 p.m.**

*Please notify the Department of Parks and Recreation at 525-6770 in advance if you will be attending this meeting and require special accommodation for the meeting.*

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**REASONABLE ACCOMMODATIONS:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Committee Secretary at (209) 525-6770. Notification 72 hours prior to the meeting will enable the Department to make reasonable arrangements to ensure accessibility to this meeting. Agendas can also be found online at <http://www.stancounty.com/parks/fish-wildlife-committee.shtm> subject to staff's ability to post prior to the meeting. Materials related to an item on this Agenda submitted to the Committee after distribution of the agenda packet are available for public inspection during normal business hours at the main office of the Department of Parks and Recreation, 3800 Cornucopia Way, Suite C, Modesto, CA 95358.



# STANISLAUS COUNTY FISH AND WILDLIFE COMMITTEE



3800 CORNUCOPIA WAY, SUITE C, MODESTO, CALIFORNIA 95358

**PARKS AND RECREATION**  
Jami Aggers, Director  
Merry Mayhew, Asst. Director  
Ed Ayers, Chair

## MINUTES

**JANUARY 25, 2018, AT 4:00 P.M.**

**3800 CORNUCOPIA WAY, 2<sup>ND</sup> FLOOR, CONFERENCE ROOM**

(Agendas can be found online at <http://www.stancounty.com/parks/fish-wildlife-committee.shtm>)

### COUNTY FISH & WILDLIFE MEMBERS PRESENT:

Ed Ayers, D2  
Jim Atherstone, D3  
Bob Bashaw, D5  
Vernon Gladney, D1  
Kern Hunewill, D5  
Tom Sexton, D1  
Jason Guignard, D1

(\*present by telephone conference)

### STATE FISH & GAME REPRESENTATIVE:

### PARKS & RECREATION STAFF PRESENT:

Adrienne Rios  
Lisa Velarde

### EXCUSED/ABSENT:

Ed Channing, ALT  
Kenneth Meidl, D4

### GUESTS PRESENT:

Philip McKay

### A. CALL TO ORDER & INTRODUCTIONS

Ed Ayers called the meeting to order.

*Ed Ayers*

### B. REQUESTS FOR FUNDS/PROJECT UPDATES

Salmon Festival update was postponed until April 26<sup>th</sup> meeting.

**ACTIONS & REPORTER**

*Ed Ayers*

### C. CORRESPONDENCE

The Committee acknowledged the correspondence received and suggested further action or comment be directed to the corresponding agency as listed on the agenda and referred correspondence.

**ACTIONS**

*Ed Ayers*

### D. PUBLIC COMMENTS

No comment was received.

**ACTIONS & REPORTER**

### E. APPROVAL OF MINUTES

Jim motioned to accept the October 26<sup>th</sup> meeting minutes and Kern seconded the motion.

**ACTIONS**

*Atherstone, Hunewill*

### F. WILDLIFE MANAGEMENT REPORT

No new information to report.

**ACTIONS & REPORTER**

### G. FISHERY REPORT

No new information to report.

**ACTIONS & REPORTER**

### H. WILDLIFE ENFORCEMENT REPORT

No new information to report.

**REPORTER**

**I. WOOD DUCK REPORT**

**ACTIONS & REPORTER**

1. The wood duck project was turned over to California Waterfowl Association in 2017. The Fish and Wildlife Committee has not yet received an update on the project. Phil offered to reach out to River Partners for an update on the several wood duck boxes the committee provided the organization. It was also mentioned that several wood duck boxes were placed in a wildlife area located in Oakdale, CA near the Sportsmen’s Club on Stearns Road.

*Ed Ayers, Phil McKay*

**J. OLD BUSINESS AND COMMITTEE COMMENTS**

**ACTIONS & REPORTER**

1. Election for Chair of the Fish and Wildlife Committee took place. Ed Ayers was reelected as Chair by Committee members for a four year term ending October 2021.
2. According to the Committee’s bylaws, the Committee shall have five alternates who attend a meeting in the absence of a Committee member. However, members have the option to participate in a meeting via conference call, which reduces the need for alternates. The Committee may revisit amending the bylaws at a later date to more accurately reflect the need for alternates.
3. Vernon motioned to accept the 2018 Fish and Wildlife Meeting calendar and Bob seconded the motion. Ed requested that next year’s 2019 calendar include the Park’s Commission meeting dates.
4. Phil discussed the Natural Resource Volunteer Program and the events the program is involved with, such as the Kids Fishing Day, river cleanups, pheasant hunts, Salmon Festival and the Trout Fest.
5. 2017 Kids Fishing Day was postponed due to high levels of water. Monies for the 2017 event was already approved and allocated. A portion of the funds were used to purchase fishing rods; however, partial funding from 2017 is still available for the 2018 event.
6. The fund request process was reviewed and discussed. Request for funds are to be made three weeks prior to any scheduled meeting on the approved fund request application. Purchases less than \$5,000 require one written estimate and requests at or above \$5,000 require written estimates from three different vendors. The applicant shall also review sections 13100-13104 of the Fish and Wildlife code and identify the code section matching their request and indicate it on the application.  
Ed would also like to add a ‘priorities’ section to the Sole Source form to aid the committee in determining how much funding to approve when a portion of a request does not meet the 13100 code.
7. Jim motioned to accept Phil McKay’s application to become a committee member and Vernon seconded the motion. Phil McKay was appointed as the ninth member of the Committee.
8. Potential Committee activities were discussed such as holding an annual meeting at Del Puerto Canyon to clean out guzzlers and sponsoring a wildlife photo contest for individuals to take pictures of wildlife within Stanislaus County.

*Ed Ayers*

*Ed Ayers*

*Vernon Gladney, Bob Bashaw and Ed Ayers*

*Phil McKay*

*Ed Ayers*

*Ed Ayers*

*Jim Atherstone, Vernon Gladney*

*Ed Ayers*

**K. ADJOURNMENT & NEXT MEETING**

**ACTIONS & REPORTER**

There being no further business, the meeting was adjourned. The next regular meeting of the Fish and Wildlife Committee will be held on:

**Thursday, April 26, 2018 at 4:00 p.m.**  
**Conference Room, 2<sup>nd</sup> Floor - Stanislaus Bldg.**  
3800 Cornucopia Way, Modesto

Prepared By: *Adrienne Rios & Lisa Velarde, Fish & Wildlife Secretaries* 209-525-6700

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**CALIFORNIA CODES  
FISH AND GAME CODE  
SECTIONS 13100-13104**

**§13100** (a) The amounts paid to and retained in the county treasury pursuant to Sections 12009 and 13003 shall be deposited in a county fish and wildlife propagation fund and expended for the protection, conservation, propagation, and preservation of fish and wildlife, under the direction of the board of supervisors, pursuant to this chapter.

**§13101** (a) The board of supervisors of any county may enter into a written agreement with the board of supervisors of one or more counties for the expenditure of any funds deposited in its fish and wildlife propagation fund pursuant to Section **13100** for any purpose authorized by Section 13103 in either, or any, of the counties for the joint benefit of both, or all, of the counties as the judgment of the boards of supervisors may direct. The purchase of real property necessary for that purpose is lawful and title thereto shall be taken in the joint names of each county which contributes funds there for. The property may be deeded to the state upon the express condition that it shall be employed for the purposes of this chapter within the counties.

(b) (c) The board of supervisors of one or more counties may enter into a written agreement with the department for the expenditure of any funds deposited in its fish and wildlife propagation fund pursuant to Section **13100** for any purpose authorized by Section 13103.

**§13102** Expenditures from the fish and **game** propagation fund of any county shall be subject to the provisions of Division 3 (commencing with Section 29000) of Title 3 of the Government Code.

**§13103** Expenditures from the fish and wildlife propagation fund of any county may be made only for the following purposes:

(a) Public education relating to the scientific principles of fish and wildlife conservation, consisting of supervised formal instruction carried out pursuant to a planned curriculum and aids to education such as literature, audio and video recordings, training models, and nature study facilities.

(b) Temporary emergency treatment and care of injured or orphaned wildlife.

(c) Temporary treatment and care of wildlife confiscated by the department as evidence.

(d) Breeding, raising, purchasing, or releasing fish or wildlife which are to be released upon approval of the department pursuant to Sections 6400 and 6401 onto land or into waters of local, state, or federal agencies or onto land or into waters open to the public.

(e) Improvement of fish and wildlife habitat, including, but not limited to, construction of fish screens, weirs, and ladders; drainage or other watershed improvements; gravel and rock removal or placement; construction of irrigation and water distribution systems; earthwork and grading; fencing; planting trees and other vegetation management; and removal of barriers to the migration of fish and wildlife.

**CALIFORNIA CODES  
FISH AND GAME CODE  
SECTIONS 13100-13104**

- (f) Construction, maintenance, and operation of public hatchery facilities.
- (g) Purchase and maintain materials, supplies, or equipment for either the department's ownership and use or the department's use in the normal performance of the department's responsibilities.
- (h) Predator control actions for the benefit of fish or wild life following certification in writing by the department that the proposed actions will significantly benefit a particular wild life species.
- (i) Scientific fish and wildlife research conducted by institutions of higher learning, qualified researchers, or governmental agencies, if approved by the department.
- (j) Reasonable administrative costs, excluding the costs of audits required by Section 13104, for secretarial service, travel, and postage by the county fish and wildlife commission when authorized by the county board of supervisors. For purposes of this subdivision, "reasonable cost" means an amount which does not exceed 3 percent of the average amount received by the fund during the previous three-year period, or three thousand dollars (\$3,000) annually, whichever is greater, excluding any funds carried over from a previous fiscal year.
- (k) Contributions to a secret witness program for the purpose of facilitating enforcement of this **code** and regulations adopted pursuant to this **code**.
- (l) Costs incurred by the district attorney or city attorney in investigating and prosecuting civil and criminal actions for violations of this **code**, as approved by the department.
- (m) Other expenditures, approved by the department, for the purpose of protecting, conserving, propagating, and preserving fish and wildlife. 13104. The department may audit, or require the county to audit, expenditures by the county from its fish and wildlife propagation

**§13104** The department may audit, or require the county to audit, expenditures by the County from its fish and wildlife propagation fund in order to determine compliance with this chapter.

**Commissioners**  
**Eric Sklar**, President  
Saint Helena  
**Jacque Hostler-Carmesin**, Vice President  
McKinleyville  
**Anthony C. Williams**, Member  
Huntington Beach  
**Russell E. Burns**, Member  
Napa  
**Peter S. Silva**, Member  
Jamul

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

**Valerie Termini**, Executive Director  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814  
(916) 653-4899  
fgc@fgc.ca.gov  
www.fgc.ca.gov

## Fish and Game Commission



*Wildlife Heritage and Conservation*  
*Since 1870*

MAR-16 A 10:33  
OFFICE OF SUPERVISOR

March 2, 2018

This is to provide you with a copy of the notice of proposed regulatory action relative to amending subsection 300(a)(1)(D)4., Title 14, California Code of Regulations, relating to upland (resident) game bird – annual regulations, which is published in the California Regulatory Notice Register on March 2, 2018.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Additional information and all associated documents may be found on the Fish and Game Commission website at <http://www.fgc.ca.gov/regulations/>.

**Scott Gardner, Senior Environmental Scientist, Department of Fish and Wildlife at (916) 801-6257, has been designated to respond to questions on the substance of the proposed regulations.**

Sincerely,

A handwritten signature in black ink, appearing to read "Jon D. Snellstrom".

Jon D. Snellstrom  
Associate Governmental Program Analyst

Attachment

**TITLE 14. Fish and Game Commission  
Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 203, 265 and 355 of the Fish and Game Code and to implement, interpret or make specific sections 200, 203, 203.1, 265, 270, 355 and 356 of said Code, proposes to amend subsection (a)(1)(D)4. of Section 300, Title 14, California Code of Regulations, relating to Resident Upland Game Bird Hunting Regulations.

**Informative Digest/Policy Statement Overview**

Current regulations in Section 300, Title 14, California Code of Regulations (CCR), provide general hunting seasons for taking resident and migratory upland game birds, including sage grouse. A limited number of hunting permits are issued for greater sage grouse, and that number is based on annual population surveys. For the 2018-2019 season, the Department of Fish and Wildlife (Department) will present the Commission a final recommendation for permits based on the spring 2018 lek counts, which means the Commission will notice a possible range, and adopt final permit numbers based on the final lek counts.

The Department is recommending the following regulation changes:

Amend subsection 300(a)(1)(D)4. to adjust the annual number of General Season greater sage grouse hunting permits by zone for the 2018-2019 season.

**Non-monetary Benefits to the Public**

The Commission anticipates benefits to the health and welfare of California residents through the sustainable management of sage grouse populations. The Commission does not anticipate non-monetary benefits to worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

**Consistency and Compatibility with Existing Regulations**

The Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments to Section 300 are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate hunting regulations.

**Benefits of the regulations**

Adoption of sustainable upland game seasons, bag and possession limits, and authorized methods of take provides for the maintenance of sufficient populations of upland game birds to ensure their continued existence.

**Consistency and Compatibility with State Regulations**

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 203 and 265 has the sole authority to regulate hunting in California. Commission staff has searched the California Code of Regulations and has found no other agency with the authority to regulate resident and upland game bird hunting in California. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the, Four Points by Sheraton Ventura Harbor Resort, 1050 Schooner Drive, Ventura, California, on Thursday, April 19, 2018 at 8:00 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Resources Building, Auditorium, First Floor, 1416 Ninth Street Sacramento California, on Thursday, June 21, 2018, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5 p.m. on June 7, 2018 at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on June 15, 2018. All comments must be received no later than June 21, 2018, at the hearing in Sacramento, California. Mailed comments should be addressed to Fish and Game Commission, PO Box 944209, Sacramento, CA 94244-2090. If you would like copies of any modifications to this proposal, please include your name and mailing address.

#### Availability of Documents

The Initial Statement of Reasons, text of the regulations, as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Jon Snellstrom at the preceding address or phone number. **Scott Gardner, Senior Environmental Scientist, (916) 801-6257**, has been designated to respond to questions on the substance of the proposed Waterfowl hunting regulations. Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at <http://www.fgc.ca.gov>.

#### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### Impact of Regulatory Action/Results of the Economic Impact Assessment

The potential for significant statewide adverse economic impacts that might result from the



proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the regulations propose only minor changes not affecting business.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment.

The Commission does not anticipate any impacts on the creation or elimination of jobs or businesses in California or on the expansion of businesses in California; and, does not anticipate benefits to worker safety, because the regulations propose only minor changes not affecting jobs.

The Commission anticipates benefits to the health and welfare of California residents. The proposed regulations are intended to provide continued recreational opportunity to the public. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources.

The Commission anticipates benefits to the environment by the sustainable management of California's upland game resources. The fees that hunters pay for licenses and stamps are used for conservation.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

- (h) Effect on Housing Costs: None.

#### Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: February 20, 2018

Valerie Termini  
Executive Director

**Commissioners**  
**Eric Sklar**, President  
Saint Helena  
**Anthony C. Williams**, Vice President  
Huntington Beach  
**Jacque Hostler-Carmesin**, Member  
McKinleyville  
**Russell E. Burns**, Member  
Napa  
**Peter S. Silva**, Member  
Jamul

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

## Fish and Game Commission



Wildlife Heritage and Conservation  
Since 1870

**Valerie Termini**, Executive Director  
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Sacramento, CA 94244-2090  
(916) 653-4899  
fgc@fgc.ca.gov  
www.fgc.ca.gov



### CALIFORNIA FISH AND GAME COMMISSION NOTICE OF FINAL CONSIDERATION OF PETITIONS

NOTICE IS HEREBY GIVEN pursuant to the provisions of Fish and Game Code Section 2078, that the California Fish and Game Commission (Commission), has scheduled final consideration of petitions to list tricolored blackbird (*Agelaius tricolor*), coast yellow leptosiphon (*Leptosiphon croceus*) and Lassics lupine (*Lupinus constancei*) as threatened or endangered species for its April 18-19, 2018, meeting. Consideration of the petitions will be heard April 19 at 8:30 a.m., or as soon thereafter as the matter may be heard, at the Four Points by Sheraton Ventura Harbor Resort, 1050 Schooner Drive, Ventura, California.

The agenda of the April 18-19, 2018 meeting, and the agendas and video archive of previous meetings where actions were taken on tricolored blackbird, coast yellow leptosiphon and Lassics lupine are available online at <http://www.fgc.ca.gov/meetings/>.

Pursuant to the provisions of Fish and Game Code, sections 2075 and 2075.5, the Commission will consider the petitions and all other information in the records before the Commission to determine whether listing tricolored blackbird, coast yellow leptosiphon and Lassics lupine as threatened or endangered species is warranted.

The petitions, the Department evaluation reports, and other information in the records before the Commission are posted on the Commission website at <http://www.fgc.ca.gov/regulations/2018/index.aspx>.

Fish and Game Commission

April 3, 2018

Valerie Termini  
Executive Director