



STANISLAUS COUNTY FISH AND WILDLIFE COMMITTEE

3800 CORNUCOPIA WAY, SUITE C, MODESTO, CALIFORNIA 95358



THURSDAY, JULY 27, 2017

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. Fund Request from Parks & Recreation Department for fish plant at Woodward Reservoir -Fresh Water Fish in Sacramento – Cathy Gomez and Ashley Garcia
2. Fund Request from East Stanislaus Resources Conservation District for T-Shirts purchase from Cheapes Tees for the Stanislaus River Salmon Festival – Alexandria Miranda and Trina Walley
3. No project updates

Correspondence:

1. Notice of Proposed regulatory action relative to Section 1.95, Title 14 – May 18, 2017
2. Notice of Findings regarding the petition to list foothill-yellow-legged frog – July 7, 2017
3. Notice of Findings regarding the northern spotted owl – July 7, 2017

Agenda Items:

1. Public Comment(s)
2. Approval of April 27, 2017 Meeting Minutes
3. Wildlife Management Report
4. Fishery Report
5. Wildlife Enforcement Report
6. Wood Duck Report
7. Old Business
8. Committee Comments

FW Members
Cristen Langner, DFG
Steve Tsao, DFG
Phil McKay, DFG

Adjourn: Next meeting – Thursday, October 26, 2017 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.

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.shtml> 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

APRIL 27, 2017 AT 4:00 P.M.

3800 CORNUCOPIA WAY, 2ND 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
Ken Meidl, D4
(*present by telephone conference)

STATE FISH & WILDLIFE REPRESENTATIVE:

Phil McKay

PARKS & RECREATION STAFF PRESENT:

Adrienne Rios
Lisa Velarde

EXCUSED/ABSENT:

Jason Guignard, D1- Excused
Ed Channing, ALT - Excused

GUESTS PRESENT:

A. CALL TO ORDER & INTRODUCTIONS

Ed Ayers called the meeting to order. Introductions were made for all present at the meeting.

Ed Ayers

B. REQUESTS FOR FUNDS/PROJECT UPDATES

No request for funds or project updates received.

ACTIONS & REPORTER

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, Jim
Atherstone

1. Notice of Proposed Emergency Action Tricolored Blackbird. *Fish and Game Commission February 16, 2017.*
2. Notice of Findings Lassics lupine. *Fish and Game Commission February 22, 2017.*
3. Notice of Findings Flat-Tailed Horned Lizard. *Fish and Game Commission February 22, 2017.*
4. Notice of Published Code Use of Dogs for Pursuit. *Fish and Game Commission February 23, 2017.*
5. Notice of Proposed Regulatory Action relating to upland game bird. *Fish and Game Commission April 7, 2017.*

*Jim Atherstone received correspondence regarding crabs and lobsters dated April 10, 2017.

D. PUBLIC COMMENTS	ACTIONS & REPORTER
No comment was received.	
E. APPROVAL OF MINUTES	ACTIONS
Minutes for the January 26, 2017 meeting were approved upon motion and second as presented.	<i>Atherstone, Bashaw, unanimous approval</i>
F. WILDLIFE MANAGEMENT REPORT	ACTIONS & REPORTER
An elk in San Luis (near the park area in front of the dam) was tangled up in wire for several days before it was tranquilized, untangled, administered antibiotics, and set free.	<i>Phil McKay</i>
G. FISHERY REPORT	ACTIONS & REPORTER
No information to report.	
H. WILDLIFE ENFORCEMENT REPORT	REPORTER
1. Reports of two dairy discharges, which was mentioned during the January committee meeting. Department of Fish and Game responded and assisted the Regional Water and Control Board. Reports were completed detailing a valve was left open on one dairy and the second dairy had run off issues. Both incidents were on the east side of Stanislaus County. Cases were filed for each incident. Fines can be upwards to \$25,000. Environmental District Attorney handles cases for Stanislaus County. The Department of Fish and Games' maximum fine is \$25,000; however, fines can increase after multiple offenses.	<i>Phil McKay</i>
2. Recent fine for approximately \$12,000 for a case near the Claribel Road area.	<i>Ed Ayers</i>
I. WOOD DUCK REPORT	ACTIONS & REPORTER
1. A portion of the area/ground owned by River Partners near Shiloh and Tuolumne River (by Laird Park) is prone to flooding and is being converted to a natural habitat. No hunting or similar activities allowed on the property, however, the property will have native vegetation and wildlife and educational opportunities for children and committees. River Partners was to determine their interest in wood duck boxes. River Partners agreed to accept 10 to 12 wood duck boxes and will utilize the help of volunteers to put up and maintain the boxes.	<i>Phil McKay</i>
2. California Waterfowl Association agreed to take over the wood duck box project. A meeting was scheduled to go out to Blom Ranch with California Waterfowl in March 2017 to discuss transfer of project/program; however, the quantity of rain fall prevented the meeting from taking place (ground was too saturated with rain water and river was too high). The meeting will be rescheduled once the rain subsides. California Waterfowl were given wood duck boxes and ladders. Ed Ayers requested to keep a few boxes and California Waterfowl agreed to his request. California Waterfowl will take over the wood duck report, work surveillance program, and work/maintain areas where existing wood duck boxes are located. The Fish and Wildlife Committee's area will be shorthanded as the committee has approximately 200 wood duck boxes and not enough people to maintain them. Blom Ranch has 40, Vine Ranch has 20, Nelson's property has 10 to 12 boxes that belong to the Committee along with their own boxes that are on poles, and there are 20 boxes on Vinn Ranch. Bob Bashaw currently has a total of 5 boxes. Ed Ayers has 25+ boxes. Ed Ayers will contact Caroline Brady, Waterfowl Programs Coordinator, prior to the season ending. The Committee's goal is to have at least 20 boxes on a ranch for students to maintain. Ed Ayers states that Caroline Brady would like records kept for monitoring purposes. Phil McKay will coordinate with Caroline Brady and River Partners to facilitate the transfer of the wood duck project. Ed Ayers is storing wood duck boxes that have been taken down in addition to \$2,000 worth of poles. Ed Ayers referenced/recommended committee members to refer to the Wood Duck Society's website for best practices	<i>Ed Ayers</i>

regarding the installation of boxes and poles to protect against predators.

J. COMMITTEE FUND PRODECURES

ACTIONS & REPORTER

Sole Source (County form) was presented and discussed. Quorum was not obtained during the committee meeting held on January 26, 2017 due to limited membership. Purchases over \$5,000 require three bids. Refer to Fund Request Procedures. The Sole Source form can be used when it is difficult to find three separate vendors for items like fish.

*Ed Ayers
Bashaw, Gladney,
unanimous approval*

K. COMMITTEE MEMBERSHIP

ACTIONS & REPORTER

1. There is an issue with maintaining committee membership. Possible new members who reside in Modesto, Vernalis and Newman were discussed. The committee is short members in District 5. Oakdale area is covered in terms of committee membership (Jason Guignard and Vernon Gladney).
2. Ed Ayers would like to have nine committee members and have five alternates.
3. Discussion ensued regarding the issue with obtaining quorum due to several vacancies on the committee. According to Robert's rules, quorum could be obtained with four members if there are only seven committee members with two vacancies.
- The committee currently has seven members. Based on attendance, a member and several alternates will receive courtesy letters informing them of discontinued
4. membership in the Fish and Wildlife Committee due to lack of committee meeting attendance. A notification letter will be drafted and submitted to Ed Ayers for approval prior to sending. As a result, the committee will have six committee members remaining. It is possible that new committee members will be joining as "at large" members who do not necessarily represent a particular district. Once new members join the committee and membership is no longer an issue, the committee will work on further amending/rewording the bylaws.
5. Definition of an excused absence was discussed by committee, and the committee agreed that a list detailing acceptable excused reasons is not needed.
6. Changes to committee bylaws were presented regarding attendance and membership.

Ed Ayers

*Gladney, Atherstone,
unanimous approval*

L. OLD BUSINESS AND COMMITTEE COMMENTS

ACTIONS & REPORTER

1. Lisa Velarde presented more survey results from the Fishing Survey. Ed Ayers sends his thank you to Cathy Gomez for coordinating the fishing survey and forwarding the results to the committee.

Lisa Velarde

The committee would like to continue monitoring the outcome of the fish planting at Woodward and Modesto Reservoir by continuing to offer surveys at each site. Ed Ayers would like to encourage employees to complete surveys on behalf of fishermen making comments/suggestions regarding their fishing experience and suggested placing a sign by the lake encouraging fishermen to complete the survey.

Ed Ayers

Based on the survey results, Phil McKay mentioned that the committee may want to consider funding improvements of the lake habitat – plant more trees, create bass habitat, etc. There will not be any material to plant trees until January (wait until after Christmas). Committee will check with Jason Guignard to see if he has any ideas as far as material for the lake's habitat.

Phil McKay

2. The committee would like to explore the possibility of coordinating with Stanislaus County Parks and Recreation to have the Boy Scouts assist in replanting habitat in warm water fisheries. In the past, requests were made for Boys Scouts to pick up litter at the reservoir, however, liability and insurance coverage was a concern for the Parks and Recreation Department. Lisa Velarde will speak to Merry Mayhew, Assistant Director, to determine the possibility of the Fish and Wildlife Committee coordinating the use of Boys Scouts to replant habitat for warm water fisheries.
3. Vernon Gladney will represent the Fish and Wildlife Committees at the Kids Fishing Day scheduled for May 6, 2017, from 9 a.m. to approximately 12 p.m. (located near the Gravel Pond off Orange Blossom Road). Army Corps of Engineer coordinates with PALS for this event. Kenneth Meidl is available to attend the event as well.

Vernon Gladney

Ed Ayers

M. 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, July 27, 2017 at 4:00 p.m.
Conference Room, 2nd Floor
 3800 Cornucopia Way, Modesto

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

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 Commission 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.

Fund Request Application

Stanislaus County Fish and Wildlife

DRAFT 1/24/2013

Applicant Name Stanislaus County
Agency Department of Parks and Recreation
Mailing Address 3800 Cornucopia Way
City, State, Zip Modesto, CA 95358
Phone 209-525-6783 E-mail cgomez@parksrec.org

Requesting Fund Amount \$ 5,000 Funds needed by October 1, 2017

Project Performance Period October 1, 2017 - December 31, 2017

Event Name (if applicable) Gary Dobyns Challenge --Wild West Bass Trail Competition

Purpose Woodward Reservoir will provide the venue for their very first Bass Fishing Competition. Wild West Bass Trail will be hosting the event. Together we are inviting fishermen near and far to come and compete.

Fish and Wildlife Code(s) Met Fish and Game Code 13103 (d) Breeding, raising, purchasing, or releasing fish or wildlife which are to be released upon approval into waters open to the public.
Benefit

We invite people out to the reservoir to experience the beauty of Woodward Reservoir. They will be fishing the reservoir for perhaps the first time. We would like to purchase larger bass for this event to make the outing more exciting and competitive.

Detail Items to be Purchased (List Item Name and Cost per Item, or attach quote(s). Additional sheets may be attached for more items.)

Bass Fish: 12-14 inches long - Pure Northern Large Mouth Bass - \$15.00 a piece. We would purchase 333 fish. Spoke to Greg Leonard. He said they would waive the Delivery Fee. The total amount would be \$5,000.

Vendor to be purchased from Fresh Water Fish in Sacramento, CA 916-684-2522

Will you accept partial funding? ☒ YES ☐ NO

This application may be fax to (209) 525-6773 or mailed to:

Stanislaus County Fish & Wildlife Committee
c/o Stanislaus County Parks and Recreation
Attn: Parks Administration
3800 Cornucopia Way, Suite C
Modesto, CA 95358

I have read and understand the Fund Request Procedures and agree to utilize the funds I am approved for to purchase items listed in this packet for said purposes and in accordance to California Fish and Wildlife Codes and Regulations. I understand I will follow-up with the Committee on the outcome of this fund request by attendance at a Fish and Wildlife Committee meeting within one year.

Signature: Cathy A. Gomez

Date: 5/29/17



OFFICE USE ONLY:

APPROVED FOR \$

DATE:

FRESHWATER FISH COMPANY

Fish For your Pond and Lake Stocking Needs

11520 Bruceville Road
Elk Grove, California 95757
info@freshwaterfishco.com
www.freshwaterfishco.com

QUOTE

INVOICE #062717-Q
DATE: 6/27/2017

TO:
Cathy Gomez
Stanislaus County
Department of Parks and Recreation
209-525-6783

FOR:
Stocking

DESCRIPTION	QUANTITY	PRICE	AMOUNT
Largemouth bass (12-15 inch)	333	\$15.00	\$4,995.00
Delivery charge from our Elk Grove farm (\$3.50/mile one way)		Waived	0
Sizes are approximate			
TOTAL			\$4,995.00

Make all checks payable to FRESHWATER FISH COMPANY
Freshwater Fish Co only accepts cash or check due at delivery

THANK YOU FOR YOUR BUSINESS!

July 5, 2017

Stanislaus County

Department of Parks and Recreation

Requesting to Order: 333 Largemouth bass (12-15 inch)

FRESHWATER FISH COMPANY

Address: Fish For your Pond and Lake Stocking Needs
11520 Bruceville Road
Elk Grove, California 95757
info@freshwaterfishco.com
www.freshwaterfishco.com

Notes: [Fish are 12-15 inches - @ \\$15.00 each for 333 fish= \\$4,995.00](#)

GINO'S FISH FARM

Address: 10815 Carpenter Rd, Crows Landing, CA 95313
Phone: (530) 304-9088
Notes: No Bass right now – Only Catfish and Sturgeons – Fish are 2-3 pounds

DUNN'S FISH FARM

Address: 17774 County Rd 1660 in Fittstown, Oklahoma 74842.
Phone: 800-433-2950
Notes: 3-4" Bass \$1.20 Not Available online at this time.

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STANISLAUS COUNTY
PARKS & RECREATION



Presents

GARY DOBYNS BASS CHALLENGE

OCTOBER 14 -15, 2017

WOODWARD RESERVOIR | 14528 26-MILE RD. | OAKDALE, CA 95361

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Fund Request Application

Stanislaus County Fish and Wildlife



STANISLAUS COUNTY
FISH AND WILDLIFE COMMITTEE

3800 CORNUCOPIA WAY, SUITE C, MODESTO, CALIFORNIA 95358

Applicant Name Alexandria Miranda & Trina Walley
Agency East Stanislaus Resource Conservation District
Mailing Address 3800 Cornucopia Way, Suite E
City, State, Zip Modesto, CA 95385
Phone 209-491-9320 Ext. 138 / 139 E-mail alexandria@eaststanrccd.org

Requesting Fund Amount \$ \$531.60 Funds needed by October 20, 2017

Project Performance Period November 11, 2017

Event Name (if applicable) Stanislaus River Salmon Festival

Purpose The purpose of this festival is to provide our community with an opportunity to get outdoors and learn more about the diverse resources of Stanislaus County as well as the importance of protecting them. Attendees experience hands on learning and get to create their own Salmon Festival t-shirts with fish stamps and paint.

Fish and Wildlife Code(s) Met (CFG Code Section 13100-13104) 13103 (a) and 13103 (m)

Public Benefit The free event provides students and families a day of hands-on activities to learn about the life cycle of Salmon and about the Stanislaus River. The event is an educational experience for public to better understand the need to protect, conserve, propogate, and preserve our fish and wildlife.

Detail Items to be Purchased (include cost per item, and/or attach quote(s). Additional sheets may be attached.)

270 plain white youth and adult t-shirts - \$531.60 (ESRCD to pay taxes and S&H)

Vendor to be purchased from CheapesTees.com

Will you accept partial funding? ☒ YES ☐ NO

This application may be fax to (209) 525-6773 or mailed to:

Stanislaus County Fish & Wildlife Committee
c/o Stanislaus County Parks and Recreation
Attn: Parks Administration
3800 Cornucopia Way, Suite C
Modesto, CA 95358

I have read and understand the Fund Request Procedures and agree to utilize the funds I am approved for to purchase items listed in this packet for said purposes and in accordance to California Fish and Wildlife Codes and Regulations. I understand I will follow-up with the Committee on the outcome of this fund request by attendance at a Fish and Wildlife Committee meeting within one year.

Signature: Alexandria Miranda Date: 7/12/2017

OFFICE USE ONLY:

APPROVED FOR \$ _____ MEETING DATE: _____



Board of Directors

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Mike Passalacqua, Vice Chairman
Frank Coehlo, Treasurer
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Darrell Cordova, Director
Cle Moore-Bell, Associate Director
www.eaststanrcd.org

July 12, 2017

Dear Stanislaus County Fish and Wildlife Committee,

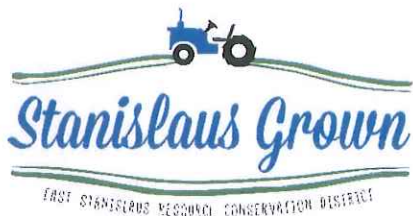
The East Stanislaus Resource Conservation District is excited to announce the 9th annual Stanislaus River Salmon Festival, happening November 11, 2017! The purpose of this festival is to provide our community with an opportunity to get outdoors and learn more about the diverse resources of Stanislaus County as well as the importance of protecting them. The festival will host several activities for adults and children including: live music, food, face painting, fish print t-shirt designs, fly fishing demos, and historic tours. The event will also feature educational exhibits on seasonal salmon runs, local agriculture, and the organizations working to promote clean water here in Stanislaus County.

Last year we had approximately 4,800 people attend the festival, more than we've ever had before, and are expecting a similar turn out again this year. The ESRCD would like to request your continued support of this community festival through a donation of \$531.60 to purchase the t-shirts that attendees get to stamp and take home.

Thank you for your support of this year's Salmon Festival!

Alexandria Miranda

Agricultural Conservationist
East Stanislaus Resource Conservation District



www.StanislausGrown.org

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www.EastStanRCD.org

Agency/Organization	Agreement Number	Invoice Number	
Stanislaus County Fish & Wildlife Committee	N/A	ESRCD17-00	
Agency/Organization Contact	Agreement Period	Period Covered by Invoice	
	Start: End:	Start: End:	
	N/A N/A	N/A	N/A
Agency/Organization Address	Remit Payment To		
	East Stanislaus Resource Conservation District		
	Attn: Jamie Meek		
	3800 Cornucopia Way, Suite E		
	Modesto, CA 95358		
Invoice Detail			
Line Item Detail	Rate	Quantity	Total
Salmon Festival T-Shirts - Youth	\$1.98	240	\$475.20
Salmon Festival T-Shirts - Adult	\$1.88	30	\$56.40
(ESRCD to pay taxes, S&H)			
	THANK YOU!		
		Subtotal	\$531.60
		Administrative Fee	N/A
		Total Due	\$531.60






3800 Cornucopia Way, Suite E | Modesto, California 95358 | 209.491.9320 ext. 122 |
209.491.9331 (fax)

The East Stanislaus Resource Conservation District is committed to conserving, improving and sustaining the natural resources, environment and economy of Eastern Stanislaus County.

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Shopping Cart				
Item	Options	Unit Price	Qty.	Cost
 Gildan Youth Lightweight 100% Cotton T-Shirt [remove]	Size : XS Color : White	\$1.98	<input type="text" value="80"/>	\$158.40
 Gildan Youth Lightweight 100% Cotton T-Shirt [remove]	Size : S Color : White	\$1.98	<input type="text" value="80"/>	\$158.40
 Gildan Youth Lightweight 100% Cotton T-Shirt [remove]	Size : M Color : White	\$1.98	<input type="text" value="80"/>	\$158.40
 Gildan Lightweight 100% Cotton T-Shirt [remove]	Size : M Color : White	\$1.88	<input type="text" value="15"/>	\$28.20
 Gildan Lightweight 100% Cotton T-Shirt [remove]	Size : L Color : White	\$1.88	<input type="text" value="15"/>	\$28.20
			Update	
			Subtotal:	\$531.60
			Total:	\$531.60

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**Save More On These Items:**Gildan Ultra Cotton
Heavyweight T-Shirt

Price: \$12.00

Sale Price: \$2.54[Order](#)Hanes Authentic
Tagless Tee

Price: \$12.00

Sale Price: \$3.34[Order](#)**Shipping Calculator**

Zip Code: State:

9th Annual

STANISLAUS RIVER



**Sat. Nov 11
10-3**

SALMON FESTIVAL

Free Family Friendly

Knights Ferry Recreation Area

12 miles East of Oakdale off Hwy 120

Info: 209 403-1046



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(916) 653-4899
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Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

BOARD OF SUPERVISORS

2017 MAY 18 A 10:43

May 18, 2017

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 1.95, Title 14, California Code of Regulations, relating to a process to conform State recreational fishing regulations to federal regulations, which will be published in the California Regulatory Notice Register on May 19, 2017.

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

Sincerely,

Sherrie Fonbuena
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 Section 7110 of the Fish and Game Code and to implement, interpret or make specific said section of said Code, proposes to add Section 1.95, Title 14, California Code of Regulations (CCR), relating to a process to conform State recreational fishing regulations to federal regulations.

Informative Digest/Policy Statement Overview

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S. Code §1801 et seq.), the federal government exercises exclusive jurisdiction over fishery resources from 3 to 200 miles offshore. However, because these fish stocks also live in State waters, it is important to have consistent State and federal regulations establishing season dates and other management measures, and also important that the State and federal regulations be effective concurrently. Consistency of rules in adjacent waters allows for uniformity of enforcement, minimizes confusion, and allows for a comprehensive approach to resource management. Consistency with federal regulations is also necessary to maintain State authority over its fisheries and avoid federal preemption under the Magnuson-Stevens Fishery Conservation Act [16 USC §1856 (b)(1)].

Under current State law (Fish and Game Code Section 7110) the Commission has authority to establish through regulation an automatic process to conform State recreational fishing regulations applicable in State waters (zero to three miles offshore) to federal regulations. The conforming actions implemented pursuant to the automatic process are exempt from the Administrative Procedure Act [Chapter 3.5 (commencing with Section 11340) of the Government Code].

Federal regulations may be adopted annually and may be amended more often, if necessary, and serve to implement fishery management measures adopted by the Pacific Fishery Management Council. These measures include those for recreational fishing in federal waters off California.

For species managed under federal fishery management plans or regulations, the Commission has usually taken concurrent action to conform State recreational regulations to federal regulations that have been adopted through an open and deliberative federal rulemaking process, which includes a detailed review of economic impacts. Conforming State recreational regulations is done in recognition of federal jurisdiction and to ensure consistency and ease of use for constituents who are subject to both State and federal laws while fishing, or possessing sport fish. However, the dual process is redundant and inefficient, and historically the lag between federal action and conforming State action has created a period of management inconsistency and confusion. To improve regulatory efficiency, Fish and Game Code Section 7110 was enacted with the goal of reducing redundancies between State and federal rulemaking processes for these species.

Current recreational fishing regulations for salmon and Pacific halibut are a conglomerate of State regulations that conform to federal regulations, and State regulations that are more restrictive than and not in conflict with federal regulations, including State regulations that cover aspects not addressed in federal regulations.

Proposed Regulations

Section 1.95 will be added to Title 14, CCR, to describe the process through which State recreational fishing regulations for salmon and Pacific halibut will automatically conform to federal regulations.

The proposed regulation provides that recreational regulations for salmon and Pacific halibut established through the automatic conformance process shall govern unless the Commission adopts regulations using the regular rulemaking process [Chapter 3.5 (commencing with Section 11340) of Division 3 of Title 2 of the Government Code] and specifically declares at the time of adoption the intent to deviate from the automatic conformance process.

The proposed regulations describe the two processes by which State recreational fishing regulations for salmon and Pacific halibut may conform to federal regulations: the standard conformance process to be used for annual regulations, or corrections to annual regulations, and the conformance process to be used for in-season changes to regulations.

The proposed regulation specifies that the effective date of State regulations conformed pursuant to the automatic conformance process will be the same as the effective date of the federal regulation.

The proposed regulation specifies that nothing in Section 1.95 controls the adoption or validity of Commission regulations pertaining to the identified species on matters that the federal regulations do not address.

Existing species-specific regulations will remain in Title 14. In the future, these sections may be amended to conform to federal regulations pursuant to the process described in Section 1.95, or may be amended pursuant to the regular rulemaking process, as desired by the Commission.

Goals and Benefits of the Regulation

The proposed regulations will help reduce or eliminate the delay between federal action and conforming State action which leads to a period of management inconsistency and confusion between regulations for federal and State ocean waters. Timely conformance also eliminates the potential for a preemption issued under the Magnuson-Stevens Fishery Conservation and Act, and reduces redundant workload for the State.

The proposed regulation may result in future benefits to the environment by the timely conformance to federal regulation, resulting in the sustainable management of California's fish resources.

Compatibility with Existing State Regulations

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to adopt recreational fishing regulations in general (Fish and Game Code Sections 200, 205 and 265); and an automatic process to conform State recreational fishing regulations to federal regulations (Fish and Game Code Section 7110). Commission staff has searched the California Code of Regulations and has found no other State regulations related to conforming recreational fishing regulation to federal 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 Howonquet Hall Community Center, 101 Indian Court, Smith River, California, on Thursday, June 22, 2017, 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 the Resources Building Auditorium, First Floor, 1416 Ninth Street, Sacramento, California, on Thursday, August 17, 2017, 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 5:00 p.m. on August 3, 2017, at the address given below, or by email to FGC@fgc.ca.gov. **Written comments mailed, delivered, or emailed to the Commission office, must be received before 12:00 noon on August 11, 2017.** All comments must be received no later than August 17, 2017, at the hearing in Sacramento, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through our website at www.fgc.ca.gov. 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 Sherrie Fonbuena at the preceding address or phone number. **Sherrie Fonbuena, phone (916) 653-4899, has been designated to respond to questions on the substance of the proposed regulations.**

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. 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 Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation prescribes a procedure the Commission may use to conform State recreational fishing regulations to federal regulations.

- (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 in California.

The Commission does not anticipate any impacts on the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in California.

The Commission does not anticipate benefits to the health and welfare of California residents.

The Commission anticipates future benefits to the environment by the timely conformance to federal regulation, resulting in the sustainable management of California's fish resources.

The Commission does not anticipate any benefits to worker safety.

- (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:

The Commission expects time savings for existing staff that will permit both the Commission and Department to devote more staff resources to achieving other core mandates.

- (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: May 3, 2017

Valerie Termini
Executive Director

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
El Cajon

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

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

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

July 3, 2017

TO ALL INTERESTED AND AFFECTED PARTIES:



This is to provide you with a Notice of Findings regarding the petition to list foothill-yellow-legged frog as threatened under the California Endangered Species Act. This notice will be published in the California Regulatory Notice Register on July 7 2017.

Sincerely,

A handwritten signature in cursive script that reads 'Sheri Tiemann'.

Sheri Tiemann
Associate Governmental Program Analyst

Attachment

Commissioners
Eric Sklar, President
Saint Helena
Jacque Hostler-Carmesin, Vice President
McKinleyville
Anthony C. Williams, Member
Huntington Beach
Russell E. Burns, Member
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Fish and Game Commission



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CALIFORNIA FISH AND GAME COMMISSION NOTICE OF FINDINGS

Foothill Yellow-Legged Frog (*Rana boylei*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission (Commission), at its June 21, 2017, meeting in Smith River, California, accepted for consideration the petition submitted to list foothill yellow-legged frog as a threatened species. Pursuant to subdivision (e)(2) of Section 2074.2 of the Fish and Game Code, the Commission determined that the amount of information contained in the petition, when considered in light of the Department of Fish and Wildlife's (Department) written report, the comments received, and the remainder of the administrative record, would lead a reasonable person to conclude there is a substantial possibility the requested listing could occur.

Based on that finding and the acceptance of the petition, the Commission is also providing notice that the aforementioned species is a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the June 21, 2017 Commission meeting, are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, California 95814, phone (916) 653-4899. Written comments or data related to the petitioned action should be directed to the Commission at the aforementioned address.

Fish and Game Commission

June 27, 2017

Valerie Termini
Executive Director

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
El Cajon

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Valerie Termini, Executive Director
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Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

July 3, 2017



TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a Notice of Findings regarding the northern spotted owl which will be published in the California Regulatory Notice Register on July 7, 2017.

Sincerely,

Sheri Tiemann

Associate Governmental Program Analyst

Attachment

June 2017

NOTICE OF FINDINGS

Northern Spotted Owl

(*Strix occidentalis caurina*)

NOTICE IS HEREBY GIVEN that the California Fish and Game Commission (Commission), at its meeting in Folsom, California on August 25, 2016, made a finding pursuant to Fish and Game Code Section 2075.5, that the petitioned action to add the northern spotted owl (*Strix occidentalis caurina*) to the list of threatened species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) is warranted. (See also Cal. Code Regs., tit. 14, § 670.1, subd. (i).)

NOTICE IS ALSO GIVEN that, at its February 8, 2017 meeting in Rohnert Park, California, the Commission considered draft findings, continued the item until its June 21, 2017 meeting in Smith River, and adopted the following findings outlining the reasons for its determination.

I. Background and Procedural History

On September 7, 2012, the Commission received the "Petition to List the Northern Spotted Owl as 'Threatened' or 'Endangered' Under the California Endangered Species Act" (September 4, 2012; hereafter, the Petition), as submitted by the Environmental Protection Information Center (Petitioner). Commission staff transmitted the Petition to the California Department of Fish and Wildlife (Department) pursuant to Fish and Game Code Section 2073 on September 10, 2012, and the Commission published formal notice of receipt of the Petition on October 5, 2012 (Cal. Reg. Notice Register 2012, No. 40-Z, p. 1490).

The Department requested a 30-day extension on November 19, 2012, and the Commission approved the extension on December 12, 2012. After evaluating the Petition and other relevant information the Department possessed or received, the Department determined that based on the information in the Petition, there was sufficient scientific information to indicate that the petitioned action may be warranted, and recommended the Commission accept the Petition in an evaluation dated February 6, 2013. At its meeting on March 6, 2013, the Commission formally received the Department's petition evaluation. At its meeting on April 17, 2013 the Commission considered the petition evaluation as well as an errata and corrections document filed by the Department on April 15, 2013, and postponed further deliberations concerning the petition to receive further information on questions raised during the April meeting. At its August 7, 2013 meeting, the Commission received further comments, deliberated, and voted to accept the Petition and initiate a review of the species' status in California, finding that it contained sufficient information to indicate the petitioned action may be

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The United States Fish and Wildlife Service listed northern spotted owl as a threatened species under the Endangered Species Act in 1990. In 1994, the Northwest Forest Plan provided protections for the northern spotted owl and other species inhabiting late-successional forests in Washington, Oregon, and California. The northern spotted owl's first critical habitat designation occurred in 1992 and was revised in 2008. A new final rule designating critical habitat was published in December of 2012. The USFWS first issued a recovery plan for the northern spotted owl in 2008 and revised it in 2011.

II. Statutory and Legal Framework

The Commission, as established by the California Constitution, has exclusive statutory authority under California law to designate endangered, threatened, and candidate species under CESA. (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, § 2070.) The CESA listing process for northern spotted owl began in the present case with the Petitioners' submittal of the Petition to the Commission on September 7, 2012. Pursuant to Fish and Game Code Section 2073, on September 10, 2012 the Commission transmitted the petition to the Department for review pursuant to Fish and Game Code Section 2073.5. The regulatory and legal process that ensued is described in some detail in the preceding section above, along with related references to the Fish and Game Code and controlling regulation. The CESA listing process generally is also described in some detail in published appellate case law in California, including:

- *Mountain Lion Foundation v. California Fish and Game Commission* (1997) 16 Cal.4th 105, 114-116;
- *California Forestry Association v. California Fish and Game Commission* (2007) 156 Cal.App.4th 1535, 1541-1542;
- *Center for Biological Diversity v. California Fish and Game Commission* (2008) 166 Cal.App.4th 597, 600; and
- *Natural Resources Defense Council v. California Fish and Game Commission* (1994) 28 Cal.App.4th 1104, 1111-1116.

The "is warranted" determination at issue here for northern spotted owl stems from Commission obligations established by Fish and Game Code Section 2075.5. Under this provision, the Commission is required to make one of two findings for a candidate species at the end of the CESA listing process; namely, whether the petitioned action is warranted or is not warranted. Here, with respect to the northern spotted owl, the Commission made the finding under Section 2075.5(e)(2) that the petitioned action is warranted.

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Society v. City of Moreno Valley (1996) 44 Cal.App.4th 593, 601; Fish & G. Code, §§ 2051, 2052.)

Finally in considering these factors, CESA and controlling regulations require the Commission to actively seek and consider related input from the public and any interested party. (See, e.g., *Id.*, §§ 2071, 2074.4, 2078; Cal. Code Regs., tit. 14, § 670.1, subd. (h).) The related notice obligations and public hearing opportunities before the Commission are also considerable. (Fish & G. Code, §§ 2073.3, 2074, 2074.2, 2075, 2075.5, 2078; Cal. Code Regs., tit. 14, § 670.1, subds. (c), (e), (g), (i); see also Gov. Code, § 11120 et seq.) All of these obligations are in addition to the requirements prescribed for the Department in the CESA listing process, including an initial evaluation of the petition and a related recommendation regarding candidacy, and a review of the candidate species' status culminating with a report and recommendation to the Commission as to whether listing is warranted based on the best available science. (Fish & G. Code, §§ 2073.4, 2073.5, 2074.4, 2074.6; Cal. Code Regs., tit. 14, § 670.1, subds. (d), (f), (h).)

III. Factual and Scientific Bases for the Commission's Final Determination

The factual and scientific bases for the Commission's determination that designating the northern spotted owl as a threatened species under CESA is warranted are set forth in detail in the Commission's record of proceedings including the Petition, the Department's Petition Evaluation Report, the Department's status review, the Department's supplemental report to respond to public comments, written and oral comments received from members of the public, the regulated community, tribal entities, the scientific community and other evidence included in the Commission's record of proceedings.

The Commission determines that the continued existence of the northern spotted owl in the State of California is in serious danger or threatened by one or a combination of the following factors as required by the California Code of Regulations Title 14, Section 670.1, subdivision (i)(1)(A):

1. Present or threatened modification or destruction of its habitat;
2. Overexploitation;
3. Predation;
4. Competition;
5. Disease; or
6. Other natural occurrences or human-related activities.

(mainly dusky-footed woodrats in California), though other prey (e.g. birds, bats) is also taken (Forsman et al. 1984, 2001, 2004, Zabel et al. 1995, Ward et al. 1998, Franklin et al. 2000, Hamer et al. 2001). The barred owl diet consists of a wide array of prey, including small mammals ranging from rabbits to bats, small to medium sized birds, amphibians, reptiles, fish, and invertebrates; however, mammals make up a majority of prey items (Hamer et al. 2001, Mazur and James 2000, Mazur et al. 2000). The broader range of prey selected by barred owls contributes to the smaller home ranges in comparison to northern spotted owls, which may result in higher densities of barred owls within the spotted owl range (Livezey et al. 2008).

Barred owls will negatively impact northern spotted owls at several levels. Barred owls are aggressive toward spotted owls (Van Lanen et al. 2011), and have attacked spotted owls on occasion (Leskiw and Gutiérrez 1998, Courtney et al. 2004). Spotted owls will reduce their calls or not call at all if barred owls are in the vicinity (Cozier et al. 2006, Kroll et al. 2010, Dugger et al. 2011, Diller 2014, Sovern et al. 2014), making them more difficult to detect. Barred owls will displace northern spotted owls from their territories, forcing them out of their long-held territory (Olson et al. 2004, Kroll et al. 2010, Dugger et al. 2011, Diller 2014, Sovern et al. 2014, GDRC 2015, Weisel 2015, Dugger et al. 2016). Northern spotted owl activity centers will shift away from areas where barred owls are present even if they do not entirely abandon their territory (Kelly 2001, Gremel 2005, Diller 2014, Weins et al. 2014).

Competition between the two species has dramatically impacted northern spotted owl site occupancy in California. A recent analysis (Dugger et al. 2016) determined territory occupancy rates declined in all 11 demographic study areas across the entire northern spotted owl range, with a strong positive relationship between the presence of barred owls and territory extinction rates (Dugger et al. 2016). The primary cause of northern spotted owl population declines are competition with barred owl, largely as a result of a strong negative effect of barred owl on northern spotted owl apparent survival rates and a positive effect of barred owl on northern spotted owl territory extinction rates.

When analyzing northern spotted owl data through 2013, Dugger et al. (2016) indicated the primary cause of declines across the range are strong negative effect of barred owl on apparent survival rates and a positive effect of barred owl on territory extinction rates. Apparent survival and the rate population change rates declined on all 3 demographic study areas in California, with the exception of the Green Diamond Resource treatment area (i.e., the area where barred owls were removed). The Green Diamond Resource treatment area survival rate was 0.857 (SE=0.009) before removal, and 0.870 (SE=0.021) after removal (the highest across the entire range; Dugger et al. 2016). The rate of population change at the Green Diamond Resource treatment area was positive ($\lambda=1.030$, SE=0.040) after barred owls were removed (Dugger et al. 2016). When barred owls were removed from historical northern spotted owl territories on the

in the last two decades (Davis et al. 2015). Conversely, timber harvest has been the primary cause of habitat loss on nonfederal lands since 1993 (Davis et al. 2015). Northern spotted owl densities in California forests have not plummeted to the extent they have for the species in Oregon and Washington in large part to protective regulations governing timber harvest on nonfederal lands in California (i.e., Forest Practice Rules). In addition, there has been some amount of forest habitat recruitment since implementation of the Forest Practice Rules and NWFP, though the level and extent of succession is unknown (DFW, 2016 Status Review). Regardless of these protections, losses of nesting and roosting habitat due to timber harvest in California have continued. From 1994-2007, 5.8% of nesting and roosting habitat on nonfederal lands in California was removed by timber harvest (Davis et al. 2011). Regionally, the California Klamath and Cascades provinces have experienced net losses of nesting and roosting habitat since 1994 (Davis et al. 2011). However, due to habitat recruitment in the California Coast Province where habitat development through forest succession can occur relatively quickly (Thorne et al. 1999, Diller et al. 2010), estimates for net change of nesting and roosting habitat in this province are positive (Davis et al. 2011).

At the scale of individual owl territories, the amount and spatial configuration of different habitat types are strongly linked to northern spotted owl site occupancy and demographic rates, and rates are generally positively associated with a greater amount of older forest, and in the case of the coastal redwoods, young-growth forests where key structural elements (snags, large decadent trees and hardwoods) are retained (see the Habitat Effects on Demographics section; Dugger et al. 2016). The amount of older forest in northern spotted owl territories is positively associated with occupancy rates (Dugger et al. 2011, Yackulic et al. 2012, Dugger et al. 2016), survival (Franklin et al. 2000, Olson et al. 2004, Dugger et al. 2005, Diller et al. 2010), and in some cases with fecundity (Dugger et al. 2005, Diller et al. 2010, Dugger et al. 2016). Although study design has varied across the major research studies in California and southern Oregon, some consistent patterns have arisen. In order to support productive spotted owl territories, a minimum amount of older forest must be retained in the core area. The definition of 'older forest' evaluated in studies has varied, but consistently has included late-seral forests with large trees and high canopy cover. Territories with the highest habitat fitness potential contain at least about 50% older forest in the core area, intermixed with other forest and nonforest cover types (Franklin et al. 2000, Dugger et al. 2005, Diller et al. 2010). Large amounts of nonhabitat (defined as nonforest or sapling cover types) in a northern spotted owl home range leads to declines in demographic rates. Results indicate that in order to support a northern spotted owl territory with high habitat fitness potential, no more than about 50% of a home range should consist of nonhabitat (Olson et al. 2004, Dugger et al. 2005). Spotted owl demographic rates also benefit from a mosaic of older forest interspersed with younger forests or other vegetation types. Work done by Franklin and Gutierrez (2012) suggests

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been attributed to wildfire, and most of that loss has occurred in the Klamath Province (DFW, 2016 Status Review).

The response of spotted owls to fire has been mixed. Occupancy by California spotted owls across a wide area in the Sierra Nevada has been observed to be similar in burned and unburned areas, at least in burn areas that experienced mixed-severity burns (DFW, 2016 Status Review). For high severity burn areas, there is some evidence of declines in occupancy (DFW, 2016 Status Review). Conversely, occupancy rates for northern spotted owls in southern Oregon declined following both mixed-severity and high severity fire events (DFW, 2016 Status Review). These occupancy declines resulted from both high territory extinction rates in burned areas and low colonization rates (DFW, 2016 Status Review). Northern spotted owls displaced by fire or occupying burned areas have also been shown to experience declines in survival rates (DFW, 2016 Status Review). Food limitation in burned areas may have been a contributing factor in these declines. Northern spotted owls in southern Oregon were also shown to avoid large areas of high severity burn or areas experiencing extensive salvage logging post-fire (DFW, 2016 Status Review).

Several variables complicate the interpretation of these studies, including variation in fire severity, fire size, fire history and pre-fire forest composition, post-fire salvage logging, and the timing and duration of research post-fire. Additionally, the key studies of northern spotted owl response to wildfires in southern Oregon were unable to separate the effects of severe burns from salvage logging, but observational studies and occupancy modeling conducted to date suggest that post-fire landscapes that are salvage logged experience declines in spotted owl occupancy (DFW, 2016 Status Review). The presence of snags has been suggested as an important component of prey habitat and as perch sites for foraging spotted owls (DFW, 2016 Status Review). Conditions that lead to increased prey availability, including increased shrub and herbaceous cover and number of snags, may be impacted by salvage logging (DFW, 2016 Status Review). The available information suggests that fires that burn at mixed severities or at small scales such that they create habitat heterogeneity without removing important nesting and roosting habitat components at the territory scale may benefit owls (DFW, 2016 Status Review). However, uncharacteristically severe fires that burn at large scales are likely to have negative effects by eliminating required nesting and roosting habitat or reducing prey populations in northern spotted owl territories (DFW, 2016 Status Review).

In recent decades, fires have become more frequent and average fire size has increased (DFW, 2016 Status Review). In some cases, fires have also burned at uncharacteristically high severities, especially during dry and hot conditions that support fire (DFW, 2016 Status Review). Because climate change will likely increase the likelihood of conditions that support more frequent, large, and severe fires which are

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The impact of sudden oak death on oak-tanoak forests within northern spotted owl habitat will not likely subside in the future (Brown and Allen-Diaz 2006, Meentemeyer et al. 2010, 2011), with high risk areas noted in coastal forests of Santa Barbara County north through Humboldt County (Koch and Smith 2012). Ultimately, spread of sudden oak death will likely result in reduced nesting, roosting and foraging opportunities for northern spotted owls in most cases.

Marijuana Cultivation

Illegal and legal marijuana cultivation sites in remote forests on public and private land throughout California has been steadily increasing. Within the range of the northern spotted owl, Shasta, Tehama, Humboldt, Mendocino, and Trinity counties comprise the areas known for the most marijuana cultivation in California due to the remote and rugged nature of the land (making illegal cultivation difficult to detect), and habitat conditions favorable for growing marijuana (e.g., wetter climate, rich soils) (Gabriel et al. 2013, Thompson et al. 2013, National Drug Intelligence Center 2007, Bauer et al. 2015). Given the difficulties in detecting illegal marijuana cultivation sites and the lack of reporting for all legal cultivation sites, actual distribution and density of marijuana cultivation is likely larger and higher than current data suggests.

Activities associated with cultivation (e.g., removal of large trees, degradation of riparian habitat, use of rodenticides) may negatively impact northern spotted owl habitat, and in turn, owl fitness (e.g., survival, fecundity), although there is little data assessing this impact. Areas with higher prevalence of marijuana cultivation sites may also contain high numbers of northern spotted owl activity centers (National Drug Intelligence Center 2007). The level of impact likely depends on several factors, including the density of cultivation sites in proximity to owl activity centers and how much owl habitat is affected and to what extent.

IV. Final Determination by the Commission

The Commission has weighed and evaluated the information for and against designating the northern spotted owl as a threatened species under CESA. This information includes scientific and other general evidence in the Petition; the Department's Petition Evaluation Report; the Department's status review; the Department's supplemental report to respond to public comments, the Department's related recommendations; written and oral comments received from members of the public, the regulated community, various public agencies, and the scientific community; and other evidence included in the Commission's record of proceedings.

Based upon the evidence in the record the Commission has determined that the best scientific information available indicates that the continued existence of the northern spotted owl is in serious danger or threatened by predation, competition, present or

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