

BOARD OF SUPERVISORS

AGENDA

Meetings are located at:
Yuba County Government Center
Board Chambers, 915 Eighth Street
Marysville, California



Agenda materials are available at the Yuba County Government Center, 915 8th Street, Marysville and www.co.yuba.ca.us. Any disclosable public record related to an open session item and distributed to all or a majority of the Board less than 72 hours prior to the meeting is available for public inspection at Suite 109 of the Government Center during normal business hours.

JANUARY 12, 2016

8:30 A.M. YUBA COUNTY WATER AGENCY

9:30 A.M. YUBA COUNTY BOARD OF SUPERVISORS - Welcome to the Yuba County Board of Supervisors meeting. As a courtesy to others, please turn off cell phones, pagers, or other electronic devices, which might disrupt the meeting. All items on the agenda other than Correspondence and Board and Staff Members Reports are considered items for which the Board may take action. The public will be given opportunity to comment on action items on the agenda when the item is heard.

- I. **PLEDGE OF ALLEGIANCE** - Led by Supervisor Abe
- II. **ROLL CALL** - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher
- III. **2015 CHAIRMAN OF THE BOARD STATEMENT** - Chair Mary Jane Griego
- IV. **ADJOURN SINE DIE** -
- V. **ELECTION OF OFFICERS** - Chair and Vice Chair (Conducted by the Clerk of the Board)
- VI. **CONSENT AGENDA:** All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.
 - A. Board of Supervisors
 1. [\(001-0116\) Reappoint Daniel R. Lucero to Keystone Cemetery District for a term ending December 6, 2019.](#)
 2. [\(002-0116\) Appoint Patricia Camarena to the Historic Resources Commission as District Four Representative for a term ending December 31, 2016.](#)
 3. [\(003-0116\) Appoint Kevin Roush Interim Agricultural Commissioner Sealer of Weights and Measures effective January 1, 2016 for a period not to exceed sixty \(60\) days.](#)
 - B. Clerk of the Board of Supervisors
 1. [\(005-0116\) Approve minutes from meetings of December 8, 14, and 15, 2015.](#)
 - C. Clerk Recorder/Elections
 1. [\(006-0116\) Accept Certificate of Sufficiency for Medical Marijuana Cultivation Act of 2015 and direct Registrar of Voters to consolidate special election with the June 7, 2016 Presidential Primary Election.](#)
 2. [\(007-0116\) Accept Certificate of Sufficiency for the Patients Access to Regulated Medical Cannabis Act of 2015 and direct Registrar of Voters to consolidate special election with the June 7, 2016 Presidential Primary Election.](#)
 - D. Emergency Services

1. [\(009-0116\) Adopt resolution proclaiming the existence of ongoing local drought emergency in Yuba County pursuant to Government Code §8630.](#)

E. Community Development and Services

1. [\(008-0116\) Authorize grant deed transferring ownership of 9.23 acre parcel \(APN 016-130\) to Three Rivers Levee Improvement Authority and authorize Chair to execute.](#)

VII. **SPECIAL PRESENTATION**

- A. (010-0116) City of Marysville presentation of plaque to Public Works for Beckworth Riverfront Park Boat Launch Facility Improvements. (No background material) (Ten minute estimate)

VIII. **PUBLIC COMMUNICATIONS:** Any person may speak about any subject of concern provided it is within the jurisdiction of the Board of Supervisors and is not already on today's agenda. The total amount of time allotted for receiving such public communication shall be limited to a total of 15 minutes and each individual or group will be limited to no more than 5 minutes. Prior to this time speakers are requested to fill out a "Request to Speak" card and submit it to the Clerk of the Board of Supervisors. Please note: No Board action can be taken on comments made under this heading.

IX. **CORRESPONDENCE:** The Board may direct any item of informational correspondence to a department head for appropriate action.

- A. [\(011-0116\) Letter from Renew Financial advising participants in the California First property assessed clean energy program has expanded to include seismic improvements and electric vehicle charging infrastructure.](#)
- B. [\(012-0116\) Seven notices from California State Fish and Game Commission regarding regulatory action and endangered species.](#)

X. **BOARD AND STAFF MEMBERS' REPORTS:** This time is provided to allow Board and staff members to report on activities or to raise issues for placement on future agendas.

XI. **CLOSED SESSION**

- A. Personnel pursuant to Government Code §54957(b)(1) - Public Employment/Agricultural Commissioner Recruitment
- B. Threatened litigation pursuant to Government Code §54956.9(d)(4) - One Case

XII. **ADJOURN**

Human Services Committee - Supervisors Griego and Fletcher (Alternate Supervisor Nicoletti)

- A. [\(004-0116\) Consider resolution authorizing Health and Human Services Department to apply for California Information and Education Program in the amount of \\$80,000 for funding period July 1, 2016 through June 30, 2019 - Health and Human Services. \(Ten minute estimate\)](#)

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board's office at (530) 749-7510 or (530) 749-7353 (fax). Requests must be made two full business days before the start of the meeting. To place an item on the agenda, contact the office of the Clerk of the Board of Supervisors.

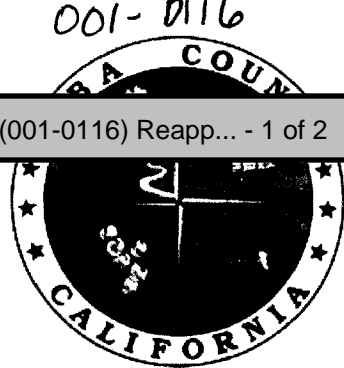
The County of Yuba

RECEIVED

Clerk/Board of Supervisors

Office of Clerk of the Board of Supervisors

001-0116
(001-0116) Reapp... - 1 of 2



To: Board of Supervisors
From: Donna Stottlemeyer, Clerk of the Board *DS*
Subject: **Keystone Cemetery District Appointment**
Date: January 12, 2016

Recommendation

Reappoint Daniel R. Lucero to the Keystone Cemetery District for a term to expire December 6, 2019.

Background and Discussion

The Local Appointment List of all Boards/Commissions/Committees is continually posted indicating vacancies, appointees, terms of office, qualifications and meeting information. This is a scheduled vacancy due to the expiration of Mr. Lucero's term. Mr. Lucero has been in service on the District since December 2011 and would like to continue in this capacity. In light of the expressed interest, it would be appropriate to appoint at this time.

Fiscal Impact

None due to appointment.

Committee Action

None required.

attachment

KEYSTONE CEMETERY DISTRICT
P.O.BOX 159
DOBBINS, CA 95935

DEC 11 2015

Clerk/Board of Supervisors

December 9, 2015

Yuba County
Board of Supervisors
915 8th Street
Marysville, CA 95901

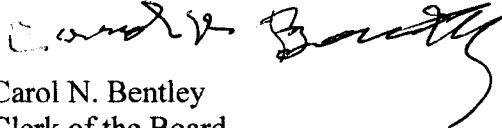
Attn: Clerk of the Board

Reference: Keystone Cemetery District

Gentlemen

Trustee, Daniel R. Lucero has elected to remain on the Board of Keystone Cemetery District for another term.

Very truly yours,
KEYSTONE CEMETERY DISTRICT


Carol N. Bentley
Clerk of the Board

cc: Daniel R. Lucero

The County of Yuba

Office of Clerk of the Board of Supervisors

002-0116
(002-0116) Appoi... - 1 of 2



To: Board of Supervisors
From: Donna Stottlemeyer, Clerk of the Board
Subject: Historic Resources Commission
Date: January 12, 2016

Recommendation

Appoint Patricia Camarena as a District Four Representative to the Historic Resources Commission with term ending December 31, 2016.

Background and Discussion

On August 25, 2015, your Board established a Historic Resources Commission by Ordinance No. 1547. Pursuant to the ordinance terms are four years with district appointments running concurrent with elected official. Notice of the newly established commission has been posted in excess of sixty (60) days indicating vacancies, terms of office, and qualifications.

Application has been received from Ms. Patricia Camarena and is attached for your consideration. Supervisor Abe recommends appointment.

In light of the expressed interest, it would be appropriate to make appointments at this time.

Fiscal Impact

None; participation is voluntary.

Committee Action

Brought directly to the Board for consideration.

The County of Yuba

Application for Board/Commission/Committee Appointed by the Board of Supervisors

Clerk/Board of Supervisors



RETURN APPLICATION WITH ORIGINAL SIGNATURE TO:

CLERK OF THE BOARD OF SUPERVISORS
YUBA COUNTY GOVERNMENT CENTER
915 EIGHTH STREET, SUITE 109
MARYSVILLE, CA 95901
(530) 749-7510

BOARD/COMMISSION/COMMITTEE

ON WHICH YOU WOULD LIKE TO SERVE: Historic Resource Commission

APPLICANT NAME:

Patricia Camarena

MAILING ADDRESS -

(Street/P.O. Box, City, Zip):

109 Nichols Rd. Wheatland 95692

PHYSICAL ADDRESS

(Street, City, Zip):

same

TELEPHONE:

HOME:

530-633-9041

WORK:

0

EMAIL ADDRESS:

pcamarena1@comcast.net

OCCUPATION/PROFESSION:

SUPERVISOR/DISTRICT

NUMBER:

4

Retired school principal

REASONS YOU WISH TO

SERVE ON THIS BODY:

Active member of Wheatland Historical Society

QUALIFICATIONS:

Interested in Yuba County History

Knowledge of local history

Published author

LIST PAST AND CURRENT

PUBLIC POSITIONS HELD:

Current member of Library Advisory Board
(Yuba Co.)

DO YOU HAVE ANY CRIMINAL CONVICTION THAT MAY BE CONSIDERED A CONFLICT OF INTEREST WITH THE COMMITTEE YOU WISH TO SERVE UPON?

☐ YES

☒ NO

IF YES, PLEASE EXPLAIN. NOTE: THAT A FELONY CONVICTION SHALL PRECLUDE YOU FROM SERVICE.

I UNDERSTAND THAT IF APPOINTED TO A BOARD/COMMISSION/COMMITTEE AND WHAT MAY BE CONSIDERED A CONFLICT OF INTEREST ARISES, THAT I HAVE A DUTY TO GIVE WRITTEN NOTICE OF SUCH TO THE COUNTY.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Patricia A. Camarena
SIGNATURE

DATE

12-15-15

THIS SECTION FOR OFFICE USE ONLY

☐ NO VACANCY CURRENTLY EXISTS ON ABOVE-MENTIONED BODY. APPLICANT NOTIFIED.

☐ APPLICANT APPOINTED: _____

☐ OTHER: _____

The County of Yuba

Office of the County Administrator



Robert Bendorf, County Administrator

TO: Yuba County Board of Supervisors
FROM: Robert Bendorf, County Administrator *RB/KS*
RE: Appointment of Kevin Roush as the Interim Agricultural
Commissioner / Sealer of Weights and Measures
DATE: January 12, 2016

RECOMMENDATION

It is recommended that the Board of Supervisors appoint Kevin Roush as the Interim Agricultural Commissioner / Sealer of Weights and Measures effective January 1, 2016 for a period not to exceed sixty (60) days.

BACKGROUND

Effective December 28, 2015, Yuba County's Agricultural Commissioner, Louie Mendoza, resigned to be the Agricultural Commissioner in Butte County. A recruitment for the position began several weeks ago.

DISCUSSION

Mr. Roush has served as the Assistant Agricultural Commissioner / Sealer of Weights and Measures for approximately twelve years. As the recruitment is being conducted, it is necessary for Mr. Roush to coordinate the affairs of the department.

As set forth in State law, there are several certification requirements for a person to meet the qualifications of Agricultural Commissioner / Sealer of Weights and Measures. Per the Food and Agriculture Code, Yuba County has met the notification requirements by notifying the Food and Agriculture Director of the vacancy.

While the initial appointment is for a period not to exceed sixty days, a need may arise to have Mr. Roush continue to run the affairs of the department for a longer period of time. If a permanent appointment has not been made within sixty days, the Code allows for a temporary appointment of up to ninety days upon written approval by the Food and Agriculture Director.

FISCAL IMPACT

The General Fund fiscal impact for the remainder of this fiscal year is approximately \$13,586; however, most of the costs will be offset by salary savings within the department and/or the appointment of a new Agricultural Commissioner.

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The County of Yuba

B O A R D O F S U P E R V I S O R S



DECEMBER 8, 2015

The Honorable Board of Supervisors of the County of Yuba met on the above date, commencing at 9:31 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, and Randy Fletcher. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chair Griego presided.

- I. PLEDGE OF ALLEGIANCE - Led by Supervisor Nicoletti
- II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher – All present
- III. CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

MOTION: Move to approve Consent Agenda MOVED: Andrew Vasquez SECOND: Randy Fletcher

AYES: John Nicoletti, Andrew Vasquez, Roger Abe, Mary Jane Griego, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

A. Community Development and Services

1. (518-1215) Adopt three resolutions consenting to inclusion of property in California Home Finance Authority Community Facilities District No. 2014-1; for participation in the Ygrene Works for California Property Assessed Clean Energy financing program; approving agreement with Golden State Financing Authority authorizing collection of special taxes and contractual assessments; and authorizing Community Development Services Agency Director to execute agreement and County Administrator to take necessary actions as required by agreement. Adopted Resolution No. 2015-127, 2015-128, and 2015-129, which are on file in Yuba County Resolution Book No. 46.
2. (519-1215) Adopt resolution consenting to the inclusion of properties within the territory of the counties participation in the California Statewide Communities Development Authority in the Property Assessed Clean Energy Financing Program, authorization to accept applications of property owners, conduct contractual assessments within territory of the county; and authorize related actions to director to take and execute materials and actions. Adopted Resolution No. 2015-130, which is on file in Yuba County Resolution Book No. 46.
3. (520-1215) Adopt resolution authorizing application for funds and entering into Contract No. 16F-2053 with California Community Services and Development for 2016 Community Services Block Grant program and authorizing Director of Community Development and Services or Planning Director to execute contracts and amendments. Adopted Resolution No. 2015-131, which is on file in Yuba County Resolution Book No. 46.

B. Sheriff

1. (524-1215) Receive Inmate Welfare Expenditure Summary for Fiscal Year 2014-15 pursuant to Penal Code Section 4025(e). Received.

IV. PUBLIC COMMUNICATIONS:

- Mr. Buck Weckman: Urged funding for a Marijuana Task Force to address illegal growers
- Mr. Louis Mendoza: Thanked the Board for the opportunity to have served as the county's Agricultural Commissioner

V. COUNTY DEPARTMENTS

A. Board of Supervisors

1. (525-1215) Adopt resolution appointing Edward Ritchie as the At-Large Director to the Board of Directors for Three Rivers Levee Improvement Authority. (Five minute estimate) Supervisor Griego recapped interviews and selection process, and responded to Board inquiries.

MOTION: Move to appoint Mr. Don Schrader

MOVED: Andy Vasquez SECOND: Randy Fletcher

AYES: Andy Vasquez, John Nicoletti, Roger Abe

NOES: Mary Jane Griego, Randy Fletcher ABSENT: None ABSTAIN: None

County Counsel Angil Morris-Jones advised Reclamation District 784 approved a resolution appointing Mr. Ritchie. Following additional Board discussion relating to an alternate public member Supervisor Nicoletti indicated he wanted to change his vote and by consensus the Board agreed.

MOTION: Move to appoint Mr. Edward Ritchie as the At-Large representative and pursue an Alternate public member position

MOVED: Randy Fletcher SECOND: John Nicoletti

AYES: John Nicoletti, Mary Jane Griego, Randy Fletcher

NOES: Andrew Vasquez, Roger Abe ABSENT: None ABSTAIN: None

Adopted Resolution No. 2015-132, which is on file in Yuba County Resolution Book No. 46.

B. Community Development and Services

1. (527-1215) Adopt resolution authorizing Community Development and Services Agency Director to enter into a professional service agreement with Yuba Sutter Economic Development Corporation for administration of Yuba County Community Services Block Grant Program. (Ten minute estimate) Director Wendy Hartman briefly recapped and responded to Board inquiries.

MOTION: Move to adopt MOVED: Randy Fletcher SECOND: John Nicoletti

AYES: John Nicoletti, Andrew Vasquez, Roger Abe, Mary Jane Griego, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

Adopted Resolution No. 2015-133 which is on file in Yuba County Resolution Book No. 46.

C. Emergency Services

1. (528-1215) Approve memorandum of understanding with Smartsville Fire Protection District and authorize Chair to execute. (Five minute estimate) Emergency Operations Manager Scott Bryan recapped and responded to Board inquiries.

County Administrator Robert Bendorf responded to Board inquiries.

The following individual spoke: Mrs. Frieda Calvert

MOTION: Move to not approve MOVED: John Nicoletti SECOND: Randy Fletcher
 AYES: John Nicoletti, Andrew Vasquez, Roger Abe, Mary Jane Griego, Randy Fletcher
 NOES: None ABSENT: None ABSTAIN: None

VI. ORDINANCES AND PUBLIC HEARINGS: The clerk read the disclaimer.

- A. (529-1215) Ordinance - Hold public hearing and adopt ordinance approving development agreement between Western Pacific Housing, Three Rivers Levee Improvement Authority, and the County of Yuba concerning River Oaks South, Tentative Subdivision Tract Map 2003-0015. (Roll Call Vote) (Ten Minute Estimate) Director Kevin Mallen provided a brief recap and responded to inquiries. Mr. Seth Merewitz, representing Western Pacific Housing, responded Board inquiries.

Chair Griego opened the public hearing. No one came forward.

Mr. Mallen recapped a clerical error on Exhibit C page two relating to section numbering.

MOTION: Move to close public hearing, waive reading, and adopt ordinance
 MOVED: John Nicoletti SECOND: Andrew Vasquez
 AYES: John Nicoletti, Andrew Vasquez, Roger Abe, Mary Jane Griego, Randy Fletcher
 NOES: None ABSENT: None ABSTAIN: None

By roll call vote, adopted Ordinance No. 1552, which is on file in Yuba County Ordinance Book No. 24.

VII. CORRESPONDENCE: The Board may direct any item of informational correspondence to a department head for appropriate action.

- A. (530-1215) Notice of Independent Audit of financial records Dobbins-Oregon House Fire Protection District for five years ending June 30, 2014. Received.
- B. (531-1215) Notice of Independent Audit of financial records for District 10 Hallwood Community Services District as of June 30, 2011. Received.
- C. (532-1215) Memorandum from Yuba County Community Services Commission on the 2016 Funding Summary Allocations for the 2016 Community Services Block Grant Program. Received.
- D. (534-1215) Notice and DVD from Reclamation Managing Water in the West availability of the final environmental impact statement on coordinated long-term operation of central valley project and state water project. Received.

VIII. BOARD AND STAFF MEMBERS REPORTS:

Supervisor Vasquez: CSAC conference held December 2, 2015

Supervisor Nicoletti: Homeless community meeting with Sutter and Yuba County Health and Human Services and Sutter-Yuba Mental Health

Supervisor Abe: Meetings attended

- Farm Bureau Meeting November 30, 2015
- CSAC conference in Monterey December 1 - 4, 2015
- Wheatland Tree lighting ceremony December 4, 2015
- FRAQMD meeting December 7, 2015
- Memorial Adjournment Mr. Jerry Garcia and Mr. Roy Hatanaka

Supervisor Fletcher:

- ACWA conference held December 1 - 4, 2015
- Memorial Adjournment: Mrs. Debra "Deb" Lewis

Supervisor Griego:

- Memorial Adjournment: Mr. George Deveraux
- FRAQMD meeting December 7, 2015
- SACOG Board of Directors meeting December 10, 2015
- Olivehurst Christmas parade December 12, 2015

County Administrator Robert Bendorf: Bond sale results for Sheriffs Department and Solar project

IX. CLOSED SESSION

The Board retired into closed session at 11:18 a.m. and returned at 1:00 p.m. with all members present at indicated above, with the exception of Supervisors Abe and Fletcher.

- A. Personnel pursuant to Government Code 54957 - Public Appointment/Agricultural Commissioner Recruitment Direction provided.
- B. Personnel pursuant to Government Code 54957 - Department Head Evaluation/County Administrator No report.

X. ADJOURN 1:00 p.m.

Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: _____

The County of Yuba

B O A R D O F S U P E R V I S O R S



DECEMBER 14, 2015 - WORKSHOP

The Honorable Board of Supervisors of the County of Yuba met on the above date, commencing at 10:11 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, and Randy Fletcher. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemeyer.

I. ROLL CALL – Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher – All present

Economic Development Advisory Committee Members Present - Wayne Bishop, Tib Belza, Chong Yang, Nate Pomeroy, Steven Dambeck, Rosemary Daoust, Sean Anderson, Steve Hammarstrom, Cary Wilson

County Administrator Robert Bendorf, Executive Director Brenda Stranix, Economic Development Corporation, and Community Development and Services Director Kevin Mallen led group exercises and discussions regarding areas of focus for attracting and growing economic development.

The Board recessed at 11:54 a.m. and reconvened at 12:30 p.m. with all present as indicated.

Group discussion continued on identifying top strategic priorities and specific goals and objectives to achieve success.

Top Strategic priorities included:

- Business retention and expansion
- Business development
- Outdoor recreation
- Agriculture business
- Leveraging population centers

II. ADJOURN: 2:08 p.m.

Chair

ATTEST: DONNA STOTTEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: _____

The County of Yuba

B O A R D O F S U P E R V I S O R S

December 15, 2015



The Honorable Board of Supervisors of the County of Yuba met on the above date, commencing at 9:30 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, and Randy Fletcher. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chair Griego presided.

- I. PLEDGE OF ALLEGIANCE - Led by Supervisor Griego
- II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher - All present.
- III. CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

MOTION: Move to approve MOVED: Andrew Vasquez SECOND: Randy Fletcher
 AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
 NOES: None ABSENT: None ABSTAIN: None

A. Administrative Services

1. (536-1215) Adopt resolution authorizing grant application submittal to Federal Aviation Administration for Airport Improvement Program in the amount of \$150,000 identified as AIP 3-06-0149-017 and authorizing County Administrator to execute grant application and accept grant offer. Adopted Resolution No. 2015-134, which is on file in Yuba County Resolution Book No. 46.

B. Board of Supervisors

1. (537-1215) Approve Certification Statement regarding Composition of Local Planning Council Membership and authorize Chair to execute. Approved.

C. Community Development and Services

1. (538-1215) Notice of Final Tract Map No. 2014-0003 (Helena and Hannum) under review and pending approval by County Surveyor for final map approval and acceptance. Approved.

D. County Administrator

1. (539-1215) Approve contract extension for Paul Brunner, Executive Director of Three Rivers Levee Improvement Authority contingent upon approval by Three Rivers Levee Improvement Authority Board of Directors and authorize Chair to execute. Approved.

E. Emergency Services

1. (540-1215) Adopt resolution proclaiming the existence of ongoing local drought emergency in the County pursuant to California Government Code 8630. Adopted Resolution No. 2015-135, which is on file in Yuba County Resolution Book No. 46.

F. Health and Human Services

1. (541-1215) Award contracts to Jessica Alcantar, MFT and Michael Prothero, MFT for counseling, therapeutic and/or evaluation services, and authorize Chair to execute upon review and approval of County Counsel. Approved.

G. Probation/Juvenile Hall

1. (542-1215) Approve three Juvenile Correction Officer I/II allocations and one Intervention Counselor I/II allocation for legal operation of the Juvenile Institutions per Board of State and Community Corrections Inspection. Oversight Committee recommends approval. Approved.

IV. SPECIAL PRESENTATION

- A. (543-1215) Present proclamation to Randall C. Moore, Assistant Chief Probation Officer for 36 years of service with Yuba County. (Ten minute estimate) No background information. Chair Griego presented the proclamation commending Mr. Moore's service.

V. PUBLIC COMMUNICATIONS:

- o Mr. Eduardo Madera
- o Mr. Clifton

VI. COUNTY DEPARTMENTS

A. County Administrator

1. (544-1215) Approve grant application for purchase of OpenGov financial analysis and authorize County Administrator to execute grant application; authorize budget transfer in the amount of \$16,000 to appropriate anticipated grant funding; approve three-year contract with OpenGov and authorize Chair to execute. (Fifteen minutes estimate)

Deputy County Administrator Grace Mull provided background information regarding selection and associated costs.

Mr. Brendon Carry, OpenGov, provided a PowerPoint presentation recapping program for financial analysis.

MOTION: Move to approve MOVED: John Nicoletti SECOND: Andrew Vasquez
 AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
 NOES: None ABSENT: None ABSTAIN: None

1. (545-1215) Adopt resolution declaring participation in the Yuba-Sutter Big-to-Little Healthy Weight Loss Challenge between Yuba and Sutter Counties authorize Chair to execute. (Ten minute estimate)

Public Information Officer Russ Brown recapped the challenge and responded to Board inquiries.

MOTION: Move to adopt
Vasquez

MOVED: Randy Fletcher

SECOND: Andrew

AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

Adopted Resolution No. 2015-136, which is on file in Yuba County Resolution Book No. 46.

B. Administrative Services

1. (546-1215) Approve revised first amendment to Tri-County Joint Powers Agreement for the Tri-County Regional Juvenile Rehabilitation Facility and authorize Chair to execute. (Fifteen minute estimate).

Administrative Services Director Doug McCoy recapped changes in the agreement and responded to Board inquiries.

MOTION: Move to approve MOVED: Andrew Vasquez SECOND: John Nicoletti

AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

C. Board of Supervisors

1. (547-1215) Appoint board representative and alternate to the Rural County Representatives of California Board of Directors and Golden State Finance Authority Board of Directors. (Ten minute estimate)

MOTION: Move to Supervisor Abe representative and Supervisor Vasquez alternate

MOVED: Randy Fletcher SECOND: John Nicoletti

AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

D. Community Development and Services

1. (548-1215) Authorize staff to initiate Proposition 218 process to increase assessment fees for County Service Area 59 (Skyview Area) and set public hearing date for February 16, 2016. (Five minute estimate)

Principal Engineer Dan Peterson recapped the process for increase and responded to Board inquiries.

MOTION: Move to approve MOVED: Randy Fletcher

SECOND: Andrew Vasquez

AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

E. Health and Human Services

1. (549-1215) Adopt resolution accepting funds from California Work Opportunity and Responsibility to Kids Program for the Housing Support Program; approve agreement with The Salvation Army Yuba Sutter Corps under this program and authorize Chair to execute; authorize Budget Adjustment in the

amount of \$259,257 for allocating revenue and anticipated expenditures for Fiscal Year 2015-2016. (Ten minutes estimate)

Director Jennifer Vasquez recapped the grant receipt and responded to inquiries.

MOTION: Move to adopt MOVED: John Nicoletti SECOND: Andrew Vasquez
 AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
 NOES: None ABSENT: None ABSTAIN: None

Adopted Resolution No. 2015-137, which is on file in Yuba County Resolution Book No. 46.

2. (550-1215) Adopt resolution approving Yuba County General Assistance Handbook pursuant to Welfare and Institutions Code 17000. (Ten minute estimate).

Chief Deputy Counsel John Vacek and Director Jennifer Vasquez provided background on developing handbook, minor modification to text on page 17, and responded to Board inquiries.

The following individual spoke: Mr. Clifton

MOTION: Move to adopt MOVED: John Nicoletti SECOND: Andrew Vasquez
 AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
 NOES: None ABSENT: None ABSTAIN: None

Adopted Resolution No. 2015-138, which is on file in Yuba County Resolution Book No. 46.

VII. CLOSED SESSION

The following individual spoke: Mr. Eduardo Madera

Supervisor Vasquez left the meeting at 10:45 a.m. and returned at 10:47 a.m.

The Board retired into closed session at 10:49 a.m. and returned at 11:39 a.m. with all present except Supervisor Nicoletti.

- A. Personnel pursuant to Government Code 54957 - Department Head Evaluation/County Counsel Direction given

VIII. CORRESPONDENCE: The Board may direct any item of informational correspondence to a department head for appropriate action.

- A. (551-1215) Notice from California Department of Fish and Wildlife recommending 2016-2017 deer hunting tag quota for G-19, J-8, J-16, J-17 areas. Received.

IX. BOARD AND STAFF MEMBERS REPORTS: This time is provided to allow Board and staff members to report on activities or to raise issues for placement on future agendas.

Supervisor Nicoletti: Homeless Cleanup

Supervisor Abe - Meetings Attended:

- o RCRC December 9, 2015
- o YWCA member unit December 9, 2015
- o OPUD December 10, 2015
- o Sutter-Yuba Mental Health Annual Dinner December 10, 2015
- o Dr. Quick regarding human trafficking issues December 11, 2015

Supervisor Fletcher: Sierra Nevada Conservancy Board meeting December 9 and 10, 2015

Supervisor Griego:

- o Art Council Meeting December 16, 2015
- o Greater Sacramento Directors meeting December 17, 2015

Chief Deputy Counsel John Vacek: Legislation and initiatives regarding cannabis cultivation

Supervisor Nicoletti left the meeting at 10:40 a.m.

X. ADJOURN: 11:39 a.m.

Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: _____

The County of Yuba

B O A R D O F S U P E R V I S O R S



DECEMBER 8, 2015

The Honorable Board of Supervisors of the County of Yuba met on the above date, commencing at 9:31 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, and Randy Fletcher. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chair Griego presided.

- I. PLEDGE OF ALLEGIANCE - Led by Supervisor Nicoletti
- II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher – All present
- III. CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

MOTION: Move to approve Consent Agenda MOVED: Andrew Vasquez SECOND: Randy Fletcher

AYES: John Nicoletti, Andrew Vasquez, Roger Abe, Mary Jane Griego, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

A. Community Development and Services

1. (518-1215) Adopt three resolutions consenting to inclusion of property in California Home Finance Authority Community Facilities District No. 2014-1; for participation in the Ygrene Works for California Property Assessed Clean Energy financing program; approving agreement with Golden State Financing Authority authorizing collection of special taxes and contractual assessments; and authorizing Community Development Services Agency Director to execute agreement and County Administrator to take necessary actions as required by agreement. Adopted Resolution No. 2015-127, 2015-128, and 2015-129, which are on file in Yuba County Resolution Book No. 46.
2. (519-1215) Adopt resolution consenting to the inclusion of properties within the territory of the counties participation in the California Statewide Communities Development Authority in the Property Assessed Clean Energy Financing Program, authorization to accept applications of property owners, conduct contractual assessments within territory of the county; and authorize related actions to director to take and execute materials and actions. Adopted Resolution No. 2015-130, which is on file in Yuba County Resolution Book No. 46.
3. (520-1215) Adopt resolution authorizing application for funds and entering into Contract No. 16F-2053 with California Community Services and Development for 2016 Community Services Block Grant program and authorizing Director of Community Development and Services or Planning Director to execute contracts and amendments. Adopted Resolution No. 2015-131, which is on file in Yuba County Resolution Book No. 46.

B. Sheriff

1. (524-1215) Receive Inmate Welfare Expenditure Summary for Fiscal Year 2014-15 pursuant to Penal Code Section 4025(e). Received.

IV. PUBLIC COMMUNICATIONS:

- Mr. Buck Weckman: Urged funding for a Marijuana Task Force to address illegal growers
- Mr. Louis Mendoza: Thanked the Board for the opportunity to have served as the county's Agricultural Commissioner

V. COUNTY DEPARTMENTS

A. Board of Supervisors

1. (525-1215) Adopt resolution appointing Edward Ritchie as the At-Large Director to the Board of Directors for Three Rivers Levee Improvement Authority. (Five minute estimate) Supervisor Griego recapped interviews and selection process, and responded to Board inquiries.

MOTION: Move to appoint Mr. Don Schrader

MOVED: Andy Vasquez SECOND: Randy Fletcher

AYES: Andy Vasquez, John Nicoletti, Roger Abe

NOES: Mary Jane Griego, Randy Fletcher ABSENT: None ABSTAIN: None

County Counsel Angil Morris-Jones advised Reclamation District 784 approved a resolution appointing Mr. Ritchie. Following additional Board discussion relating to an alternate public member Supervisor Nicoletti indicated he wanted to change his vote and by consensus the Board agreed.

MOTION: Move to appoint Mr. Edward Ritchie as the At-Large representative and pursue an Alternate public member position

MOVED: Randy Fletcher SECOND: John Nicoletti

AYES: John Nicoletti, Mary Jane Griego, Randy Fletcher

NOES: Andrew Vasquez, Roger Abe ABSENT: None ABSTAIN: None

Adopted Resolution No. 2015-132, which is on file in Yuba County Resolution Book No. 46.

B. Community Development and Services

1. (527-1215) Adopt resolution authorizing Community Development and Services Agency Director to enter into a professional service agreement with Yuba Sutter Economic Development Corporation for administration of Yuba County Community Services Block Grant Program. (Ten minute estimate) Director Wendy Hartman briefly recapped and responded to Board inquiries.

MOTION: Move to adopt MOVED: Randy Fletcher SECOND: John Nicoletti

AYES: John Nicoletti, Andrew Vasquez, Roger Abe, Mary Jane Griego, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

Adopted Resolution No. 2015-133 which is on file in Yuba County Resolution Book No. 46.

C. Emergency Services

1. (528-1215) Approve memorandum of understanding with Smartsville Fire Protection District and authorize Chair to execute. (Five minute estimate) Emergency Operations Manager Scott Bryan recapped and responded to Board inquiries.

County Administrator Robert Bendorf responded to Board inquiries.

The following individual spoke: Mrs. Frieda Calvert

MOTION: Move to not approve MOVED: John Nicoletti SECOND: Randy Fletcher
 AYES: John Nicoletti, Andrew Vasquez, Roger Abe, Mary Jane Griego, Randy Fletcher
 NOES: None ABSENT: None ABSTAIN: None

VI. ORDINANCES AND PUBLIC HEARINGS: The clerk read the disclaimer.

- A. (529-1215) Ordinance - Hold public hearing and adopt ordinance approving development agreement between Western Pacific Housing, Three Rivers Levee Improvement Authority, and the County of Yuba concerning River Oaks South, Tentative Subdivision Tract Map 2003-0015. (Roll Call Vote) (Ten Minute Estimate) Director Kevin Mallen provided a brief recap and responded to inquiries. Mr. Seth Merewitz, representing Western Pacific Housing, responded Board inquiries.

Chair Griego opened the public hearing. No one came forward.

Mr. Mallen recapped a clerical error on Exhibit C page two relating to section numbering.

MOTION: Move to close public hearing, waive reading, and adopt ordinance
 MOVED: John Nicoletti SECOND: Andrew Vasquez
 AYES: John Nicoletti, Andrew Vasquez, Roger Abe, Mary Jane Griego, Randy Fletcher
 NOES: None ABSENT: None ABSTAIN: None

By roll call vote, adopted Ordinance No. 1552, which is on file in Yuba County Ordinance Book No. 24.

VII. CORRESPONDENCE: The Board may direct any item of informational correspondence to a department head for appropriate action.

- A. (530-1215) Notice of Independent Audit of financial records Dobbins-Oregon House Fire Protection District for five years ending June 30, 2014. Received.
- B. (531-1215) Notice of Independent Audit of financial records for District 10 Hallwood Community Services District as of June 30, 2011. Received.
- C. (532-1215) Memorandum from Yuba County Community Services Commission on the 2016 Funding Summary Allocations for the 2016 Community Services Block Grant Program. Received.
- D. (534-1215) Notice and DVD from Reclamation Managing Water in the West availability of the final environmental impact statement on coordinated long-term operation of central valley project and state water project. Received.

VIII. BOARD AND STAFF MEMBERS REPORTS:

Supervisor Vasquez: CSAC conference held December 2, 2015

Supervisor Nicoletti: Homeless community meeting with Sutter and Yuba County Health and Human Services and Sutter-Yuba Mental Health

Supervisor Abe: Meetings attended

- Farm Bureau Meeting November 30, 2015
- CSAC conference in Monterey December 1 - 4, 2015
- Wheatland Tree lighting ceremony December 4, 2015
- FRAQMD meeting December 7, 2015
- Memorial Adjournment Mr. Jerry Garcia and Mr. Roy Hatanaka

Supervisor Fletcher:

- ACWA conference held December 1 - 4, 2015
- Memorial Adjournment: Mrs. Debra "Deb" Lewis

Supervisor Griego:

- Memorial Adjournment: Mr. George Deveraux
- FRAQMD meeting December 7, 2015
- SACOG Board of Directors meeting December 10, 2015
- Olivehurst Christmas parade December 12, 2015

County Administrator Robert Bendorf: Bond sale results for Sheriffs Department and Solar project

IX. CLOSED SESSION

The Board retired into closed session at 11:18 a.m. and returned at 1:00 p.m. with all members present at indicated above, with the exception of Supervisors Abe and Fletcher.

- A. Personnel pursuant to Government Code 54957 - Public Appointment/Agricultural Commissioner Recruitment Direction provided.
- B. Personnel pursuant to Government Code 54957 - Department Head Evaluation/County Administrator No report.

X. ADJOURN 1:00 p.m.

Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: _____

The County of Yuba

B O A R D O F S U P E R V I S O R S

DECEMBER 14, 2015 - WORKSHOP



The Honorable Board of Supervisors of the County of Yuba met on the above date, commencing at 10:11 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, and Randy Fletcher. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemeyer.

I. ROLL CALL – Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher – All present

Economic Development Advisory Committee Members Present - Wayne Bishop, Tib Belza, Chong Yang, Nate Pomeroy, Steven Dambeck, Rosemary Daoust, Sean Anderson, Steve Hammarstrom, Cary Wilson

County Administrator Robert Bendorf, Executive Director Brenda Stranix, Economic Development Corporation, and Community Development and Services Director Kevin Mallen led group exercises and discussions regarding areas of focus for attracting and growing economic development.

The Board recessed at 11:54 a.m. and reconvened at 12:30 p.m. with all present as indicated.

Group discussion continued on identifying top strategic priorities and specific goals and objectives to achieve success.

Top Strategic priorities included:

- Business retention and expansion
- Business development
- Outdoor recreation
- Agriculture business
- Leveraging population centers

II. ADJOURN: 2:08 p.m.

Chair

ATTEST: DONNA STOTTEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: _____

The County of Yuba

B O A R D O F S U P E R V I S O R S

December 15, 2015



The Honorable Board of Supervisors of the County of Yuba met on the above date, commencing at 9:30 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, and Randy Fletcher. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chair Griego presided.

- I. PLEDGE OF ALLEGIANCE - Led by Supervisor Griego
- II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher - All present.
- III. CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

MOTION: Move to approve MOVED: Andrew Vasquez SECOND: Randy Fletcher
 AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
 NOES: None ABSENT: None ABSTAIN: None

A. Administrative Services

1. (536-1215) Adopt resolution authorizing grant application submittal to Federal Aviation Administration for Airport Improvement Program in the amount of \$150,000 identified as AIP 3-06-0149-017 and authorizing County Administrator to execute grant application and accept grant offer. Adopted Resolution No. 2015-134, which is on file in Yuba County Resolution Book No. 46.

B. Board of Supervisors

1. (537-1215) Approve Certification Statement regarding Composition of Local Planning Council Membership and authorize Chair to execute. Approved.

C. Community Development and Services

1. (538-1215) Notice of Final Tract Map No. 2014-0003 (Helena and Hannum) under review and pending approval by County Surveyor for final map approval and acceptance. Approved.

D. County Administrator

1. (539-1215) Approve contract extension for Paul Brunner, Executive Director of Three Rivers Levee Improvement Authority contingent upon approval by Three Rivers Levee Improvement Authority Board of Directors and authorize Chair to execute. Approved.

E. Emergency Services

1. (540-1215) Adopt resolution proclaiming the existence of ongoing local drought emergency in the County pursuant to California Government Code 8630. Adopted Resolution No. 2015-135, which is on file in Yuba County Resolution Book No. 46.

F. Health and Human Services

1. (541-1215) Award contracts to Jessica Alcantar, MFT and Michael Prothero, MFT for counseling, therapeutic and/or evaluation services, and authorize Chair to execute upon review and approval of County Counsel. Approved.

G. Probation/Juvenile Hall

1. (542-1215) Approve three Juvenile Correction Officer I/II allocations and one Intervention Counselor I/II allocation for legal operation of the Juvenile Institutions per Board of State and Community Corrections Inspection. Oversight Committee recommends approval. Approved.

IV. SPECIAL PRESENTATION

- A. (543-1215) Present proclamation to Randall C. Moore, Assistant Chief Probation Officer for 36 years of service with Yuba County. (Ten minute estimate) No background information. Chair Griego presented the proclamation commending Mr. Moore's service.

V. PUBLIC COMMUNICATIONS:

- o Mr. Eduardo Madera
- o Mr. Clifton

VI. COUNTY DEPARTMENTS

A. County Administrator

1. (544-1215) Approve grant application for purchase of OpenGov financial analysis and authorize County Administrator to execute grant application; authorize budget transfer in the amount of \$16,000 to appropriate anticipated grant funding; approve three-year contract with OpenGov and authorize Chair to execute. (Fifteen minutes estimate)

Deputy County Administrator Grace Mull provided background information regarding selection and associated costs.

Mr. Brendon Carry, OpenGov, provided a PowerPoint presentation recapping program for financial analysis.

MOTION: Move to approve MOVED: John Nicoletti SECOND: Andrew Vasquez
 AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
 NOES: None ABSENT: None ABSTAIN: None

1. (545-1215) Adopt resolution declaring participation in the Yuba-Sutter Big-to-Little Healthy Weight Loss Challenge between Yuba and Sutter Counties authorize Chair to execute. (Ten minute estimate)

Public Information Officer Russ Brown recapped the challenge and responded to Board inquiries.

MOTION: Move to adopt
Vasquez

MOVED: Randy Fletcher

SECOND: Andrew

AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

Adopted Resolution No. 2015-136, which is on file in Yuba County Resolution Book No. 46.

B. Administrative Services

1. (546-1215) Approve revised first amendment to Tri-County Joint Powers Agreement for the Tri-County Regional Juvenile Rehabilitation Facility and authorize Chair to execute. (Fifteen minute estimate).

Administrative Services Director Doug McCoy recapped changes in the agreement and responded to Board inquiries.

MOTION: Move to approve MOVED: Andrew Vasquez SECOND: John Nicoletti

AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

C. Board of Supervisors

1. (547-1215) Appoint board representative and alternate to the Rural County Representatives of California Board of Directors and Golden State Finance Authority Board of Directors. (Ten minute estimate)

MOTION: Move to Supervisor Abe representative and Supervisor Vasquez alternate

MOVED: Randy Fletcher SECOND: John Nicoletti

AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

D. Community Development and Services

1. (548-1215) Authorize staff to initiate Proposition 218 process to increase assessment fees for County Service Area 59 (Skyview Area) and set public hearing date for February 16, 2016. (Five minute estimate)

Principal Engineer Dan Peterson recapped the process for increase and responded to Board inquiries.

MOTION: Move to approve MOVED: Randy Fletcher

SECOND: Andrew Vasquez

AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher

NOES: None ABSENT: None ABSTAIN: None

E. Health and Human Services

1. (549-1215) Adopt resolution accepting funds from California Work Opportunity and Responsibility to Kids Program for the Housing Support Program; approve agreement with The Salvation Army Yuba Sutter Corps under this program and authorize Chair to execute; authorize Budget Adjustment in the

amount of \$259,257 for allocating revenue and anticipated expenditures for Fiscal Year 2015-2016. (Ten minutes estimate)

Director Jennifer Vasquez recapped the grant receipt and responded to inquiries.

MOTION: Move to adopt MOVED: John Nicoletti SECOND: Andrew Vasquez
 AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
 NOES: None ABSENT: None ABSTAIN: None

Adopted Resolution No. 2015-137, which is on file in Yuba County Resolution Book No. 46.

2. (550-1215) Adopt resolution approving Yuba County General Assistance Handbook pursuant to Welfare and Institutions Code 17000. (Ten minute estimate).

Chief Deputy Counsel John Vacek and Director Jennifer Vasquez provided background on developing handbook, minor modification to text on page 17, and responded to Board inquiries.

The following individual spoke: Mr. Clifton

MOTION: Move to adopt MOVED: John Nicoletti SECOND: Andrew Vasquez
 AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher
 NOES: None ABSENT: None ABSTAIN: None

Adopted Resolution No. 2015-138, which is on file in Yuba County Resolution Book No. 46.

VII. CLOSED SESSION

The following individual spoke: Mr. Eduardo Madera

Supervisor Vasquez left the meeting at 10:45 a.m. and returned at 10:47 a.m.

The Board retired into closed session at 10:49 a.m. and returned at 11:39 a.m. with all present except Supervisor Nicoletti.

- A. Personnel pursuant to Government Code 54957 - Department Head Evaluation/County Counsel Direction given

VIII. CORRESPONDENCE: The Board may direct any item of informational correspondence to a department head for appropriate action.

- A. (551-1215) Notice from California Department of Fish and Wildlife recommending 2016-2017 deer hunting tag quota for G-19, J-8, J-16, J-17 areas. Received.

IX. BOARD AND STAFF MEMBERS REPORTS: This time is provided to allow Board and staff members to report on activities or to raise issues for placement on future agendas.

Supervisor Nicoletti: Homeless Cleanup

Supervisor Abe - Meetings Attended:

- RCRC December 9, 2015
- YWCA member unit December 9, 2015
- OPUD December 10, 2015
- Sutter-Yuba Mental Health Annual Dinner December 10, 2015
- Dr. Quick regarding human trafficking issues December 11, 2015

Supervisor Fletcher: Sierra Nevada Conservancy Board meeting December 9 and 10, 2015

Supervisor Griego:

- Art Council Meeting December 16, 2015
- Greater Sacramento Directors meeting December 17, 2015

Chief Deputy Counsel John Vacek: Legislation and initiatives regarding cannabis cultivation

Supervisor Nicoletti left the meeting at 10:40 a.m.

X. ADJOURN: 11:39 a.m.

Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: _____

The County of Yuba

006 - 0116

CLERK RECORDER – REGISTRAR OF VOTERS

915 8th Street, Suite 107
Marysville, CA 95901-5273


- Elections (530) 749-7855
- Clerk (530) 749-7851
- Recorder (530) 749-7850
- Fax (530) 749-7854



(006-0116) Accep... - 1 of 6

Ms. Terry A. Hansen

TO: Board of Supervisors

FROM: Terry A. Hansen, Clerk/Recorder – Registrar of Voters 

SUBJECT: Medical Marijuana Cultivation Act of 2015 Initiative

DATE: January 12, 2016

Recommendation:

Accept Certificate of Sufficiency for the Medical Marijuana Cultivation Act of 2015 and direct Registrar of Voters to consolidate special election with the June 7, 2016 Presidential Primary Election pursuant to Election Code §1405(a)(1):

When it is legally possible to hold a special election on an initiative measure that has qualified pursuant to Section 9116, 9214, or 9310 within 180 days prior to a regular or special election occurring wholly or partially within the same territory, the election on the initiative measure may be held on the same date as, and be consolidated with, that regular or special election.

Background & Discussion:

Petition result breakdown is attached.

Fiscal Impact:

Undeterminable costs with lesser impact as a result of consolidation

Attachment: Certificate of Sufficiency
Petition Result Breakdown

915 8th Street, Suite 107
Marysville, CA 95901-5273

- Elections (530) 749-7855
- Clerk (530) 749-7851
- Recorder (530) 749-7850
- Fax (530) 749-7854



(006-0116) Accep... - 2 of 6

Ms. Terry A. Hansen

CERTIFICATE OF SUFFICIENCY

I hereby certify that on December 4, 2015 the petition for the **YUBA COUNTY MEDICAL MARIJUANA CULTIVATION ACT OF 2015** has been signed by the requisite number of qualified electors needed to declare the petition sufficient. The petition for the **YUBA COUNTY MEDICAL MARIJUANA CULTIVATION ACT OF 2015** is, therefore, qualified.

IN WITNESS WHEREOF, I hereunto set my hand and affix my official seal this 4th day of December, 2015.

Terry A. Hansen
County Clerk / Registrar of Voters

A handwritten signature of Terry A. Hansen in cursive script, written over a horizontal line.



Petition Result Breakdown

(006-0116) Accep... - 3 of 6

2015 - Medical Marijuana Cultivation

Yuba County Medical Marijuana Cultivation Act of 2015

Signatures Required	2483		
Raw Count	3,365		
Sample Size	3,370		
Sigs Checked	3,370	Percent of Sigs Checked	Percent of Sample Size
Sigs Not Checked	0		0.0 %
Sigs Valid	2,908	86.3 %	86.3 %
Sigs Invalid	462	13.7 %	13.7 %
Duplicated	96	3.0 %	2.8 %
Non-duplicate Invalids	366	11.0 %	10.9 %

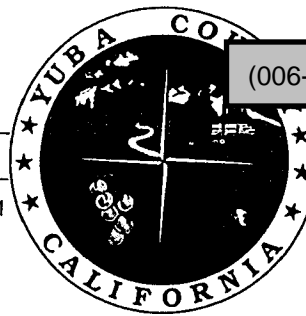
RESULT ABBR	RESULT DESCRIPTION		
Approved	Approved	2,908	86.3 %
NotReg	Not Registered	78	2.3 %
Duplicate	Signed more than once	96	2.8 %
RegLate	Registered Late	63	1.9 %
RegDiffAdd	Registered at a Different Address	53	1.6 %
CantIdentfy	Cannot Identify	6	0.2 %
NoResAdd	No Residence Address Given	9	0.3 %
NoSig	No Signature	3	0.1 %
SigNoMatch	Signatures Don't Match	121	3.6 %
CircDefficient	Circular or Affidavit Defficient	26	0.8 %
NoVoter	Voter Not Found	5	0.1 %
WrongCnty	Page Filed in Wrong County	2	0.1 %

The County of Yuba

CLERK RECORDER – REGISTRAR OF VOTERS

915 8th Street, Suite 107
Marysville, CA 95901-5273

- Elections (530) 749-7855
- Clerk (530) 749-7851
- Recorder (530) 749-7850
- Fax (530) 749-7854



(006-0116) Accep... - 4 of 6

Ms. Terry A. Hansen

December 4, 2015

Zachary B. Cross
4279 Fruitland Rd
Marysville, CA 95901

Angelique Perez
1230 Yuba St
Marysville, CA 95901

RE: Medical Marijuana Cultivation Act of 2015

Dear Proponent:

You are hereby notified the total number of signatures for the above named initiative petition submitted to Yuba County elections official on November 4, 2015 is more than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has qualified.

For your information, I have included a copy of the Petition Result Breakdown showing the details associated with the 100 percent signature review. The Certificate of Sufficiency is scheduled to be presented to the Board of Supervisors on January 12, 2016.

Sincerely,

A handwritten signature in cursive script that reads "Terry A. Hansen".

Terry A. Hansen
County Clerk/Recorder/Registrar of Voters

cc: Yuba County Board of Supervisors
Yuba County Administrator
Yuba County Counsel



Petition Result Breakdown

(006-0116) Accep... - 5 of 6

2015 - Medical Marijuana Cultivation

Yuba County Medical Marijuana Cultivation Act of 2015

Signatures Required	2483		
Raw Count	3,365		
Sample Size	3,370		
Sigs Checked	3,370	Percent of Sigs Checked	Percent of Sample Size
Sigs Not Checked	0		0.0 %
Sigs Valid	2,908	86.3 %	86.3 %
Sigs Invalid	462	13.7 %	13.7 %
Duplicated	96	3.0 %	2.8 %
Non-duplicate Invalids	366	11.0 %	10.9 %

RESULT ABBR	RESULT DESCRIPTION		
Approved	Approved	2,908	86.3 %
NotReg	Not Registered	78	2.3 %
Duplicate	Signed more than once	96	2.8 %
RegLate	Registered Late	63	1.9 %
RegDiffAdd	Registered at a Different Address	53	1.6 %
CantIdntfy	Cannot Identify	6	0.2 %
NoResAdd	No Residence Address Given	9	0.3 %
NoSig	No Signature	3	0.1 %
SigNoMatch	Signatures Don't Match	121	3.6 %
CircDefficient	Circular or Affidavit Defficient	26	0.8 %
NoVoter	Voter Not Found	5	0.1 %
WrongCnty	Page Filed in Wrong County	2	0.1 %

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The County of Yuba

007-0116



(007-0116) Accep... - 1 of 6

CLERK RECORDER – REGISTRAR OF VOTERS

915 8th Street, Suite 107
Marysville, CA 95901-5273

- Elections (530) 749-7855
- Clerk (530) 749-7851
- Recorder (530) 749-7850
- Fax (530) 749-7854

Ms. Terry A. Hansen

TO: Board of Supervisors

FROM: Terry A. Hansen, Clerk/Recorder – Registrar of Voters

SUBJECT: Patients Access to Regulated Medical Cannabis Act of 2015 Initiative

DATE: January 12, 2016

Recommendation:

Accept Certificate of Sufficiency for the Patients Access to Regulated Medical Cannabis Act of 2015 and direct Registrar of Voters to consolidate special election with the June 7, 2016 Presidential Primary Election pursuant to Election Code §1405(a)(1):

When it is legally possible to hold a special election on an initiative measure that has qualified pursuant to Section 9116, 9214, or 9310 within 180 days prior to a regular or special election occurring wholly or partially within the same territory, the election on the initiative measure may be held on the same date as, and be consolidated with, that regular or special election.

Background & Discussion:

Petition result breakdown is attached.

Fiscal Impact:

Undeterminable costs with lesser impact as a result of consolidation

Attachment: Certificate of Sufficiency
Petition Result Breakdown



CLERK RECORDER – REGISTRAR OF VOTERS

915 8th Street, Suite 107
Marysville, CA 95901-5273

- Elections (530) 749-7855
- Clerk (530) 749-7851
- Recorder (530) 749-7850
- Fax (530) 749-7854

Ms. Terry A. Hansen

CERTIFICATE OF SUFFICIENCY

I hereby certify that on December 9, 2015 the petition for the **PATIENTS ACCESS TO REGULATED MEDICAL CANNABIS ACT OF 2015** has been signed by the requisite number of qualified electors needed to declare the petition sufficient. The petition for the **PATIENTS ACCESS TO REGULATED MEDICAL CANNABIS ACT OF 2015** is, therefore, qualified.

IN WITNESS WHEREOF, I hereunto set my hand and affix my official seal this 9th day of December, 2015.

Terry A. Hansen
County Clerk / Registrar of Voters



Terry A. Hansen



Petition Result Breakdown

(007-0116) Accep... - 3 of 6

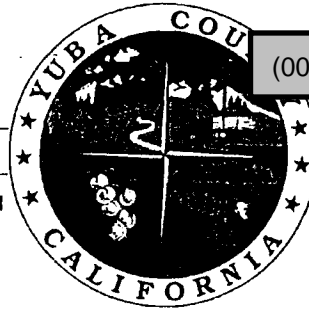
2015 - Medical Marijuana Dispensaries

An Ordinance Authorizing Medical Marijuana Dispensaries in Yuba County

Signatures Required	2483		
Raw Count	3,608		
Sample Size	3,612	Percent of	Percent of
Sigs Checked	3,612	Sigs Checked	Sample Size
Sigs Not Checked	0		0.0 %
Sigs Valid	2,525	69.9 %	69.9 %
Sigs Invalid	1,087	30.1 %	30.1 %
Duplicated	117	3.0 %	3.2 %
Non-duplicate Invalids	970	27.0 %	26.9 %

RESULT ABBR	RESULT DESCRIPTION		
Approved	Approved	2,525	69.9 %
NotReg	Not Registered	568	15.7 %
Duplicate	Signed more than once	117	3.2 %
RegLate	Registered Late	38	1.1 %
RegDiffAdd	Registered at a Different Address	200	5.5 %
CantIdntfy	Cannot Identify	8	0.2 %
NoResAdd	No Residence Address Given	8	0.2 %
NoSig	No Signature	6	0.2 %
SigNoMatch	Signatures Don't Match	102	2.8 %
CircDefficient	Circular or Affidavit Defficient	1	0.0 %
NoVoter	Voter Not Found	21	0.6 %
WrongCnty	Page Filed in Wrong County	18	0.5 %

The County of Yuba



(007-0116) Accep... - 4 of 6

CLERK RECORDER – REGISTRAR OF VOTERS

915 8th Street, Suite 107
Marysville, CA 95901-5273

- Elections (530) 749-7855
- Clerk (530) 749-7851
- Recorder (530) 749-7850
- Fax (530) 749-7854

Ms. Terry A. Hansen

December 9, 2015

Michael "Mickey" Martin
6680 Alhambra Ave, Suite 147
Martinez, CA 94553

RE: Patients Access to Regulated Medical Cannabis Act of 2015

Dear Mr. Martin:

You are hereby notified the total number of signatures for the above named initiative petition submitted to Yuba County elections official on November 20, 2015 is more than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has **qualified**.

For your information, I have included a copy of the Petition Result Breakdown showing the details associated with the 100 percent signature review. The Certificate of Sufficiency is scheduled to be presented to the Board of Supervisors on January 12, 2016.

Sincerely,

A handwritten signature in cursive script, reading "Terry A. Hansen".

Terry A. Hansen
County Clerk/Recorder/Registrar of Voters

cc: Yuba County Board of Supervisors
Yuba County Administrator
Yuba County Counsel



Petition Result Breakdown

(007-0116) Accep... - 5 of 6

2015 - Medical Marijuana Dispensaries

An Ordinance Authorizing Medical Marijuana Dispensaries in Yuba County

Signatures Required	2483		
Raw Count	3,608		
Sample Size	3,612		
Sigs Checked	3,612	Percent of Sigs Checked	Percent of Sample Size
Sigs Not Checked	0		0.0 %
Sigs Valid	2,525	69.9 %	69.9 %
Sigs Invalid	1,087	30.1 %	30.1 %
Duplicated	117	3.0 %	3.2 %
Non-duplicate Invalids	970	27.0 %	26.9 %

RESULT ABBR	RESULT DESCRIPTION		
Approved	Approved	2,525	69.9 %
NotReg	Not Registered	568	15.7 %
Duplicate	Signed more than once	117	3.2 %
RegLate	Registered Late	38	1.1 %
RegDiffAdd	Registered at a Different Address	200	5.5 %
CantIdentfy	Cannot Identify	8	0.2 %
NoResAdd	No Residence Address Given	8	0.2 %
NoSig	No Signature	6	0.2 %
SigNoMatch	Signatures Don't Match	102	2.8 %
CircDefficient	Circular or Affidavit Defficient	1	0.0 %
NoVoter	Voter Not Found	21	0.6 %
WrongCnty	Page Filed in Wrong County	18	0.5 %

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The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

Phone – (530) 749-5430 • Fax – (530) 749-5434
915 8th Street, Suite 123
Marysville, California 95901

www.co.yuba.ca.us



008-0116
(008-0116) Autho... - 1 of 6

749-5440 • Fax 749-5818

CODE ENFORCEMENT
749-5455 • Fax 749-5464


ENVIRONMENTAL HEALTH • CUPA
749-5450 • Fax 749-5454

PLANNING
749-5470 • Fax 749-5434

PUBLIC WORKS • SURVEYOR
749-5420 • Fax 749-5424

FINANCE AND ADMINISTRATION
749-5430 • Fax 749-5434

TO: Board of Supervisors

FROM: Michael Lee, Public Works Director 

SUBJECT: Authorize transfer of Ownership of APN 016-130-016 to TRLIA

DATE: January 12, 2016

Recommendation

That the Board authorize the Chairman to sign the grant deed transferring ownership from Yuba County to TRLIA of a 9.23 acre parcel (APN 016-130-016) consisting of a portion of the Bear River levee.

Background

In the early stages of Yuba County's levee improvement work and during TRLIA's infancy, Yuba County Public Works worked on right of way acquisition for the Bear River levee improvements.

Discussion

This is a cleanup item transferring ownership of this levee parcel to TRLIA, where it belongs. This parcel is a 9.23 acre piece of the Bear River levee. The adjacent levee parcels are already owned by TRLIA.

Committee Action

The Land Use & Public Works Committee bypassed as this action is routine in nature.

Fiscal Impact

None.

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A.P. No. 016-130-016

Recorded at the Request of:
County of Yuba

When Recorded Return To:
Three Rivers Levee Improvement Authority
1114 Yuba Street, Suite 218
Marysville, CA 95901

The undersigned grantor(s) declare(s):
Documentary transfer tax is \$ None
R&T Code § 11922, conveyance to
Govt agency

Exempt from recording fees
pursuant to Gov't Code § 6103

GRANT DEED

For value received:

The County of Yuba,
a political subdivision of the State of California

GRANTS to
Three Rivers Levee Improvement Authority,
a joint powers authority composed of Yuba County and Reclamation District 784

All that real property situate in the unincorporated area of the County of Yuba, State of California,
described as follows:

Legal Description, (Exhibit A) and Exhibit Plat, (Exhibit B)
attached hereto and made a part hereof by this reference

Dated this _____ day of _____, 2016

Grantor:

Roger Abe, Chairman
Yuba County Board of Supervisors

EXHIBIT A

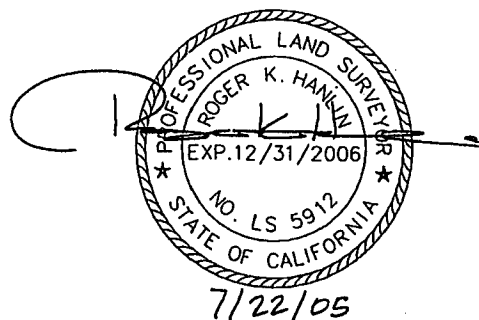
All that real property situate in the County of Yuba, State of California, being a portion of Lots 10 and 15 of Block 17, as shown on that certain map entitled "Arboga Colony No. 2", filed in Book 2 of Maps at Page 15, Yuba County Official Records, also being a portion of the land described in deed to Robert B. De Valentine, as his sole and separate property, recorded in Document No. 95-00524, Yuba County Official Records. Said easement being all that portion of said De Valentine parcel lying southeasterly of the following described line:

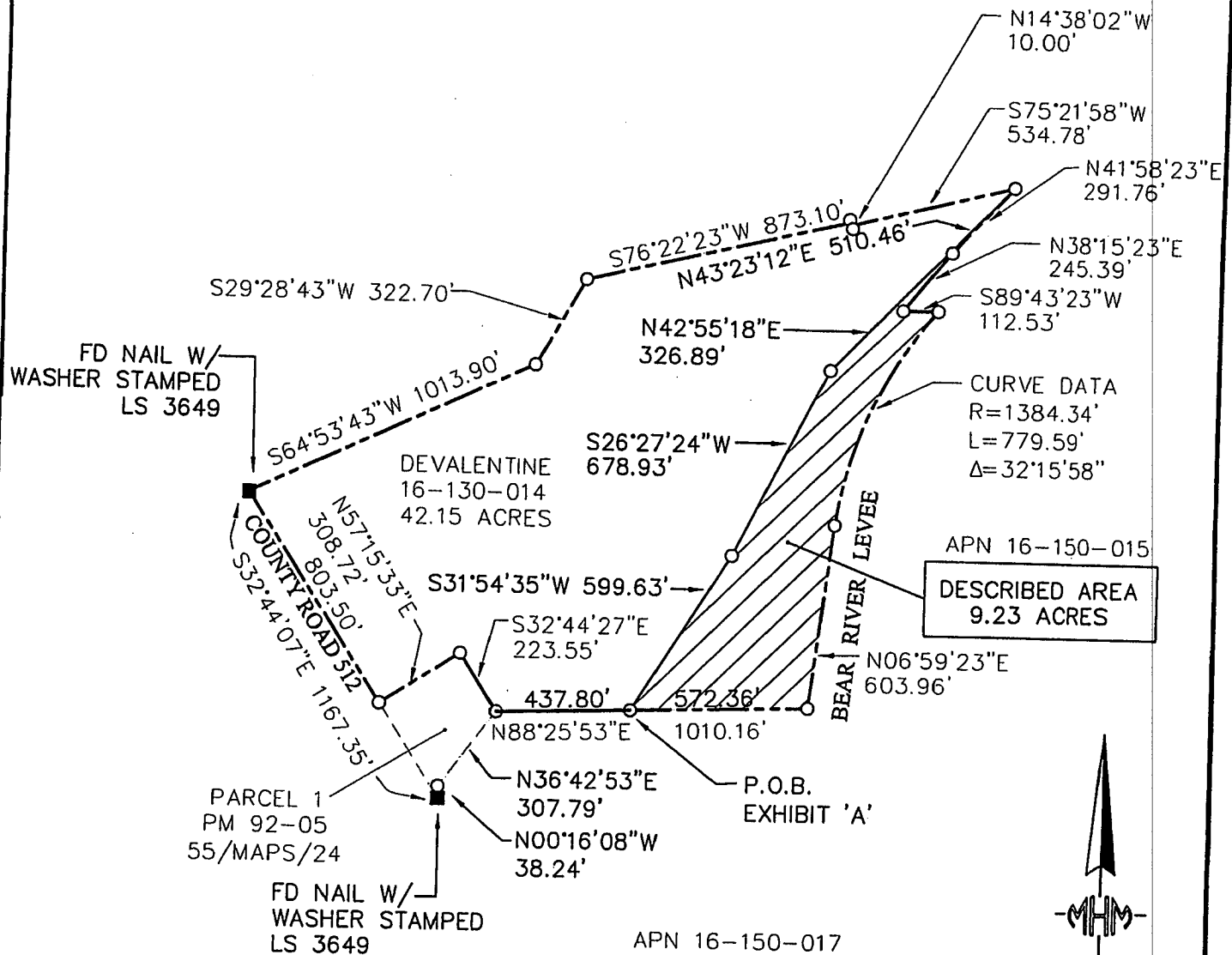
Commencing at a nail and washer stamped LS 3649 in the centerline of County Road 512 marking the most southerly corner of Parcel 1, as shown on Parcel Map No. 95-02 as said map is filed in Book 55 of Maps at page 24, Yuba County Official Records; thence continuing along the southerly line of said Parcel 1, the following courses: North 00°16'08" East, a distance of 38.24 feet; thence North 36°42'53" East, a distance 307.79 feet to the southerly boundary of said De Valentine parcel; thence North 88°25'53" East, along the southerly line of said De Valentine parcel, a distance of 397.59 feet to the **TRUE POINT OF BEGINNING** of the herein described line; thence leaving said southerly line, North 31°54'35" East, a distance of 599.63 feet; thence North 26°27'24" East, a distance of 678.93 feet; thence North 42°55'18" East, a distance of 326.89 feet; thence North 43°23'12" East, a distance of 510.46 feet to a point the easterly line of said De Valentine Parcel and there terminating. This description contains 9.23 acres, more or less.

Subject to other easements and rights of record.

END OF DESCRIPTION

APN 16-130-014





8/3/05

BEARINGS SHOWN HEREON ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM, ZONE 2, NAD83, 1986 EPOCH AND ORIGINATE FROM THE CONTROL SURVEY FILE NO. 03-25F BY THE U.S. ARMY CORPS. OF ENGINEERS IN OCTOBER 2003.

EXHIBIT 'B'	
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY LEVEE IMPROVEMENTS	
PLAT FOR ACQUISITION OF EASEMENTS FOR LEVEE IMPROVEMENTS	
YUBA COUNTY CALIFORNIA	AUGUST 3, 2005 SCALE: 1"=500'
PREPARED BY: MHM, INC., MARYSVILLE CA. 05123A	SHEET 1 OF 1

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COUNTY OF YUBA

OFFICE OF EMERGENCY SERVICES

ROBERT BENDORF
COUNTY ADMINISTRATOR
DIRECTOR OF EMERGENCY SERVICES

SCOTT BRYAN
EMERGENCY OPERATIONS MANAGER

Board Memo

To: Board of Supervisors

Fr: Scott Bryan, Emergency Operations Manager
Holly Powers, Emergency Operations Planner

Re: Proclaim the existence of a local emergency in the County of Yuba

Date: January 12, 2016

Recommendation:

The Board of Supervisors adopt a resolution proclaiming the continuation of a local emergency due to the ongoing drought conditions.

Background:

On January 17, 2014 Governor Edmund G. Brown Jr. declared a Statewide Drought Emergency due to the impacts on the State of California as a result of four continuous years of drought. On February 18, 2014 the Director of Emergency Services proclaimed a local emergency due to the effects the drought has had within the County of Yuba. Your Board ratified said proclamation on February 25, 2014 and extended on December 15, 2015.

Discussion:

With an on-going water shortage affecting the County of Yuba, the final duration of the emergency has not yet been determined. The recent rainstorms are seasonally expected and are consistent with the average rainfall during this time of year. At this point, the storms have had no impact on lessening drought conditions. Therefore it is recommended that your Board extend the current proclamation of a local emergency until the end of the incident period per (Govt. Code Section 8630 (c)). This proclamation of emergency will be reviewed and renewed no less than once every thirty days. Per Govt. Code Section 8630(d, this proclamation of emergency shall be terminated as soon as reasonably possible.

Committee Action:

No committee action was taken due to time constraints.

Fiscal Impact:

There is an unknown impact to the general fund as of this date.

**BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA**

RESOLUTION:

<p>THE BOARD OF SUPERVISORS ADOPT A RESOLUTION PROCLAIMING THE EXISTENCE OF AN ONGOING LOCAL DROUGHT EMERGENCY IN THE COUNTY OF YUBA.</p>	<p>))))))</p>	<p>RESOLUTION NO. _____</p>
--	--	------------------------------------

WHEREAS, the Yuba County Director of Emergency Services did hereby proclaim a local emergency in the County of Yuba on February 18, 2014 per Ordinance Code section 4.20; and

WHEREAS, conditions of peril to public health and safety remain in the County of Yuba due to the statewide drought; and

WHEREAS, the County of Yuba Board of Supervisors does hereby find that the aforesaid conditions of peril do warrant and necessitate a proclamation of the existence of a local emergency due to a statewide drought; and

NOW, THEREFORE, IT IS HEREBY PROCLAIMED, that a local emergency continues to exist in the County of Yuba and the Board of Supervisors Proclamations through this resolution of the continuance of a Local Emergency in the County of Yuba.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the _____ day of _____ 2016.

AYES:

NOES:

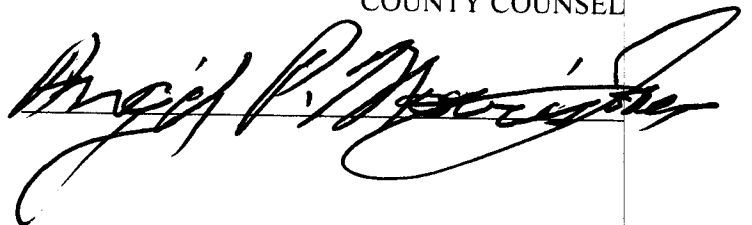
ABSENT:

ABSTAIN:

Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

APPROVE AS TO FORM:
COUNTY COUNSEL



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CC: CAO, CDSA

Kevin
Mullen

RECEIVED

DEC 07 2015

December 4, 2015

Clerk/Board of Supervisors

Dear Participating CaliforniaFIRST Community:

RECEIVED BY EACH
BOARD MEMBER

You are receiving this letter as one of the many communities that participates in the CaliforniaFIRST property assessed clean energy (PACE) program (the "CaliforniaFIRST Program") of California Statewide Communities Development Authority ("CSCDA"). We are writing to inform you that CSCDA has expanded the list of improvements that the CaliforniaFIRST Program is authorized to finance in accordance with Chapter 29 of the Streets and Highways Code (Sections 5898.10 et seq.), also known as "AB 811," and provide you with the opportunity to request that the CaliforniaFIRST Program not effect financings with respect to those newly added improvements.

When the CaliforniaFIRST Program was introduced in 2010, AB 811 provided public agencies the authority to finance the installation of distributed generation renewable energy sources and energy or water efficiency improvements that are permanently fixed to residential, commercial, industrial, agricultural or other real property ("Authorized Improvements"). Since 2010, however, the California Legislature has amended AB 811 to expand the list of Authorized Improvements to include the following:

- seismic strengthening improvements that are permanently fixed to residential, commercial, industrial, agricultural, or other real property, including, but not limited to, the seismic strengthening of cripple walls and sill plate anchorage of light, wood-framed buildings (collectively, "Seismic Improvements"); and
- electric vehicle charging infrastructure that is permanently fixed to residential, commercial, industrial, agricultural, or other real property ("Electric Vehicle Charging Infrastructure," and together with Seismic Improvements and all other improvements authorized by AB 811 from time to time in the future, "Additional Authorized Improvements").

CSCDA reserved the right under its resolutions confirming report, program reports, and validations actions relating to the CaliforniaFIRST Program to make any changes to the matters addressed by the CaliforniaFIRST Program reports, specifically including the list of the Authorized Improvements, that it determines are appropriate. However, in order to add the Additional Authorized Improvements to the list of Authorized Improvements, the Commission of CSCDA has completed the following additional actions:

- Adopted Resolution No. 15R-59, entitled, "Resolution Declaring Intention to Finance Installation of Seismic Strengthening Improvements, Electric Vehicle Charging Infrastructure and Other Authorized Improvements and Other Related Matters," on October 8, 2015;
- Held a duly noticed public hearing on November 19, 2015, for the purposes of allowing interested persons to object to or inquire about the proposed program for financing of Additional Authorized Improvements; and

- Adopted Resolution No. 15R-60, entitled, "Resolution Confirming Amended and Restated Report Relating to Financing the Installation of Seismic Strengthening Improvements, Electric Vehicle Charging Infrastructure and Other Authorized Improvements and Other Related Matters," on November 19, 2015.

If your legislative body would like to request that the CaliforniaFIRST Program not effect financings with respect to the Additional Authorized Improvements, please let us know by sending a signed resolution to that effect by February 15, 2016 to:

**Jeff Wheeland
c/o Renew Financial
1221 Broadway, 4th Floor
Oakland, California 94612**

If you have any questions, please feel free to contact Joe Livaich at (916) 396-7659, or at jlivaich@renewfinancial.com. Thank you very much!

Commissioners
Jack Baylis, President
Los Angeles
Jim Kellogg, Vice President
Discovery Bay
Jacque Hostler-Carmesin, Member
McKinleyville
Eric Sklar, Member
Saint Helena
Anthony C. Williams, Member
Huntington Beach

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

(012-0116) Seven... - 1 of 46

Sacramento, CA 95814
(916) 653-4899
www.fgc.ca.gov

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

RECEIVED

DEC 14 2015

Clerk/Board of Supervisors

December 11, 2015

NOTICE OF PROPOSAL FOR A 90 DAY EXTENSION OF EMERGENCY ACTION Measures for Fisheries at Risk Due to Drought Conditions

Reference OAL File #2015-0626-01E

Pursuant to the requirements of Government Code subsections 11346.1(a)(2) and 11346.1(h), the Fish and Game Commission (Commission) is providing notice of proposed extension of existing emergency regulations, establishing measures for fisheries at risk due to drought conditions.

The objective of this re-adoption is to protect fisheries under critical conditions stemming from various conditions by establishing a set of triggers to guide fishing closures and reopening actions. Closures occur when specific triggering events occur, including water temperatures exceeding 70°F for over eight hours a day for three consecutive days. Other triggers include oxygen levels, water level, and breeding population. The Commission authorized staff to publish notice of intent to permanently implement Section 8.01, Title 14, CCR, at its December 10, 2015, meeting in San Diego, CA. Consideration for adoption of the regular rulemaking is scheduled for the April 14, 2016, Commission meeting in Santa Rosa.

SUBMISSION OF COMMENTS

Government Code Section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a Notice of the Proposed Emergency Action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to OAL, OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code Section 11349.6.

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed emergency regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at OAL within five days after the Commission submits the emergency regulations to OAL for review.

Please reference submitted comments as regarding "Fisheries at Risk" addressed to:

Mailing Address: Reference Attorney
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

California State
Fish and Game Commission
Attn: Jon Snellstrom
1416 Ninth Street, Rm. 1320
Sacramento, CA 95814

E-mail Address: staff@oal.ca.gov
Fax No.: 916-323-6826

fgc@fgc.ca.gov

For the status of the Commission's submittal to OAL for review, and the end of the five-day written submittal period, please consult OAL's website at <http://www.oal.ca.gov> under the heading "Emergency Regulations."

CALIFORNIA FISH AND GAME COMMISSION
STATEMENT OF PROPOSED EMERGENCY REGULATORY ACTION

Emergency Action to
Add Section 8.01,
Title 14, California Code of Regulations
Re: Special Measures for Fisheries at Risk due to Drought Conditions

I. Statement of Facts Constituting the Need for Emergency Regulatory Action

California continues to suffer under severe drought conditions with record low snow packs in 2014 and 2015. In early 2014, Governor Edmund G. Brown Jr. proclaimed a State of Emergency for California directing state officials to take all necessary actions to prepare for the record level of drought conditions and also signed an Executive Order redoubling state drought actions with additional measures to strengthen the state's response to drought. On April 1, 2015, the Governor ordered state agencies to impose statewide mandatory water restrictions that will save water, increase enforcement against water waste, streamline the state's drought response, and invest in new drought resilient technologies for California.

The hydrological conditions in 2015 are expected to deteriorate from the record low 2014 conditions. The Department of Fish and Wildlife (Department) continues to evaluate and manage the changing impacts of drought on threatened and endangered species and species of special concern, and develop contingency plans for state Wildlife Areas and Ecological Reserves to manage reduced water resources in the public interest.

Statewide water quality and quantity in many systems is likely to be inadequate to support fisheries as the summer progresses, resulting in impeded passage of spawning fish, increased vulnerability to mortality from predation and physiological stress, and increased angling harvest and/or hooking mortality. Furthermore, survival of eggs and juvenile fish in these systems over the coming months will be extremely low. The historically low water conditions will concentrate coldwater fish populations into shrinking pools of cold water habitat making them easy prey for illegal angling methods such as snagging, increased hooking mortality due to legal catch and release, over-harvest, as well as other human-related disturbances within their freshwater habitat. When coupled with drought-related environmental stressors, such as high water temperature, low dissolved oxygen, and severely reduced suitable habitat, these stressors can seriously affect reproductive success and survival rates.

Since 2014, the Department has worked with the Fish and Game Commission (Commission), using the best available science, to determine whether restricting fishing in certain areas will become necessary and prudent as drought conditions persist. The Department and the Commission have determined that a temporary approach is needed to give the Department effective tools to respond more rapidly to the deteriorating water quality and quantity conditions in California's waters for 2015.

Regulatory Proposal

Environmental conditions resulting from the drought may require temporary restrictions on fishing to protect fish populations and sustain future opportunity. These conditional changes may affect each waterbody and fish population differently based on hydrological responses to the drought. Increased angling mortality, harvest, and angling pressure are the key components used to evaluate potential effects associated with degraded environmental conditions and will need to be evaluated on a water by water basis and over time as conditions change.

To ensure that fisheries are protected under critical conditions stemming from the drought, the Department is proposing a set of triggers to guide fishing closure and reopening decisions. The Department's decision to close or open a water will be based on the most current information available, collected by professional staff trained in the associated fields. Criteria for evaluating aquatic conditions are based on site-specific monitoring efforts with an emphasis on listed fish species, species of special concern, and gamefish.

The following proposed criteria will be used to determine if an emergency fishing closure or associated reopening is warranted:

Any water of the state not currently listed in Section 8.00 of these regulations may be closed to fishing by the Department when the Director, or his or her designee, determines one or more the following conditions have been met:

- Water temperatures in occupied habitat exceed 70° Fahrenheit for over eight hours a day for three consecutive days.
- Dissolved oxygen levels in occupied habitat drop below 5 mg/L for any period of time over three consecutive days.
- Fish passage is impeded or blocked for fish species that rely on migration as part of a life history trait.
- Water levels for ponds, lakes and reservoirs drop below 10% of their capacity.
- Adult breeding population levels are estimated to be below 500 individuals.

All waters closed pursuant to this section will be reopened by the Department when the Director, or his or her designee, determines all of the following conditions have been met:

- Water temperatures in occupied habitat do not exceed 70° Fahrenheit for over eight hours a day for seven consecutive days.
- Dissolved oxygen levels in occupied habitat rise above 5 mg/L and are maintained at that level for seven consecutive days.
- Fish passage is available and that no impediment exists to strand or concentrate adults or juveniles during their migration.
- Water levels for ponds, lakes and reservoirs have recovered to greater than 10% of their capacity.
- Adult breeding populations are estimated to be recovered to greater than 500 individuals.

Justification and associated data for closure and reopening decisions will be provided to the Commission for any water that is subject to a fishing closure.

The Department and the Commission will work together to formulate a regular rulemaking proposal that will refine the approach and associated language based on experiences learned, feedback from the public, and revisions to increase the efficacy of this emergency action.

II. Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

- (a) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (b) Nondiscretionary Costs/Savings to Local Agencies:
None.
- (c) Programs Mandated on Local Agencies or School Districts:
None.
- (d) 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.
- (e) Effect on Housing Costs:
None.

III. Authority and Reference

The Fish and Game Commission proposes this emergency action pursuant to the authority vested by sections 200, 202, 205, 240, and 315 of the Fish and Game Code and to implement, interpret, or make specific sections 200, 202, 205, 240, and 315 of said Code.

IV. Section 240 Finding

Pursuant to Section 240 of the Fish and Game Code, the Commission finds that the adoption of this regulation is necessary for the immediate conservation, preservation, or protection of birds, mammals, reptiles, or fish, including, but not limited to, any nests or eggs thereof.

Informative Digest (Plain English Overview)

California continues to suffer under severe drought conditions with record low snow packs in 2014 and 2015. In early 2014, Governor Edmund G. Brown Jr. proclaimed a State of Emergency for California directing state officials to take all necessary actions to prepare for the record level of drought conditions and also signed an Executive Order redoubling state drought actions with additional measures to strengthen the state's response to drought. On April 1, 2015, the Governor ordered state agencies to impose statewide mandatory water restrictions that will save water, increase enforcement against water waste, streamline the state's drought response, and invest in new drought resilient technologies for California.

The hydrological conditions in 2015 are expected to deteriorate from the record low 2014 conditions. The Department of Fish and Wildlife (Department) continues to evaluate and manage the changing impacts of drought on threatened and endangered species and species of special concern, and develop contingency plans for state Wildlife Areas and Ecological Reserves to manage reduced water resources in the public interest.

Statewide water quality and quantity in many systems is likely to be inadequate to support fisheries as the summer progresses, resulting in impeded passage of spawning fish, increased vulnerability to mortality from predation and physiological stress, and increased angling harvest and/or hooking mortality. Furthermore, survival of eggs and juvenile fish in these systems over the coming months will be extremely low. The historically low water conditions will concentrate coldwater fish populations into shrinking pools of cold water habitat making them easy prey for illegal angling methods such as snagging, increased hooking mortality due to legal catch and release, over-harvest, as well as other human-related disturbances within their freshwater habitat. When coupled with drought-related

environmental stressors, such as high water temperature, poor water quality, and severely reduced suitable habitat, these stressors can seriously affect reproductive success and survival rates.

Since 2014, the Department has worked with the Fish and Game Commission (Commission), using the best available science, to determine whether restricting fishing in certain areas will become necessary and prudent as drought conditions persist. The Department and the Commission have determined that a temporary approach is needed to give the Department effective tools to respond more rapidly to the deteriorating water quality and quantity conditions in California's rivers and streams for 2015.

The following proposed criteria will be used to determine if an emergency fishing closure or associated reopening is warranted:

Any water of the state not currently listed in Section 8.00 of these regulations may be closed to fishing by the Department when the Director, or his or her designee, determines one or more of the following conditions have been met:

- Water temperatures in occupied habitat exceed 70° Fahrenheit for over eight hours a day for three consecutive days.
- Dissolved oxygen levels in occupied habitat drop below 5 mg/L for any period of time over three consecutive days.
- Fish passage is impeded or blocked for fish species that rely on migration as part of a life history trait.
- Water levels for ponds, lakes and reservoirs drop below 10% of their capacity.
- Adult breeding population levels are estimated to be below 500 individuals.

All waters closed pursuant to this section will be reopened by the Department when the Director, or his or her designee, determines all of the following conditions have been met:

- Water temperatures in occupied habitat do not exceed 70° Fahrenheit for over eight hours a day for seven consecutive days.
- Dissolved oxygen levels in occupied habitat rise above 5 mg/L and are maintained at that level for seven consecutive days.
- Fish passage is available and that no impediment exists to strand or concentrate adults or juveniles during their migration.
- Water levels for ponds, lakes and reservoirs have recovered to greater than 10% of their capacity.
- Adult breeding populations are estimated to be recovered to greater than 500 individuals.

Justification and associated data for closure and reopening decisions will be provided to the Commission for any water that is subject to a fishing closure.

The Department and the Commission will work together to formulate a regular rulemaking proposal that will refine the approach and regulatory language based on experiences learned, feedback from the public, and revisions to increase the efficacy of this emergency action.

Benefits: The proposed regulation will provide benefits to the environment through the conservation and preservation of listed species, species of special concern, and gamefish populations.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Legislature has delegated authority to the Commission to promulgate sport fishing regulations (sections 200, 202, 205, 240, and 315 Fish and Game Code).

At the June 11, 2015 meeting, the Commission approved the proposed emergency regulations with the addition of the Department web site: <https://www.wildlife.ca.gov/Regulations> as another avenue to provide public notification of the Department actions under the temporary emergency regulations.

**FISH AND GAME COMMISSION
STATEMENT OF EMERGENCY ACTION
FOR RE-ADOPTION OF EMERGENCY REGULATIONS**

Emergency Action to Re-adopt Section 8.01, Title 14, CCR,
Re: Fisheries at Risk

I. Request for Approval of Re-adoption of Emergency Regulations

In response to the continued extreme drought conditions, the Department of Fish and Wildlife (Department) is requesting that the Fish and Game Commission (Commission) extend the Department's authority set forth in Section 8.01, Title 14 of the California Code of Regulations, to temporarily close fisheries that are experiencing rapidly degrading environmental conditions within waters of the state. The Department requests that the Commission readopt the emergency regulations that went into effect on July 2, 2015 for an additional period of 90 days while a Certificate of Compliance rulemaking is under consideration.

II. Emergency Regulation in Effect to Date

On January 17, 2014, Governor Edmund G. Brown Jr. proclaimed a State of Emergency to exist in California due to severe drought conditions. As part of the declaration, the Governor ordered the Department to work with the Commission, using the best available science, to determine whether restricting fishing in certain areas would become necessary and prudent as drought conditions persist.

Over the next several months, environmental conditions resulting from the drought requires temporary restrictions on fishing on parts of four rivers to protect fish populations and sustain future opportunity. The Department and the Commission determined that another approach was needed to give the Department more efficient tools to provide quicker response to deteriorating water quality and quantity conditions in California's waters. As a result, on June 11, 2015, the Commission adopted emergency regulations which established a process to temporarily close fisheries experiencing degraded environmental conditions that may affect fish populations or their habitat within waters of the state. The criteria set forth in these regulations are intended to ensure that fisheries are protected under critical conditions stemming from the drought.

Since adoption of the emergency regulations the Department has implemented one emergency fishing closure on state waters, of the lower Merced River, on August 18, 2015. The Department used the criteria established in subsection (b) of Section 8.01 to determine that a closure was warranted.

Following protocol, the Department held a public meeting in Merced prior to the fishing closure. In addition, the Department provided the Commission the

biological data used to justify the closure and made the data available to the public on the Department's Emergency Fishing Closure webpage. The Department and Commission are currently working together to formulate a regular rulemaking proposal that will refine the approach and associated language based on experience and feedback from the public, and with revisions to increase the efficacy of this emergency action.

III. Statement of Emergency

The hydrological conditions in 2015 deteriorated from the record low 2014 conditions. The Department of Fish and Wildlife (Department) continues to evaluate and manage the changing impacts of drought on threatened and endangered species and species of special concern, and to develop contingency plans for state Wildlife Areas and Ecological Reserves to manage reduced water resources in the public interest.

Statewide water quality and quantity in many systems is likely to be inadequate to support fisheries until significant and sustained rain and snow accumulate, resulting in impeded passage of spawning fish, increased vulnerability to mortality from predation and physiological stress, and increased angling harvest and/or hooking mortality. Furthermore, survival of eggs and juvenile fish in these systems over the coming months is expected to be extremely low. The historically low water conditions will continue to concentrate coldwater fish populations into shrinking pools of cold water habitat making them easy prey for illegal angling methods such as snagging, increased hooking mortality due to legal catch and release, over-harvest, as well as other human-related disturbances within their freshwater habitat. When coupled with drought-related environmental stressors, such as high water temperature, low dissolved oxygen, and severely reduced suitable habitat, these stressors can seriously affect reproductive success and survival rates.

Since 2014, the Department has worked with the Commission using the best available science, to determine whether restricting fishing in certain areas will become necessary and prudent as drought conditions persist. The Department and Commission have determined that a temporary approach is needed to give the Department effective tools to respond more rapidly to deteriorating water quality and quantity conditions in California's waters for 2015 and early 2016.

V. Re-adoption Criteria

1) Same or Substantially Equivalent

Pursuant to Government Code Section 11346.1(h), the text of a re-adopted regulation must be the "same or substantially equivalent" to the text of the original emergency regulation. The proposed language for the re-adopted

regulatory amendment is the same as the language of the original emergency regulation.

(2) Substantial Progress

Government Code Section 11346.1(h) specifies that the emergency rulemaking agency must demonstrate that it is making "substantial progress and has proceeded with due diligence" to comply with the standard rulemaking provisions. The Commission, at its December 10, 2015 meeting was requested by the Department to authorize staff to file this emergency readopt, as well as file notice of its intent to file a Certificate of Compliance.

Work on the emergency standard has been conducted by DFW biologists to determine longer term impacts which necessitated filing the notice of the Commissions intent to file a Certificate of Compliance in December. Due to the statutory requirement for the Commission to hear the proposed Certificate of Compliance rulemaking at its February 11, 2016 and April 14, 2016 meetings, it is necessary for the Commission to request this first Emergency Readopt for a period of 90-days, followed by a second 90 day request which is proposed to be voted on at the Commission's March 15, 2016 teleconference.

Regulatory Language

Section 8.01, Title 14, CCR is added to read:

Section 8.01. ~~Special Gear Provisions~~Measures for Fisheries at Risk due to Drought Conditions.

(a) In response to continued extreme drought conditions, the commission has established a quick response process to temporarily close fisheries experiencing degraded environmental conditions that may affect fish populations or their habitat within waters of the state. The criteria set forth in subsections (b) and (c) are intended to ensure that fisheries are protected under critical conditions stemming from the drought. These criteria will be monitored in statewide inland fisheries, and they will be evaluated on a water by water basis over time as conditions change.

(b) The department may close to angling any waters of the state not currently listed in Section 8.00 of these regulations if the director, or his or her designee, finds one or more of the following conditions have been met:

(A) Water temperatures in occupied habitat exceed 70° Fahrenheit for over eight hours a day for three consecutive days

(B) Dissolved oxygen levels in occupied habitat drop below 5 mg/L for any period of time over three consecutive days.

(C) Fish passage is impeded or blocked for fish species that rely on migration as part of a life history trait.

(D) Water levels for ponds, lakes and reservoirs drop below 10% of their capacity.

(E) Adult breeding population levels are estimated to be below 500 individuals.

(c) Waters closed pursuant to subsection (b) shall be reopened by the department when the director, or his or her designee, finds all of the following conditions have been met:

(A) Water temperatures in occupied habitat do not exceed 70° Fahrenheit over eight hours a day for seven consecutive days

(B) Dissolved oxygen levels in occupied habitat rise above 5 mg/L and are maintained at that level over seven consecutive days.

(C) Fish passage is available and no impediment exists to strand or concentrate adults or juveniles during their migration.

(D) Water levels for ponds, lakes and reservoirs have recovered to greater than 10% of their capacity.

(E) Adult breeding population levels are estimated to be recovered to greater than 500 individuals.

(d) It shall be unlawful to take fish in any waters of the state closed to angling pursuant to this Section.

(e) Notification of department actions.

(1) The department shall maintain a list of closed waters of the state and update that list on Wednesday of each week by 1:00 pm. In the event that water conditions change later in the week, the fishing status for each specific water will not change until the day following the next Wednesday. It shall be the responsibility of the angler to use the telephone number provided below or go to the department's website at <https://www.wildlife.ca.gov/Regulations> to obtain the current status of any water. The number to call for information is (916) 445-7600.

Note: Authority cited: Sections 200, 202-and-240, 205, 240, and 315, Fish and Game Code. Reference: Sections 200, 202, 205-and-240, 240, and 315, Fish and Game Code.

Commissioners
Jack Baylis, President
Los Angeles
Jim Kellogg, Vice President
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Jacque Hostler-Carmesin, Member
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Fish and Game Commission



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DEC 21 2015

Clerk/Board of Supervisors

December 18, 2015

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action resulting from the Commission's August 6, 2014 meeting, when it made a finding pursuant to Section 2075.5, Fish and Game Code, that listing Clear Lake hitch as threatened under the California Endangered Species Act is warranted. The notice of proposed regulatory action will be published in the California Regulatory Notice Register on December 24, 2015.

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

Ms. Karen Mitchell, Fisheries Branch, Department of Fish and Wildlife, phone (916) 445-445-0826, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sheri Tiemann
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 240, 2070, 2075.5 and 2076.5, of the Fish and Game Code, and to implement, interpret or make specific sections 1755, 2055, 2062, 2067, 2070, 2072.7, 2074.6, 2075.5, 2077, 2080, 2081 and 2835, of said Code, proposes to amend Section 670.5, Title 14, California Code of Regulations, relating to Animals of California Declared to Be Endangered or Threatened.

Informative Digest/Policy Statement Overview

Section 670.5 of Title 14, California Code of Regulations (CCR), provides a list, established by the California Fish and Game Commission (Commission), of animals designated as endangered or threatened in California. The Commission has the authority to add or remove species from this list if it finds that the action is warranted.

As required by Fish and Game Code Section 2075.5, subsection (e)(2), the Commission must initiate proceedings in accordance with the Administrative Procedure Act to amend subsection (b)(2) of Section 670.5, to add Clear Lake hitch (*Lavinia exilicauda chi*) to the list of threatened animals.

In making the recommendation to list Clear Lake hitch pursuant to the California Endangered Species Act, the Department identified the following primary threats: 1) present or threatened modification or destruction of habitat; 2) predation; 3) competition; and 4) climate change. More detail about the current status of Clear Lake hitch can be found in the Report to the Fish and Game Commission, "A status review of Clear Lake hitch (*Lavinia exilicauda chi*)" (Department of Fish and Wildlife, May 28, 2014).

The proposed regulation will benefit the environment by protecting Clear Lake hitch as a threatened species.

Commission staff has searched the CCR and has found that the proposed regulation is neither inconsistent nor incompatible with existing state regulations. No other state entity has the authority to list threatened and endangered species.

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 Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on February 11, 2016, at 8 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 January 13, 2016, at the address given below, or by e-mail to FGC@fgc.ca.gov. Written comments mailed or e-mailed to the Commission office, must be received before 5:00 p.m. on February 8, 2016. All comments must be received no later than February 11, 2016, at the hearing in Sacramento, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, 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 Sonke Mastrup or Sheri Tiemann (back-up contact) at the preceding address or phone number. **Karen Mitchell, Fisheries Branch, Department of Fish and Wildlife, phone (916) 445-0826, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission 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 Analysis

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:**

Although localized economic impacts could result from adding Clear Lake hitch to the list of threatened species, the Commission does not anticipate that there will be significant, statewide adverse economic impact on California businesses or significant costs to private or public entities due to the limited area affected by the listing.

- (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, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The entire distribution of Clear Lake hitch is limited to the Clear Lake watershed. Because of this localized distribution, adding the Clear Lake hitch to the list of threatened species under CESA is unlikely to affect the creation or elimination of jobs or businesses within the state as a whole.

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

The Commission anticipates benefits to the environment by the protection of the Clear Lake hitch.

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

Designation of threatened or endangered status, per se, would not necessarily result in any significant cost to private persons or entities undertaking projects subject to public agency review and approval under the California Environmental Quality Act (CEQA), since impacts to Clear Lake hitch would have been evaluated as part of the CEQA lead agency's mandatory consideration of a project's impacts to biological resources and species of special concern.

Some costs to individuals associated with avoiding take or obtaining take authorization arose with the candidacy designation, which took place more than two years ago. Because the take prohibition for both candidate and listed species is the same, such costs would not be increased by the act of adding Clear Lake hitch to the threatened species list. However, individuals may have delayed actions in anticipation of a final listing decision by the Commission; therefore listing could increase such costs.

(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: December 15, 2015

Sonke Mastrup
Executive Director

Commissioners
Jack Baylis, President
Los Angeles
Jim Kellogg, Vice President
Discovery Bay
Richard Rogers, Member
Santa Barbara
Michael Sutton, Member
Monterey
Jacque Hostler-Carmesin, Member
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Fish and Game Commission



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DEC 21 2015

Clerk/Board of Supervisors

December 24, 2015

This is to provide you with a copy of the notice of proposed regulatory action relative to adding Section 8.01, Title 14, California Code of Regulations, relating to special measures for fisheries at risk due to drought conditions, which are published in the California Regulatory Notice Register on December 25, 2015.

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 www.fgc.ca.gov.

Mr. Roger Bloom, Fisheries Branch, phone (916) 445-3777, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,



Jon D. Snellstrom

Associate Governmental Program Analyst

Attachment

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

(012-0116) Seven... - 18 of 46

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 205, 240 and 315 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 205, 240, and 315 of said Code, proposes to add Section 8.01, Title 14, California Code of Regulations (CCR), relating to special measures for fisheries at risk due to drought conditions.

Informative Digest/Policy Statement Overview

California has recently experienced severe drought conditions with record low snow pack in 2015. In early 2014, Governor Edmund G. Brown Jr. proclaimed a State of Emergency to exist in California and ordered the Department to work with the Commission, using the best available science, to determine whether restricting fishing in certain areas will become necessary and prudent as drought conditions persist. On April 1, 2015, the Governor ordered state agencies to impose statewide mandatory water restrictions that will save water, increase enforcement against water waste, streamline the state's drought response, and invest in new drought resilient technologies for California.

The Department of Fish and Wildlife (Department) continues to evaluate and manage the changing impacts of drought on threatened and endangered species and species of special concern, and develop contingency plans for state Wildlife Areas and Ecological Reserves to manage reduced water resources in the public interest.

Statewide water quality and quantity in many systems will likely be inadequate to support fisheries if existing environmental conditions persist, resulting in impeded passage of spawning fish, increased vulnerability to mortality from predation and physiological stress, and increased angling harvest and/or hooking mortality. Furthermore, survival of eggs and juvenile fish in these systems experiencing degraded habitats could be extremely low. The historically low water conditions may concentrate cold water fish populations into shrinking pools of cold water habitat making them easy prey for illegal angling methods such as snagging, increased hooking mortality due to legal catch and release, over-harvest, as well as other human-related disturbances within their freshwater habitat. When coupled with environmental stressors, such as high water temperature, low dissolved oxygen, and severely reduced suitable habitat, these stressors can seriously affect reproductive success and survival rates. Although habitat conditions can recover with the onset of good water quality, reduced population levels caused by drought conditions could still threaten the persistence and resilience of the fishery.

Since 2014, the Department has worked with the Fish and Game Commission (Commission), using the best available science, to determine whether restricting fishing in certain areas will become necessary and prudent as habitat conditions degrade and or fish populations drop below a sustainable level. On June 11, 2015, the Commission adopted emergency regulations which establish a quick response process to temporarily close fisheries experiencing degraded environmental conditions that may affect fish populations or their habitat within waters of the state. These emergency regulations went into effect on July 2, 2015 and will expire on December 31, 2015.

To ensure that fisheries are protected now and in the future, the Department is proposing that the Commission make permanent the emergency regulations set forth in Section 8.01, Title 14, CCR, as amended herein.

Environmental conditions resulting in degraded habitat quality and or extremely low population size may require temporary restrictions on fishing to protect fish populations and sustain future opportunity. These conditional changes may affect each waterbody and fish population differently based on various abiotic and biotic factors. Increased angling mortality, harvest, angling pressure, and fish population size are the key components used to evaluate potential effects associated with degraded environmental conditions and will need to be evaluated on a water by water basis and over time as conditions change.

To ensure that fisheries are protected under critical conditions, the Department is proposing a set of triggers to guide fishing closure and reopening decisions. The Department's decision to close or open individual waters will be based on the most current information available, collected by professional staff trained in the associated fields. Criteria for evaluating aquatic conditions are based on site-specific monitoring efforts with an emphasis on listed fish species, species of special concern, and gamefish.

The following proposed criteria will be used to determine if a fishing closure or associated reopening is warranted:

Any water of the state not currently listed in Section 8.00 of these regulations may be closed to fishing by the Department when the Director, or his or her designee, determines one or more the following conditions have been met:

- Water temperatures in occupied habitat exceed 70° Fahrenheit for over eight hours a day for three consecutive days.
- Dissolved oxygen levels in occupied habitat drop below 5 mg/L for any period of time over **two** consecutive days.
- Fish passage is impeded or blocked for fish species that rely on migration as part of a life history trait.
- Water levels for ponds, lakes and reservoirs drop below 10% of their capacity.
- Adult breeding population levels are estimated to be below **50 individuals for a sub-population and 500 individuals for a standard population.**

All waters closed pursuant to this section will be reopened by the Department when the Director, or his or her designee, determines the initial closure-based criteria are no longer met and **water temperatures do not exceed 70° Fahrenheit for over eight hours a day for 14 consecutive days and dissolved oxygen remains above 5 mg/L for 14 consecutive days.**

Proposed Regulatory Changes from Emergency Regulations:

The Department proposes additional modifications to the originally approved "emergency" text as shown in bold above due to further review of scientific literature as follows:

1. A consecutive 48 hour (two days) exposure rate for dissolved oxygen provides a better basis to address natural variability and risk for juvenile and early life stages of fish.
2. The Department is proposing to use the 50/500 rule in evaluating angling closures to address the effects on both the localized level for smaller sub-populations and larger meta-population complexes.
3. The Department is proposing an extended period of recovery for water temperature and dissolved oxygen closures to account for natural variability and fluctuations once the upper limits for water temperature and dissolved oxygen have been exceeded.

Justification and associated data for closure and reopening decisions will
Commission for any water that is subject to a fishing closure.

Benefits of the regulations

As set forth in Fish and Game Code section 1700 it is "the policy of the state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the state for the benefit of all the citizens of the state and to promote the development of local fisheries and distant-water fisheries based in California in harmony with international law respecting fishing and the conservation of the living resources of the oceans and other waters under the jurisdiction and influence of the state.

Adoption of scientifically-based criteria for angling closures due to adverse habitat conditions provides for the protection and maintenance of sport fish populations to ensure their continued existence. The benefits of the proposed regulations are in sustainable management of the State's sport fish resources, and the businesses that rely on sport fishing in California.

Consistency with State and Federal Regulations

Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate recreational fishing in waters of the state (Fish & Game Code, §§ 200, 202, 205). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to angling closures to protect sport fish populations. Further, the Commission has determined that there are no existing comparable 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 Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Thursday, February 11, 2016 at 8:30 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 Flamingo Conference Resort & Spa, 2777 Fourth Street, Santa Rosa, CA 95405, California, on Thursday, April 14, 2016, at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below or by e-mail to FGC@fgc.ca.gov. Written comments mailed or e-mailed to the Commission office, must be received before 12:00 noon on April 12, 2016. All comments must be received no later than April 14, 2016, at the hearing location listed above. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, 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 Sonke Mastrup or Jon Snellstrom at the preceding address or phone number. **Roger Bloom, Department of Fish and Wildlife, phone (916) 445-3777, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

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 Analysis

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 is not anticipated to 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 expected impact of the proposed regulations on the amount of fishing activity is anticipated to be minimal relative to recreational angling effort statewide.

(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 expected impact of the proposed regulations on the amount of fishing activity is anticipated to be minimal relative to recreational angling effort statewide. Therefore the Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing business or the expansion of businesses in California.

The Commission anticipates benefits to the health and welfare of California residents. Protecting fish populations during poor habitat conditions ensures the maintenance of the fishery and is needed to ensure future opportunity for California anglers. Recreational angling is a healthy outdoor activity that encourages consumption of a nutritious food.

The Commission does not anticipate any non-monetary benefits to worker safety because the proposed regulations do not affect working conditions.

The Commission anticipates benefits to the environment by the sustainable management of California's sport fishing resources.

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

The agency 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 Fur

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

Sonke Mastrup
Executive Director

Dated: December 15, 2015

Commissioners
Jack Baylis, President
Los Angeles
Jim Kellogg, Vice President
Discovery Bay
Jacque Hostler-Carmesin, Member
McKinleyville
Eric Sklar, Member
Saint Helena
Anthony C. Williams, Member
Huntington Beach

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DEC 23 2015

Clerk/Board of Supervisors

December 22, 2015

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 28.20, Title 14, California Code of Regulations, relating to Pacific halibut sport fishing, which will be published in the California Regulatory Notice Register on December 25, 2015.

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

Melanie Parker, Environmental Scientist, Marine Region, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Ms. Parker can be reached at (831) 649-2814 or Melanie.Parker@wildlife.ca.gov.

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 Sections 200, 202, 205, 219, 220, 240 and 316 of the Fish and Game Code, and to implement, interpret or make specific Sections 200, 202, 203.1, 205, 207, 215, 219, 220 and 316 of said code, and 50 Code of Federal Regulation (CFR) Part 300, Subpart E; and 50 CFR 300.66, proposes to amend Section 28.20, Title 14, California Code of Regulations (CCR), relating to Pacific halibut sport fishing.

Informative Digest/Policy Statement Overview

Pacific halibut is internationally managed under the authority of the Northern Pacific Halibut Act of 1982 between the United States of America and Canada. Pacific halibut along the United States west coast is jointly managed through authorities of the International Pacific Halibut Commission (IPHC), Pacific Fishery Management Council (PFMC), and the National Marine Fisheries Service (NMFS), in conjunction with the west coast state agencies. The PFMC coordinates west coast management of all recreational and commercial Pacific halibut fisheries in United States waters through the Pacific Halibut Catch Sharing Plan (CSP), which constitutes a framework for recommending annual management measures. The NFMS is responsible for specifying the final CSP language and management measures in federal regulations (50 CFR Part 300, Subpart E and the Federal Register) and noticing them on their halibut telephone hotline. Federal regulations for Pacific halibut are applicable in federal waters (three to 200 miles offshore) off Washington, Oregon, and California. Each state adjacent to federal waters adopts corresponding fishery regulations for their own waters (zero to three miles off shore).

For consistency, the Commission routinely adopts regulations to bring State law into conformance with federal and international law for Pacific halibut.

The November PFMC regulatory recommendation and NMFS final rule will be considered by the Commission when it takes its own regulatory action to establish the State's recreational Pacific halibut fishery regulations for 2016.

Summary of Proposed Amendments

The Department of Fish and Wildlife is proposing the following regulatory changes to be consistent with PFMC recommendations and the CSP for Pacific halibut regulations in 2016. This approach will allow the Commission to adopt State recreational Pacific halibut regulations to conform in a timely manner to those taking effect in federal ocean waters on or before May 1, 2016.

The proposed regulatory changes modify Pacific halibut regulations to allow for timely conformance to federal fisheries regulations and inseason changes. The proposed regulatory changes would modify the seasons to include a range from May 1 to October 31 which may include periodic closures, and replace the text regarding the 2015 quota with a reference to the Federal Register specifying the 2016 federal quota amount. The final regulation will conform to the season established by federal regulations in May 2016.

The benefits of the proposed regulations are: consistency with federal regulations, the sustainable management of California's Pacific halibut resources, and health and welfare of California residents.

The proposed regulations are neither inconsistent nor incompatible with commercial fishing regulations (Chapter 6, Title 14 CCR), State Coastal Conservancy regulations for experimental fishing gear loan programs (Section 13862, Title 14, CCR), and State Board of Equalization tax regulations (Section 1602, Title 18, CCR). The Legislature has delegated authority to the Commission to adopt sport fishing regulations (Fish and Game Code, Sections 200, 202, and 205) and Pacific halibut fishing regulations specifically (Fish and Game Code, Section 316). The proposed regulations are consistent with regulations for sport fishing in marine protected areas (Section 632, Title 14, CCR) and with general sport fishing regulations in Chapters 1 and 4 of Subdivision 1 of Division 1, Title 14, CCR. Commission staff has searched the California Code of Regulations and has found no other State regulations related to the recreational take of Pacific halibut.

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 Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Wednesday, February 10, 2016 at 8:30 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 Flamingo Conference Resort and Spa, 2777 Fourth Street, Santa Rosa, California, on Wednesday, April 13, 2016, at 8:30 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 March 30, 2016 at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on April 8, 2016. All comments must be received no later than April 13, 2016, at the hearing in Santa Rosa, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, 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 Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number.

Melanie Parker, Department of Fish and Wildlife, phone (831) 649-2814 or Melanie.Parker@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission 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 Analysis

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 because the regulatory action does not substantially alter existing conditions.

- (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 because the regulatory action does not substantially alter existing conditions.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities to participate in sport fisheries fosters conservation through education and appreciation of fish and wildlife.

The Commission anticipates benefits to the environment by the sustainable management of California's Pacific halibut resources.

The Commission does not anticipate any benefits to worker safety.

Additional benefits of the proposed regulations are consistency with federal regulations and promotion of businesses that rely on recreational Pacific halibut fishing.

- (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

Sonke Mastrup
Executive Director

Dated: December 15, 2015

Commissioners
Jack Baylis, President
Los Angeles

Jim Kellogg, Vice President
Discovery Bay

Richard Rogers, Member
Santa Barbara

Michael Sutton, Member
Monterey

Jacque Hostler-Carmesin, Member
McKinleyville

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

(012-0116) Seven... - 28 of 46

(916) 653-4899

www.fgc.ca.gov

RECEIVED

DEC 23 2015

Clerk/Board of Supervisors

December 24, 2015

This is to provide you with a copy of the notice of proposed regulatory action relative to amending subsections 7.50(b)(5), (b)(68) and (b)(156.5), Title 14, California Code of Regulations, relating to central valley salmon sport fishing, which are published in the California Regulatory Notice Register on December 25, 2015.

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 www.fgc.ca.gov.

Mr. Roger Bloom, Fisheries Branch, phone (916) 445-3777, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Jon D. Snellstrom

Associate-Governmental Program Analyst

Attachment

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

(012-0116) Seven... - 29 of 46

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 205, 215, 220, 240, 315 and 316.5 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 202, 205, 206, 215 and 316.5 of said Code, proposes to amend subsections (b)(5), (b)(68), and (b)(156.5), of Section 7.50, Title 14, California Code of Regulations (CCR), relating to alphabetical list of waters with special fishing regulations:
central valley salmon sport fishing.

Informative Digest/Policy Statement Overview

The current, 2015, sport fishing regulations allow for salmon fishing in the American, Feather and Sacramento rivers. The Department of Fish and Wildlife (Department) is recommending new Chinook salmon bag and possession limits in the American, Feather, and Sacramento rivers for the 2016 season.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of recreational and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

The PFMC will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at its March 2016 meeting and develop the final PFMC regulatory recommendations for adoption by NMFS at its April 2016 meeting.

Based on the action taken by NMFS and the recommendation of the Department, the Commission will adopt bag and possession limits for the American, Feather, and Sacramento rivers which will:

- (1) allow for additional harvest of salmon if low instream flow conditions persist due to the existing drought to reduce impacts to spawning habitat; and
- (2) increase or decrease the current salmon bag and possession limits based on the PFMC salmon abundance estimates and recommendations for ocean harvest for the coming season.

Benefits of the regulations

As set forth in Fish and Game Code Section 1700 it is "the policy of the state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the state for the benefit of all the citizens of the state and to promote the development of local fisheries and distant-water fisheries based in California in harmony with international law respecting fishing and the conservation of the living resources of the oceans and other waters under the jurisdiction and influence of the state.

Adoption of scientifically-based Central Valley salmon bag and possession limits provides for the maintenance of sufficient populations of salmon to ensure their continued existence. The benefits of the proposed regulations are in concurrence with Federal law, sustainable management of the Central Valley salmon resources, and promotion of businesses that rely on Central Valley salmon sport fishing.

The benefits of the proposed regulations are concurrent with Federal law, sustainable management of California's salmon resources, and promotion of businesses that rely on recreational sport fishing in California.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

The Commission has evaluated the proposed regulation and has determined (012-0116) Seven... - 30 of 46 only regulations dealing with fisheries at risk due to drought conditions. Therefore, the proposed regulations 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 Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Thursday, February 11, 2016 at 8:30 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 teleconference originating in the Fish and Game Commission conference room, 1416 Ninth Street, Suite 1320, Sacramento, California, on Monday, April 18, 2016, at 8:30 a.m., or as soon thereafter as the matter may be heard. Interested persons may also participate at the following locations: Department of Fish and Wildlife, Conference Room, 50 Ericson Court, Arcata, California; Department of Fish and Wildlife, Conference Room, 4665 Lampson Avenue, Los Alamitos, California; and Department of Fish and Wildlife Conference Room, 7329 Silverado Trail, Napa, California. Written comments may be submitted at the address given below or by e mail to FGC@fgc.ca.gov. Written comments mailed or e-mailed to the Commission office, must be received before 12:00 noon on April 13, 2016. All comments must be received no later than April 18, 2016, at one of the teleconference hearing locations listed above. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, 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 Sonke Mastrup or Jon Snellstrom at the preceding address or phone number. **Roger Bloom, Department of Fish and Wildlife, phone (916) 445-3777, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission 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.

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. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (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, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The minor variations in the bag and possession limits as may be established in the regulations are, by themselves, unlikely to impact business.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a salmon sport fishery encourages consumption of a nutritious food. The Commission anticipates benefits to the environment by the sustainable management of California's salmon resources.

The Commission does not anticipate any non-monetary benefits to worker safety.

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

The agency 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

(012-0116) Seven... - 32 of 46

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: December 15, 2015

Sonke Mastrup
Executive Director

Commissioners
Jack Baylis, President
Los Angeles

Jim Kellogg, Vice President
Discovery Bay

Jacque Hostler-Carmesin, Member
McKinleyville

Eric Sklar, Member
Saint Helena

Anthony C. Williams, Member
Huntington Beach

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

(012-0116) Seven... - 33 of 46

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Fish and Game Commission



Wildlife Heritage and Conservation
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RECEIVED

DEC 28 2015

Clerk/Board of Supervisors

December 22, 2015

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to subsection (c) of Section 27.80, Title 14, California Code of Regulations, relating to ocean salmon sport fishing, which will be published in the California Regulatory Notice Register on December 25, 2015.

This is the first of two notices relating to ocean salmon sport fishing and pertains to the ocean salmon sport fishing regulations for April 2016. A separate notice pertaining to the remainder of the 2016 ocean salmon sport fishing regulations will also be published in the California Regulatory Notice Register on December 25, 2015.

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

Barry Miller, Environmental Scientist, Marine Region, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Mr. Miller can be reached at (707) 576-2860 or Barry.Miller@wildlife.ca.gov.

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 Sections 200, 202, 205, 220, 240, 316.5 and 2084 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 202, 205, 316.5 and 2084 of said Code, proposes to amend subsection (c) of Section 27.80, Title 14, California Code of Regulations (CCR), relating to ocean salmon sport fishing during the month of April 2016.

Informative Digest/Policy Statement Overview

The Pacific Fishery Management Council (PFMC) coordinates west coast management of recreational and commercial ocean salmon fisheries in the federal fishery management zone (three to 200 miles offshore) along the coasts of Washington, Oregon and California. The annual PFMC ocean salmon regulation recommendations are subsequently implemented by the National Marine Fisheries Service (NMFS) effective on May 1 of each year.

California's recreational salmon fishing regulations need to conform to the federal regulations to achieve optimum yield in California under the federal Salmon Fishery Management Plan. The Commission adopts regulations for the ocean salmon recreational fishery in State waters (zero to three miles offshore) which are consistent with these federal fishery management goals.

Present Regulations

Regulations for 2015 [subsections 27.80(c) and (d)] authorized ocean salmon recreational fishing seven days per week north of Horse Mountain including Humboldt Bay from May 1 to September 7, 2015. Between Horse Mountain and Point Arena, ocean salmon recreational fishing was authorized seven days per week from April 4 to November 8, 2015. Between Point Arena and Pigeon Point, ocean salmon recreational fishing was authorized seven days per week from April 4 to October 31, 2015. Between Pigeon Point and Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 4 to September 7, 2015. For areas south of Point Sur, the ocean salmon recreational fishing season was authorized seven days per week from April 4 to July 19, 2015. The bag limit for all areas in 2015 was two fish per day (all species except coho). The areas north of Point Arena had a minimum size limit of 20 inches total length. The area between Point Arena and Pigeon Point had a minimum size limit of 24 inches total length through April 30, 2015 and 20 inches total length thereafter. Areas south of Pigeon Point had a minimum size limit of 24 inches total length through May 31, 2015 and 20 inches total length thereafter. Since the existing regulations pertained only to the 2015 season, amendment of these regulations is essential to allow for any fishing in State waters during 2016.

Proposed Regulations

Two separate Commission actions are necessary to conform State regulations to federal rules that will apply in 2016. The first action would amend subsection 27.80(c), establishing salmon fishing regulations for the month of April 2016 consistent with federal regulations for the federal fishery management zone off California. Recreational salmon fishing regulations for May 1 through the end of 2016 will be considered in the second rulemaking action, tentatively scheduled for adoption in April 2016.

For public notice purposes and to facilitate Commission discussion, the Department of Fish and Wildlife (Department) is proposing the following regulations to encompass the range of federal ocean salmon regulations that are expected to be in effect April 2 through April 30, 2016. This approach will allow the Commission to adopt State ocean salmon recreational fishing regulations to conform to those in effect in federal ocean waters shortly after the federal rules are promulgated.

- (1) North of Horse Mountain and in Humboldt Bay: The fishery shall remain closed in this area during April. The remainder of the 2016 season will be decided in April by the PFM and Commission and the section will be amended pursuant to the regulatory process.
- (2) South of Horse Mountain: The season, if any, may open on a date within the range of April 2 through April 30, 2016. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening date, along with daily bag limit, minimum size, and days of the week open will be determined by the Commission, considering federal regulations applicable to each area for April 2016 and may be different for each area.

The benefits of the proposed regulations are concurrence with federal law, sustainable management of ocean salmon resources, and promotion of businesses that rely on recreational ocean salmon fishing.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The legislature has delegated authority to the Commission to adopt sport fishing regulations in general (Sections 200, 202 and 205, Fish and Game Code) and salmon sport fishing regulations specifically (Section 316.5, Fish and Game Code). The proposed regulations are consistent with regulations for sport fishing in marine protected areas (Section 632, Title 14, CCR) and with general sport fishing regulations in Chapters 1 and 4 of Subdivision 1 of Division 1, Title 14, CCR. Commission staff has searched the California Code of Regulations and has found no other State regulations related to the recreational take of salmon in the ocean.

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 Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Wednesday, February 10, 2016 at 8:30 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 teleconference originating in the Fish and Game Commission conference room, 1416 Ninth Street, Suite 1320, Sacramento, California, on Tuesday, March 15, 2016, at 8:30 a.m., or as soon thereafter as the matter may be heard. Interested persons may also participate at the following locations: Department of Fish and Wildlife, Conference Room, 50 Ericson Court, Arcata, California; Department of Fish and Wildlife, Conference Room, 4665 Lampson Avenue, Los Alamitos, California; and Department of Fish and Wildlife Conference Room, 7329 Silverado Trail, Napa, California. Written comments may be submitted at the address given below or by e-mail to FGC@fgc.ca.gov. Written comments mailed or e-mailed to the Commission office, must be received before 12:00 noon on March 10, 2016. All comments must be received no later than March 15, 2016, at one of the teleconference

hearing locations listed above. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, 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 Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Barry Miller, Department of Fish and Wildlife, phone (707) 576-2860 or Barry.Miller@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission 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 Analysis

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 statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Department anticipates status quo fishing levels for April 2016 as compared to the April 2015 ocean salmon sport fishing season.

- (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 that the proposed regulations will have any impact on the creation or elimination of jobs, the creation or elimination of businesses or the expansion of businesses in California.

The Commission anticipates benefits to the health and welfare of California residents. Salmon sport fishing contributes to increased mental health of its practitioners, provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of California's natural resources.

The Commission anticipates benefits to the State's environment in the sustainable management of salmon resources.

Additional benefits of the proposed regulations are concurrence with federal law, and promotion of businesses that rely on recreational ocean salmon fishing.

The Commission does not anticipate 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: 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: December 15, 2015

Sonke Mastrup
Executive Director

Commissioners
Jack Baylis, President
Los Angeles
Jim Kellogg, Vice President
Discovery Bay
Jacque Hostler-Carmesin, Member
McKinleyville
Eric Sklar, Member
Saint Helena
Anthony C. Williams, Member
Huntington Beach

STATE OF CALIFORNIA
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(012-0116) Seven... - 39 of 46

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Fish and Game Commission



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RECEIVED
DEC 28 2015
Clerk/Board of Supervisors

December 22, 2015

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to subsection (d) of Section 27.80, Title 14, California Code of Regulations, relating to ocean salmon sport fishing, which will be published in the California Regulatory Notice Register on December 25, 2015.

This is the second of two notices relating to ocean salmon sport fishing and pertains to the ocean salmon sport fishing regulations on and after May 1, 2016. A separate notice pertaining to the April 2016 ocean salmon sport fishing regulations will also be published in the California Regulatory Notice Register on December 25, 2015.

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

Barry Miller, Environmental Scientist, Marine Region, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Mr. Miller can be reached at (707) 576-2860 or Barry.Miller@wildlife.ca.gov.

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 Sections 200, 202, 205, 220, 240, 316.5 and 2084 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 202, 205, 316.5 and 2084 of said Code, proposes to amend subsection (d) of Section 27.80, Title 14, California Code of Regulations (CCR), relating to ocean salmon sport fishing on and after May 1, 2016.

Informative Digest/Policy Statement Overview

The Pacific Fishery Management Council (PFMC) coordinates west coast management of recreational and commercial ocean salmon fisheries in the federal fishery management zone (three to 200 miles offshore) along the coasts of Washington, Oregon and California. The annual PFMC ocean salmon regulation recommendations are subsequently implemented by the National Marine Fisheries Service (NMFS) effective on May 1 of each year.

California's recreational salmon fishing regulations need to conform to the federal regulations to achieve optimum yield in California under the federal Salmon Fishery Management Plan. The Commission adopts regulations for the ocean salmon recreational fishery in State waters (zero to three miles offshore) which are consistent with these federal fishery management goals.

Present Regulations

Regulations for 2015 [subsections 27.80(c) and (d)] authorized ocean salmon recreational fishing seven days per week north of Horse Mountain including Humboldt Bay from May 1 to September 7, 2015. Between Horse Mountain and Point Arena, ocean salmon recreational fishing was authorized seven days per week from April 4 to November 8, 2015. Between Point Arena and Pigeon Point, ocean salmon recreational fishing was authorized seven days per week from April 4 to October 31, 2015. Between Pigeon Point and Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 4 to September 7, 2015. For areas south of Point Sur, the ocean salmon recreational fishing season was authorized seven days per week from April 4 to July 19, 2015. The bag limit for all areas in 2015 was two fish per day (all species except coho). The areas north of Point Arena had a minimum size limit of 20 inches total length. The area between Point Arena and Pigeon Point had a minimum size limit of 24 inches total length through April 30, 2015 and 20 inches total length thereafter. Areas south of Pigeon Point had a minimum size limit of 24 inches total length through May 31, 2015 and 20 inches total length thereafter. Since the existing regulations pertained only to the 2015 season, amendment of these regulations is essential to allow for any fishing in State waters during 2016.

Proposed Regulations

Two separate Commission actions are necessary to conform the State regulations to federal rules that will apply in 2016. This proposed regulation would amend subsection 27.80(d), establishing salmon fishing regulations for May 1 through the end of 2016. Recreational salmon fishing regulations for the month of April 2016 will be considered in a separate rulemaking action, tentatively scheduled for adoption in March 2016.

For public notice purposes and to facilitate Commission discussion, the Department of Fish and Wildlife is proposing the following regulations to encompass the range of federal ocean salmon regulations that are expected to be in effect on or after May 1, 2016. This approach will allow the Commission to adopt State ocean salmon recreational fishing regulations to conform to those in

effect in federal ocean waters.

- (1) North of Horse Mountain and in Humboldt Bay: The season, if any, may occur within the range of May 1 through September 30, 2016.
- (2) Between Horse Mountain and Pigeon Point: The season, if any, may occur within the range of May 1 to November 13, 2016.
- (3) South of Pigeon Point: The season, if any, may occur within the range of May 1 to October 2, 2016.
- (4) For all areas, the proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length.

The exact opening and closing dates, along with daily bag limit, minimum size, and days of the week open will be determined in April by the Commission considering federal regulations and may be different for each subarea.

The benefits of the proposed regulations are concurrence with federal law, sustainable management of ocean salmon resources, and promotion of businesses that rely on recreational ocean salmon fishing.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The legislature has delegated authority to the Commission to adopt sport fishing regulations in general (Sections 200, 202 and 205, Fish and Game Code) and salmon sport fishing regulations specifically (Section 316.5, Fish and Game Code). The proposed regulations are consistent with regulations for sport fishing in marine protected areas (Section 632, Title 14, CCR) and with general sport fishing regulations in Chapters 1 and 4 of Subdivision 1 of Division 1, Title 14, CCR. Commission staff has searched the California Code of Regulations and has found no other State regulations related to the recreational take of salmon in the ocean.

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 Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Wednesday, February 10, 2016 at 8:30 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 teleconference originating in the Fish and Game Commission conference room, 1416 Ninth Street, Suite 1320, Sacramento, California, on Monday, April 18, 2016, at 8:30 a.m., or as soon thereafter as the matter may be heard. Interested persons may also participate at the following locations: Department of Fish and Wildlife, Conference Room, 50 Ericson Court, Arcata, California; Department of Fish and Wildlife, Conference Room, 4665 Lampson Avenue, Los Alamitos, California; and Department of Fish and Wildlife Conference Room, 7329 Silverado Trail, Napa, California. Written comments may be submitted at the address given below or by e-mail to FGC@fgc.ca.gov. Written comments mailed or e-mailed to the Commission office, must be received before 12:00 noon on April 13, 2016. All comments must be received no later than April 18, 2016, at one of the teleconference hearing locations listed above. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, 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 Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Barry Miller, Department of Fish and Wildlife, phone (707) 576-2860 or Barry.Miller@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission 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 Analysis

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:

Although the recommendations of the PFMC for the 2016 ocean salmon season are unknown at this time, the Department anticipates that recreational salmon fishing effort will be similar to the 2015 season. For the purpose of evaluating potential economic impacts of the 2016 ocean salmon regulations, the Commission analyzed possible reductions in ocean salmon recreational effort ranging from zero (no change) to 100-percent. The base year used for estimating the 2016 economic impacts is the 2014 salmon season, the latest full year of economic data.

For the first two projections for 2016, representing 100-percent (120,300 angler days), and 50-percent (60,150 angler days) levels of ocean salmon angling effort, there are not likely to be significant statewide adverse economic impacts directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The elimination of ocean recreational salmon angling or the 0-percent (zero angler days) projection could constitute a significant decline in revenue to a number of businesses associated with recreational ocean angling. However, such a closure would be undertaken with the intent of ensuring the health of the resource and thus prevent longer term adverse economic impacts.

Data from the Department indicate that during the 2014 salmon season, recreational fishermen participated in 120,300 angler days of ocean salmon fishing and generated an estimated \$20.2 million (2015\$) in total economic output to the State. The projected levels of fishing effort for the 2016 salmon season are 120,300 angler days, 60,150 angler days, and zero angler days, equivalent to 100, 50, and 0-percent levels of effort, respectively. At the projected 2016 levels of angler effort, the associated fishing expenditures by fishermen would generate an estimated \$20.2 million, \$10.1 million and \$0.00 (2015\$) in total economic output for the State, respectively. Thus, relative to the 2014 salmon season, the total incremental effects (direct, indirect, and induced) of the 2016 projections on State economic output range from no change (the same \$20.2 million); a 50-percent decrease (\$10.1 million); to an 100-percent decline (-\$20.2 million) total economic output from the recreational salmon fishery.

The proposed regulations do not include any reporting, recordkeeping or other compliance requirements.

The Commission has made an initial determination that the amendment of this regulation may have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Commission has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

- (i) the establishment of differing compliance or reporting requirements or timetables which take into account the resources available to businesses;
 - (ii) consolidation or simplification of compliance and reporting requirements for businesses;
 - (iii) the use of performance standards rather than prescriptive standards; or
 - (iv) exemption or partial exemption from the regulatory requirements for 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:

Approximately 164 jobs were indirectly supported by recreational ocean salmon angling during the 2014 salmon season. Thus, relative to the 2014 salmon season, the 2016 projections (100, 50, and 0-percent levels of effort) represent potential incremental

effects on employment ranging from no change to a loss of 82 to 164 jobs statewide; potential incremental effects on the creation or elimination of businesses ranging from no impact to the potential elimination of businesses in the state in some localized areas that lack industry diversification and have a heavy reliance on recreational fishing and tourism; and potential incremental effects on the expansion of business ranging from no effect to the contraction of some business activities in the recreational salmon fishing arena.

The Commission anticipates benefits to the health and welfare of California residents. Salmon sport fishing contributes to increased mental health of its practitioners, provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of California's natural resources.

The Commission anticipates benefits to the State's environment in the sustainable management of salmon resources.

Additional benefits of the proposed regulations are concurrence with federal law, and promotion of businesses that rely on recreational ocean salmon fishing.

The Commission does not anticipate 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: 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

Sonke Mastrup
Executive Director

Dated: December 15, 2015

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The County of Yuba

HEALTH & HUMAN SERVICES DEPARTMENT

Jennifer Vasquez, Director

5730 Packard Ave., Suite 100, P.O. Box 2320, Marysville, California 95901
Phone: (530) 749-6311 FAX: (530) 749-6281



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(004-0116) Consi... - 1 of 4

Dr. Nichole Quick, MD, MP
Health Officer
Phone: (530) 749-6366

TO: Human Services Committee
Yuba County

FROM: Jennifer Vasquez, Director
Dr. Nichole Quick, Health Officer
Health & Human Services Department

DATE: January 12, 2016

SUBJECT: Resolution of the Board of Supervisors Authorizing the Health and Human Services Department to apply for the California Information and Education (I&E) Program

RECOMMENDATION: It is recommended that the Board of Supervisors approve the attached Resolution of the Board authorizing the Health and Human Services Department (HHSD) to apply for the California Department of Public Health (CDPH), Maternal, Child and Adolescent Health (MCAH), California Information and Education (I&E) Program for the period of July 1, 2016, through June 30, 2019; and further authorizing the Chair of the Board to accept, allocate and transfer funds for the stated period and any subsequent funds awarded, and to execute documents as required by the application and the resultant contract and any pertinent documents related to this program.

BACKGROUND: Yuba County, through its Health and Human Services Department, has received MCAH program funds since 2007 to develop policies and standards, and conduct activities with the focus of improving the health and well-being of the women, children and families of Yuba County. CDPH has made funds available through the MCAH I & E Program for the purpose of improving the health and well-being of youths aged 12-19 to prevent adolescent pregnancies and sexually transmitted infections by providing the knowledge, understanding, and behavioral skills necessary to make responsible decisions regarding at-risk behavior.

DISCUSSION: If approved, CDPH will provide funds for the MCAH I & E Program in the amount of \$80,000.00 for funding period of July 1, 2016 through June 30, 2019.

FISCAL IMPACT: Approval of this Resolution will not impact County General Funds.

**BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA**

**RESOLUTION AUTHORIZING THE HEALTH)
AND HUMAN SERVICES DEPARTMENT TO)
APPLY TO THE CALIFORNIA DEPARTMENT)
OF PUBLIC HEALTH FOR MATERNAL,)
CHILD AND ADOLESCENT HEALTH (MCAH))
PROGRAM FUNDS FOR THE PERIOD OF)
JULY 1, 2016 THROUGH JUNE 30, 2019,)
AND FURTHER, AUTHORIZE THE CHAIR OF)
THE BOARD TO EXECUTE DOCUMENTS)
RELATED TO THIS PROGRAM AND THE)
ACCEPTANCE OF FUNDS)**

Resolution No. _____

WHEREAS, the State of California, through the California Department of Public Health, has made grant funds available to implement the Maternal, Child and Adolescent Health (MCAH) Information and Education (I&E) Program, for the purpose of providing youth with comprehensive life skills and sexual health education programs in diverse settings; and

WHEREAS, it is in the best interest of its residents for the County of Yuba to apply for and utilize the grant funds for the improvement of the health and well-being of youth aged 12-19 to prevent adolescent pregnancies and sexually transmitted infections by providing the knowledge, understanding, and behavioral skills necessary to make responsible decisions regarding at-risk behavior.

NOW, THEREFORE, BE IT RESOLVED by the Yuba County Board of Supervisors that the submission of an application to the California Department of Public Health for Maternal, Child and Adolescent Health (MCAH) Information and Education (I&E) grant funds is hereby authorized; and

BE IT FURTHER RESOLVED by the Yuba County Board of Supervisors that the Chair of the Board is hereby authorized to:

- Accept Eighty Thousand Dollars (\$80,000) for the period July 1, 2016, through June 30, 2019;

- Execute, upon review and approval of County Counsel, documents as required by the application and the resultant contract for the stated period;
- Allocate and transfer funds for the stated period;
- Amend contracts for additional or lesser funding; and
- Execute amendments or memorandums of understanding developed under this grant if the allocation, or a portion thereof, is awarded.

A copy of said contract or any amendment thereto shall be filed in the office of the Clerk of the Board, County of Yuba.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Yuba, State of California, on the ____ day of _____, 2016, by the following vote:

AYES:

NOES:

ABSENT:


ABSTAIN:

Chair

ATTEST: DONNA STOTTLEMEYER
Clerk of the Board of Supervisors

By: _____

APPROVED AS TO FORM



Angil P. Morris-Jones,
Yuba County Counsel

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