



Humboldt County Fish & Game Advisory Commission AGENDA June 18, 2019

The Commission meets the THIRD Tuesday each month from 6:30pm through 8:30pm. Agenda items and supporting info should be mailed to HCF&GAC; PO Box 922; Ferndale, CA 95536; Phone 707.786.4902 email: nkaytis4@gmail.com up to two weeks following previous meeting. MEETINGS ARE HELD AT THE ELK'S CLUB; 445 HERRICK AVENUE, EUREKA, CALIFORNIA

1. Call to Order. Introduction of guests
2. SPEAKER: Beth Chaton: EdD, Program Coordinator, After School and Redwood EdVentures, Humboldt County Office of Education. Final report on Grant 2018-1
3. PUBLIC COMMENT PERIOD: Members of the public may address the Commission on any item of interest that is not on the current agenda. Pursuant to the Brown Act (Govt. Code Section 54950 et seq.) action or Commission discussion cannot be taken on open time matters, other than to receive the comments, and if deemed necessary, to refer the subject matter to the appropriate agency or department, for follow-up and/or to schedule the matter on a subsequent Commission Agenda.
4. Approve minutes – March 19, 2019 (MOTION); April 16, 2019 (MOTION); May 21, 2019 (MOTION)
5. MODIFICATIONS: Change the order of, or drop an item.
6. CORRESPONDENCE – Scanned and emailed to commissioners as received. Passed around the table during the meeting. Copies will be made for the public if requested.
7. OLD BUSINESS – Reports

The Chair will (1) announce each item, (2) open for discussion by Commission, (3) Open for 3 min. each public discussion, (4) bring item back to the commission for discussion.

- a. Grants – Requests for Proposals and advertisement has gone out – Grant requests are due in by July 1. Present figures given by CF&W and corresponding code. (Attached)
- b. Area River Updates: Potter Valley / Eel River water / Klamath River / Trinity River / Mad River – Commissioner Denver Nelson updates on area rivers including fish, water quality, dams, etc.
- c. Humboldt Bay National Wildlife Refuge – Update by Commissioner Phil Grunert regarding the Refuge including handicap access, alterations being made by the refuge, successful hunts on the Refuge, etc.
- d. Humboldt Bay Halibut – Updates by Commissioner Phil Grunert on halibut fishing regulations.
- e. Oak and Meadow Management – Update by Commissioner Harry Vaughn on Oak and Meadow Management. Will discuss 5/30/19 Sudden Oak Death Workshop in Eureka.
- f. Salmon Habitat Restoration – Harry Vaughn reports on salmon sightings off the South Fork of the Eel River.
- g. Pacific Fishery Management Council (PFMC) proposals – Update by Commissioner Mike Zamboni on various fishery issues.
- h. Marine Life Protection Areas (MLPA) monitoring – Update by Mike Zamboni regarding new information or proposed laws.
- i. Crab Fishing – Commissioner Mike Zamboni discuss the crabbing industry.
- j. Cannabis – Commissioner Hollie Hall will report on any updates to the environmental impact of Cannabis to fish and wildlife habitat.
- k. Update on the Sustainable Groundwater Management Act – Comm. Hollie Hall.
- l. On land Fish Farming proposal: Commissioner Ted Romo will report on updates.
- m. Proposed aquaculture expansion is being considered in the North Bay – Commissioner Ted Romo will be reporting on this as it unfolds.

Humboldt County Fish & Game Advisory Commission AGENDA 5/21/19

- n. Wind Energy – California is promoting development of wind energy off the coast of Eureka, 10-20 miles out. Drag fishermen are concerned about anchoring. Commissioner Romo will report on this.
 - o. Ocean Ranch Restoration Project: CDF&W Draft Environmental Impact Report for the Ocean Ranch Restoration Project – Commissioners Romo and Grunert will keep us up to date on this item.
 - p. Wolves introduced into Western California – Commissioners Wes Moore and Mike Zamboni will report.
 - q. Elk Herd: Wes Moore reports on updates to monitoring the herd(s)
 - r. Mountain Lions – Commissioner Wes Moore will report on the impact of mountain lions on livestock and game.
 - s. Assemblywoman Lorena Gonzalez Fletcher (D-San Diego) introduced the Wildlife Protection Act of 2019 in response largely to the concerns of wildlife advocates, who say fur trapping is cruel and anachronistic – Commissioner John Clark will lead the discussion on this.
8. NEW BUSINESS
- The Chair will (1) announce each item, (2) open for discussion by Commission, (3) Open for 3 min. ea. public discussion, (4) bring item back to the commission for discussion.
- a. Incorrect expiration dates for districts 1, 2, 3 and 4, 5. Dates are supposed to be three years apart.
 - b. Election of Chair and Vice-Chair
9. LEGISLATIVE UPDATE. Any commissioner or guest can bring legislative updates to the attention of the Commission.
10. ANNOUNCEMENTS. Upcoming meetings, gatherings, new issues to consider having to do with fishing and hunting in Humboldt County or elsewhere.
11. NEXT MEETING'S AGENDA July 16, 2019. IMPORTANT MEETING, DISCUSSING AND GRADING GRANT REQUESTS.

The Elk's Club, at 445 Herrick Avenue in Eureka, is wheelchair accessible, and disabled parking is available in the parking lot. The Humboldt County Fish & Game Advisory Commission is committed to providing equal access to all through the provision of accommodations for individuals with disabilities as required under the Americans with Disabilities Act (ADA). With 72 hours prior notice, a request for reasonable accommodation or modification can be made. Please contact the Secretary, Nancy Kaytis-Slocum at 707.786.4902 or by email nkaytis4@gmail.com or the Humboldt County ADA Coordinator at 707-445-7266, toll free 844-365-0352 or by email at ada@co.humboldt.ca.us.

Humboldt County Fish & Game Advisory Commission AGENDA 5/21/19

Agenda Item 7a: California Fish & Game Code:

12025

(a) In addition to any penalties imposed by any other law, a person found to have violated the code sections described in paragraphs (1) to (11), inclusive, in connection with the production or cultivation of a controlled substance on land under the management of the Department of Parks and Recreation, the Department of Fish and Wildlife, the Department of Forestry and Fire Protection, the State Lands Commission, a regional park district, the United States Forest Service, or the United States Bureau of Land Management, or within the respective ownership of a timberland production zone, as defined in Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5 of the Government Code, of more than 50,000 acres, or while trespassing on other public or private land in connection with the production or cultivation of a controlled substance, shall be liable for a civil penalty as follows:

(1) A person who violates Section 1602 in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than ten thousand dollars (\$10,000) for each violation.

(2) A person who violates Section 5650 in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than forty thousand dollars (\$40,000) for each violation.

(3) A person who violates Section 5652 in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than forty thousand dollars (\$40,000) for each violation.

(4) A person who violates subdivision (a) of Section 374.3 of the Penal Code in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than forty thousand dollars (\$40,000) for each violation.

(5) A person who violates paragraph (1) of subdivision (h) of Section 374.3 of the Penal Code in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than forty thousand dollars (\$40,000) for each violation.

(6) A person who violates subdivision (b) of Section 374.8 of the Penal Code in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than forty thousand dollars (\$40,000) for each violation.

(7) A person who violates Section 384a of the Penal Code in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than ten thousand dollars (\$10,000) for each violation.

(8) A person who violates subdivision (a) of Section 4571 of the Public Resources Code in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than ten thousand dollars (\$10,000) for each violation.

(9) A person who violates Section 4581 of the Public Resources Code in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than ten thousand dollars (\$10,000) for each violation.

(10) A person who violates Section 2000 in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than ten thousand dollars (\$10,000) for each violation.

(11) A person who violates Section 2002 in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than ten thousand dollars (\$10,000) for each violation.

Humboldt County Fish & Game Advisory Commission AGENDA 5/21/19

(b) (1) In addition to any penalties imposed by any other law, a person found to have violated the code sections described in this subdivision in connection with the production or cultivation of a controlled substance on land that the person owns, leases, or otherwise uses or occupies with the consent of the landowner shall be liable for a civil penalty as follows:

(A) A person who violates Section 1602 in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than eight thousand dollars (\$8,000) for each violation.

(B) A person who violates Section 5650 in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than twenty thousand dollars (\$20,000) for each violation.

(C) A person who violates Section 5652 in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than twenty thousand dollars (\$20,000) for each violation.

(D) A person who violates subdivision (a) of Section 374.3 of the Penal Code in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than twenty thousand dollars (\$20,000) for each violation.

(E) A person who violates paragraph (1) of subdivision (h) of Section 374.3 of the Penal Code in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than twenty thousand dollars (\$20,000) for each violation.

(F) A person who violates subdivision (b) of Section 374.8 of the Penal Code in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than twenty thousand dollars (\$20,000) for each violation.

(G) A person who violates Section 384a of the Penal Code in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than ten thousand dollars (\$10,000) for each violation.

(H) A person who violates subdivision (a) of Section 4571 of the Public Resources Code in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than eight thousand dollars (\$8,000) for each violation.

(I) A person who violates Section 4581 of the Public Resources Code in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than eight thousand dollars (\$8,000) for each violation.

(J) A person who violates Section 2000 in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than eight thousand dollars (\$8,000) for each violation.

(K) A person who violates Section 2002 in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than eight thousand dollars (\$8,000) for each violation.

(2) Each day that a violation of a code section described in this subdivision occurs or continues to occur shall constitute a separate violation.

(c) The civil penalty imposed for each separate violation pursuant to this section is in addition to any other civil penalty imposed for another violation of this section, or any violation of any other law.

(d) All civil penalties imposed or collected by a court for a separate violation pursuant to this section shall not be considered to be fines or forfeitures, as described in Section 13003, and shall be apportioned in the following manner:

(1) Thirty percent shall be distributed to the county in which the violation was committed pursuant to Section 13003. The county board of supervisors shall first use any revenues from those penalties to reimburse the costs incurred by the district attorney or city attorney in investigating and prosecuting the violation.

(2) (A) Thirty percent shall be distributed to the investigating agency to be used to reimburse the cost of any investigation directly related to the violations described in this section.

(B) If the department receives reimbursement pursuant to this paragraph for activities funded pursuant to subdivision (f) of Section 4629.6 of the Public Resources Code, the reimbursement funds shall be deposited into the Timber Regulation and Forest Restoration Fund, created by Section 4629.3 of the Public Resources Code, if there is an unpaid balance for a loan authorized by subdivision (f) of Section 4629.6 of the Public Resources Code.

(3) Forty percent shall be deposited into the Timber Regulation and Forest Restoration Fund, created by Section 4629.3 of the Public Resources Code, and used for grants authorized pursuant to Section 4629.6 of the Public Resources Code that improve forest health by remediating former marijuana growing operations.

(e) Civil penalties authorized pursuant to this section may be imposed administratively by the department if all of the following occur:

(1) The chief deputy director or law enforcement division assistant chief in charge of marijuana-related enforcement issues a complaint to any person or entity on which an administrative civil penalty may be imposed pursuant to this section. The complaint shall allege the act or failure to act that constitutes a violation, any facts related to natural resources impacts, the provision of law authorizing the civil penalty to be imposed, and the proposed penalty amount.

(2) The complaint and order is served by personal notice or certified mail and informs the party served that the party may request a hearing not later than 20 days from the date of service. If a hearing is requested, it shall be scheduled before the director or his or her designee, which designee shall not be the chief deputy or assistant chief issuing the complaint and order. A request for a hearing shall contain a brief statement of the material facts the party claims support his or her contention that no administrative penalty should be imposed or that an administrative penalty of a lesser amount is warranted. A party served with a complaint pursuant to this subdivision waives his or her right to a hearing if a hearing is not requested within 20 days of service of the complaint, in which case the order imposing the administrative penalty shall become final.

(3) The director, or his or her designee, shall control the nature and order of hearing proceedings. Hearings shall be informal in nature, and need not be conducted according to the technical rules relating to evidence. The director or his or her designee shall issue a final order within 45 days of the close of the hearing. A copy of the final order shall be served by certified mail upon the party served with the complaint.

(4) A party may obtain review of the final order by filing a petition for a writ of mandate with the superior court within 30 days of the date of service of the final order. The administrative penalty shall be due and payable to the department within 60 days after the time to seek judicial review has expired, or, where the party did not request a hearing of the order, within 20 days after the order imposing an administrative penalty becomes final.

(5) The department may adopt regulations to implement this subdivision.

(f) All administrative penalties imposed or collected by the department for a separate violation pursuant to this section shall not be considered to be fines or forfeitures, as described in Section 13003, and shall be deposited into the Timber Regulation and Forest Restoration Fund, created by Section 4629.3 of the Public Resources Code, to repay any unpaid balance of a loan authorized by subdivision (f) of Section 4629.6 of the Public Resources Code. Any remaining funds from administrative penalties collected pursuant to this section shall be apportioned in the following manner:

(1) Fifty percent shall be deposited into the Timber Regulation and Forest Restoration Fund for grants authorized pursuant to subdivision (h) of Section 4629.6 of the Public Resources Code,

Humboldt County Fish & Game Advisory Commission AGENDA 5/21/19

with priority given to grants that improve forest health by remediating former marijuana growing operations.

(2) Fifty percent shall be deposited into the Fish and Game Preservation Fund.

(g) Any civil penalty imposed pursuant to this section for the violation of an offense described in paragraph (4), (5), or (6) of subdivision (a) or subparagraph (D), (E), or (F) of paragraph (1) of subdivision (b) for which the person was convicted shall be offset by the amount of any restitution ordered by a criminal court.

(h) For purposes of this section, "controlled substance" has the same meaning as defined in Section 11007 of the Health and Safety Code.

(Amended by Stats. 2015, Ch. 139, Sec. 1. (SB 165) Effective January 1, 2016.)

12025.1.

(a) In addition to any penalties imposed by any other law, a person found to have violated Section 5901 shall be liable for a civil penalty of not more than eight thousand dollars (\$8,000) for each violation. Each day that a violation of Section 5901 occurs or continues without a good faith effort by the person to cure the violation after receiving notice from the department shall constitute a separate violation.

(b) All civil penalties imposed or collected by a court for a separate violation pursuant to this section in connection with the production or cultivation of a controlled substance shall not be considered to be fines or forfeitures, as described in Section 13003, and shall be apportioned in the manner described in subdivision (d) of Section 12025.

(c) All civil penalties imposed or collected by a court for a separate violation pursuant to this section not in connection with the production or cultivation of a controlled substance shall not be considered to be fines or forfeitures, as described in Section 13003, and shall be apportioned in the following manner:

(1) Thirty percent shall be distributed to the county in which the violation was committed pursuant to Section 13003. The county board of supervisors shall first use any revenues from those penalties to reimburse the costs incurred by the district attorney or city attorney in investigating and prosecuting the violation.

(2) (A) Thirty percent shall be distributed to the investigating agency to be used to reimburse the cost of any investigation directly related to the violations described in this section.

(B) If the department receives reimbursement pursuant to this paragraph for activities funded pursuant to subdivision (f) of Section 4629.6 of the Public Resources Code, the reimbursement funds shall be deposited into the Timber Regulation and Forest Restoration Fund, created by Section 4629.3 of the Public Resources Code, if there is an unpaid balance for a loan authorized by subdivision (f) of Section 4629.6 of the Public Resources Code.

(3) Forty percent shall be deposited into the Fish and Game Preservation Fund.

(d) (1) Civil penalties authorized pursuant to subdivision (a) may be imposed administratively by the department according to the procedures described in paragraphs (1) through (4), inclusive, of subdivision (e) of Section 12025.

(2) The department shall adopt emergency regulations to implement this subdivision in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.

(e) All administrative penalties imposed or collected by the department for a separate violation pursuant to this section in connection with the production or cultivation of a controlled substance

Humboldt County Fish & Game Advisory Commission AGENDA 5/21/19

shall not be considered to be fines or forfeitures, as described in Section 13003, and shall be deposited according the provisions of subdivision (f) of Section 12025.

(f) All administrative penalties imposed or collected by the department for a separate violation pursuant to this section not in connection with the production or cultivation of a controlled substance shall not be considered to be fines or forfeitures, as described in Section 13003, and shall be deposited into the Timber Regulation and Forest Restoration Fund, created by Section 4629.3 of the Public Resources Code, to repay any unpaid balance of a loan authorized by subdivision (f) of Section 4629.6 of the Public Resources Code. Any remaining funds from administrative penalties collected pursuant to this subdivision shall be apportioned in the following manner:

(1) Fifty percent shall be deposited into the Fish and Game Preservation Fund.

(2) Fifty percent shall be deposited into the Timber Regulation and Forest Restoration Fund for grants authorized pursuant to subdivision (h) of Section 4629.6 of the Public Resources Code.

(g) For purposes of this section, "controlled substance" has the same meaning as defined in Section 11007 of the Health and Safety Code.

(Added by Stats. 2015, Ch. 2, Sec. 2. (AB 92) Effective March 27, 2015.)