



## Humboldt County Fish & Game Advisory Commission MINUTES 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](mailto:nkaytis4@gmail.com) up to two weeks following previous meeting. Held at the Elks Club on Herrick in Eureka*

Attendance: (ab)James Clark, John Clark, Loren Furber, (ab)Phil Grunert, Hollie Hall, Yadoo B. Inong, (ab)Patricia Lai, (ab)Wes Moore, Denver Nelson, (ab)Kenny Priest, (ab)Ted Romo, (ab)Brad Smith, Harry Vaughn, Mike Zamboni. (ab)=absent.

Meeting called to order by Chairman John Clark at 6:40 pm. A quorum was reached at 6:45 pm.

SPEAKER: Beth Chaton: EdD, Program Coordinator, After School and Redwood EdVentures, Humboldt County Office of Education gave a presentation and Final report on Grant 2018-1.

MOTION: (Hall/Nelson) The March 19, 2019 minutes were unanimously approved. MOTION: (Hall/Nelson) The April 16, 2019 minutes were approved as modified:

Dismissal of Commissioner: MOTION: (Hall/Zamboni) ~~Secretary and Commissioner Hall will examine the rules regarding dismissal of Commissioners and then write a letter encouraging the Board of Supervisors to follow the rules if they had not been followed. (changed during 6/18/19 meeting and approved) work on figuring out a letter to the Board of Supervisors asking them to work together to ensure we have a full Commission.~~ All in favor.

MOTION: (Hall/Nelson) The May 21, 2019 minutes were approved unanimously.

MODIFICATIONS: 8b moved forward as one of the commissioners has to leave early.

MOTION: (Nelson/Hall) Nominate John Clark as Chair and Ted Romo as Vice Chair for a period of two years. All in favor.

### OLD BUSINESS – Reports

Grants: Advertisement and the Requests for Proposals have gone out to all on the grant email list, as well as all the commissioners and others on the email list. The secretary presented California Fish & Game Code sections 12025 and 12025.1: violations of the marijuana section of code *shall not be considered fines or forfeitures*; therefore, the Commission does not get any part of the monies generated by this section of the code. There was some discussion regarding civil vs criminal violations. The Commissioners decided to keep handing out whatever is available in grants every year, and asked the secretary to keep records of all time spent on the Commission.

Area Rivers: Commissioner Denver Nelson relayed that Humboldt County is going to buy our way into the feasibility study on the Eel River. \$100,000 for a seat at the table. Nelson also presented an article from the June 12, 2019 Lost Coast Outpost: “A Fight Between Humboldt Stakeholders Over the Klamath Dams is Impacting Environmental Protections Across the Country.”

“Hoopa was always opposed something that would delay dam removal, such as the original KBRA,” the tribe’s attorney, Tom Schlosser, told the *Outpost*. Instead, he said, the tribe wanted FERC to proceed with relicensing the dams because they believed any

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new license would require PacifiCorp to provide volitional fish passage, per the Federal Power Act, and the only way to achieve that would be dam removal.

From Hoopa's perspective, the withdraw-and-resubmit tactic stood in the way of bringing down the dams. So in 2012, Hoopa asked FERC to declare that by failing to act within the one-year timeframe spelled out in Section 401 of the Clean Water Act, California and Oregon had effectively waived their authority, relinquishing their right to impose water quality standards.

FERC denied the request, and so in 2014 Hoopa filed a lawsuit in the Circuit Court of Appeals. The case of *Hoopa Valley Tribe v. FERC, et al.* wended its way through the court system, eventually resulting in January's Circuit Court ruling in Hoopa's favor.

The three-judge panel found that California and Oregon were, in essence, holding federal licensing of the Klamath dams hostage. "By shelving water quality certifications, the states usurp FERC's control over whether and when a federal license will issue," the ruling says.

The court found that the "coordinated withdrawal-and-resubmission scheme," as the decision called it, has no legal basis. "Accordingly, we conclude that California and Oregon have waived their Section 401 authority with regard to the Project." ...

The three appellants in the *Hoopa Valley* case, including American Rivers, have until late July to decide whether to appeal the case to the Supreme Court. Rothert said they've been approached by a coalition of more than 20 states asking them to consider doing so, and at least five tribes are organizing for the cause as well.

Oak and Meadow Management: Commissioner Harry Vaughn reported on the Sudden Oak Death Meeting in Redway: The 7<sup>th</sup> SOD meeting since the 2002 discovery in Humboldt County. We are still under quarantine regarding Tan Oak and Pepperwood. The NA-1(North American Strain) strain was discovered in Redwood Valley in 2011, Mad River in 2013, Redwood Creek and Redwood National Park in 2014, and the Mattole Canyon Creek in 2018. EU-1 (European Strain) Strain first detected in North America in an Oregon Nursery. The Oregon Treatment cost \$3,000 to \$5,000. Lacks Creek \$1500/acre treatment cost, treatment aim is to keep SOD out of Hoopa Valley. \$4.3 million CalFire Forest Health Program; \$1.0 million match money from US Forest Service. Dr. Rizzo advises the best approach is to treat the edge ahead of infection. In Southern Humboldt trials in June, Equipment cleaning tests acetic acid vs. chlorox. Cedar wood chips (incense/red/Alaska yellow) have anti-Phytophthea properties, but Redwood chips do not.

Salmon Habitat Restoration Program: (SHARP) Hollow Tree Creek, Indian Creek and the Redwood Creek planning meetings are done. Sproul Creek & Bull Creek planning meetings will be completed by the end of the year. A report will follow once all the information is compiled.

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In Redwood Creek, the Marshall Family (direct Wailaki descendants) along with CDF&W, NOAA Fisheries, and Stillwater Sciences are working cooperatively towards engineering and construction of a low flow enhancement project in Briceland. A pond with a french drain subsurface delivery system is intended to deliver cool water to Redwood Creek during low flow periods in order to increase salmonid survival. During the presentation of the study and project at the SHARP Meeting, the Humboldt Fish and Game Commission Grant funding was recognized for its contribution towards the 7 year flow study leading up to the project.

PFMC: Increase recreational quotas on ground fish. DFG not re-writing regulations.

Crab Fishing: Commissioner Mike Zamboni relayed it is Crab Pot recovery season. If pots are not recovered after two weeks, an NGO can apply for a permit to recover pots, then offers to sell them back to the owner. If fisherman won't pay, F&G will pay \$125, then charge the crab fisherman \$408 per pot.

Cannabis: Commissioner Hollie Hall reported that the cannabis farms are doing well in the watershed in supporting fish and wildlife. They are having all culverts assessed and replaced. Yellow legged frogs are moving upstream. Cold mountain springs and creeks are getting into Mattole Canyon Creek. Farmers are fixing all roads on their parcels, opening up frog habitat.

Sustainable Groundwater Management Act: Commissioner Hall reported that she is part of the county group. They decided not to submit a Groundwater Management Plan but an alternative plan to the Water Board.

On Land Fish Farm Proposal: There is a high probability that GMO fish will be raised.

Wind Energy: Offshore 25 miles will affect black brandt, whales, fishermen. On land, house-sized concrete pads will be poured. After wind turbine dies in 20 years, it will sit for 10 years, then be jackhammered to a depth of 10'. The Ridgetop plan is preparing an EIR. Offshore, no EIR.

Elk Herd: Marble Mountain Hunts are still happening. The Elk in the western part have migrated to the eastern part, but DF&G hasn't issued more tags.

ANNOUNCEMENTS: There is a Lake Earl petition to stop duck hunting.

LEGISLATIVE UPDATE: AB273 status: Passed committee and now going to appropriations.

Next meeting: July 16, 2019. ADJOURN 8:43 PM

Respectfully Submitted:

Nancy Kaytis-Slocum, Secretary