



**COUNTY OF PLACER
FISH & GAME COMMISSION**

Ed King
Deputy Agricultural Commissioner
County Contact

FISH & GAME COMMISSION MEMBERS

DISTRICT 1 Don Gould	DISTRICT 2 Mark Fowler
DISTRICT 3 Gregg McKenzie	DISTRICT 4 Gary Flanagan
DISTRICT 5 Kari Freidig	DISTRICT 5 Marc Wyatt
DISTRICT 5 Mickey Daniels	

11477 E AVENUE
AUBURN, CALIFORNIA 95603
TELEPHONE: (530) 889-7372
FAX: (530) 823-1698
www.placer.ca.gov

**PLACER COUNTY
FISH & GAME COMMISSION
MINUTES**

TIME/DATE: 6:00 P.M. WEDNESDAY, November 19, 2014
LOCATION: PLACER COUNTY PLANNING COMMISSION HEARING ROOM
Community Development Resource Agency, DeWitt Center, Auburn
3091 County Center Drive (corner of Bell Road and Richardson
Drive)

The Placer County Fish & Game Commission is committed to ensuring that persons with disabilities are provided the resources to participate fully in its public meetings. If you are hearing impaired, we have listening devices available. If you require additional disability-related modifications or accommodations, including auxiliary aids or services, please contact the Recording Secretary at (530) 889-7372. If requested, the agenda shall be provided in appropriate alternative formats to persons with disabilities. All requests must be received at least 72 hours prior to the scheduled meeting for which you are requesting accommodation. Requests received after such time will be accommodated only if time permits.

- I. **CALL TO ORDER** – Gregg McKenzie, Chair
- II. **ROLL CALL**
Present: Daniels, Wyatt, McKenzie, Gould, Fowler
Absent: Flanagan, Freidig
- III. **APPROVAL OF AGENDA for November 19, 2014 and APPROVAL OF MINUTES for September 24, 2014 and October 22, 2014**
Agenda: Daniels/Fowler/MPUV
Minutes: For both, Wyatt/Gould/MPUV
- IV. **PUBLIC COMMENT**
Individuals may address the Commission on items under the jurisdiction of the Fish & Game Commission not included on this agenda for no longer than five (5) minutes. ***No action can be taken on items addressed under Public Comment***

None.

V. FINANCIAL REPORT – Ed King

Expenditures through October 31 for FY 14/15 total \$1,328.00 including \$690.00 in commissioner's fees and \$638.00 in mileage reimbursement. Budgeted expenditures for the remainder of the fiscal year total \$9,041.00.

Revenues through October 31 total \$154.00, including \$63.45 in fines, \$38.00 in penalty assessments and \$53.00 in interest. \$5,200.00 is budgeted for fine, penalty assessment and interest revenue for the fiscal year.

Grant awards will go out within the next two weeks.

Flanagan, Freidig, and King met with Placer County Superior Court Executive Court Clerk Jake Chatters and Finance Manager Vicki Nissen on November 17 to go over their process for handling Fish & Game cases. They will send Ed a summary of the Fish & Game cases for the year, and are willing to work with the Commission to provide as much information as they can on cases. Jake will relay the commission's concerns to the judges.

VI. AGENCY REPORTS

A. Commission Updates

Commissioner Fowler met with District Attorney Owens, Lt. Lawson, Captain Jeter, and other members of the District Attorney's Office on November 12 to discuss prosecution of Fish and Game Code violations. Lt. Lawson gave the DA a large information packet of cases for them to review so they can understand DFW's concerns about prosecution of cases. DA Owens said that he would revisit issues that concerned him most about Fish & Game violations, including hunting within refuges, hunting with bait, and spotlighting. There was some discussion about rules for searches. Several cases have closed, with two fines of \$300 each and one of \$500. Fowler noted that the Commission only received \$63.45 for October.

King - Commission gets a higher percentage of fines when defendants pay in full; if they choose a payment plan, Revenue Services and others take a sizeable cut. The law states who takes priority for receipt of funds, and Fish & Game is close to the bottom of the list. The low amount means either the \$1,100.00 had not cleared for October's budget totals, or the defendants chose payment plans to pay their fines.

Fowler pointed out to DA Owens that revenues for Fish & Game have dropped significantly in the past five years. Fowler praised Lt. Lawson for clearly stating his concerns and frustrations; Fowler perceived that DA Owens heard the concerns, and hopes that something will come of it. Overall, Fowler believes the meeting was positive.

B. State Wildlife Conservation Board Subcommittee – Gregg McKenzie

Next meeting is tomorrow, November 20, when they will discuss projects in review for funding. There is nothing on their November agenda for Placer County; however, there will be funding requests from groups in Placer County in 2015.

C. State Fish & Game Commission Subcommittee – Mark Fowler

Pheasant season runs from November 8 to December 2. The tricolored blackbird, found in Placer County, is being petitioned for endangered status. DFW performed tagging of white sturgeon in the Bay, pulling 486 fish total, of which 250 were above the minimum size, and the largest of which was 7 feet. The white sturgeon can live over 100 years and can grow to over 500 lbs. This effort provides some baseline data for tracking patterns and gauging health. Also, the gray wolf has been declared endangered by the California Department of Fish & Wildlife. Next month's meeting will be in Van Nuys and they'll be looking at many items, including adopting regulations prohibiting inducements for non-game and fur-bearing animal hunting contests, possibly adopting emergency regulations to add the tricolored blackbird to the endangered species list, and approve a 6-month extension to complete the status report on the northern spotted owl. They also seek permanent revocation of sport fishing privileges to Mr. Tran of Elk Grove.

D. California Department of Fish & Wildlife - Lt. John Lawson

Lt. Lawson apologized for his recent absence from these meetings, due to vacation time and conflicts with big game season. Deer season seemed to be pretty good this year, especially in Sierra County, where the Warden Miller reported very high success rates. Miller told Lawson that he has never seen this many deer taken in one season in his career. Success in deer hunting may be attributed to early storms, which cause deer to become restless and move out into the open. There were cases of people baiting deer and hunting in zone X-7b with a D-3 D-5 tag. They did not catch any spotlighters and hope that that is because there were no spotlighters, and not that they just didn't catch them. Lawson mentioned that in the Fish & Game Code, anyone convicted of three Fish & Game violations in a five-year period can have their hunting or fishing license revoked for life. Either the courts or the Fish & Wildlife Commission can revoke licenses. Lt. Lawson thanked the Commission and Commissioner Fowler for their assistance with his meeting with the DA's office; he feels that the Commission's presence carried weight with the DA and will result in stronger prosecution of cases. Lawson is already receiving notifications about cases coming up for arraignment, which he passes along to his officers so they can be present at the court date.

McKenzie – Thanked Lt. Lawson for meeting with the DA and asked about the status of the bear feeding case from Kings Beach, in which a bear attacked the feeder.

Lawson – Have not yet determined an enforcement action; may file with DA. Hopes at least to use it as a public education tool about the dangers of feeding wildlife. Even feeding deer will attract predators to your property. In the case of the feeder who was attacked, Lawson’s office spent a couple of days trying to trap the bear who had injured the woman, and ended up dealing with seven bears within a three-hour period, one of which had worn out a spot just outside the sliding glass door by sitting and waiting to be fed.

McKenzie – Thinks there was a story in the Sacramento Bee.

Lawson – Also made it into the Reno Gazette. The incident happened at Kings Beach. Hoping the feeder learned her lesson, but time will tell. She sustained bite and slash marks on her back. They’re checking the DNA of the caught bears to determine which was her attacker. The woman has been feeding bears for three or four years based on complaints from neighbors. Feeding hurts the bears in the long run as they become dependent on humans for food instead of foraging. When the feeder stops feeding, the bears will often go to neighbors’ homes looking for food and causing trouble.

E. Nevada Irrigation District - Sue Sindt
None

NON-ACTION ITEMS

VII. North Ravine Streambank Restoration – Robert Hane, Save Auburn Ravine Salmon and Steelhead, Streambank Restoration Coordinator

Steve Hubbard began with updates on issues with the Hemphill Dam. The dam is a barrier to anadromous fish spawning. Illegal fishing has been documented near the dam. The dam’s owner, NID, had agreed to a three-step plan to mitigate the problems. The first step, scheduled for 2012, was to perform minor modifications. The second step, for 2013, was to do infrastructure improvements to help channel fish upstream. The third step, scheduled for 2015, was to perform permanent improvements, including the possibility of dam removal. SARSAS updated the Commission in August that they were optimistic that step two was in the process, but they discovered that it hadn’t happened. The good news was that salmon have returned to Auburn Ravine, and SARSAS’ Citizen Science Program counted twenty fall-run Chinook. Unfortunately, the dam blocked some of these fish from accessing additional spawning habitat. SARSAS felt the Commission needed to be aware of the issues and hopes that they can enlist our support.

The second issue involves the sewer line construction between Auburn and Lincoln. The line crosses under the Auburn Ravine and SARSAS wants to make

sure it's bored deep enough so that if and when the Hemphill Dam is removed and the built-up sediment washes down, the pipeline won't be exposed. Placer County is funding the project but it's being managed by the City of Lincoln. SARSAS believes the project managers agree with them about the depth of the sewer line, but there is no documentation available to support that. The pipeline has been built up to the shoreline of the ravine and they're ready to dig the bore pit. SARSAS thinks the County should be informed.

The final two issues involve housing projects being built in the County that are scheduled for annexation by the City of Lincoln: Village 1 and Turkey Creek Estates. SARSAS is concerned that because the County has ceded the permitting to the City of Lincoln, environmental protection standards will be ignored. While SARSAS agrees with Placer County's environmental protection standards, they do not accept Lincoln's. Lincoln accepted the Village 1 developer's draft environmental impact report (EIR) even though it didn't mention the presence of salmon in the stream. SARSAS had hoped that the more recent development, Turkey Creek Estates, which is adjacent to Village 1, could have a more comprehensive EIR, in part because CDFW documented spring-run Chinook in the Auburn Ravine, plus the adoption of more stringent regulations. The City told them that they planned to use the EIR from Village 1 to approve Turkey Creek Estates. SARSAS is trying to stop it. They're very concerned because the two projects front nearly three miles of shoreline, which is 10 percent of Auburn Ravine. SARSAS is asking for the Commission's help to make sure the permitting process is done properly.

McKenzie – Why has NID not moved forward with the three-step plan?

Hubbard – NID had assured both SARSAS and the County that they would adhere to the schedule, but they didn't. SARSAS became concerned when it was evident that permits needed to complete step 2 were not issued. Last month, NID said that the delay was because while they originally planned to do the engineering and permitting in-house, they later decided to hire an engineering consultant, but didn't do it until after the fish were already in the stream. Then they said they couldn't do any work because fish were in the stream. SARSAS believes that this is a deliberate stalling tactic; they put off the work until it was too late to perform it.

McKenzie – Amazed at their belief they could get the engineering and permitting done in one year; process usually takes three to five years.

Hubbard – SARSAS was led to believe that it would happen in that time frame, and were continuously reassured that it would happen. The big losers are the fish; illegal harvesting below the dam has been going on for decades, and SARSAS wants something done about it.

Fowler – Has SARSAS spoken to the consultant?

Hubbard – Yes, they believe the consultant is working in good faith. They were given the project late and tried to expedite a quick turnaround from DFW, but the fish showed up in the stream before they could finish.

Fowler – It sounds like the project is underway, but just running a year late.

Hubbard – SARSAS would like to see the fish restored. The fish have about a 30-day window of opportunity when they appear in the stream, which because of the delay means another year is lost, so SARSAS feels this is significant.

McKenzie – Have you contacted your NID board member in Lincoln?

Hubbard – Yes, and also the general manager; it was the general manager who had made assurances that they would be on schedule.

Hane – Stan Nader is setting up a meeting with Jim Bachman next week to discuss whether the delay is due to ineptitude or malice.

Gould – Does SARSAS do anything with the Dry Creek area? A friend who lives on the creek said he saw two salmon there the other day.

Hubbard – SARSAS is kind of a sister organization to the Dry Creek Conservancy and are pretty well informed as to what they have going on. They had a fish count this week and Hubbard believes they counted 100.

Hane –spoke about how SARSAS is trying to promote stream restoration awareness along the Auburn Ravine. They have a \$7,000 grant and have contracted for three days of work with the CCC. Working with agencies and volunteers, they've posted ten signs along public and private roads, and have cleared debris from 2,000 feet of streambank. SARSAS has been able to get permits for property owners to clean up their adjacent creek shoreline. SARSAS also wants NID to clean the debris out of Gold Hill Dam, which has to happen to bring the salmon up to Auburn.

Hane explained alternatives to dams for irrigation. NID currently plans to install a French drain to provide water to Turkey Creek, but SARSAS believes cross veins are a better plan because they are cheaper and probably easier to permit, and hopes to replace some irrigation dams with these. SARSAS is trying to get USFWS and private property owners to install these for irrigation. Cross veins provide retention water, which helps the flushing of fry out to the sea. Hane has helped build one already on his neighbor's property.

The CCC has worked one day for free; normally they would charge \$18.75 per man hour, which is a savings of about \$2,500. They were able to complete a lot

of restoration that day. SARSAS has been fortunate to work with some great people in the various agencies, who have been very cooperative. SARSAS would like NID to step up and fix the problems with existing dams, and asks the Commission to remember their neglect when they come to us asking permission to build additional dams. SARSAS would also like the Commission to keep track of building and zoning to preserve and repair streams.

Hane stated that \$500 out of the \$7,000 grant is being held aside to plant redwoods along the streambanks for shade, and he hopes that in three years, we'll see salmon in this part of the north ravine.

Fowler – It's good to see SARSAS' passion for restoration.

McKenzie – Why redwoods for streambank reforestation?

Hane – Although redwoods don't normally grow naturally in our area, they are fast growers. We should see good shade in about ten years, whereas oaks will take much longer. Oaks should be planted further inland with the redwoods, which should be in groups of three. Redwoods do use more water than oaks, but are worth it to speed up the streambank restoration process. In Hane's experience, an aptos blue redwood is a good choice.

SARSAS would like to thank the Commission for the donation; they know that money is tight and they appreciate it. They would also like the Commission to take their concerns to the County BOS. SARSAS believes that if the Turkey Creek and Village 1 developments go through unchecked, 1/10 of the length of the Auburn Ravine will be in the middle of a city, potentially ruining it. They would also like the Commission's help with their concerns about the sewage pipeline. SARSAS is working with David Atkinson at Facilities, but so far has received nothing in writing assuring that the pipeline will be buried 25 feet underneath the natural stream bed of the Auburn Ravine.

SARSAS will receive a \$6,000 grant from a large company and intends to institute their Citizen Science Program for migratory fish anadromy. They're working with fish experts at UC Davis and UC Berkeley and have a platform on iNaturalist. They've modeled the plan on the Audubon Bird Count but they believe they may be the only such citizen's group in the world.

McKenzie – Acknowledges the Commission's role as advisory to the BOS, and would like to follow up with Sue Sindt of NID to find out her perspective and let her address the issues. Stated that it could be put on a future agenda as an action item.

It was mentioned that the Hemphill Dam and the proposed future City of Lincoln developments are separate issues. It was asked whether Placer County was involved in the housing developments at all, and they are still part of the decision-

making process. The EIR will be filed with the City of Lincoln, and if they approve, there will be a 30-day public comment period. The Placer County Conservation Plan is not due to be implemented for another couple of years; this type of permitting would have to go through that authority.

McKenzie – The County Planning and Public Works Departments are notified at the start of the public comment period. What would be the best time for the Commission to submit its recommendations?

King – The Commission should submit recommendations to the BOS.

SARSAS asked Commissioner McKenzie to obtain a written agreement that the sewer pipeline will be placed at a depth of at least 20-25 feet under the natural bed of Auburn Ravine.

Commissioner McKenzie agreed to speak with Sue Sindt of NID about the Hemphill Dam. Commissioner Fowler recommended that the Commission ask the City of Lincoln engineer to attend a meeting so the Commission can comment as a group during the 30-day period for Turkey Creek Estates. SARSAS would like the Commission to review the proposed PCCP standards and ask the County to require that the City of Lincoln conform to them. It was mentioned that the City of Lincoln signed off on the PCCP, yet they accepted a flawed EIR from Village 1. SARSAS can only get involved through city or county permitting periods.

McKenzie – There are comment periods for federal permitting; they're just very hard to find out about. They are posted in the Federal Register.

SARSAS discovered that the developer is cooperative about adhering to environmental directives because prospective homebuyers desire it. The project's proximity to natural habitat is a big selling point and it's in their interest to help preserve it. SARSAS also believes that public access to natural resources needs to be protected, and they are not convinced that either the developer or the City of Lincoln has taken it into account.

Commissioner McKenzie stated that he and Ed King will work to get a City of Lincoln engineer and a developer representative to attend a F&G Commission meeting.

SARSAS mentioned that a representative from Elliot Homes, Price Walker, was present at the Commission's August meeting and spoke about how the presence of fish in the stream was a positive thing for developers. Since then, SARSAS has attempted to reach out to all the developers to open discussions. Walker and Elliot Homes have refused to return phone calls to SARSAS.

VIII. Lake Clementine Hydro Study Plans

Commissioner McKenzie would like to keep this on the agenda until the project starts moving forward. Ed King stated that Lake Clementine Hydro LLC, which is a joint venture between Kruger Energy and American Renewables, has been working under a preliminary FERC permit and compiled draft Resource Study Plans, which have gone out for comment. Various agencies have responded, and the company filed twelve final study plans with FERC last month. King reviewed them and picked out several studies that would be of interest to the Commission, including amphibian and reptile, fish entrainment, fisheries, sediment transport, special status and invasive species, water quality, and wildlife. The studies are scheduled to occur in 2015 and the open comment period will happen between September and December 2015. King recommends the Commission review the study plans online and invite the Kruger Energy project manager, Daniel Parker, to a future meeting. King believes that Supervisor Montgomery has asked Commissioner Freidig to look into this project. Brett Storey of Placer County Planning is writing a letter to FERC detailing the County's concerns with the project.

IX. AB 711 – Department of Fish & Wildlife Lead Ammunition Ban Draft Environmental Impact Report

Commissioner McKenzie received info on the economic impact of the ban. There is a comment period open right now on the EIR Notice of Preparation. DFW has put on a series of workshops seeking input on a regulation package, which needs to be ready for implementing by next July. The package should be available for review by early next year. The regulation phase-in should be completed by 2019.

X. Next Meeting Date

January 28, 2015, at 6:00 PM.

XI. Adjournment

7:35 PM