

**State of California  
FISH AND GAME COMMISSION**

**Staff Summary, Meeting of March 4-5, 2009**

This is staff's best effort to summarize the actions of the meeting.  
For more specific information go to [www.Cal-span.org](http://www.Cal-span.org).

Pursuant to the call of the President, the Commission met at the Yolo Fliers Club Ballroom, 17980 County Road 94B, Woodland, California, on March 4, 2009. The meeting was called to order at 10:05 a.m. by President Gustafson.

**FISH AND GAME COMMISSION**

Cindy Gustafson	President	Present
Jim Kellogg	Vice-President	<b>Absent</b>
Richard Rogers	Member	Present
Michael Sutton	Member	Present
Daniel Richards	Member	Present

Persons present:

**COMMISSION STAFF**

John Carlson, Jr.	Executive Director
Jon K. Fischer	Deputy Executive Director
Sherrie Fonbuena	Associate Governmental Program Analyst
Anita Biedermann	Associate Governmental Program Analyst
Carol Horn	Executive Assistant

**OFFICE OF THE ATTORNEY GENERAL**

Deborah Barnes	Deputy Attorney General
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**DEPARTMENT OF FISH AND GAME**

Donald Koch	Director
John McCamman	Chief Deputy Director
Sonke Mastrup	Deputy Director, Resources Management & Policy Division (RMPD)
Ann Malcolm	General Counsel
Nancy Foley	Deputy Director, Law Enforcement Division
Mike Carion	Law Enforcement Division
John Winings	Law Enforcement Division
Dr. Eric Loft	Chief, Wildlife Branch (RMPD)
Neil Manji	Chief, Fisheries Branch (RMPD)
Larry Hanson	Senior Fisheries Biologist, Fisheries Branch
Scott Barrow	Senior Biologist Specialist, Fisheries Branch

The following persons were present and heard:

Pamela Flick	Defenders of Wildlife
Paul Weakland	Commercial Fisherman

Ken Barnes	Concerned Citizen
Walt Mansell	California Rifle and Pistol Association
Tom Pedersen	California Rifle and Pistol Association
Sean Pirtle	Law Enforcement, Department of Fish and Game
Susan Herrgesell	President, Becoming an Outdoors-Woman
Richard Lynch	Scholastic Clay Target Program
Dave Tanner	Scholastic Clay Target Program
Bob Boucke	Johnson's Bait and Tackle
Bill Gaines	President, CA Outdoor Heritage Alliance
Gary Bobker	The Bay Institute
Daniel O'Hanlon	State Water Contractors/San Luis Delta Mendota Water Authority
Justin Augustine	Center for Biological Diversity
Steven Self	Sierra Pacific Industries
Michele Dias	California Forestry Association
Gary Rynearson	Green Diamond Resource Company
Chris Carr	California Forestry Association/Morrison & Foerster, LLP
David Moser	Green Diamond Resource Company/Ebbin Moser & Skaggs

President Gustafson introduced members of the Commission, its staff, Directorate and Deborah Barnes of the Attorney General's Office.

1. PUBLIC FORUM.  
**Received public testimony from the following: Pamela Flick, Paul Weakland, Ken Barnes, Walt Mansell, and Tom Pedersen.**
2. PRESENTATION OF THE WARDEN OF THE YEAR AWARD.  
**Director Koch presented Sean Pirtle with the Warden of the Year Award. Commission presented a resolution to Warden Pirtle recognizing his accomplishments.**
3. PRESENTATION REGARDING BECOMING AN OUTDOORS-WOMAN, CALIFORNIA ORGANIZATION.  
**Received presentation from Susan Herrgesell. Received public testimony.**
4. OVERVIEW OF THE SCHOLASTIC CLAY TARGET PROGRAM.  
**Received reports from Richard Lynch and Dave Tanner. No public testimony.**
5. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SUBSECTION (b)(91.1) OF SECTION 7.50, TITLE 14, CCR, RE: KLAMATH-TRINITY SALMON FISHING REGULATIONS. (Note: Additional public testimony is scheduled for the Commission's April 9, 2009, meeting.)  
**Received Department reports from Larry Hanson, Neil Manji and Scott Barrow. No public testimony.**
6. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTIONS 7.00 AND 7.50, TITLE 14, CCR, RE: CENTRAL VALLEY SALMON FISHING REGULATIONS. (Note: Additional public testimony is scheduled for the Commission's April 9, 2009, meeting.)  
**Received Department reports from Larry Hanson, Neil Manji and Scott Barrow. Received public testimony.**

7. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTION 27.80, TITLE 14, CCR, RE: OCEAN SALMON FISHING REGULATIONS. (Note: Additional public testimony is scheduled for the Commission's April 9, 2009, meeting.)  
**Received Department reports from Larry Hanson, Neil Manji and Scott Barrow. Received public testimony.**
8. RECEIPT OF PUBLIC TESTIMONY ON TAG QUOTA CHANGES, CLARIFICATIONS AND URGENCY CHANGES FOR THE 2009-2010 MAMMAL HUNTING REGULATIONS. (Note: Additional public testimony is scheduled for the Commission's April 9, 2009, meeting.)  
**Received the Department's report from Dr. Eric Loft. No public testimony.**
9. PURSUANT TO FISH AND GAME CODE SECTIONS 2075 AND 2075.5, CONSIDERATION AND POSSIBLE ACTION ON THE PETITION AND THE DEPARTMENT'S ONE YEAR STATUS REPORT/RECOMMENDATION ON THE PETITION TO LIST THE LONGFIN SMELT (*Spirinchus thaleichthys*) AND ADOPTION OF COMMISSION FINDINGS.  
**Received the Department's report from Chief Deputy Director. Received public testimony.**

**MOVED BY M. SUTTON, SECOND BY D. RICHARDS, TO ADOPT THE PETITION TO LIST THE LONGFIN SMELT AS A THREATENED SPECIES.**

**AYES: C. GUSTAFSON, D. RICHARDS, M. SUTTON.**

**ABSENT: J. KELLOGG.**

**RECUSE: R. ROGERS.**

**MOTION PASSED.**

10. (A) CONSIDERATION AND POSSIBLE ADOPTION/RATIFICATION OF FINDINGS ON THE PETITION TO UPLIST THE DELTA SMELT (*Hypomesus transpacificus*) TO ENDANGERED SPECIES STATUS.  
**Received the Department's summary report from Ann Malcolm. No public testimony.**

**MOVED BY D. RICHARDS, SECOND BY R. ROGERS, TO ADOPT THE FINDINGS ON THE PETITION TO UPLIST THE DELTA SMELT TO ENDANGERED SPECIES STATUS.**

**AYES: C. GUSTAFSON, D. RICHARDS, R. ROGERS, M. SUTTON.**

**ABSENT: J. KELLOGG.**

**MOTION PASSED.**

- (B) CONSIDERATION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 670.5, TITLE 14, CCR, TO UPLIST THE DELTA SMELT (*Hypomesus transpacificus*) FROM THREATENED TO ENDANGERED SPECIES STATUS.  
**MOVED BY R. ROGERS, SECOND BY M. SUTTON, TO ADOPT REGULATORY CHANGES TO UPLIST THE DELTA SMELT TO ENDANGERED SPECIES STATUS.**  
**AYES: C. GUSTAFSON, D. RICHARDS, R. ROGERS, M. SUTTON.**  
**ABSENT: J. KELLOGG.**  
**MOTION PASSED.**

11. (A) RECEIPT OF ADDITIONAL PUBLIC TESTIMONY RELATED TO THE PETITION TO DESIGNATE PACIFIC FISHER (*Martes pennanti*) AS A CANDIDATE, AND POSSIBLE RECONSIDERATION OF THE PETITION TO LIST PACIFIC FISHER AS A THREATENED OR ENDANGERED SPECIES UNDER THE CALIFORNIA ENDANGERED SPECIES ACT.

**Received the Department's report from Deputy Director Mastrup. Received public testimony.**

***MOVED M. SUTTON, SECOND BY R. ROGERS, TO DESIGNATE THE PACIFIC FISHER AS A CANDIDATE FOR THREATENED OR ENDANGERED SPECIES STATUS.***

***ROLL CALL VOTE:***

***AYES: C. GUSTAFSON, R. ROGERS, M. SUTTON.***

***NOES: D. RICHARDS.***

***ABSENT: J. KELLOGG.***

***MOTION PASSED.***

- (B) CONSIDERATION AND POSSIBLE ADOPTION OF FINDINGS.  
**Deputy Attorney General Barnes suggested that the Commission direct staff to draft findings and that the Commission considers those draft findings on March 5, 2009. Received public testimony. Deputy Attorney General Barnes read the draft findings.**  
**Items 11(B) & (C) were continued and heard on March 5, 2009. See Commission action below.**

- (C) CONSIDERATION AND POSSIBLE EMERGENCY ACTION TO ADD SECTION 749.5, TITLE 14, CCR, RE: SPECIAL ORDER RELATING TO INCIDENTAL TAKE OF PACIFIC FISHER DURING CANDIDACY PERIOD.  
(Note: This item will only be considered if the Commission makes a finding in 11 (A) that the petitioned action may be warranted.)

**Received public testimony.**

***MOVED BY R. ROGERS, SECOND BY D. RICHARDS, TO CONTINUE ADOPTION OF FINDINGS AND SPECIAL ORDER 2084 FOR INCIDENTAL TAKE OF PACIFIC FISHER DURING CANDIDACY PERIOD UNTIL THE APRIL 8-9, 2009, COMMISSION MEETING.***

***AYES: C. GUSTAFSON, D. RICHARDS, R. ROGERS, M. SUTTON.***

***ABSENT: J. KELLOGG.***

***MOTION PASSED.***

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EXECUTIVE SESSION  
(NOT OPEN TO PUBLIC)

PURSUANT TO THE AUTHORITY OF GOVERNMENT CODE SECTION 11126(a)(1) AND (e)(1), AND SECTION 309 OF THE FISH AND GAME CODE, THE COMMISSION WILL MEET IN CLOSED EXECUTIVE SESSION. THE PURPOSE OF THIS EXECUTIVE SESSION IS TO CONSIDER:

- A. PENDING LITIGATION TO WHICH THE COMMISSION IS A PARTY.

- I. CENTER FOR BIOLOGICAL DIVERSITY vs. CALIFORNIA FISH AND GAME COMMISSION RE: TIGER SALAMANDER.
- II. BIG CREEK LUMBER COMPANY AND CENTRAL COAST FOREST ASSOC. vs. CALIFORNIA FISH AND GAME COMMISSION RE: COHO LISTING, SOUTH OF SAN FRANCISCO.
- III. LINDY O'LEARY vs. CALIFORNIA FISH AND GAME COMMISSION RE: R.R.S.A.C. AND R.R.S.S. PERMIT DENIALS.
- IV. NATURAL RESOURCES DEFENSE COUNCIL, ET AL., vs. CALIFORNIA FISH AND GAME COMMISSION RE: CALIFORNIA CONDORS EXPOSURE TO LEAD AMMUNITION.
- V. ROBERT LARRY EDER, JUSTIN WESLEY YAGER AND BYRAN D. RANDALL vs. CALIFORNIA FISH AND GAME COMMISSION RE: DUNGENESS CRAB VESSEL PERMITS.
- VI. COALITION FOR SUSTAINABLE DELTA, ET AL., vs. CALIFORNIA FISH AND GAME COMMISSION RE: SPORTFISH REGULATIONS AND TAKE OF LISTED SPECIES.
- VII. JAMES BUNN AND JOHN GIBBS vs. CALIFORNIA FISH AND GAME COMMISSION RE: SQUID PERMITS.
- VIII. CENTER FOR BIOLOGICAL DIVERSITY vs. CALIFORNIA FISH AND GAME COMMISSION RE: AMERICAN PIKA.

B. POSSIBLE LITIGATION INVOLVING THE COMMISSION.

C. STAFF PERFORMANCE AND COMPENSATION.

D. RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS:

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**There being no further business, the meeting recessed at 3:45 p.m. to reconvene on March 5 at 8:30 a.m.**

**State of California  
FISH AND GAME COMMISSION**

**Staff Summary, Meeting of March 5, 2009**

This is staff's best effort to summarize the actions of the meeting.

For more specific information go to [www.Cal-span.org](http://www.Cal-span.org).

Pursuant to the call of the President, the Commission met at the Yolo Fliers Club Ballroom, 17980 County Road 94B, Woodland, California, on March 5, 2009. The meeting was called to order at 8:40 a.m. by President Gustafson.

**FISH AND GAME COMMISSION**

Cindy Gustafson	President	Present
Jim Kellogg	Vice-President	<b>Absent</b>
Richard Rogers	Member	Present
Michael Sutton	Member	Present
Daniel Richards	Member	Present

Persons present:

**COMMISSION STAFF**

John Carlson, Jr.	Executive Director
Jon K. Fischer	Deputy Executive Director
Craig Shuman	Marine Advisor
Sherrie Fonbuena	Associate Governmental Program Analyst
Anita Biedermann	Associate Governmental Program Analyst
Carol Horn	Executive Assistant

**OFFICE OF THE ATTORNEY GENERAL**

Deborah Barnes	Deputy Attorney General
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**DEPARTMENT OF FISH AND GAME**

Donald Koch	Director
John McCamman	Chief Deputy Director
Sonke Mastrup	Deputy Director, Resources Management & Policy Division (RMPD)
Ann Malcolm	General Counsel
Nancy Foley	Deputy Director, Law Enforcement Division
Susan LaGrande	Deputy Director, Legislation
Tina Bartlett	Chief, Habitat Conservation Planning Branch

The following persons were present and heard:

Michele Dias	California Forestry Association
Gary Rynearson	Green Diamond Resource Company
Justin Augustine	Center for Biological Diversity
George Osborn	Partnership for Sustainable Oceans

Paul Weakland	Commercial Fisherman
Samantha Murray	Ocean Conservancy
Karen Garrison	Natural Resources Defense Council
Eric Mills	Action for Animals
Virginia Handley	PAW PAC, Animal Switchboard
Tony Morton	NOAA Fisheries

President Gustafson introduced members of the Commission, its staff, Directorate and Deborah Barnes of the Attorney General's Office.

12. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.  
**There was no report.**
  
13. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SUBSECTION (b)(178) OF SECTION 7.50, TITLE 14, CCR, RE: SILVER KING CREEK SPORT FISHING REGULATIONS. (Note: The Commission will consider adoption of the proposed changes at its April 9, 2009, meeting.)  
**Received the Department's report from Deputy Director Mastrup. No public testimony.**
  
14. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTION 124, TITLE 14, CCR, RE: HALIBUT TRAWLING. (Note: The Commission will consider adoption of the proposed changes at its April 9, 2009, meeting.)  
**Received the Department's report from Deputy Director Mastrup. No public testimony.**
  
15. UPDATE ON MARINE LIFE PROTECTION ACT (MPA) REGULATION TIMELINE FOR NORTH CENTRAL COAST STUDY REGION. (Note: Public testimony will be limited to the regulatory timeline at this meeting. Public testimony regarding proposed regulations related to the North Central Coast MPA's is tentatively scheduled for the Commission's April 8, 2009, meeting.)  
**Received the Department's timeline update from Deputy Director Mastrup. Received public testimony.**
  
16. RECEIPT AND POSSIBLE ACTION ON THE CALIFORNIA STATE BOARD OF FORESTRY AND FIRE PROTECTION AND THE CALIFORNIA FISH AND GAME COMMISSION JOINT POLICY STATEMENT ON PACIFIC SALMON AND ANADROMOUS TROUT.  
**Received the Department's report from Tina Bartlett. No public testimony.**  
  
***MOVED BY R. ROGERS, SECOND BY D. RICHARDS, TO ADOPT THE JOINT POLICY STATEMENT ON PACIFIC SALMON AND ANADROMOUS TROUT.***  
***AYES: C. GUSTAFSON, D. RICHARDS, R. ROGERS, M. SUTTON.***  
***ABSENT: J. KELLOGG.***  
***MOTION PASSED.***
  
17. UPDATE AND POSSIBLE ACTION ON THE COMMISSION'S AUGUST 25, 2006, AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO AMEND SECTION 236, TITLE 14, CCR, TO PROHIBIT THE IMPORTATION OF TURTLES AND FROGS FOR THE LIVE ANIMAL MARKET.  
**Received the Department's update from Deputy Director Mastrup. Received public testimony. NO COMMISSION ACTION.**

18. DEPARTMENT OF FISH AND GAME LEGISLATIVE REPORT UPDATE AND POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.  
**Received the Department's report from Susan LaGrande. Received public testimony.**
19. RECEIPT OF DEPARTMENT OF FISH AND GAME INFORMATIONAL ITEMS.
  - (A) RECEIPT OF DEPARTMENT OF FISH AND GAME DIRECTOR'S REPORT.  
**Received the Director's report. No public testimony.**
  - (B) UPDATE ON THE AUTOMATED LICENSE DATA SYSTEM.  
**Received the Department's report from Chief Deputy Director McCamman. No public testimony.**
  - (C) UPDATE ON AQUACULTURE.  
**No oral report. Received public testimony.**
  - (D) UPDATE ON ENFORCEMENT.  
**Received report from Deputy Director Foley. No public testimony.**
  - (E) OTHER.  
**No report.**
20. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.  
**Executive Director Carlson reported on the upcoming WAFWA summer meeting.**
21. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.
  - (A) MARINE RESOURCES COMMITTEE.  
**Commissioner Sutton provided a report on the recent meeting, MLPA Lessons Learned Study, and License fees/taxes for commercial fisheries issues. Received public testimony.**
  - (B) AL TAUCHER'S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE.  
**Deputy Executive Director Fischer reported that the next meeting was tentatively scheduled for April 7, 2009.**
22. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.  
**Received report from Tony Morton.**
23. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.  
**There was no report.**
24. NEW BUSINESS.  
**No new business.**

**OTHER**

25. ANNOUNCEMENT OF FUTURE MEETINGS.

**Executive Director Carlson reported on the following meeting locations: April in Lodi at Wine and Roses; May in Sacramento, Resources Building; and June was not confirmed.**

**There being no further business, the Fish and Game Commission adjourned at 12:15 p.m.**