

**Sate of California  
FISH AND GAME COMMISSION**

**Staff Summary, Meeting of April 8-9, 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 Wine and Roses Country Garden Inn, Garden Ballroom, 2505 W. Turner Road, Lodi, California, on April 8, 2009. The meeting was called to order at 10:15 a.m. by President Gustafson.

**FISH AND GAME COMMISSION**

Cindy Gustafson	President	Present
Jim Kellogg	Vice-President	Present
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
Adrianna Shea	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)
Nancy Foley	Deputy Director, Law Enforcement Division
Dr. Eric Loft	Chief, Wildlife Branch (RMPD)
Neil Manji	Chief, Fisheries Branch (RMPD)
Philip Bairrington	Northern Region

The following persons were present and heard:

Ed Schultz	Marin County Fish and Wildlife Commission
Jim Martin	Recreational Fishing Alliance
Ray Yee	Coastside Fishing
Jim Haussenen	California Marine Affairs
Ed TavasiEFF	Commercial Fisherman

Bill Bernard	Abalone Advisory Group
Dan Bacher	Editor, Fish Sniffer
Arch Richardson	Concerned Citizen
Tom Pedersen	California Rifle and Pistol Association
John Fields	California Rifle and Pistol Association
George Osborn	Concerned Fisherman
Tom Raftican	The Sportfishing Conservancy
E. B. Duggan	Trinity River Guide Association/In-River Sports Fishing
Steve Shimek	Monterey Coastkeeper
Steve Scheiblauber	City of Monterey, Harbor Masters
Paul Weakland	Commercial Fisherman
Bill Gaines	California Outdoor Heritage Alliance
Jay Yokomizo	MLPA Stakeholder
Karen Reyna	Gulf of the Farallones National Marine Sanctuary
Bob Wilson	Farallones Marine Sanctuary Association
Thomas Lyons	California Coastkeeper Alliance
Bob Bow	Coastside Fishing Club
Don Peoples	Concerned Citizen
Robin King	Concerned Citizen
Jessica Luo	Point Reyes National Seashore
Paul Hobi	Ocean Conservancy
Jim Bulger	Concerned Fisherman
Laura Kasa	Save Our Shores
Bob Breen	Concerned Citizen
Bill Johnson	Coastside Fishing Club
Rick Johnson	Concerned Citizen
Scott Tibbedeaux	Concerned Citizen
Karen Garrison	Natural Resources Defense Council
Vern Goehring	California Fisheries Coalition
Dennis Long	Monterey Bay Sanctuary Foundation
Gilbert Higbee	Recreational Fisherman
Bob Fletcher	Sportfishing Association of California
Doug Wilgis	Concerned Citizen
Eric Holthouse	Recreational Fisherman
Jim Higuchi	Recreational Fisherman
Matthew Plut	Coastside Fishing Club
Michael Starr	Coastside Fishing Club
Francesca Koe	NCC Stakeholder/Diver
Cyndi Dawson	Science Reef Check of California
Kaitilin Gaffney	Ocean Conservancy
Steven Fukuto	United Anglers of Southern California
Tom Weseloh	California Trout
Ben Taylor	PCF
Charles Bucaria	Federation of Fly Fishers
Pamela Flick	Defenders of Wildlife
Bill Snyder	Department of Forestry and Fire Protection
Justin Augustine	CBD
Gary Rynearsen	Green Diamond Resource Co.
Steven Self	Sierra Pacific Industries
Ed Worley	National Rifle Association

The following agenda items were heard on April 9, 2009: 6, 8(C), 8(F), 8(G), 8(H), 10(A) & (B), 11, 12, 13 & 14.

1. PUBLIC FORUM.

Received public testimony from the following: Ed Schultz, Jim Martin, Ray Yee, Jim Haussenen, Ed Tavasieff, Bill Bernard, Dan Bacher, Arch Richardson, Tom Pedersen, John Fields, George Osborn, Tom Raftican, E. B. Duggan, Steve Shimek, Steve Scheiblaue, and Paul Weakland.

President Gustafson reported that DFG would be providing an update on the MLPA funding issue in the next agenda item.

2. UPDATE ON MARINE LIFE PROTECTION ACT (MLPA) FOR NORTH CENTRAL COAST STUDY REGION.

(A) REGULATION TIMELINE AND CALIFORNIA ENVIRONMENTAL QUALITY ACT DOCUMENT.

(B) ESTIMATED COSTS AND ANTICIPATED FUND SOURCES.

Received report from the Department; Final EIR to be completed in for the August FGC Meeting. Received public testimony. All Commissioners agreed on the following suggested timeline: FGC to publish notice as soon as it receives the appropriate paperwork from DFG, including Form 399; receive public comments at the Commission's May 13-14, 2009, meeting and possible adoption, including receipt of public testimony, at the Commission's August 5-6, 2009, meeting.

3. RECEIPT AND POSSIBLE ACTION ON THE DEPARTMENT OF FISH AND GAME DRAFT NEGATIVE DECLARATION REGARDING DELISTING THE AMERICAN PEREGRINE FALCON.

Received the Department's report. No public testimony.

***MOVED BY J. KELLOGG, SECOND BY R. ROGERS, TO RELEASE DOCUMENT FOR PUBLIC REVIEW. TO MAY 09 MEETING FOR PUBLIC COMMENTS AND ADOPTION AT AUGUST 5-6, 2009, MEETING.***

***AYES: C. GUSTAFSON, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON. MOTION PASSED UNANIMOUSLY.***

4. UPDATE ON SMITH RIVER ISSUES AND MANAGEMENT.

Cal Trout provided an update. Received the Department's update. Received public testimony.

5. (A) CONSIDERATION AND POSSIBLE ADOPTION OF FINDINGS ON THE PETITION TO DESIGNATE PACIFIC FISHER (*Martes pennanti*) AS AN ENDANGERED OR THREATENED SPECIES CANDIDATE.

Received the Department's report. Received public testimony.

***MOVED BY R. ROGERS, SECOND BY M. SUTTON, TO ADOPT PROPOSED DRAFT FINDINGS TO DESIGNATE PACIFIC FISHER AS AN ENDANGERED OR THREATENED SPECIES CANDIDATE.***

***AYES: C. GUSTAFSON, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON. MOTION PASSED UNANIMOUSLY.***

- (B) 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.  
**Received the Department's report. Received public testimony.**

***MOVED BY R. ROGERS, SECOND BY D. RICHARDS, TO TAKE EMERGENCY ACTION TO ADD SPECIAL ORDER RELATING TO INCIDENTAL TAKE OF PACIFIC FISHER DURING CANDIDACY PERIOD. AYES: C. GUSTAFSON, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON. MOTION PASSED UNANIMOUSLY.***

6. SCOPING OF POSSIBLE DEPARTMENT AND COMMISSION 2009 UPLAND GAME REGULATION CHANGE PROPOSALS.  
**Received the Department's update. Received public testimony. At the Commission's direction, DFG to evaluate turkey hunting on State Wildlife Areas and to include an option for a complete ban of lead ammo for upland game, small mammal, hunting in the condor range.**
7. DEPARTMENT OF FISH AND GAME LEGISLATIVE REPORT UPDATE AND POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.  
**Received the Department's report. Received public testimony.**
8. RECEIPT OF DEPARTMENT OF FISH AND GAME INFORMATIONAL ITEMS.
- (A) RECEIPT OF DEPARTMENT OF FISH AND GAME DIRECTOR'S REPORT.  
**Received the Department's report. No public testimony.**
- (B) UPDATE ON THE AUTOMATED LICENSE DATA SYSTEM.  
**Received the Department's report. No public testimony.**
- (C) STATUS UPDATE ON THE REPORT REGARDING LEVELS OF LEAD FOUND IN CALIFORNIA CONDORS DURING 2008. (Note: The Commission is required to issue this report by June 2009, pursuant to Section 3004.5 of the Fish and Game Code.)  
**Received the Department's status update and that the report will be available at the Commission's May meeting. Received public testimony.**
- (D) UPDATE ON AQUACULTURE.  
**Received the Department's report. Received public testimony.**
- (E) RECEIPT OF DEPARTMENT TEMPLATE FOR STATE BOTTOM LEASE.  
**Received the Department's report. No public testimony.**
- (F) UPDATE ON ENFORCEMENT.  
**Received the Department's report. All Commissioners agreed to send letter of support to Counties District Attorneys. No public testimony.**
- (G) UPDATE ON PACIFIC FISHERY MANAGEMENT COUNCIL ISSUES.  
**Department to report under the salmon items. No public testimony.**

- (H) OTHER.  
**Department provided a status of the Herring fishery.**
- 9. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.  
**Received report from Executive Director Carlson. No public testimony.**
- 10. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.
  - (A) MARINE RESOURCES COMMITTEE.  
**Received reports from Commissioners Sutton and Rogers. Received public testimony.**
  - (B) AL TAUCHER'S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE.  
**Received report from Deputy Executive Director Fischer. Next meeting scheduled for June 22 or 23, 2009. Received public testimony.**
- 11. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.  
**Received report from Tony Morton. No public testimony.**
- 12. FISH AND GAME COMMISSION/DEPARTMENT OF FISH AND GAME WORKLOAD PLANNING AND COORDINATION.  
**Received update from Executive Director Carlson. Meeting to be scheduled in conjunction with Commission's June meeting.**
- 13. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.  
**No report.**
- 14. NEW BUSINESS.  
**None.**

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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. SAN LUIS AND DELTA-MENDOTA WATER AUTHORITY AND WESTLAND WATER DISTRICT; STATE WATER CONTRACTORS; KERN COUNTY WATER AGENCY; AND OTHER REAL PARTIES IN INTEREST vs. CALIFORNIA FISH AND GAME COMMISSION RE: LONGFIN SMELT.
  - II. CENTER FOR BIOLOGICAL DIVERSITY vs. CALIFORNIA FISH AND GAME COMMISSION RE: TIGER SALAMANDER.
  - III. BIG CREEK LUMBER COMPANY AND CENTRAL COAST FOREST ASSOC. vs. CALIFORNIA FISH AND GAME COMMISSION RE: COHO LISTING, SOUTH OF SAN FRANCISCO.

- IV. LINDY O'LEARY vs. CALIFORNIA FISH AND GAME COMMISSION RE: R.R.S.A.C. AND R.R.S.S. PERMIT DENIALS.
- V. NATURAL RESOURCES DEFENSE COUNCIL, ET AL., vs. CALIFORNIA FISH AND GAME COMMISSION RE: CALIFORNIA CONDORS EXPOSURE TO LEAD AMMUNITION.
- 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 5:17 p.m. to reconvene on April 9 at 8:30 a.m.**

**State of California  
FISH AND GAME COMMISSION**

**Staff Summary, Meeting of April 9, 2009**

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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 Wine and Roses Country Garden Inn, Garden Ballroom, 2505 W. Turner Road, Lodi, California, on April 9, 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	Present
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
Adrianna Shea	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
Sonke Mastrup	Deputy Director, Resources Management & Policy Division (RMPD)
Nancy Foley	Deputy Director, Law Enforcement Division
Dr. Eric Loft	Chief, Wildlife Branch (RMPD)
Neil Manji	Chief, Fisheries Branch (RMPD)
Scott Barrow	Senior Biologist Specialist, Fisheries Branch
James Baugus	Law Enforcement Division
Erica Hacche	Law Enforcement Division
Tony Straw	System Analyst

The following persons were present and heard:

Bill Gaines	California Outdoor Heritage Alliance
Paul Weakland	Commercial Fisherman
Ed Worley	National Rifle Association
Tom Pedersen	California Rifle and Pistol Association

Tony Morton	NOAA
E. B. Duggan	Trinity River Guide Association/In-River Sports Fishing
Bob Boucke	Johnson's Bait and Tackle
George Badasci	Concerned Fisherman
Leon Lesicka	Desert Wildlife Unlimited
Randy Rister	Imperial County Fish and Game Commission
Fred Worthley	Desert Wildlife Unlimited
Peter Meyer	Concerned Hunter
Ron LaRochelle	Concerned Hunter
Josh Brones	California Houndsmen for Conservation
Dan Tichenor	North Central California Houndsmen
Jeff Kuyper	Los Padres Forestwatch
Sunny Hammonds	Concerned Hunter
Dick Dasmann	Arroyo Grande Sportsmen's Club
Mike McCorkle	Southern Ca. Trawlers Association
James Buchal	The New 99'ers Inc.
James Foley	Coalition Petitioners
Steve Kleszyk	Concerned Citizen
Walt Wegner	Public Lands for the People
Daniel Effman	Members of the Karuk Tribe
Kathryn Updike	Concerned Citizen
Craig Tucker	Karuk Tribe
Robert Goodwin	Karuk Tribe

**The following items were scheduled for April 8 and heard on April 9, 2009: 6, 8(C), 8(F), 8(G), 8(H), 10(A) & (B), 11, 12, 13 & 14.**

15. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.  
**Deputy Attorney General Barnes reported that no announcements were required. No public testimony.**
16. 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: The Commission will consider adoption of the proposed changes at its April 21, 2009, teleconference meeting.)  
**Received report from the Department. Received public testimony.**
17. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTIONS 7.00 AND 7.50, TITLE 14, CCR, RE: CENTRAL VALLEY SALMON FISHING REGULATIONS. (Note: The Commission will consider adoption of the proposed changes at its April 21, 2009, teleconference meeting.)  
**Received report from the Department. Received public testimony.**
18. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTION 27.80, TITLE 14, CCR, RE: OCEAN SALMON FISHING REGULATIONS. (Note: The Commission will consider adoption of the proposed changes at its April 21, 2009, teleconference meeting.)  
**Received report from the Department. Received public testimony.**

19. RECEIPT OF PUBLIC TESTIMONY ON TAG QUOTA CHANGES, CLARIFICATIONS AND URGENCY CHANGES FOR THE 2009-2010 MAMMAL HUNTING REGULATIONS. (Note: The Commission will consider adoption of the proposed changes at its April 21, 2009, teleconference meeting.)  
**Received report from the Department. Received public testimony.**
20. 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 May 14, 2009, meeting in Sacramento.)  
**Received report from the Department. Received public testimony.**
21. CONSIDERATION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SUBSECTION (b)(178) OF SECTION 7.50, TITLE 14, CCR, RE: SILVER KING CREEK SPORT FISHING REGULATIONS.  
**Received report from the Department. No public testimony.**
- MOVED BY J. KELLOGG, SECOND BY D. RICHARDS, ADOPTION OF PROPOSED CHANGES TO SILVER KING CREEK SPORT FISHING REGULATIONS.  
AYES: C. GUSTAFSON, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.  
MOTION PASSED UNANIMOUSLY.***
22. CONSIDERATION AND POSSIBLE ACTION RELATED TO THE REQUEST OF JAMES L. BUCHAL FOR THE COMMISSION TO AMEND SUBSECTION (b)(91.1)(B)2. OF SECTION 7.50, TITLE 14, CCR, RE: EXEMPTION TO GENERAL AREA CLOSURES ON THE KLAMATH RIVER WHICH ALLOWS THE USE OF HAND-HELD DIP NETS BY THE KARUK INDIAN TRIBE AT ISHI PISHI FALLS.  
**Received report from the Department. Received public testimony.**
- MOVED BY J. KELLOGG, SECOND BY M. SUTTON, TO DENY REQUEST.  
AYES: C. GUSTAFSON, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.  
MOTION PASSED UNANIMOUSLY.***
23. COMMISSION FOLLOW-UP.  
**President Gustafson summarized the item and requested that Commissioners suggest items to be discussed at future meetings. No suggestions were made by Commissioners.**
24. MEETING REVIEW AND STAFF DIRECTION.  
**Executive Director Carlson reviewed the "to do".  
(May not be the complete list.)  
Schedule presentation on MPA monitoring at May meeting.  
Schedule Aquaculture meeting, May 13.  
Schedule MLPA hearings.  
Schedule ratification of Longfin Smelt findings for May meeting.  
Prepare 5 legislative bill analysis.  
Staff to draft letter to District Attorney's Association regarding prosecution of crimes.  
Prepare report for May Biodiversity Council.  
Schedule ½ day workload meeting in conjunction with June Commission meeting.  
Chief Foley to update Commissioners via report on Salinas River enforcement.  
Status of salmon/steelhead report cards for youth.**

Commissioner Richards is coordinating with Chief Foley for a Warden Shoot on June 2, 2009, in San Bernardino.

**OTHER**

25. ANNOUNCEMENT OF FUTURE MEETINGS.

**2009 FISH AND GAME COMMISSION  
MEETING SCHEDULE  
www.fgc.ca.gov**

DATE	LOCATION
<b>April 21 (9:30 a.m.)</b> <b>Confirmed</b>	<b>Sacramento</b> (Via Telephone)
<b>May 13 (Wed.)</b> <b>May 14 (Thurs.)</b>  <b>Confirmed</b>	State of California Resources Agency Building 1416 Ninth Street <b>Sacramento</b>
<b>June 24 (Wed.)</b> <b>June 25 (Thurs.)</b>	Yolo Fliers Club 17980 County Road 94B <b>Woodland</b>
<b>August 6 (Thurs.)</b> <b>August 7 (Fri.)</b>	???
<b>September 2 (Wed.)</b> <b>September 3 (Thurs.)</b>	???
<b>September 30 (Wed.)</b> <b>October 1 (Thurs.)</b> <b>Confirmed</b>	Yolo Fliers Club 17980 County Road 94B <b>Woodland</b>
<b>November 4 (Wed.)</b> <b>November 5 (Thurs.)</b> <b>Confirmed</b>	Yolo Fliers Club 17980 County Road 94B <b>Woodland</b>
<b>December 10 (Thurs.)</b> <b>December 11 (Fri.)</b>  <b>Confirmed</b>	State of California Department of General Services Auditorium (Ziggurat Bldg.) 707 Third Street, First Floor <b>West Sacramento</b>

April 5-10, 2009, PFMC Salmon  
July 10-15, 2009, WAFWA Newport Beach  
September 2009, AFWA

**There being no further business, the Fish and Game Commission adjourned at 12:23 p.m.**