

**State of California  
FISH AND GAME COMMISSION**

**Staff Summary, Meeting of September 3, 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 September 3, 2009. The meeting was called to order at 8:45 a.m. by President Kellogg.

**FISH AND GAME COMMISSION**

Jim Kellogg	President	Present
Richard Rogers	Vice President	Absent
Michael Sutton	Member	Present
Daniel Richards	Member	Present
Don Benninghoven	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**

Rick Thalhammer	Deputy Attorney General
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**DEPARTMENT OF FISH AND GAME**

John McCamman	Chief Deputy Director
Sonke Mastrup	Deputy Director, Resources Management & Policy Division (RMPD)
Ann Malcolm	General Counsel
Susan LaGrande	Deputy Director, Legislation
Tony Warrington	Law Enforcement Division
Rob Allen	Law Enforcement Division
Ryan Watanabe	Associate Biologist, Marine Region
Devin Bartley	Aquaculture Coordinator

The following persons were present and heard:

Barbara Schmitz	Animal Protection Institute
Tom Pedersen	California Rifle and Pistol Association
Bill James	Port San Luis Fishing Association
Paul Weakland	Commercial Fisherman
Virginia Handley	PAW PAC

Tom Raftican  
Jerry Karnow  
Eric Mills

The Sportfishing Conservancy  
California Game Wardens Association  
Action for Animals

President Kellogg introduced members of the Commission, its staff, Directorate and Rick Thalhammer of the Attorney General's Office.

1. PUBLIC FORUM.  
**Received public testimony from the following: Barbara Schmitz, Tom Pedersen, Bill James, and Paul Weakland.**
2. ELECTION OF OFFICERS.  
**Commission elected Commissioner Kellogg as President and Commissioner Rogers as Vice-President until February 2010.**

***MOVED BY D. RICHARDS, SECOND BY D. BENNINGHOVEN.  
AYES: D. BENNINGHOVEN, J. KELLOGG, D. RICHARDS, M. SUTTON.  
ABSENT: R. ROGERS.  
MOTION PASSED.***

3. CONSIDERATION OF CERTIFICATION OF FINAL ENVIRONMENTAL DOCUMENT, POSSIBLE ADOPTION OF FINDINGS AND PROPOSED PROJECT (OR ALTERNATIVE), AND FINAL ADOPTION OF SECTIONS 163 AND 164, TITLE 14, CCR, RE: HERRING.  
**Received Department's report. Received public testimony.**

***MOVED BY M. SUTTON, SECOND BY D. BENNINGHOVEN, TO CERTIFY ED AND ADOPT PROPOSED PROJECTS FOR HERRING REGULATIONS.  
AYES: D. BENNINGHOVEN, J. KELLOGG, D. RICHARDS, M. SUTTON.  
ABSENT: R. ROGERS.  
MOTION PASSED.***

***MOVED BY M. SUTTON, SECOND BY D. BENNINGHOVEN, APPROVED OPTION 1.  
AYES: D. BENNINGHOVEN, J. KELLOGG, D. RICHARDS, M. SUTTON.  
ABSENT: R. ROGERS.  
MOTION PASSED.***

4. CONSIDERATION AND POSSIBLE RATIFICATION OF COMMISSION FINDINGS ON THE PETITION TO LIST THE AMERICAN PIKA (*Ochotona princeps*) AS A THREATENED SPECIES.  
**Commissioners agreed to put this item over to a future Commission meeting due to the fact they had just received the information before the meeting. No public testimony.**
5. RECEIPT OF LEGISLATIVE REPORTS.
  - (A) DEPARTMENT OF FISH AND GAME REPORT.  
**Received the Department's report. Received public testimony.**

- (B) POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.  
**Executive Director Carlson reported that there were no new proposed positions on legislation. He reported that staff is working on a Legislative draft policy to address legislation. He also reported staff was working on changing the statutory meeting location requirements. Received public testimony.**
6. 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 from Chief Deputy Director McCamman. Commissioner Sutton requested a copy of the Agency Climate Adaptation Report. Commissioner Richards requested a more detailed report including what the Department is doing well and what's not being done. No public testimony.**
- (B) UPDATE ON THE AUTOMATED LICENSE DATA SYSTEM.  
**Received report from Chief Deputy Director McCamman. ALDS on schedule for Dec. 2010 implementation. No public testimony.**
- (C) UPDATE ON STATE WATER BOTTOMS LEASE TEMPLATE.  
**Received report from Deputy Director Mastrup. No public testimony.**
- (D) UPDATE ON ENFORCEMENT.  
**Received report from Rob Allen. No public testimony.**
- (E) OTHER.  
**Deputy Director Mastrup reported on cabezon trip limits and that the greenling season was closed. Received public testimony.**
7. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.
- (A) UPDATE ON STATUS OF FINAL STATEMENT OF REASONS REGARDING CHANGES TO SECTION 670.5, TITLE 14, CCR, TO LIST THE LONGFIN SMELT (*Spirinchus thaleichthys*) AS A THREATENED SPECIES.  
**Executive Director Carlson provided an update and the issue would be discussed during Executive Session.**
- (B) UPDATE AND POSSIBLE COURSE OF ACTION REGARDING EXOTIC FROGS AND TURTLES.  
**Executive Director Carlson provided an update and recommended the issue be tabled due to furloughs. Deputy Director Mastrup agreed and indicated it was a huge workload and was not a top priority and agreed to a scoping meeting at Oct. 1 meeting.**
- (C) OTHER.  
**Executive Director Carlson reported that the Commission and the BRTF were scheduled to meet in December and that the Commission's December meeting location may be changed to southern California to facilitate the joint meeting in the current study region. Received public testimony.**

8. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.
  - (A) MARINE RESOURCES COMMITTEE.  
**Commissioner Sutton provided an update that the rockcrab working group trap permits are proceeding. Next meeting scheduled for November 17 in Santa Barbara. No public testimony.**
  - (B) AL TAUCHER'S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE.  
**No meeting was held; next meeting tentatively scheduled for September 29.**
  - (C) AQUACULTURE COMMITTEE.  
**No committee meeting. Received public testimony.**
9. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.  
**Executive Director Carlson reported that Tony Morton was unable to attend but that he requested the Commission be advised about the Ocean Policy Task Force public meeting. There is a meeting scheduled for Sept. 17, at the Hyatt Regency in San Francisco. Commissioner Sutton indicated he would attend.**
10. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.  
**Deputy Attorney General Thalhammer discussed the Bagley-Keene Act regarding Commissioners attending other meetings and that they disclose that information.**
11. NEW BUSINESS.  
**None.**
12. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.  
**Deputy Attorney General Thalhammer reported on a discussion regarding a PRA request to disclose addresses.**

**CONSENT CALENDAR**

***MOVED BY D. BENNINGHOVEN, SECOND BY M. SUTTON, TO APPROVE THE CONSENT CALENDAR ITEM NO.13, AS RECOMMENDED BY THE DEPARTMENT. AYES: D. BENNINGHOVEN, J. KELLOGG, D. RICHARDS, M. SUTTON. ABSENT: R. ROGERS. MOTION PASSED.***

13. CONSIDERATION AND POSSIBLE APPROVAL OF PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA LICENSE (2009-2014) AND 2009-2010 MANAGEMENT PLAN FOR:
  - (A) REDWOOD HOUSE RANCH, HUMBOLDT COUNTY  
**Approved. No public testimony.**

**OTHER**

14. COMMISSION FOLLOW-UP, MEETING REVIEW, AND STAFF DIRECTION.  
**List to be established.**

15. ANNOUNCEMENT OF FUTURE MEETINGS.  
**Executive Director Carlson reported on the rest of this year's meeting calendar and that the meetings will probably be changed to one day meetings, and that the December meeting location be moved to southern California to facilitate a joint meeting with the BRTF.**

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

DATE	LOCATION
September 30 (Wed.) October 1 (Thurs.)	<b>TENTATIVE</b> Yolo Fliers Club 17980 County Road 94B <b>Woodland</b>
November 4 (Wed.) November 5 (Thurs.)	<b>TENTATIVE</b> Yolo Fliers Club 17980 County Road 94B <b>Woodland</b>
December 10 (Thurs.) December 11 (Fri.)	State of California Department of General Services Auditorium (Ziggurat Bldg.) 707 Third Street, First Floor <b>West Sacramento</b>

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. BIG CREEK LUMBER COMPANY AND CENTRAL COAST FOREST ASSOC. vs. CALIFORNIA FISH AND GAME COMMISSION RE: COHO LISTING, SOUTH OF SAN FRANCISCO.
  - II. LINDY O'LEARY vs. CALIFORNIA FISH AND GAME COMMISSION RE: R.R.S.A.C. AND R.R.S.S. PERMIT DENIALS.
  - III. JAMES BUNN AND JOHN GIBBS vs. CALIFORNIA FISH AND GAME COMMISSION RE: SQUID PERMITS.
- 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 Fish and Game Commission meeting adjourned  
at 1:00 p.m.**