

**State of California
FISH AND GAME COMMISSION**

Staff Summary, Meeting of October 1, 2009

This is staff's best effort to summarize the actions of the meeting.
For more specific information go to 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 October 1, 2009. The meeting was called to order at 10:03 a.m. by President Kellogg.

FISH AND GAME COMMISSION

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

Persons present:

COMMISSION STAFF

John Carlson	Executive Director (left early)
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

Donald Koch	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
Joe Milton	Office of General Counsel
Rob Allen	Law Enforcement Division
Dr. Eric Loft	Chief, Wildlife Branch (RMPD)
Neil Manji	Chief, Fisheries Branch (RMPD)
Scott Barrow	Fisheries Branch
Michael Healy	North Coast Region

The following persons were present and heard:

Michael Leonard	Attorney Representing Bruce Dennis
George Osborn	PSO
Paul Weakland	Commercial Fisherman
Guy Auxer	Never Cry Wolf Rescue and Adoption
Patti Funakoshi	Concerned Citizen
Valeria Walker	Concerned Citizen
Leesa Faulkner	Concerned Citizen
Pamela Hormiotis	Lake Tahoe Wolf Rescue
Julia Parker	Lake Tahoe Wolf Rescue
Javier Cardenas	Northern California Sled Dog Rescue
Jessica Riggs	Concerned Citizen
Dr. David Ostrech	Concerned Citizen
Sandra Hawkins	Concerned Citizen
Kristine Alessio	The International Cat Association
Dr. Brigitte Cowell	The International Cat Association
Jay Bangle	The International Cat Association
James Mosby	Mosby Enterprises
Virginia Handley	PAW PAC
Tom Engstrom	Concerned Citizen
Martin Vranicar Jr.	California District Attorneys Association
Tom Weseloh	California Trout
Miles Young	Concerned Citizen
Michelle Tsai	Concerned Citizen
Eric Mills	Action for Animals
Tom Raftican	The Sportfishing Conservancy
Diane Windham	Acting Assistant Regional Administrator, NOAA Fisheries
April Wakeman	The Sportfishing Conservancy
Charles Bucaria	Northern California Council Federation of Fly Fishers
Dave Ford	Northern California Council Federation of Fly Fishers
Stephen Karr	Putah Creek Trout
Mark Rockwell	Northern California Council Federation of Fly Fishers/Endangered Species Coalition
Dougald Scott	Northern California Council Federation of Fly Fishers
Gary Rynearson	Green Diamond Resource Company
Martin Strain	Point Reyes Oyster Company
George Trevelyan	Grassy Bar Oyster Company
Mike Toussaint	Marin Oyster Company
Terry Sawyer	Hog Island Oyster Company

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: Michael Leonard, George Osborn and Paul Weakland.

2. CONSIDERATION AND POSSIBLE RATIFICATION OF COMMISSION FINDINGS ON THE PETITION TO LIST THE AMERICAN PIKA (*Ochotona princeps*) AS A THREATENED SPECIES.

Received the Department's report. No public testimony.

MOVED BY R. ROGERS, SECOND BY D. BENNINGHOVEN, TO RATIFY FINDINGS OF JUNE 24, 2009, TO REJECT THE PETITION TO LIST THE AMERICAN PIKA AS A THREATENED SPECIES.

AYES: D. BENNINGHOVEN, J. KELLOGG, R. ROGERS, M. SUTTON.

ABSENT: D. RICHARDS.

MOTION PASSED.

3. REPORT FROM MARTIN VRANICAR JR. REGARDING THE CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION ENVIRONMENTAL TRAINING PROJECT AND THE CIRCUIT PROSECUTOR PROJECT.

Received report from Martin Vranicar. Received public testimony.

4. RECEIPT OF LEGISLATIVE REPORTS.

(A) DEPARTMENT OF FISH AND GAME REPORT.

Received Department's report. Received public testimony.

(B) POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.

Executive Director Carlson reported that the Commission was in the process of surveying other boards and commissions to assist in developing its policy.

5. 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. LRB to give a presentation at the November Commission meeting. Received public testimony.

(B) UPDATE ON THE AUTOMATED LICENSE DATA SYSTEM.

Received update from Deputy Director Mastrup. Received public testimony.

(C) UPDATE ON ENFORCEMENT.

Received update from Chief Foley. Received public testimony.

(D) UPDATE ON 2010 MAMMAL REGULATORY CYCLE.

Received update from Dr. Loft. No public testimony.

(E) OTHER.

Deputy Executive Director Fischer reported that the halibut trawl permit transfer would be scheduled for the November Commission meeting.

6. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.
 - (A) UPDATE ON SCOPING MEETING AND REQUEST FOR CLARIFICATION ON POSSIBLE REGULATORY ACTION TO PROHIBIT THE IMPORTATION OF NON-NATIVE FROG AND TURTLE SPECIES.
Received update from Executive Director Carlson. Received public testimony. Scoping meeting to be scheduled.
7. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.
 - (A) MARINE RESOURCES COMMITTEE.
Received update from Mike Sutton. Next meeting scheduled for November 17 in Santa Barbara. No public testimony.
 - (B) AL TAUCHER'S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE.
Received report from Deputy Executive Director Fischer on the meeting held on September 9. No public testimony.
 - (C) AQUACULTURE COMMITTEE.
Report to be given under Item No. 16.
8. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.
Received report from Diane Windham. No public testimony.
9. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.
Deputy Attorney General Thalhammer discussed Ethics Training and Sexual Harassment training. Received public testimony.
10. NEW BUSINESS.
None.
11. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.
Deputy Attorney General Thalhammer reported on two issues discussed during Executive Session involving Bruce Dennis's request and a longfin smelt comment letter rejected as "untimely". No public testimony.
12. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO THE TRIENNIAL SPORT FISHING REGULATIONS FOR 2010-2013. (Note: The adoption hearing is scheduled for December 10, 2009; location to be announced.)
Received report from Chief Manji and Scott Barrow summarized the proposals. Received public testimony.
13. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED ADDITION OF SECTION 681, TITLE 14, CCR, RE: HYBRID ANIMALS AND PLANTS. (Note: The adoption hearing is scheduled for November 5, 2009, in Woodland.)
Received public testimony.

14. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTION 155, TITLE 14, CCR, RE: COMMERCIAL TAKE OF WHITE SEABASS. (Note: The adoption hearing is scheduled for November 5, 2009, in Woodland.)
No public testimony.

15. PURSUANT TO FISH AND GAME CODE SECTION 2084, CONSIDERATION AND POSSIBLE EMERGENCY ACTION TO RE-ADOPT SECTION 749.5, TITLE 14, CCR, FOR AN ADDITIONAL 90 DAY PERIOD, RE: SPECIAL ORDER RELATING TO INCIDENTAL TAKE OF PACIFIC FISHER DURING CANDIDACY PERIOD.
Received public testimony.

MOVED BY R. ROGERS, SECOND BY D. BENNINGHOVEN, TO ADOPT EMERGENCY ACTION TO RE-ADOPT SECTION 749.5 RE: SPECIAL ORDER RELATING TO INCIDENTAL TAKE OF PACIFIC FISHER DURING CANDIDACY FOR AN ADDITIONAL 90 DAY PERIOD.

AYES: D. BENNINGHOVEN, J. KELLOGG, R. ROGERS, M. SUTTON.

ABSENT: D. RICHARDS.

MOTION PASSED.

16 (A) CONSIDERATION AND POSSIBLE APPROVAL OF STATE WATER BOTTOMS LEASE TEMPLATE.

(B) REQUEST OF JOHN FINGER, HOG ISLAND OYSTER COMPANY, FOR LEASE RENEWAL OF STATE WATER BOTTOM LEASE NO. M-430-12, MARIN COUNTY.

(C) REQUEST OF MICHAEL TOUSSAINT, MARIN OYSTER COMPANY, FOR LEASE RENEWAL OF STATE WATER BOTTOM LEASE NO. M-430-02, MARIN COUNTY.

Received reports from the Department. Received public testimony.

MOVED BY R. ROGERS, SECOND BY M. SUTTON, TO CONTINUE ITEMS 16(A), 16 (B), AND 16 (C) TO THE NOVEMBER OR DECEMBER MEETING.

AYES: D. BENNINGHOVEN, J. KELLOGG, R. ROGERS, M. SUTTON.

ABSENT: D. RICHARDS.

MOTION PASSED.

CONSENT CALENDAR

MOVED BY M. SUTTON, SECOND BY D. BENNINGHOVEN, TO APPROVE CONSENT CALENDAR ITEMS 17 AND 18, AS RECOMMENDED BY THE DEPARTMENT.

AYES: D. BENNINGHOVEN, J. KELLOGG, R. ROGERS, M. SUTTON.

ABSENT: D. RICHARDS.

MOTION PASSED.

17. REQUEST OF MR. CHRIS RACCIATO FOR REINSTATEMENT OF HIS EXPIRED TRAPPING PERMIT.

Approved reinstatement. No public testimony.

18. APPROVAL OF PLM MODIFICATION FOR STEWART RANCH, TRINITY COUNTY.
Approved. No public testimony.

OTHER

19. COMMISSION FOLLOW-UP, MEETING REVIEW, AND STAFF DIRECTION.
List to be established.
20. ANNOUNCEMENT OF FUTURE MEETINGS.

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

DATE	LOCATION
November 4 (Wed.) November 5 (Thurs.)	Yolo Fliers Club 17980 County Road 94B Woodland
December 10 (Thurs.)	Radisson Hotel Los Angeles

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.

- I. TANYA BAIN, RESTRICTED SPECIES ANIMAL CARE-WELFARE SPECIES PERMIT AND RESIDENT EXHIBITING PERMIT.
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There being no further business, the Fish and Game Commission meeting was adjourned at 4:00 p.m.