

**State of California
FISH AND GAME COMMISSION**

Staff Summary, Teleconference Meeting of May 20, 2010

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 by teleconference on May 20, 2010. The teleconference meeting originated at the Resources Building, 1416 Ninth Street, Room 1131, Sacramento, California. The meeting was audible to the public at the following additional locations: Department of Fish and Game, Santa Barbara Field Office and Laboratory, 1933 Cliff Dr., Suite 9, Santa Barbara, CA 93109; Department of Fish and Game, Inland Deserts Region, 3602 Inland Empire Boulevard, Suite C-220, Ontario, CA 91764; and Center for the Future of the Oceans Monterey Bay Aquarium, 99 Pacific Street, Suite 100A, Monterey, CA 93940. Due to the number of attendees at the Sacramento location, the meeting was also audible in Room 1206 for item number one only. The teleconference meeting was called to order at 9:36 a.m. by President Kellogg.

FISH AND GAME COMMISSION

Jim Kellogg	President	Present at Sacramento location
Richard Rogers	Vice-President	Via Telephone from Santa Barbara
Michael Sutton	Member	Via Telephone from Monterey
Daniel Richards	Member	Via Telephone from Ontario (Left at 1210 hours)
Don Benninghoven	Member	Present at Sacramento location

Persons present:

COMMISSION STAFF

John Carlson	Executive Director (Left after public testimony for Item 1)
Jon K. Fischer	Deputy Executive Director
Adrianna Shea	Deputy Executive Director
Sherrie Fonbuena	Associate Governmental Program Analyst
Anita Biedermann	Associate Governmental Program Analyst
Jon Snellstrom	Associate Governmental Program Analyst (Room 1206)
Carol Horn	Executive Assistant
Sandy Miles	Retired Annuitant (Room 1206)

OFFICE OF THE ATTORNEY GENERAL

Rick Thalhammer	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

John McCamman	Director
Nancy Foley	Deputy Director, Law Enforcement Division
Rob Allen	Law Enforcement Division
Tony Warrington	Law Enforcement Division
Brian Naslund	Law Enforcement Division (Room 1206)
Neil Manji	Chief, Fisheries Programs Branch

The following persons were present and heard:

Leland Yee	Senator, San Francisco
Fiona Ma	Assemblymember, 12 th District, San Francisco
Ted Lieu	Assemblymember, 53 rd District, Torrance
Dr. Kerry Krieger	Save the Frogs (No card–Monterey location)
Paul Weakland	Commercial Fisherman (No card–Santa Barbara Location)
Christine Rocia	L.A. Reptiles (No card–Ontario location)
Glenda Corcoran	Representing Assemblymember Hector De La Torre
Carl Chan	Oakland Chinese Community
Helen Celaya	Concerned Citizen
Max Celaya	Concerned Citizen
Tommy Tang	Concerned Citizen
Eric Mills	Action for Animals
Linda Pang	Concerned Citizen
So Han Chang	Concerned Citizen
Virginia Handley	PawPac
Pius Lee	San Francisco Chinatown Economic
Paul Lee	San Francisco City Super
Wilma Pang	San Francisco Chinatown
David Chu	Concerned Citizen
Eric Chu	Concerned Citizen
Gigi Ma	Concerned Citizen
Monica Engebretson	Born Free USA
Pamela Flick	Defenders of Wildlife
Bill Wong	Chinese Consolidated Benevolent Association
Nicole Paquette	The Humane Society of the U.S.
Finnie Fung	Legendary Palace Restaurant, Oakland
Henry Cheung	Charlie Seafood, San Francisco
Judith Lim	Concerned Citizen
Vivian Li	New Tin's Market, Oakland
Mable Sato	Concerned Citizen
Derek Chu	Concerned Citizen
Gard Chiu	San Francisco Chinese Community
Florence Kong	Concerned Citizen
Richard Ow	Concerned Citizen
Kathryn Pierce	Concerned Citizen
Ray Ochoa	Attorney representing Harvey Gonzalez (No card-Ontario location)

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

1. RECONSIDERATION OF COMMISSION POLICY ADOPTED AT ITS APRIL 8, 2010, MEETING IN MONTEREY, RE: NON-NATIVE FROGS AND TURTLES.
Received public testimony.

MOVED BY D. BENNINGHOVEN, SECOND BY J. KELLOGG, TO RESCIND THE COMMISSION'S APRIL 8TH, 2010, POLICY ON NON-NATIVE TURTLES AND FROGS AND TO DIRECT STAFF TO COME BACK WITH RECOMMENDATIONS ON REGULATORY/LEGISLATIVE/POLICY SOLUTIONS TO INSURE THAT PURCHASED ANIMALS ARE HUMANELY EUTHANIZED PRIOR TO LEAVING FOOD MARKET

**PREMISES AND TO INCREASE PENALTIES FOR VIOLATIONS.
AYES: D. BENNINGHOVEN, J. KELLOGG.
NOES: D. RICHARDS, R. ROGERS, M. SUTTON.
MOTION FAILED.**

**MOVED BY R. ROGERS, SECOND BY D. BENNINGHOVEN, TO DIRECT STAFF TO COME BACK WITH RECOMMENDATIONS ON REGULATORY/LEGISLATIVE/POLICY SOLUTIONS TO CLOSE THE LOOP HOLE TO INSURE THAT PURCHASED NON-NATIVE ANIMALS ARE HUMANELY EUTHANIZED PRIOR TO LEAVING FOOD MARKET PREMISES; TO INCREASE PENALTIES FOR VIOLATIONS; AND TO COMPREHENSIVELY EXPLORE THE NON-NATIVE SPECIES IMPORTATION ISSUES. EXISTING POLICY REMAINS IN EFFECT AS PREVIOUSLY ADOPTED BY THE COMMISSION.
AYES: D. BENNINGHOVEN, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON,
PASSED UNANIMOUSLY.**

2. (A) CONSIDERATION AND POSSIBLE ADOPTION/RATIFICATION OF COMMISSION FINDINGS ON THE PETITION TO LIST THE CALIFORNIA TIGER SALAMANDER (*Ambystoma californiense*) AS AN ENDANGERED SPECIES.
No public testimony.

**MOVED BY M. SUTTON, SECOND BY D. BENNINGHOVEN, TO RATIFY THE COMMISSION'S FINDINGS OF MARCH 3, 2010, THAT THE INFORMATION IN THE PETITION AND THE DEPARTMENT'S STATUS REPORT WARRANTS ADDING THE CALIFORNIA TIGER SALAMANDER TO THE LIST OF THREATENED SPECIES.
AYES: D. BENNINGHOVEN, R. ROGERS, M. SUTTON.
NOES: J. KELLOGG, D. RICHARDS.
MOTION PASSED.**

- (B) CONSIDERATION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 670.5, TITLE 14, CCR, RE: ADDITION OF CALIFORNIA TIGER SALAMANDER (*Ambystoma californiense*) TO THE LIST OF ANIMALS OF CALIFORNIA DECLARED TO BE THREATENED.
No public testimony.

**MOVED BY M. SUTTON, SECOND BY R. ROGERS, TO ADOPT THE PROPOSED CHANGES TO ADD THE CALIFORNIA TIGER SALAMANDER TO THE LIST OF THREATENED SPECIES.
AYES: D. BENNINGHOVEN, R. ROGERS, M. SUTTON.
NOES: J. KELLOGG, D. RICHARDS.
MOTION PASSED.**

3. UPDATE ON THE DEPARTMENT'S ONE YEAR STATUS REPORT/RECOMMENDATION ON THE PETITION TO LIST THE PACIFIC FISHER (*Martes pennanti*) AS A THREATENED OR ENDANGERED SPECIES.
Received the Department's update from Director McCamman. No public testimony. No action. Item to be scheduled for the Commission's June meeting.

4. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 7.50, TITLE 14, CCR, RE: CENTRAL VALLEY SALMON SPORT FISHING. **Received the Departments update from Neil Manji. Received public testimony.**

MOVED BY R. ROGERS, SECOND BY D. BENNINGHOVEN, TO AMEND CENTRAL VALLEY SALMON SPORT FISHING REGULATIONS, AS RECOMMENDED BY DFG. AYES: D. BENNINGHOVEN, J. KELLOGG, D. RICHARDS, D. ROGERS, M. SUTTON. PASSED UNANIMOUSLY.

5. RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS.

(A) HARVEY GONZALEZ – RECOMMENDATION TO PERMANENTLY REVOKE COMMERCIAL FISHING LICENSE AND SOUTHERN ROCK CRAB, TIDAL INVERTEBRATE AND GENERAL TRAP PERMITS.

Received public testimony from Ray Ochoa representing Harvey Gonzalez.

The Commission recessed at 11:55 a.m. to hold Executive Session and reconvened the Fish and Game Commission meeting at 12:28 p.m.

6. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION. **Deputy Attorney General Thalhammer reported on the Executive Session that the Commission rejected the settlement on American pika and adopted the proposed decision for Harvey Gonzalez.**

CONSENT CALENDAR

MOVED BY D. BENNINGHOVEN, SECOND BY J. KELLOGG, TO APPROVE CONSENT CALENDAR ITEMS 7-12, AS RECOMMENDED BY THE DEPARTMENT. RECEIVED PUBLIC TESTIMONY ON ITEM NUMBERS 9 & 10.

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

ABSENT: D. RICHARDS.

MOTION PASSED.

7. PURSUANT TO SECTION 10680 OF THE CALIFORNIA FISH AND GAME CODE, APPROVAL OF THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, ACQUISITION OF APPROXIMATELY 17,640 ACRES WITHIN THE LAND ACQUISITION BOUNDARY FOR THE STONE LAKES NATIONAL WILDLIFE REFUGE. **Approved. No public testimony.**
8. DEPARTMENT REQUEST PURSUANT TO SECTION 2073.5 OF THE FISH AND GAME CODE FOR AN EXTENSION OF TIME OF 30 DAYS TO COMPLETE ITS EVALUATION OF THE PETITION TO LIST THE MOUNTAIN YELLOW-LEGGED FROG (*Rana muscosa* and *Rana sierrae*) AS AN ENDANGERED SPECIES. **Approved. No public testimony.**
9. (A) EXTENSION OF STATE WATER BOTTOM LEASE NO. M-430-12 FOR JOHN FINGER, HOG ISLAND OYSTER COMPANY, MARIN COUNTY. **Approved lease extension for 180 days. Received public testimony.**

- (B) EXTENSION OF STATE WATER BOTTOM LEASE NO.M-430-02 FOR MICHAEL TOUSSAINT, MARIN OYSTER COMPANY, MARIN COUNTY.
Approved. Received public testimony.
 - (C) EXTENSION OF STATE WATER BOTTOM LEASE NO. M-430-14 FOR MARTIN STRAIN, POINT REYES OYSTER COMPANY, MARIN COUNTY.
Approved. Received public testimony.
10. APPROVAL OF REQUEST FROM BRUCE HARGER TO SUBLEASE STATE WATER BOTTOM LEASE M-654-03 NEUSHEL MARICULTURE, INC.
Approved. Received public testimony.
11. POSSIBLE APPROVAL OF ANNUAL REPORT AND 2010 PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA PLANS FOR:
- (A) BUCKEYE RANCH, SOLANO COUNTY
 - (B) CONNOLLY/CORRAL HOLLOW RANCH, SAN JOAQUIN COUNTY
 - (C) MILLER/ERIKSEN RANCH, MENDOCINO COUNTY
 - (D) SHAMROCK RANCH, MENDOCINO COUNTY
 - (E) SLICK ROCK RANCH, SANTA CLARA COUNTY
 - (F) SPANISH VALLEY RANCH, NAPA COUNTY
 - (G) SWEETWATER RANCH, SANTA CLARA COUNTY
- Approved.**
12. CONSIDERATION AND POSSIBLE APPROVAL OF PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA LICENSE (2010-2015) AND 2010-2011 MANAGEMENT PLAN FOR:
- (A) ISABEL VALLEY RANCH, SANTA CLARA COUNTY
 - (B) MALLISON RANCH, SANTA CLARA COUNTY
 - (C) POCKET RANCH, SONOMA COUNTY
 - (D) SEVEN SPRINGS RANCH, MENDOCINO COUNTY
- Approved.**

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.
 - IV. KERN COUNTY WATER AGENCY vs. CALIFORNIA FISH AND GAME COMMISSION, DEPARTMENT OF FISH AND GAME, DEPARTMENT OF WATER RESOURCES RE: STATE WATER PROJECT AND CALIFORNIA ENDANGERED SPECIES ACT.
 - V. 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.
- I. HARVEY GONZALEZ – PERMANENTLY REVOKE COMMERCIAL FISHING LICENSE AND SOUTHERN ROCK CRAB, TIDAL INVERTEBRATE AND GENERAL TRAP PERMITS.
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There being no further business, the Fish and Game teleconference meeting was adjourned at 12:34 p.m.