

**State of California
FISH AND GAME COMMISSION**

Staff Summary, Meeting of June 23, 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 at the Lake Natoma Inn, 702 Gold Lake Drive, Folsom, California, on June 23, 2010. The meeting was called to order at 10:10 a.m. by Commissioner Richards.

Executive Director Carlson stated that this would be his last Commission Meeting as he had accepted a position with the California Waterfowl Association.

FISH AND GAME COMMISSION

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

Persons present:

COMMISSION STAFF

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| John Carlson | Executive Director |
| Jon K. Fischer | Deputy Executive Director |
| Adrianna Shea | 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

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

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| John McCamman | Director |
| Sonke Mastrup | Deputy Director, Resources Management & Policy Division (RMPD) |
| Nancy Foley | Deputy Director, Law Enforcement Division |
| Susan LaGrande | Deputy Director, Legislative Affairs |
| Tom Gibson | General Counsel |
| Dr. Eric Loft | Chief, Wildlife Branch |
| Ian Taniguchi | Marine Division |
| Tom Lupo | Chief, Biogeographic Data Branch |
| Carl Wilcox | Chief, Water Branch |
| Steve Edinger | Administrator, Office of Spill Prevention and Response |
| Steve Hampton | Office of Spill Prevention and Response |

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| Neil Manji | Chief, Fisheries Programs Branch |
| Rob Allen | Law Enforcement Division |
| Tony Warrington | Law Enforcement Division |
| Brian Naslund | Law Enforcement Division |

The following persons were present and heard:

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| Pius Lee | Chinatown Economic Development Committee |
| David Chu | Importer |
| Tom Raftican | The Sportfishing Conservancy |
| Jim Martin | County of Mendocino/ Recreational Fishing Alliance |
| Sarah Sikich | Heal the Bay |
| Karen Garrison | Natural Resources Defense Council |
| George Osborn | CAFRF/PSO |
| Karen Zydner | National Open Field Coursing Association |
| Paul Weakland | Commercial Fisherman |
| Renee Snider | Shikar Safari Club |
| Brett Morris | Contra Costa Co. Fish and Wildlife Advisory Commission |
| Gary Rynearson | Green Diamond Resource Company |
| Amanda Shufelberger | Sierra Pacific Industries |
| Ed Murphy | Sierra Pacific Industries |
| Justin Augustine | Center for Biological Diversity |
| Pamela Flick | Defenders of Wildlife |
| Milo Vukovich | SCAN |
| Kaitilin Gaffney | Ocean Conservancy |
| Bill Gaines | California Outdoor Heritage Alliance |
| Wayne Raupe | California Bow Hunters |
| Steven Fukuto | United Anglers of Southern CA |
| Vern Goehring | California Sea Urchin Commission |
| Ray Hiemstra | Orange County Coastkeeper |
| Tom Weseloh | California Trout |
| Diane Windham | NOAA Fisheries |
| Michael Kobseff | Siskiyou County Supervisor |
| Tom Pedersen | California Rifle and Pistol Association |

Commissioner Richards 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: Pius Lee, David Chu, Tom Raftican, Jim Martin, Sarah Sikich, Karen Garrison, George Osborn, Karen Zydner and Paul Weakland.
2. PRESENTATION OF SHIKAR SAFARI CLUB INTERNATIONAL WILDLIFE OFFICER OF THE YEAR FOR 2009 TO WARDEN NICOLE KOZICKI.
Renee Snider, representing the Shikar Safari Club, presented the International Wildlife Officer of the Year for 2009 to Warden Nicole Kozicki. No public comment received.

3. PRESENTATION OF DFG LIFESAVING AWARDS TO WARDENS RICH MEAD, PETER GEORGES AND JOSEPH LAUGESSEN.
DFG Lifesaving Awards were presented to Wardens Rich Mead, Peter Georges and Joseph Laugesen. No public comment received.

4. STATUS UPDATE AND POSSIBLE ACTION ON THE REPORT REGARDING LEVELS OF LEAD FOUND IN CALIFORNIA CONDORS DURING 2009. (Note: The Commission is required to issue this report by June 2010, pursuant to Section 3004.5 of the Fish and Game Code.)
Dr. Eric Loft gave a powerpoint presentation on the report regarding levels of lead found in California condors during 2009. Received public testimony.

MOVED BY D. BENNINGHOVEN, SECOND BY M. SUTTON, THAT THE FISH AND GAME COMMISSION ACCEPT THE REPORT REGARDING LEVELS OF LEAD FOUND IN CALIFORNIA CONDORS DURING 2009 AS PRESENTED.
AYES: D. BENNINGHOVEN, M. SUTTON.
NOES: D. RICHARDS.
ABSENT: J. KELLOGG, R. ROGERS.
MOTION PASSED.

5. (A) 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 PACIFIC FISHER (*Martes pennanti*) AS A THREATENED OR ENDANGERED SPECIES AND ADOPTION OF COMMISSION FINDINGS.
Dr. Eric Loft summarized the Department's report/recommendation. Received public testimony.

MOVED BY D. BENNINGHOVEN, SECOND BY D. RICHARDS, FINDS THAT THE PETITION DOES NOT WARRANT LISTING THE PACIFIC FISHER AS A THREATENED OR ENDANGERED SPECIES. (Note: Findings will be ratified at a future meeting.)
AYES: D. BENNINGHOVEN, D. RICHARDS.
NOES: M. SUTTON.
ABSENT: J. KELLOGG, R. ROGERS.
MOTION PASSED.

6. RECEIPT OF THE DEPARTMENT'S ABALONE STATUS REPORT AND RECOMMENDATIONS ON POSSIBLE FUTURE RULEMAKING IN ACCORDANCE WITH THE ABALONE RECOVERY AND MANAGEMENT PLAN.
Received Department's report from Ian Taniguchi. Received public testimony.

7. RECEIPT OF LEGISLATIVE REPORTS

(A) DEPARTMENT OF FISH AND GAME REPORT.
Received the Department's report from Susan LaGrande. Received public testimony.

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

Commissioner Sutton reported that the MRC recommended adding AB 2125 and AB 2376 to the list of Commission supported bills. Deputy Executive Director Fischer reported that The Taucher Committee recommended adding SB 1058 to the list of Commission supported bills. No public testimony.

MOVED BY D. BENNINGHOVEN, SECOND BY M. SUTTON, TO DIRECT STAFF TO SEND LETTERS OF SUPPORT FOR AB 2125, AB 2376, AND SB 1058.

AYES: D. BENNINGHOVEN, D. RICHARDS, M. SUTTON.

ABSENT: J. KELLOGG, R. ROGERS.

PASSED UNANIMOUSLY.

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 from Director McCamman. Received public testimony.

- (B) DEMONSTRATION OF THE DEPARTMENT'S NEW FISHING GUIDE WEBSITE FOR MOBILE PHONES.
Received the Department's report from Tom Lupo. Received public testimony.

- (C) UPDATE ON WATER BRANCH'S WATER PROGRAMS AND ISSUES.
Received the Department's report from Carl Wilcox. No public testimony.

- (D) UPDATE ON OIL SPILL NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION SETTLEMENTS.
Received the Department's report from Steve Edinger and Steve Hampton. No public testimony.

- (E) UPDATE ON THE STATUS OF THE DRAFT ENVIRONMENTAL DOCUMENT REGARDING BEAR HUNTING.
Deputy Director Mastrup requested this agenda item be continued to the September meeting to allow staff time to determine CEQA needs in more detail. Received public testimony.

- (F) UPDATE ON THE MARINE LIFE PROTECTION ACT (MLPA) REGULATION AND CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) TIMELINES FOR THE SOUTH COAST STUDY REGION.
Deputy Director Mastrup reported the South Coast MLPA CEQA timeline and adoption will be scheduled for November instead of October. Received public testimony.

- (G) UPDATE ON LAW ENFORCEMENT DIVISION.
Received an update from Deputy Director Foley. No public testimony.

- (H) UPDATE ON WILDLIFE AND FISHERIES DIVISION.
Received an update from Deputy Director Mastrup. No public testimony.

- (I) OTHER.
No report.
9. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.
- (A) UPDATE ON CALIFORNIA TROUT'S LETTER OF APRIL 22, 2010 ON PROPOSALS FOR THE KLAMATH-TRINITY RIVER SPORT FISHING REGULATIONS.
Executive Director Carlson reported that due to the CEQA issue, this item will be agendaized for the August meeting. Received public testimony.
 - (B) OTHER.
Executive Director Carlson provided an update on the Restricted Species regulatory package. Received public testimony.
10. SUBCOMMITTEE REPORTS, RECOMMENDATIONS, AND POSSIBLE COMMISSION ACTION.
- (A) MARINE RESOURCES COMMITTEE.
 - 1. PRESENTATION OF MARINE LIFE MANAGEMENT ACT (MLMA) LESSONS LEARNED AND MARINE RESOURCES COMMITTEE (MRC) RECOMMENDATIONS ON NEXT STEPS.
Received report from Dr. Craig Shuman. Received public testimony.

***MOVED BY D. BENNINGHOVEN, SECOND BY M. SUTTON, TO APPROVE REPORT AND ENCOURAGE ADOPTION.
AYES: D. BENNINGHOVEN, D. RICHARDS, M. SUTTON.
ABSENT: J. KELLOGG, R. ROGERS.
PASSED UNANIMOUSLY.***
 - (B) AL TAUCHER'S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE.
Executive Director Carlson reported that there was no meeting held this month and the next meeting is scheduled for July 27 in Sacramento. No public testimony.
 - (C) AQUACULTURE COMMITTEE.
Executive Director Carlson reported that there was no meeting held this month and that Staff is working on the issue. Received public testimony.
 - (D) OTHER.
No report.
11. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.
Received report from Diane Windham. No public testimony.
12. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.
There was no report. No public testimony.
13. NEW BUSINESS.
There was no report. No public testimony.

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. HEATHER SEARS - DENIAL OF APPLICATION TO TRANSFER DUNGENESS CRAB VESSEL PERMIT FROM THE PERMITTED F/V *MONIQUE* TO THE F/V *R'PRINCESS*.

There being no further business, the meeting recessed at 5:31 p.m. to reconvene on June 24 at 8:30 a.m.