

**State of California
FISH AND GAME COMMISSION**

Staff Summary, Teleconference Meeting of August 18, 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 Resources Building, 1416 Ninth Street, Room 1320, Sacramento, California, by teleconference on August 18, 2010. The meeting was called to order at 12:02 p.m. by President Kellogg.

NOTE: The teleconference call was audible to the public at the address above and at the following 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.

FISH AND GAME COMMISSION

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| Jim Kellogg | President | Present at Sacramento location |
| Richard Rogers | Vice-President | Via Telephone from Santa Barbara location |
| Michael Sutton | Member | Via Telephone from Monterey location |
| Daniel Richards | Member | Via Telephone from Ontario location |
| Vacant | Member | |

Persons present:

COMMISSION STAFF

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| Jon K. Fischer | Acting Executive Director |
| Adrianna Shea | Deputy Executive Director |
| Craig Shuman | Marine Advisor (Santa Barbara location) |
| Sherrie Fonbuena | Associate Governmental Program Analyst |
| Anita Biedermann | Associate Governmental Program Analyst |
| Jon Snellstrom | Associate Governmental Program Analyst |
| Carol Horn | Executive Assistant |
| Sandy Miles | Retired Annuitant |

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 |
| Rob Allen | Law Enforcement Division |
| Tony Warrington | Law Enforcement Division |
| Dr. Eric Loft | Chief Wildlife Branch |
| Susan Ashcraft | Marine Region |
| Marci Yaremeko | Marine Region (Santa Barbara location) |
| Scott Gardner | Wildlife Branch |

Melanie Weaver Wildlife Branch
Scott Barrow Fisheries Branch

The following persons were present and heard:

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| Paul Weakland | Commercial Fisherman (Santa Barbara location) |
| Rob Ross | California Aquaculture Association |
| Noelle Cremers | California Farm Bureau Federation |
| George Osborn | California Association for Recreational Fishing |
| Mike McCorkle | Southern California Trawlers Association (Santa Barbara location) |
| Philip Friess | County Sanitation Districts of Los Angeles County (Ontario location) |
| Lisa Wooninck | Gulf of the Farallones National Marine Sanctuary (Monterey location) |
| Dan Taylor | Audubon of California |
| Bill Gaines | CA Outdoor Heritage Alliance/Wild Turkey Federation (Ontario location) |
| Jim Waters | California Waterfowl Association |
| Michael Sheehy | Santa Barbara Channelkeeper (Santa Barbara location) |
| Steven Fukuto | United Anglers of Southern California (Ontario location) |

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: Rob Ross, Noelle Cremers, George Osborn, Paul Weakland, Mike McCorkle, Philip Friess, and Lisa Wooninck.

2. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 300, TITLE 14, CCR, RE: UPLAND GAME BIRDS.
Received the Department's overview and update from Dr. Loft. Received public testimony.

***MOVED BY J. KELLOGG, SECOND BY D. RICHARDS, TO ADOPT PROPOSED CHANGES TO UPLAND GAME BIRD REGULATIONS.
AYES: J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.
PASSED UNANIMOUSLY.***

3. CONSIDERATION OF CERTIFICATION OF FINAL ENVIRONMENTAL DOCUMENT AND DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO THE MIGRATORY GAME BIRD (WATERFOWL) REGULATIONS FOR 2010-2011, SECTIONS 502 AND 507, TITLE 14, CCR.
Received the Department's overview and update from Dr. Loft and Melanie Weaver. Received public testimony.

***MOVED BY M. SUTTON, SECOND BY R. ROGERS, TO CERTIFY THE FINAL ENVIRONMENTAL DOCUMENT FOR THE MIGRATORY GAME BIRD REGULATIONS FOR 2010-2011.
AYES: J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.
PASSED UNANIMOUSLY.***

***MOVED BY J. KELLOGG, SECOND BY R. ROGERS, TO ADOPT PROPOSED CHANGES TO THE MIGRATORY GAME BIRD REGULATIONS FOR 2010-2011.
AYES: J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.
PASSED UNANIMOUSLY.***

4. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 29.80, TITLE 14, CCR, RE: GEAR RESTRICTIONS FOR SALTWATER CRUSTACEANS (RECREATIONAL LOBSTER HOOP NET).
Received the Department’s overview and update from Rob Allen. Received public testimony. Issue of mechanical devices to be discussed at MRC meeting.

MOVED BY M. SUTTON, SECOND BY R. ROGERS, TO ADOPT PROPOSED CHANGES FOR GEAR RESTRICTIONS FOR SALTWATER CRUSTACEANS. AYES: J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON. PASSED UNANIMOUSLY.

5. RECEIPT OF PUBLIC RECOMMENDATIONS AND POSSIBLE ACTION ON DEPARTMENT REQUEST TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 27.20 ET AL, TITLE 14 CCR, RE: 2011-2012 RECREATIONAL AND COMMERCIAL GROUND FISH FISHING. (Note: The discussion hearing is scheduled for September 16, 2010, in McClellan. The adoption hearing is scheduled for October 21, 2010, in San Diego.)
Received the Department’s overview and update from Marci Yaremko. Received public testimony.

MOVED BY M. SUTTON, SECOND BY D. RICHARDS, TO AUTHORIZE STAFF TO PUBLISH NOTICE FOR THE 2011-2012 RECREATIONAL AND COMMERCIAL GROUND FISHING REGULATIONS. AYES: J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON. PASSED UNANIMOUSLY.

6. RECEIPT OF DEPARTMENT OF FISH AND GAME DIRECTOR’S INFORMATIONAL REPORT.
Director McCamman reported on the following issues: legislation, DFG letter to Pius Lee regarding the live animal markets, and Automated License Data System. Received public testimony.

7. POSSIBLE ACTION ON STAFF RECOMMENDATION TO HOLD THE DECEMBER 15-16, 2010 MEETING IN SANTA BARBARA.

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| September 15 (Wed.) September 16 (Thurs.) | Lion’s Gate Hotel & Conference Center Club Ballroom 3410 Westover Street McClellan |
| October 20 (Wed.) October 21 (Thurs.) | Four Points by Sheraton 8110 Aero Drive San Diego |
| November 17 (Wed.) November 18 (Thurs.) | Greater Sacramento Area |
| December 15 (Wed.) December 16 (Thurs.) | State of California, East End Complex 1500 Capitol Mall, Sacramento Or Santa Barbara ??? |

Acting Executive Director Fischer summarized the meeting schedule for the balance of the year and requested that the December meeting location be changed to Santa Barbara. Received public testimony.

MOVED BY M. SUTTON, SECOND BY D. RICHARDS, TO DIRECT STAFF TO SECURE MEETING LOCATIONS IN THE GREATER SACRAMENTO AREA FOR THE NOVEMBER MEETING AND SANTA BARBARA FOR THE DECEMBER MEETING 2010.

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

8. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION, IF ANY.
Deputy Attorney General Thalhammer reported that no action was taken during the Executive Session and that the O'Leary Litigation and status of search for an Executive Director was discussed.

CONSENT CALENDAR

MOVED BY R. ROGERS, SECOND BY D. RICHARDS, TO APPROVE CONSENT CALENDAR ITEMS 9-12, AS RECOMMENDED BY THE DEPARTMENT. RECEIVED PUBLIC TESTIMONY ON ITEM 9 ONLY.

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

9. REQUEST OF GEORGE TREVELYN, GRASSY BAR OYSTER COMPANY, MORRO BAY, FOR LEASE RENEWAL OR EXTENSION OF STATE WATER BOTTOM LEASE NOS. M-614-01, PARCEL 1 AND M-614-02, SAN LUIS OBISPO COUNTY.
Approved. Received public testimony.
10. POSSIBLE APPROVAL OF ANNUAL REPORT AND PRIVATE LANDS WILDLIFE HABITAT ENHANCEMENT AND WILDLIFE AREA PLANS FOR:
- (A) BASIN VIEW RANCH, MODOC COUNTY
 - (B) BELL RANCH, TEHAMA COUNTY
 - (C) CLARKS VALLEY RANCH, LASSEN COUNTY
 - (D) ELLIS RANCH, TEHAMA COUNTY
 - (E) FIVE DOT RANCH, AVILA UNIT, LASSEN COUNTY
 - (F) HATHAWAY RANCH, SHASTA COUNTY
 - (G) LITTLE DRY CREEK RANCH, TEHAMA COUNTY
 - (H) LOOKOUT RANCH, MODOC COUNTY
 - (I) PMB FARMS, SISKIYOU COUNTY
 - (J) RANCHO LA CUESTA, SAN BENITO COUNTY
 - (K) ROARING RIVER RANCH, SHASTA COUNTY
 - (L) SNOWSTORM RANCH, LASSEN COUNTY
 - (M) SOPER-WHEELER RANCH, YUBA COUNTY
 - (N) STOVER RANCH, HUMBOLDT COUNTY
 - (O) SUGARLOAF-BANGOR RANCH, YUBA COUNTY
 - (P) WORK RANCH, MONTEREY COUNTY
- Approved. No public testimony.**
11. POSSIBLE APPROVAL OF PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA LICENSE (2010-2015) AND 2010-2011 MANAGEMENT PLANS FOR:
- (A) ABERNATHY RANCH, SHASTA COUNTY
 - (B) BARDIN RANCH, MONTEREY COUNTY
 - (C) COON CREEK RANCH, SANTA CLARA COUNTY
 - (D) ELK CREEK RANCH, MENDOCINO COUNTY
 - (E) FIVE DOT RANCH – HORSE LAKE UNIT, LASSEN COUNTY
 - (F) FIVE DOT RANCH – SCHOOL HOUSE UNIT, LASSEN COUNTY

- (G) FIVE DOT RANCH – TUNNEL SPRINGS UNIT, LASSEN COUNTY
- (H) INDIAN VALLEY CATTLE CO., MONTEREY COUNTY
- (I) LLANO SECO RANCHO, BUTTE COUNTY
- (J) MENDIBOURE RANCH – AREA 1, LASSEN COUNTY
- (K) POTTER VALLEY WILDLIFE MANAGEMENT AREA, MENDOCINO COUNTY
- (L) ROBERT’S RANCH, MODOC COUNTY
- (M) ROCK CREEK RANCH, BUTTE/TEHAMA COUNTY
- (N) SANHEDRIN RANCH, MENDOCINO COUNTY
- (O) SUMMER CAMP, MENDOCINO COUNTY

Approved. No public testimony.

- 12. POSSIBLE APPROVAL OF MODIFICATION OF AUTHORIZED HARVESTS AND SEASONS FOR SHAMROCK RANCH AND BIG MORONGO SPRINGS RANCH AND ESTABLISHMENT OF AUTHORIZED HARVEST AND SEASON FOR SPURLOCK RANCH.

Approved. 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.

The meeting recessed at 1:55 p.m. to meet in Executive Session.

The Fish and Game Commission teleconference meeting reconvened at 2:14 p.m. Deputy Attorney General Thalhammer reported on the Executive Session.

There being no further business, the Fish and Game Commission teleconference meeting was adjourned at 2:15p.m.