

**State of California
FISH AND GAME COMMISSION**

Staff Summary, Meeting of September 15-16, 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 Lion's Gate Hotel & Conference Center, Club Ballroom, 3410 Westover Street, McClellan, California, on September 15, 2010. The meeting was called to order at 10:10 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
Mike Sutsos	Member	Present

Persons present:

COMMISSION STAFF

Jon K. Fischer	Acting Executive Director
Aдриanna 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

Cecilia Dennis	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

John McCamman	Director
Sonke Mastrup	Deputy Director, Resources Management & Policy Division (RMPD)
Nancy Foley	Deputy Director, Law Enforcement Division
John Mattox	Office of the General Counsel
Susan LaGrande	Deputy Director, Legislative Affairs
Dr. Eric Loft	Chief, Wildlife Branch
Tony Warrington	Law Enforcement Division
Brian Naslund	Law Enforcement Division
Tiffany Stinson	Warden, Law Enforcement Division
Curtis Milliron	Eastern Sierra-Inland Deserts Region
Scott Barrow	Fisheries Branch

The following persons were present and heard:

Lori Kammerer	Small Businesses of California
George Osborn	Partnership for Sustainable Oceans
Karen Garrison	Natural Resources Defense Council
Andrew Wyatt	U.S. Association of Reptile Keepers
Kim Thomas	The Frog Ranch LLC

Paul Weakland	Commercial Fisherman
Richard Garcia	Kern/Kaweah Chapter of the Sierra Club
David Bischel	California Forestry Association
Tom Engstrom	Sierra Pacific Industries
Gary Rynearson	Green Diamond Resource Company
Justin Augustine	Center for Biological Diversity
Bill Gaines	California Outdoor Heritage Alliance
Nicole Paquette	Humane Society of the United States
Jerry Karnow	California Fish and Game Wardens' Association
Steven Fukuto	United Anglers of Southern California
Diane Windham	NOAA Fisheries

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

1. PUBLIC FORUM.
Received public testimony from the following: Lori Kammerer, George Osborn, Karen Garrison, Andrew Wyatt, Kim Thomas and Paul Weakland.
2. PRESENTATION OF DEPARTMENT OF FISH AND GAME LIFESAVING AWARD TO WARDEN TIFFANY STINSON.
Chief Foley made a presentation honoring Warden Tiffany Stinson and presented her with a DFG Lifesaving Award. No public testimony.
3. CONSIDERATION AND POSSIBLE RATIFICATION OF COMMISSION'S JUNE 23, 2010 FINDINGS ON THE PETITION TO LIST THE PACIFIC FISHER (*Martes pennanti*) AS A THREATENED OR ENDANGERED SPECIES.
Received a review of the findings from John Mattox, DFG, Office of the General Counsel. Received public testimony.

MOVED BY D. RICHARDS, SECOND BY J. KELLOGG, TO RATIFY FINDINGS THAT THE PETITIONED ACTION TO LIST PACIFIC FISHER AS AN ENDANGERED OR THREATENED SPECIES IS NOT WARRANTED.

AYES: J. KELLOGG, D. RICHARDS.

NOES: M. SUTTON.

ABSTAIN: M. SUTSOS.

ABSENT: R. ROGERS.

MOTION PASSED.

4. (A) PURSUANT TO SECTION 2074.2 OF THE FISH AND GAME CODE, CONSIDERATION OF THE DEPARTMENT'S INITIAL REVIEW AND RECOMMENDATION, AND POSSIBLE ACTION ON THE PETITION TO LIST THE MOUNTAIN YELLOW-LEGGED FROG (*Rana muscosa* and *Rana sierrae*) AS AN ENDANGERED SPECIES.
**Received the Department's update and review from Curtis Milliron.
Received public testimony.**

MOVED BY M. SUTTON, SECOND BY D. RICHARDS, FINDS THAT THE PETITIONED ACTION TO LIST THE MOUNTAIN YELLOW-LEGGED FROG MAY BE WARRANTED.

AYES: J. KELLOGG, D. RICHARDS, M. SUTSOS, M. SUTTON.

ABSENT: R. ROGERS.

PASSED UNANIMOUSLY.

- (B) PURSUANT TO SECTION 2084 OF THE FISH AND GAME CODE, CONSIDERATION AND POSSIBLE EMERGENCY ACTION TO ADD SECTION 749.6, TITLE 14, CCR, RE: SPECIAL ORDER RELATING TO INCIDENTAL TAKE OF MOUNTAIN YELLOW-LEGGED FROG DURING CANDIDACY PERIOD.
Received the Department's review of section 2084 from John Mattox, DFG, Office of the General Counsel. Received public testimony.

MOVED BY D. RICHARDS, SECOND BY J. KELLOGG, APPROVES EMERGENCY ACTION TO ADD SECTION 749.6 REGARDING SPECIAL ORDER RELATING TO INCIDENTAL TAKE OF MOUNTAIN YELLOW-LEGGED FROG DURING CANDIDACY PERIOD. MOTION INCLUDED AMENDING FOREST PRACTICE PROCEDURES AND CHANGES REPORT DIVISION TO THE FISHERIES BRANCH OF THE DEPARTMENT OF FISH AND GAME.

AYES: J. KELLOGG, D. RICHARDS, M. SUTSOS, M. SUTTON.

ABSENT: R. ROGERS.

PASSED UNANIMOUSLY.

5. RECEIPT OF LEGISLATIVE REPORTS.

- (A) DEPARTMENT OF FISH AND GAME REPORT.
Received the Department's report from Susan LaGrande. No public testimony.
- (B) POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.
Received public testimony. No action taken.

6. 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 on the following issues: update on frog and turtle permitting, budget update and effects on the Department relating to vendors, travel reimbursements, hiring freeze, furloughs and overtime. Received public testimony.

- (B) RECEIPT OF ANNUAL REVIEW OF WHITE SEABASS FISHERY MANAGEMENT PLAN FOR 2008-2009 FISHING SEASON.
Deputy Director Mastrup provided an overview of the Fishery Management Plan. No public testimony.
- (C) RECEIPT OF ANNUAL STATUS OF THE FISHERIES REPORT – AN UPDATE THROUGH 2008.
Deputy Director Mastrup provided an overview of the report. No public testimony.
- (D) RECEIPT OF INFORMATION REQUESTED REGARDING STRESSORS AFFECTING THE BAY-DELTA ECOSYSTEM AND THREATENED AND ENDANGERED SPECIES THAT DEPEND ON IT.
Received report. Director McCamman requested this item be scheduled for discussion at a future meeting when all Commissioners would be present. Received public testimony.
- (E) UPDATE ON LAW ENFORCEMENT DIVISION.
Received report from Chief Foley. She reported 38 warden/cadets graduated from the academy and that poaching was on an increase. Received public testimony.
- (F) UPDATE ON WILDLIFE AND FISHERIES PROGRAMS.
Received the Department's update from Deputy Director Mastrup. No public testimony.
- (G) UPDATE ON THE STATUS REVIEW OF STATE GAME REFUGES.
Received the Department's update from Dr. Loft. No public testimony.
- (H) UPDATE ON POTENTIAL BEAR REGULATION CHANGES FOR 2011.
Received the Department's update from Dr. Loft. Received public testimony.
- (I) UPDATE ON CALIFORNIA TROUT'S LETTER OF APRIL 22, 2010, ON PROPOSALS FOR THE KLAMATH-TRINITY RIVER SPORT FISHING REGULATIONS.
Received the Department's update from Scott Barrow. Possible item for April/May 2011 FGC meeting. No public testimony.
- (J) OTHER.
Deputy Director Mastrup provided a status report of the Abalone Fishery. No public testimony.

7. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.

- (A) RECEIPT OF PROPOSED 2011 MEETING SCHEDULE, DISCUSSION AND DIRECTION FROM COMMISSION.
Acting Executive Director Fischer reviewed the meeting schedule. Consensus was to evaluate the meeting schedule and consider some one day meetings. No public testimony.

- (B) OTHER.
Acting Executive Director Fischer announced that staff received a Director's Achievement Award in July. No public testimony.
 - 8. SUBCOMMITTEE REPORTS, RECOMMENDATIONS, AND POSSIBLE COMMISSION ACTION.
 - (A) MARINE RESOURCES COMMITTEE.
Marine Advisor Dr. Craig Shuman provided an update and reported the next MRC meeting was scheduled for October 12 in Santa Barbara. No public testimony.
 - (B) AL TAUCHER'S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE.
Acting Executive Director Fischer provided a review of the most recent meeting held September 14, 2010. No public testimony.
 - (C) AQUACULTURE COMMITTEE.
Commissioner Richards and Deputy Executive Director Shea reported that progress was slow and that more legal review was needed. No public testimony.
 - (D) OTHER.
There was no report.
 - 9. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.
Received report from Diane Windham. She reported that Dr. Kevin Chu would be attending the Commission meetings in the future to provide updates. No public testimony.
 - 10. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.
There were no items.
 - 11. NEW BUSINESS.
This item was heard on September 16. Diane Windham, NOAA, introduced Dr. Kevin Chu, as NOAA's new Regional Administrator who would be providing updates at future Commission meetings.
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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. JAMES BUNN - DENIAL OF TRANSFER AND RENEWAL OF NON-
TRANSFERABLE MARKET SQUID PERMIT, F/V *DONNA B.*
- II. BEATRICE M. BONANNO – DENIAL OF RENEWAL OF PACIFIC RESIDENT
HERRING GILL NET PERMIT.
- III. TACY LEE – DENIAL OF APPLICATION TO TRANSFER LOBSTER
OPERATOR PERMIT FROM RICHARD LEE TO TYLER LEE.

There being no further business, the meeting recessed at 3:30 p.m. to reconvene on
September 16, 2010, at 8:30 a.m.