

**State of California
FISH AND GAME COMMISSION**

Staff Summary, Meeting of October 20-21, 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 Four Points by Sheraton, The Pavilion, 8110 Aero Drive, San Diego, California, on October 21, 2010. The meeting was called to order at 8:45 a.m. by President Kellogg.

FISH AND GAME COMMISSION

Jim Kellogg	President	Present
Richard Rogers	Vice-President	Present
Michael Sutton	Member	Absent
Daniel Richards	Member	Present
Jack Baylis	Member	Present

Persons present:

COMMISSION STAFF

Jon K. Fischer	Acting Executive Director
Adrianna Shea	Deputy Executive Director
Craig Shuman	Marine Advisor
Sherrie Fonbuena	Associate Governmental Program Analyst
Anita Biedermann	Associate Governmental Program Analyst

OFFICE OF THE ATTORNEY GENERAL

Rick Thalhammer	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
Curtis Milliron	Fisheries Branch
Heather McIntire	Acting Aquaculture Coordinator
Tony Warrington	Law Enforcement Division
Brian Naslund	Law Enforcement Division
Gavin Woelfel	Law Enforcement Division
Ron Van Benthusen	Law Enforcement Division

The following persons were present and heard:

Louie Zimm	San Diego Fly Fishers
Jack Bransford	San Diego County Wildlife Federation
Paul Weakland	Commercial Fisherman
George Liddle	Concerned Citizen

Noelle Cremers	California Farm Bureau Federation
Anthonie Schuur	California Aquaculture Association
Rob Ross	California Aquaculture Association
Dr. Michael McCoy	California Aquaculture Association
Ken Beer	The Fishery
Tony Vaught	Proaquaculture Inc.
Donald Crain	Crain Fisheries
Douglas Elliott	Santa Ana River Lakes
George Osborn	California Association of Recreational Fishing
Peter Struffenegger	Sterling Caviar
Ray Hiemstra	Orange County Coastkeeper
Joe Exline	Oceanside Anglers Club
Kevin Nakada	Concerned Fisherman
Tad Smyth	Desert Springs Tilapia

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

4. CONTINUATION OF PUBLIC FORUM.
Received public testimony from the following: Louie Zimm, Jack Bransford and Paul Weakland. George Liddle provided comments on the MLPA Item #3 from 10/20/10 agenda.

5. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 238.5, TITLE 14, CCR, RE: STOCKING OF AQUACULTURE PRODUCTS. (Note: The discussion hearing is scheduled for November 18, 2010 in Folsom and the adoption hearing is scheduled for December 16, 2010 in Santa Barbara.)
Received the Department's overview from Curtis Milliron. Received public testimony.

MOVED BY R. ROGERS, SECOND BY D. RICHARDS, TO AUTHORIZE STAFF TO PUBLISH NOTICE TO AMEND SECTION 238.5 REGARDING STOCKING OF AQUACULTURE PRODUCTS AND TO INCLUDE A PERMIT FEE STRUCTURE AND MANAGEMENT OF BIOLOGICAL ANALYSIS.

AYES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS.

ABSENT: M. SUTTON.

MOTION PASSED.

6. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SUBSECTION (b)(1.5) of section 7.50, TITLE 14, CCR, RE: ALAMEDA CREEK SPORTFISHING REGULATIONS. (Note: The discussion hearing is scheduled for November 18, 2010 in Folsom and the adoption hearing is scheduled for December 16, 2010 in Santa Barbara.)
Received review from Deputy Director Mastrup. No public testimony.

MOVED BY R. ROGERS, SECOND BY D. RICHARDS, TO AUTHORIZE STAFF TO PUBLISH NOTICE TO AMEND SUBSECTION (b)(1.5) OF SECTION 7.50 REGARDING ALAMEDA CREEK SPORTFISHING REGULATIONS.

AYES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS.

ABSENT: M. SUTTON.

MOTION PASSED.

7. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO THE RECREATIONAL AND COMMERCIAL GROUND FISH FISHING REGULATIONS FOR 2011-2012, SECTION 27.20 ET AL, TITLE 14, CCR.
Received an overview of the proposed changes from Deputy Director Mastrup. Received public testimony.
- MOVED BY J. KELLOGG, SECOND BY R. ROGERS, TO ADOPT PROPOSED CHANGES TO THE RECREATIONAL AND COMMERCIAL GROUND FISH FISHING REGULATIONS FOR 2011-2012, SECTION 27.20 ET AL.***
AYES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS.
ABSENT: M. SUTTON.
MOTION PASSED.
8. POSSIBLE ADOPTION OF PROPOSED MEETING SCHEDULE FOR 2011.
The proposed meeting schedule was discussed. Specific meeting locations were recommended, as well as which meetings to possibly designate as one-day meetings. No public testimony.
9. RECEIPT OF LEGISLATIVE REPORTS.
- (A) DEPARTMENT OF FISH AND GAME REPORT.
Received update from Director McCamman. No public testimony.
- (B) POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.
There was no report.
10. 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. He reported on Proposition 21's implementation and funding distributions. He also provided a DFG report on its current summary of issues. Received public testimony.
- (B) UPDATE ON TILAPIA/AQUAPONICS.
Received the Department's report from Heather McIntire. Received public testimony.
- (C) UPDATE ON RULEMAKING PACKAGE FOR BOUNDARIES OF THE SOUTHEAST FARALLON ISLAND SPECIAL CLOSURE AREA.
Received the Department's update from Deputy Director Mastrup. No public testimony.
- (D) UPDATE ON LAW ENFORCEMENT DIVISION.
Chief Foley reported on the Department's hiring process/progress, lobster opening and its violations, and a National Geographic show to air on Nov. 28. No public testimony.
- (E) UPDATE ON WILDLIFE AND FISHERIES PROGRAMS.
Received the Department's update from Deputy Director Mastrup. No public testimony.

- (F) OTHER.
No report.
11. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.
There was no report.
12. SUBCOMMITTEE REPORTS, RECOMMENDATIONS, AND POSSIBLE COMMISSION ACTION.
- (A) MARINE RESOURCES COMMITTEE.
Marine Advisor Dr. Craig Shuman reported on the Oct. 12 MRC meeting held in Santa Barbara. Commissioners authorized the MRC to work with DFG regarding the lobster report card issue. The contract expires 12/31/10 for the Marine Advisor position and there was discussion of funding sources. Received public testimony.
- (B) AL TAUCHER'S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE.
Acting Executive Director Fischer reported there had not been a meeting and nothing to report. No public testimony.
- (C) AQUACULTURE COMMITTEE.
Commissioner Richards provided an update. No public testimony.
- (D) OTHER.
There was no report.
13. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.
There was no report. No public testimony.
14. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.
There was no report. No public testimony.
15. NEW BUSINESS.
Acting Executive Director Fischer reported that the Commission had received and reviewed a petition to list the Black-backed woodpecker and had forwarded it to the Department for its review.
- Deputy Executive Director Shea reported on the hiring process for the Executive Director position. She reported that the final filing date was October 25 and that a few applications had been received. Commissioners requested copies of the applications and extended the filing period for 45 days. No public testimony.**
16. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.
Deputy Attorney General Thalhammer reported that the Commission adopted the Proposed Decision for Aaron Zanocco regarding denial of his guide license.

CONSENT CALENDAR

MOVED BY D. RICHARDS, SECOND BY R. ROGERS, TO APPROVE CONSENT CALENDAR ITEMS 17 THROUGH 19. THIS MOTION INCLUDES CHANGING THE TIME PERIOD FOR THE LEASE EXTENSIONS FROM 180 DAYS TO 90 DAYS FOR ITEM 17 (A), (B), (C), & (D).

A YES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS.

ABSENT: M. SUTTON.

MOTION PASSED.

17. (A) REQUEST OF JOHN FINGER, HOG ISLAND OYSTER COMPANY, FOR 180-DAY EXTENSION OF STATE WATER BOTTOM LEASE NO. M-430-12, MARIN COUNTY.
Approved 90 day lease extension. Received public testimony.
- (B) REQUEST OF MICHAEL TOUSSAINT, MARIN OYSTER COMPANY, FOR 180-DAY EXTENSION OF STATE WATER BOTTOM LEASE NO. M-430-02, MARIN COUNTY.
Approved 90 day lease extension. Received public testimony.
- (C) REQUEST OF MARTIN STRAIN, POINT REYES OYSTER COMPANY, FOR 180-DAY EXTENSION OF STATE WATER BOTTOM LEASE NO. M-430-14, MARIN COUNTY.
Approved 90 day lease extension. Received public testimony.
- (D) REQUEST OF BERNARD FRIEDMAN, SANTA BARBARA MARICULTURE COMPANY, FOR 180-DAY EXTENSION OF STATE WATER BOTTOM LEASE NO. M-635-02, SANTA BARBARA COUNTY.
Approved 90 day lease extension. Received public testimony.
18. APPROVAL OF DEPARTMENT OF FISH AND GAME WHITE SEABASS ENHANCEMENT PLAN.
Approved. Received public testimony.
19. APPROVAL OF AMENDMENTS TO THE COMMISSION'S POLICY ON WILD TROUT WATERS TO ADD UPPER EAST FORK SAN GABRIEL RIVER AND TRIBUTARIES (LOS ANGELES COUNTY) TO THE LIST OF WILD TROUT WATERS AND TO THE LIST OF HERITAGE TROUT WATERS, AND TO ADD ROYCE LAKE #2 (FRESNO COUNTY) TO THE LIST OF WILD TROUT WATERS.
Approved. Received public testimony.

OTHER

20. COMMISSION FOLLOW-UP, MEETING REVIEW, AND STAFF DIRECTION.
List to be established by staff.

21. ANNOUNCEMENT OF FUTURE MEETINGS.

**2010 FISH AND GAME COMMISSION
MEETING SCHEDULE
www.fgc.ca.gov**

November 17 (Wed.) November 18 (Thurs.) CANCELLED	Lake Natoma Inn 702 Gold Lake Drive Folsom
December 15 (Wed.) December 16 (Thurs.)	Hotel Mar Monte 1111 East Cabrillo Blvd. Santa Barbara

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. AARON ZANOCCO - DENIAL OF RENEWAL APPLICATION FOR GUIDE LICENSE.

There being no further business, the Fish and Game Commission meeting was adjourned at 12:53 p.m.