

**State of California  
FISH AND GAME COMMISSION**

**Staff Summary, Meeting of December 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](http://www.Cal-span.org).

Pursuant to the call of the President, the Commission met at the Hotel Mar Monte, El Cabrillo Room, 1111 East Cabrillo Blvd., Santa Barbara, California, on December 15, 2010. The meeting was called to order at 9:30 a.m. by President Kellogg.

**FISH AND GAME COMMISSION**

Jim Kellogg	President	Present
Richard Rogers	Vice-President	Present
Michael Sutton	Member	Present
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
Carol Horn	Executive Assistant

**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)
Jordan Traverso	Deputy Director, Office of Communications, Education & Outreach
Nancy Foley	Deputy Director, Law Enforcement Division
Marija Vojkovich	Regional Manager, Marine Region
Becky Ota	Marine Region
Susan Ashcraft	Marine Region
Rob Allen	Law Enforcement Division
Brian Naslund	Law Enforcement Division
Mike Stefanak	Law Enforcement Division
Dan Sforza	Law Enforcement Division
Cindy Wood	Law Enforcement Division
Jorge Paz	Law Enforcement Division
Jack Coombs	Law Enforcement Division
Brady Hill	Law Enforcement Division

Rob Rojas	Law Enforcement Division
Jason Healy	Law Enforcement Division
Jason Cruz	Law Enforcement Division

The following persons were present and heard:

Mick Kronman	Harbor Master City of Santa Barbara
Dan Wolford	Coastside Fishing Club
Guy Grundmeier	Port San Luis Commercial Fisherman
Don Maruska	Concerned Citizen
Paul Weakland	Commercial Fisherman
Joey Racano	Ocean Outfall Group
Lorna Moffat	Concerned Citizens for Environmental Health
Melvin de la Motte	Central Coast Fisheries Conservation
Bryan Rosen	Concerned Citizen
Dave Ploessel	Concerned Citizen
Jay Chamberlin	State Department of Parks and Recreation
Salud Carbajal	Santa Barbara County Supervisor
Steve Offerman	Ventura County Supervisor
Verna Rollinger	City of Laguna Beach, Councilmember
Mike Soto	Representing Mayor Toni Iseman, City of Laguna Beach
Vennise Miller-Forte	Coastal Band of the Chumash Nation
Jeff Sporcich	Recreational Freedivers
Russell Galipeau	Channel Islands National Park
Peggy Oki	Origami Whales Project
Robert Warner	UC Santa Barbara
Charles Alban	Concerned Citizen
Penny Owens	Santa Barbara Channelkeeper
Ben Pitterle	Santa Barbara Channelkeeper
Grace Chan	Los Angeles County Sanitation Districts
Michael Lunsford	Gaviota Coast Conservancy
Larry Manson	Ventura Chapter Surfrider
Janet Koed	Concerned Citizen
Bruce Steele	Concerned Citizen
Debbie Karimoto	Orange County Diving and Laguna Bluebelt
Kaitilin Gaffney	Ocean Conservancy
Jeremy Bordofsky	Concerned Citizen
Louise Thornton	Laguna Ocean Foundation
Sandra Dildine	Laguna Bluebelt Coalition
Deane Plaister	Surfrider Chapter/Santa Barbara
David Allen	Concerned Citizen
Gary Burke	Concerned Citizen
Jean Michel Cousteau	Ocean Futures Society
David Cooke	Attorney/Partnership for Sustainable Oceans
Joe Farlo	Watermen's Alliance
Marvin Garrett	Attorney/Partnership for Sustainable Oceans
George Osborn	Partnership for Sustainable Oceans
Vicki Wawerchak	Concerned Citizen
Randi Parent	Concerned Citizen
Whitney Graves	Concerned Citizen
Nancy Weiss	Concerned Citizen
Steve Clark	Concerned Citizen

Adam Livingston	Concerned Citizen
Gordon Robertson	American Sportfishing Association
Phyllis Grifman	USC Sea Grant/Wrigley Institute for Environmental Studies
Amanda Griesbach	Concerned Citizen
Philip Beguhl	Santa Barbara County Fish and Game Commissioner
Miguel Checa	Concerned Citizen
Kristi Birney	Environmental Defense Center
Bryan Murray	Concerned Citizen
Meagan Wylie	San Diego Coastkeeper
Kira Redmond	Santa Barbara Channelkeeper
Stefanie Sekich	Surfrider Foundation
Lia Protopapadakis	Santa Monica Bay Restoration Commission
Vic Cox	Concerned Citizen
Jenn Eckerle	Natural Resources Defense Council
Dr. Lee Heller	Concerned Citizen
Linda Gibbs	Concerned Citizen
Zack Gold	Santa Monica High School
Mark Gold	Heal the Bay
Holly Aminzadeh	Concerned Citizen
Sara Aminzadeh	California Coastkeeper Alliance
Dr. Fred Aminzadeh	Concerned Citizen
Dana Murray	Heal the Bay
W. Scott Dunn	Concerned Citizen
Marisa Villarreal	Concerned Citizen
Linda Krop	Environmental Defense Council
Joe Geever	Surfrider Foundation
Michael Sheehy	Santa Barbara Channelkeeper
Marcela Gutierrez	Wildcoast
Emily Siegel	State Water Resources Control Board
Rachel Harvey	Santa Barbara Adventure Company
Ben McCue	Wildcoast
Brandon Slater	Concerned Citizen
Sarah Sikich	Heal the Bay
Susie Santilena	Concerned Citizen
Mike McCorkle	MLPA Stakeholder
David Hornback	Concerned Citizen
Ginger Osborne	Concerned Citizen
Mia Davidson	Concerned Citizen
Dr. Andrea Neal	Blue Ocean Sciences
Richard Picheny	Concerned Citizen
Charlotte Masarik	Concerned Citizen
Lee Harrington	Concerned Citizen
Michael Beanan	South Laguna Civic Association
Brennon Flahive	South Orange County Wastewater Authority
Jinger Wallace	Concerned Citizen
Freddie Romero	Chumash Tribe
Frank Arredondo	Chumash Tribe
Tyson Eckerle	Concerned Citizen
Joe Exline	Oceanside Anglers
Michael Quill	Concerned Citizen
Ray Hiemstra	Orange County Coastkeeper

Jilber Jamgochyan	Concerned Citizen
Paul Hobi	Ocean Conservancy
Jenn Caselle	Marine Science Institute, UCSB
Martin Harding	Concerned Citizen
Karen Garrison	Natural Resources Defense Council
Brian Meux	Santa Monica Baykeeper
Sean Guthrie	King Harbor Marina
Samantha Murray	Ocean Conservancy
Chris Goldblatt	Concerned Citizen
Calla Allison	Concerned Citizen
Greg Helms	Ocean Conservancy
Alex Masumoto	The Rusty Hook Fishing Tackle
Geof Bard	Upland Research Science Action
Diane Castaneda	Concerned Citizen
Keith Zandona	Santa Barbara County Archaeology Society
Lisa Ann Kelly	Concerned Citizen
Keith Weissglass	Concerned Citizen
Jason Weiner	Wishtoyo Foundation/Ventura Coastkeeper
Eric Brickenstein	San Diego Coastkeeper
Kalia Rork	Concerned Citizen
Theresa Weissglass	Concerned Citizen
Paul Petrich	Concerned Citizen
Paul Lebowitz	Kayak Fishing Association California
Mati Waija	Chumash Tribe
Roberta Cordero	Chumash Tribe
Reza Iranpour	Concerned Citizen
Captain Eric Kelt	Seazen Marine Consulting

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

Mick Kronman welcomed the Commission to Santa Barbara.

1. PUBLIC FORUM.  
**Received public testimony from the following: Dan Wolford, Guy Grundmeier, Don Maruska, Paul Weakland, Joey Racano, Lorna Moffat, Melvin de la Motte, Bryan Rosen and Dave Ploessel.**
  
2. (A) FINAL CERTIFICATION OF ENVIRONMENTAL DOCUMENT, AND ADOPTION OF FINDINGS FOR PROPOSED CHANGES TO SECTION 632, TITLE 14, CCR, RE: MARINE PROTECTED AREAS FOR THE SOUTH COAST STUDY REGION.  
**Received updated reports from the Department by Becky Ota and Susan Ashcraft. Received public testimony.**

***MOVED BY J. BAYLIS, SECONDED BY M. SUTTON, TO CERTIFY THE ENVIRONMENTAL DOCUMENT FOR THE SOUTH COAST MARINE PROTECTED AREAS.***

***AYES: J. BAYLIS, R. ROGERS, M. SUTTON.***

***NOES: J. KELLOGG, D. RICHARDS.***

***MOTION PASSED.***

- (B) DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 632, TITLE 14, CCR, RE: MARINE PROTECTED AREAS FOR THE SOUTH COAST STUDY REGION.

Received updated reports from the Department by Susan Ashcraft.  
Received public testimony.

**THERE WERE A SERIES OF 19 DECISIONS/OPTIONS WITHIN THE PROPOSED PACKAGE AND EACH WAS VOTED ON SEPARATELY AS FOLLOWS:**

**MOVED BY J. BAYLIS, SECONDED BY D. RICHARDS, TO APPROVE THE FOLLOWING SIX DECISIONS AND OPTIONS:**

**DECISION 1/OPTION 1:**

**DECISION 2/OPTION 2:**

**DECISION 3/OPTION 2:**

**DECISION 4/OPTION 1:**

**DECISION 5/OPTION 2:**

**DECISION 6/OPTION 2:**

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

**MOVED BY D. RICHARDS, SECONDED BY J. KELLOGG, TO APPROVE DECISION 7/OPTION 3.**

**AYES: J. KELLOGG, D. RICHARDS.**

**NOES: J. BAYLIS, R. ROGERS, M. SUTTON.**

**MOTION FAILED.**

**MOVED BY M. SUTTON, SECONDED BY R. ROGERS, TO APPROVE DECISION 7/OPTION 2.**

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

**MOVED BY J. BAYLIS, SECONDED BY M. SUTTON, TO APPROVE DECISION 8/OPTION YES AND DECISION 9/OPTION 1.**

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

**MOVED BY D. RICHARDS, SECONDED BY R. ROGERS, TO APPROVE DECISION 10/OPTION A.**

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

**NOES: J. BAYLIS, M. SUTTON.**

**MOTION PASSED.**

**MOVED BY D. RICHARDS, SECONDED BY M. SUTTON, TO APPROVE  
DECISION 11/OPTION YES.  
AYES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.  
PASSED UNANIMOUSLY.**

**MOVED BY R. ROGERS, SECONDED BY D. RICHARDS, TO APPROVE  
DECISION 12/OPTION YES.  
AYES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.  
PASSED UNANIMOUSLY.**

**MOVED BY R. ROGERS, SECONDED BY M. SUTTON, TO APPROVE  
DECISION 13/OPTION A.  
AYES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.  
PASSED UNANIMOUSLY.**

**MOVED BY R. ROGERS, SECONDED BY M. SUTTON, TO APPROVE  
DECISION 14/OPTION 4.  
AYES: J. BAYLIS, R. ROGERS, M. SUTTON.  
NOES: J. KELLOGG, D. RICHARDS.  
MOTION PASSED.**

**MOVED BY M. SUTTON, SECONDED BY R. ROGERS, TO APPROVE  
DECISION 15/OPTION A.  
AYES: R. ROGERS, M. SUTTON.  
NOES: J. BAYLIS, J. KELLOGG, D. RICHARDS.  
**MOTION FAILED.****

**MOVED BY D. RICHARDS, SECONDED BY R. ROGERS, TO APPROVE  
DECISION 15/OPTION B.  
AYES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS.  
NOES: M. SUTTON.  
MOTION PASSED.**

**MOVED BY D. RICHARDS, SECONDED BY M. SUTTON, TO APPROVE  
DECISION 16/OPTION 2.  
AYES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.  
PASSED UNANIMOUSLY.**

**MOVED BY M. SUTTON, SECONDED BY J. BAYLIS, TO APPROVE  
DECISION 17/OPTION 4.  
AYES: J. BAYLIS, R. ROGERS, M. SUTTON.  
NOES: J. KELLOGG, D. RICHARDS.  
MOTION PASSED.**

**MOVED BY J. BAYLIS, SECONDED BY M. SUTTON, TO APPROVE  
DECISION 18/OPTION 2.  
AYES: J. BAYLIS, M. SUTTON.  
NOES: J. KELLOGG, D. RICHARDS, R. ROGERS.  
**MOTION FAILED.****

**MOVED BY D. RICHARDS, SECONDED BY J. KELLOGG, TO APPROVE  
DECISION 18/OPTION 1.**

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

**NOES: J. BAYLIS, M. SUTTON.**

**MOTION PASSED.**

**MOVED BY M. SUTTON, SECONDED BY J. BAYLIS, TO APPROVE  
DECISION 19/OPTION 2.**

**AYES: J. BAYLIS, M. SUTTON.**

**NOES: J. KELLOGG, D. RICHARDS, R. ROGERS.**

**MOTION FAILED.**

**MOVED BY D. RICHARDS, SECONDED BY J. KELLOGG, TO APPROVE  
DECISION 19/OPTION 1.**

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

**NOES: J. BAYLIS, M. SUTTON.**

**MOTION PASSED.**

**IT WAS THEN MOVED BY J. BAYLIS, SECONDED BY M. SUTTON, TO  
APPROVE AMENDING SECTION 632, TITLE 14, CCR, REGARDING MARINE  
PROTECTED AREAS FOR THE SOUTH COAST STUDY REGION, TO  
INCLUDE THE 19 DECISIONS/OPTIONS PREVIOUSLY VOTED ON.**

**AYES: J. BAYLIS, R. ROGERS, M. SUTTON.**

**NOES: J. KELLOGG, D. RICHARDS.**

**MOTION PASSED.**

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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.
- VI. TACY LEE vs. CALIFORNIA FISH AND GAME COMMISSION AND DEPARTMENT OF FISH AND GAME RE: DENIAL OF TRANSFER OF LOBSTER OPERATOR PERMIT.
- VII. CENTER FOR BIOLOGICAL DIVERSITY vs. CALIFORNIA FISH AND GAME COMMISSION AND DEPARTMENT OF FISH AND GAME RE: PACIFIC FISHER.

B. POSSIBLE LITIGATION INVOLVING THE COMMISSION.

C. STAFF PERFORMANCE AND COMPENSATION.

- I. DISCUSSION OF FULL TIME LEGAL REPRESENTATION FOR THE COMMISSION.
- II. RECRUITMENT OF EXECUTIVE DIRECTOR.

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

- I. LAURIE BARRON – DENIAL OF APPLICATION FOR A RESIDENT RESTRICTED SPECIES EXHIBITING PERMIT.
  - II. JOSEPH CARVALHO - DENIAL OF APPLICATION TO AMEND RESIDENT RESTRICTED SPECIES EXHIBITING PERMIT.
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There being no further business, the meeting recessed at 3:17 p.m. to reconvene on December 16, 2010, at 9:00 a.m.