

**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.

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 16, 2010. The meeting was called to order at 9:12 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	Absent
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)
Nancy Foley	Deputy Director, Law Enforcement Division
Jordan Traverso	Deputy Director, Office of Communications, Education & Outreach
Rob Allen	Law Enforcement Division
Brian Naslund	Law Enforcement Division
Perry Herrgesell	Retired Annuitant
Marci Yaremko	Marine Region
Marija Vojkovich	Regional Manager, Marine Region

The following persons were present and heard:

Pat Wright	Legalize Ferrets.org
Tad Smythe	Desert Springs Tilapia, Arizona
Chris Voss	California Abalone Association
Joe Exline	Concerned Citizen

Lia Protopapadakis	Santa Monica Bay Restoration Commission
George Osborn	CARE
Louie Zimm	San Diego Fly Fishers
Paul Weakland	Concerned Citizen
Jim Waters	California Outdoor Heritage Alliance
Mike Tracey	The Community Foundation
Madeline Bernstein	Society for Prevention of Cruelty of Animals, Los Angeles
David Chu	San Francisco Chinatown Development Group
Helen Chu	Concerned Citizen
Susan Tellem	Americian Tortoise Rescue
Marshall Thompson	Americian Tortoise Rescue
Geof Bard	Upland Research Science Action
Dr. Kevin Chu	NOAA
Paul Hobi	Ocean Conservancy
Jenn Eckerle	Natural Resources Defense Council
Josh Goldman	Australis Aquaculture
Andrew Quinn	Concerned Citizen
Manuel Figueiredo	Concerned Citizen
Bernard Friedman	Santa Barbara Mariculture

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

3. CONTINUATION OF PUBLIC FORUM.
Received public testimony from the following: Pat Wright, Tad Smythe, Chris Voss, Joe Exline, Lia Protopapadakis, George Osborn, Louie Zimm, Paul Weakland, and Geof Bard.

4. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.
Deputy Attorney General Thalhammer reported that the Commission adopted the Proposed Decisions for Laurie Barron and Joseph Carvalho. He also reported that the Commission extended the search and application deadline until June for the vacant Executive Director position.

5. UPDATE ON DEPARTMENT OF FISH AND GAME'S CURRENT ISSUES AND SEVEN STRATEGIC INITIATIVES.
Director McCamman provided an update. Received public testimony.

6. RECEIPT OF LEGISLATIVE REPORTS.
 - (A) DEPARTMENT OF FISH AND GAME REPORT.
Director McCamman indicated that there was no written formal report. No public testimony.

 - (B) POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.
There was no report.

7. 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 briefed the Commission on the progress of the ALDS. No public testimony.

- (B) RECEIPT OF DEPARTMENT REPORT ON DELTA STRESSORS.
Received the Department's report from Perry Herrgesell. No public testimony.
 - (C) UPDATE ON THE INITIAL STATEMENT OF REASONS REGARDING NON-NATIVE FROGS AND TURTLES.
Deputy Director Mastrup reported that to continue with a rulemaking package, a costly Environmental Impact Report would be required and that DFG recommended against this due to lack of funding. The Commission accepted the recommendation. Received public testimony.
 - (D) UPDATE ON LAW ENFORCEMENT DIVISION.
Received the Department's update from Chief Foley. No public testimony.
 - (E) UPDATE ON WILDLIFE AND FISHERIES PROGRAMS.
Received the Department's update from Deputy Director Mastrup. No public testimony.
 - (F) UPDATE ON COMPLAINTS REGARDING NUISANCE RIVER OTTERS.
Received the Department's update from Deputy Director Mastrup. No public testimony.
 - (G) OTHER.
Received the Department's update from Deputy Director Mastrup regarding the abalone regulation package. Marci Yaremko reported on the market squid seasons. Received public testimony.
8. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.
Acting Executive Director Fischer provided an update on the Biodiversity Council meetings. Commissioners discussed staffing issues. No public testimony.
9. SUBCOMMITTEE REPORTS, RECOMMENDATIONS, AND POSSIBLE COMMISSION ACTION.
- (A) MARINE RESOURCES COMMITTEE.
Dr. Craig Shuman provided an update on committee issues. He reported on the dates and locations of the MRC meetings for 2011 as follows: February 15-Monterey, May 25-Santa Barbara/Los Angeles, August 25-Monterey, and tentatively December 7 in Santa Barbara. No public testimony.
 - (B) AL TAUCHER'S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE.
Acting Executive Director Fischer reported that the committee had not met and its next scheduled meeting would be in February 2011. No public testimony.
 - (C) AQUACULTURE COMMITTEE.
Commissioner Rogers stated that there was no formal report and that the lease template was still being finalized. Received public testimony.

10. POSSIBLE ADOPTION OF PROPOSED MEETING SCHEDULE FOR 2011 AND ANNOUNCEMENT OF FUTURE MEETINGS.
Acting Executive Director Fischer reviewed the 2011 proposed meeting schedule. The Commissioners suggested changing the June meeting from San Francisco to Stockton as an alternative and that the September agenda not have an MLPA item as one Commissioner will be absent. The proposed meeting schedule for 2011 will be agendized for the February meeting for possible adoption. No public testimony.
11. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.
Received report from Dr. Kevin Chu. 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.
14. PRESENTATION TO CHILDREN OF DFG BIOLOGISTS MR. CLU COTTER AND MR. KEVIN O'CONNOR.
Director McCamman presented Ren Cotter, Jamie Cotter, Michelle Sanders, Kayleigh O'Connor, McKenna O'Connor and Aidan O'Connor with certificates for lifetime hunting and fishing licenses in memory of their fathers. Received public testimony.
15. (A) UPDATE ON STATUS OF FEDERAL GROUND FISH FISHING REGULATIONS.
Received the Department's update from Marija Vojkovich. Received public testimony.

(B) POSSIBLE RECONSIDERATION OF COMMISSION'S OCTOBER 21, 2010 ACTION TO ADOPT CHANGES TO THE RECREATIONAL AND COMMERCIAL GROUND FISH FISHING REGULATIONS FOR 2011-2012, SECTION 27.20 ET AL, TITLE 14, CCR.
Commission directed staff to work with OAL to conform the effective date of State regulations to the effective date of the Federal regulations. No public testimony.
16. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTION 632, TITLE 14, CCR, RE: STEWARTS POINT MARINE RESERVE. (Note: The adoption hearing is scheduled for February 3, 2011.)
Acting Executive Director Fischer summarized the item. Received public testimony.

17. CONSIDERATION AND POSSIBLE EMERGENCY ACTION TO RE-ADOPT CHANGES TO SECTION 632, TITLE 14, CCR, FOR AN ADDITIONAL 90-DAY PERIOD, RE: STEWARTS POINT MARINE RESERVE.
Acting Executive Director Fischer summarized the item. Received public testimony.
- MOVED BY M. SUTTON, SECONDED BY R. ROGERS, TO APPROVE EMERGENCY ACTION TO RE-ADOPT CHANGES TO SECTION 632, TITLE 14, CCR, FOR AN ADDITIONAL 90-DAY PERIOD, RE: STEWARTS POINT MARINE RESERVE.
AYES: J. BAYLIS, J. KELLOGG, R. ROGERS, M. SUTTON.
ABSENT: D. RICHARDS.
MOTION PASSED.***
18. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SUBSECTION (b)(1.5) OF SECTION 7.50, TITLE 14, CCR, RE: ALAMEDA CREEK SPORTFISHING REGULATIONS.
Received the Department's report from Deputy Director Mastrup recommending Option 2. No public testimony.
- MOVED BY R. ROGERS, SECONDED BY M. SUTTON, TO DIRECT STAFF TO NOTIFY INTERESTED AND AFFECTED PARTIES OF ITS INTENT TO WITHDRAW THE CURRENT RULEMAKING AND RENOTICE TO CONSIDER THE ADOPTION OF ALAMEDA CREEK SPORTFISHING REGULATIONS WITH OTHER SPORT FISHING REGULATIONS IN 2011.
AYES: J. BAYLIS, J. KELLOGG, R. ROGERS, M. SUTTON.
ABSENT: D. RICHARDS.
MOTION PASSED.***
19. DISCUSSION AND POSSIBLE ADOPTION OF THE NOVEMBER 29, 2010 NOTICE OF CHANGES TO SECTIONS 671, 671.1, 671.7 AND 703, TITLE 14, CCR, RE: NEW RESTRICTED SPECIES PERMITS AND REQUIREMENTS; INCLUDING CHANGES TO 2011 FEE SCHEDULES, THE ADDITION OF TWO NEW PERMITS AND RELATED FORMS.
Acting Executive Director Fischer summarized the item. Received public testimony.
- MOVED BY R. ROGERS, SECONDED BY M. SUTTON, TO APPROVE AMENDING REGULATIONS RE: IMPORTATION, TRANSPORTATION AND POSSESSION OF LIVE RESTRICTED ANIMALS, PERMITS FOR RESTRICTED SPECIES, AND PERMITS FOR AQUACULTURE PURPOSES AND TO ADDRESS ADDITIONAL CLARIFYING LANGUAGE IN A NEW RULEMAKING FILE.
AYES: J. BAYLIS, J. KELLOGG, R. ROGERS, M. SUTTON.
ABSENT: D. RICHARDS.
MOTION PASSED.***
20. CONSIDERATION OF 2011 REGULATORY CALENDAR AND POSSIBLE REGULATORY PROPOSALS.
Deputy Director Mastrup reported that the Department would submit its 2011 regulatory calendar and possible proposals at the Commission's February 2011 meeting. Commissioner Sutton requested that the regulatory package for Department-managed lands include an option for prohibiting the use of toxic ammunition. No public testimony.

21. (A) UPDATE ON POSSIBLE COMMISSION AND DEPARTMENT PROPOSALS FOR TAG QUOTA CHANGES, CLARIFICATIONS AND URGENCY CHANGES FOR THE 2011-2012 MAMMAL HUNTING REGULATIONS AND CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) DOCUMENTS. (Public recommendations for changes in Mammal Hunting Regulations are considered every three years. Any public recommendations received after the regulation adoption process in April 2010, will be scheduled for consideration at the Commissions February 2013, meeting.)
Deputy Director Mastrup reviewed proposed changes. No public testimony.
- (B) RECEIPT OF DEPARTMENT'S TENTATIVE RECOMMENDATIONS FOR ANTLERLESS/EITHER-SEX DEER HUNTS FOR 2011-2012.
Deputy Director Mastrup reported there were no proposed changes. No public testimony.
22. CONSIDERATION AND POSSIBLE ACTION PERTAINING TO PROCESSING OF THE REQUEST OF MR. BOB PARKER FOR REINSTATEMENT OF HIS SUSPENDED TRAPPING PERMIT.
Deputy Attorney General Thalhammer recommended and the Commission agreed to re-agendize this issue to allow Mr. Parker the opportunity to appear at a meeting. No public testimony.
23. UPDATE ON STATUS OF DEPARTMENT'S ANNUAL RECOMMENDATION FOR CEILINGS ON RESERVOIR ACCESS FEES ALLOWED BY THE COMMISSION'S POLICY ON "STOCKING FISH IN WATERS WHERE ANGLERS PAY ACCESS FEES."
Deputy Director Mastrup reported that this policy was outdated and there was very little conformance. Commission directed DFG to report back with a revised policy. No public testimony.

CONSENT CALENDAR

MOVED BY R. ROGERS, SECONDED BY M. SUTTON, TO APPROVE CONSENT CALENDAR ITEM NOS. 24-26, AS RECOMMENDED BY THE DEPARTMENT. ITEMS 24 AND 25 WERE REMOVED FROM THE CONSENT CALENDAR AND RECEIVED PUBLIC TESTIMONY.

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

ABSENT: D. RICHARDS.

MOTION PASSED.

24. (A) REQUEST OF MR. JOHN FINGER, HOG ISLAND OYSTER COMPANY, FOR 180-DAY EXTENSION OF STATE WATER BOTTOM LEASE NO. M-430-12, MARIN COUNTY.
Approved. No public testimony.
- (B) REQUEST OF MR. MICHAEL TOUSSAINT, MARIN OYSTER COMPANY, FOR 180-DAY EXTENSION OF STATE WATER BOTTOM LEASE NO. M-430-02, MARIN COUNTY.
Approved. No public testimony.

- (C) REQUEST OF MR. MARTIN STRAIN, POINT REYES OYSTER COMPANY, FOR 180-DAY EXTENSION OF STATE WATER BOTTOM LEASE NO. M-430-14, MARIN COUNTY.
Approved. No public testimony.
- (D) REQUEST OF MR. BERNARD FRIEDMAN, SANTA BARBARA MARICULTURE COMPANY, FOR 180-DAY EXTENSION OF STATE WATER BOTTOM LEASE NO. M-635-02, SANTA BARBARA COUNTY.
Approved. Received public testimony.
25. REQUEST OF MR. MANUEL FIGUEIREDO TO TRANSFER HIS CALIFORNIA HALIBUT BOTTOM TRAWL VESSEL PERMIT.
Manuel Figueiredo's request to transfer his California Halibut Bottom Trawl Vessel Permit was approved upon the condition that he retire from commercial fishing. Received public testimony.
26. RECEIPT OF DEPARTMENT REPORT TO THE FISH AND GAME COMMISSION AND LEGISLATURE ON THE ANNUAL ACCOUNTING OF THE DEPOSITS INTO, AND EXPENDITURES FROM, THE FISH AND GAME PRESERVATION FUND, AS RELATED TO THE REVENUES GENERATED PURSUANT TO SECTION 8587 OF THE FISH AND GAME CODE AND REQUIRED BY SECTION 8589.7 OF THE FISH AND GAME CODE.
Received report. No public testimony.

OTHER

27. COMMISSION FOLLOW-UP, MEETING REVIEW, AND STAFF DIRECTION.
List to be established.

**2011 FISH AND GAME COMMISSION
TENTATIVE MEETING SCHEDULE
www.fgc.ca.gov**

February 2 (Wed.) February 3 (Thurs.)	State of California Resources Agency Building Auditorium 1416 Ninth Street Sacramento
March 2 (Wed.) March 3 (Thurs.)*	Embassy Suites at Los Angeles Airport 9891 Airport Blvd. Los Angeles
April 6 (Wed.) April 7 (Thurs.)	Lake Natoma Inn 702 Gold Lake Drive Folsom
April XX (Teleconference)	Sacramento (Via Telephone)
May 4 (Wed.) May 5 (Thurs.)	Upland/Ontario

June 29 (Wed.) June 30 (Thurs.)	San Francisco or Stockton
August 3 (Wed.) August 4 (Thurs.)	State of California Resources Agency Building Auditorium 1416 Ninth Street Sacramento
September 14 (Wed.) September 15 (Thurs.)*	River Lodge Conference Center 1800 Riverwalk Drive Fortuna
October 19 (Wed.) October 20 (Thurs.)	Monterey
November 16 (Wed.) November 17 (Thurs.)*	Santa Barbara
December 14 (Wed.) December 15 (Thurs.)	San Diego

* Possible One-Day Meeting

Winter WAFWA Meeting January 6-9, 2011
 PFMC Meeting April 7-14
 Summer WAFWA Meeting July 15-20, 2011
 Federal Waterfowl Meeting July 28-29, 2011

There being no further business, the Fish and Game Commission adjourned at 2:20 p.m.