## State of California FISH AND GAME COMMISSION (916) 653-4899

www.fqc.ca.qov

Meeting of February 3, 2011 (Thursday) 8:30 a.m. <sup>2</sup>

Resources Agency Building
Auditorium

1416 Ninth Street
Sacramento

### AGENDA<sup>3</sup>

#### ALL MEETINGS OPEN TO THE PUBLIC

- ELECTION OF OFFICERS AND POSSIBLE ACTION ON SUBCOMMITTEE ASSIGNMENTS.
- 2. PUBLIC FORUM— Any member of the public may address and/or ask questions of the Commission relating to the implementation of its policies or any other matter within the jurisdiction of the Commission. The issue to be discussed should not be related to any item on the current agenda. As a general rule, action cannot be taken on issues not listed on the agenda. At the discretion of the Commission, staff may be requested to follow up on such items. Submittal of written comments is encouraged to ensure that all comments will be included in the record before the Commission. Please be prepared to summarize your comments to the time allocated by the President.
- 3. PRESENTATION FROM DIRK ROSEN, MARINE APPLIED RESEARCH AND EXPLORATION ON CHANNEL ISLANDS (2003-2009) AND NORTH CENTRAL COAST 2010 REMOTELY OPERATED VEHICLE SURVEYS.
- 4. UPDATE ON THE NORTH AMERICAN SALMON STRONGHOLD PARTNERSHIP.
- 5. RECEIPT OF LEGISLATIVE REPORTS.
  - (A) DEPARTMENT OF FISH AND GAME REPORT.
  - (B) POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.

These facilities are accessible to persons with disabilities. To request reasonable accommodations for a disability, please contact California Relay Service at 1 (800) 735-2929 (TT) or 1 (800) 735-2922 (Voice) and ask them to contact the California Fish and Game Commission at (916) 653-4899.

 $<sup>^{2}\,\,</sup>$  The Commission may break for lunch at approximately 12:00 noon.

<sup>3</sup> The public is encouraged to comment on any item on the agenda. In order for the Commission to adequately consider public comments, the public is requested to submit written comments no later than ten days prior to the meeting. Written comments received fewer than ten days preceding the meeting will be submitted to the Commission at the meeting; however, Commission staff is unable to deliver material received one day before and on the day of the meeting to the Commissioners when the meeting is not in Sacramento. Please send your comments to be received no later than two days before the meeting.

If you decide to speak at the Commission meeting, please begin by giving your name and affiliation (if any) and the number of people represented by your organization. Then tell the Commission your concerns. Time allotted for each agenda item depends upon the number of speakers for each item and the length of the agenda. The Commission is interested in your views; don't worry about how to say them. If several people have spoken, try not to be repetitious. If there are several with the same concerns, please try to appoint a spokesperson. The Commission is particularly interested in the specific reasons you are for or against a proposal because the Commission's decision needs to be based on specific reasons.

If you would like to present handouts/written material to the Commission at the meeting, please provide eleven (11) copies.

- RECEIPT OF DEPARTMENT OF FISH AND GAME INFORMATIONAL ITEMS.
  - (A) RECEIPT OF DEPARTMENT OF FISH AND GAME DIRECTOR'S REPORT.
  - (B) UPDATE ON AUTOMATED LICENSE DATA SYSTEM.
  - (C) REPORT ON THE DEPARTMENT'S SENIOR VOLUNTEER PROGRAM.
  - (D) REPORT ON THE DEPARTMENT'S K-12 EDUCATIONAL PROGRAM.
  - (E) UPDATE ON LAW ENFORCEMENT DIVISION.
  - (F) UPDATE ON WILDLIFE AND FISHERIES PROGRAMS.
  - (G) PRESENTATION ON THE DEPARTMENT'S CALIFORNIA RECREATIONAL FISHERIES SURVEY.
  - (H) OTHER.
- 7. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.
  - (A) 2011 WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES (WAFWA) MID-WINTER MEETING.
  - (B) OTHER.
- 8. SUBCOMMITTEE REPORTS, RECOMMENDATIONS, AND POSSIBLE COMMISSION ACTION.
  - (A) MARINE RESOURCES COMMITTEE.
  - (B) AL TAUCHER'S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE.
  - (C) AQUACULTURE COMMITTEE.
  - (D) OTHER.
- 9. POSSIBLE ADOPTION OF PROPOSED MEETING SCHEDULE FOR 2011 AND ANNOUNCEMENT OF FUTURE MEETINGS. (See tentative 2011 meeting schedule on page 6.)
- 10. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.
- 11. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.
- 12. NEW BUSINESS.
- 13. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.
- 14. PRESENTATION ON THE YUROK TRIBE'S FISH AND GAME PROGRAMS IN THE KLAMATH BASIN.

- 15. RECEIPT OF DEPARTMENT PROPOSALS FOR TAG QUOTA CHANGES, CLARIFICATIONS AND URGENCY CHANGES FOR THE 2011-2012 MAMMAL HUNTING REGULATIONS AND REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO MAKE TAG QUOTA CHANGES, CLARIFICATIONS AND URGENCY CHANGES. (Note: Discussion hearings are scheduled for March 3, 2011 and April 7, 2011. Public comments and adoption of Department proposals are scheduled for the Commission's May 5, 2011, meeting. Note: No public recommendations will be received this year. Public recommendations for changes in the Mammal Hunting and Trapping Regulations are considered every three years. Any recommendation received after the regulation adoption process in April 2010, will be considered at the Commission's February 2013, meeting.)
- 16. <u>CONSIDERATION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO</u> SECTION 632, TITLE 14, CCR, RE: STEWARTS POINT MARINE RESERVE.
- 17. CONSIDERATION AND POSSIBLE ACTION PERTAINING TO PROCESSING MR. BOB PARKER'S REQUEST FOR REINSTATEMENT OF HIS SUSPENDED TRAPPING PERMIT.
- 18. DISCUSSION AND POSSIBLE RECOMMENDATIONS TO ESTABLISH PROCEDURES FOR HANDLING PETITIONS CONCERNING MARINE PROTECTED AREAS PURSUANT TO SECTION 2861 OF THE FISH AND GAME CODE.
- 19. CONSIDERATION AND POSSIBLE ACTION IN RESPONSE TO COURT REMAND IN CENTER FOR BIOLOGICAL DIVERSITY v. CALIFORNIA FISH AND GAME COMMISSION, SAN FRANCISCO SUPERIOR COURT CASE NO. CPF-09-509927, RE: PETITION TO LIST AMERICAN PIKA.
- 20. DISCUSSION AND POSSIBLE ACTION ON THE REQUEST OF MR. KEVIN LUNNY TO AMEND STATE WATER BOTTOM LEASE NO. M-438-01, DRAKES BAY OYSTER COMPANY, DRAKES ESTERO, MARIN COUNTY.
- 21. UPDATE AND POSSIBLE COMMISSION ACTION ON THE INITIAL STATEMENT OF REASONS REGARDING NON-NATIVE FROGS AND TURTLES.

#### **CONSENT CALENDAR**

- 22. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 7.50, TITLE 14, CCR, RE: KLAMATH-TRINITY SPORT FISHING REGULATIONS. (Note: The discussion hearings are scheduled for March 3, 2011 and April 7, 2011. The adoption hearing is scheduled for April 2011, at a special meeting via teleconference call.)
- 23. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTIONS 7.00 AND 7.50, TITLE 14, CCR, RE: CENTRAL VALLEY SPORT FISHING REGULATIONS. (Note: The discussion hearings are scheduled for March 3, 2011 and April 7, 2011. The adoption hearing is scheduled for April 2011, at a special meeting via teleconference call.)

- 24. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 27.80, TITLE 14, CCR, RE: OCEAN SALMON SPORT FISHING REGULATIONS. (Note: The discussion hearings are scheduled for March 3, 2011 and April 7, 2011. The adoption hearing is scheduled for April 2011, at a special meeting via teleconference call.)
- 25. RECEIPT OF ANNUAL REPORTS RE: CAMP ROBERTS, CAMP PENDLETON, AND FORT HUNTER LIGGETT DEER AND ELK HUNTS, UNDER SECTION 640, TITLE 14, CCR, MANAGEMENT OF FISH AND WILDLIFE ON MILITARY LANDS.
- 26. APPROVAL OF DEPARTMENT REQUEST PURSUANT TO SECTION 2073.5 OF THE FISH AND GAME CODE FOR AN EXTENSION OF TIME OF 30 DAYS TO COMPLETE ITS EVALUATION OF PETITION TO LIST THE BLACK-BACKED WOODPECKER (Picoides arcticus) AS THREATENED OR ENDANGERED UNDER THE CALIFORNIA ENDANGERED SPECIES ACT.
- 27. REQUEST OF MR. GEORGE TREVELYN, GRASSY BAR OYSTER COMPANY, FOR 180-DAY EXTENSION OF STATE WATER BOTTOM LEASE NOS. M-614-01, PARCEL NO. 1 AND M-614-02, SAN LUIS OBISPO COUNTY.

#### **OTHER**

- 28. COMMISSION FOLLOW-UP, MEETING REVIEW, AND STAFF DIRECTION.
- 29. ANNOUNCEMENT OF FUTURE MEETINGS.

# 2011 FISH AND GAME COMMISSION TENTATIVE MEETING SCHEDULE

www.fgc.ca.gov

| March 3 (Thurs.)          | Embassy Suites at Los Angeles Airport |
|---------------------------|---------------------------------------|
| ,                         | 9891 Airport Blvd.                    |
|                           | Los Angeles                           |
| April 6 (Wed.)            | Lake Natoma Inn                       |
| April 7 (Thurs.)          | 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/Stockton                |
| August 3 (Wed.)           | State of California                   |
| August 4 (Thurs.)         | Resources Agency Building             |
|                           | Auditorium                            |
|                           | 1416 Ninth Street                     |
|                           | Sacramento                            |
| September 14 (Wed.)       | River Lodge Conference Center         |
| September 15 (Thurs.)*    | 1800 Riverwalk Drive                  |
|                           | Fortuna                               |
| October 19 (Wed.)         | Beach Resort Monterey                 |
| October 20 (Thurs.)       | 2600 Sand Dunes Drive                 |
|                           | Monterey                              |
| November 16 (Wed.)        |                                       |
| November 17 (Thurs.)*     | Santa Barbara                         |
| December 14 (Wed.)        |                                       |
| December 15 (Thurs.)      | San Diego                             |

<sup>\*</sup> 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

# 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.
- D. <u>RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT</u> ITEMS.