

**State of California
FISH AND GAME COMMISSION**

Staff Summary, Meeting of February 3, 2011

Following is a summary of the subject meeting. The official records of the meeting may be obtained from the Commission's website or Cal-span.

Pursuant to the call of the President, the Commission met at the Resources Agency Building Auditorium, 1416 Ninth Street, Sacramento, California on February 3, 2011. The meeting was called to order at 8:39 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 (left at approximately 1:30 P.M.)

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 and Outreach
Susan LaGrande	Deputy Director Legislation
Marija Vojkovich	Marine Regional Manager
Dr. Eric Loft	Chief, Wildlife Branch
Connie Ryan	Marine Region
Dan Yparraguirre	Wildlife Branch
Tony Warrington	Law Enforcement Division
Rob Allen	Law Enforcement Division
Jeffrey Longwell	Law Enforcement Division
Larry Knowles	Law Enforcement Division
Brian Naslund	Law Enforcement Division
Jennifer Ikemoto	Law Enforcement Division
Kent Smirl	Law Enforcement Division

Patrick Foy	Law Enforcement Division
Kevin Shaffer	Fisheries Branch
Heather McIntire	Aquaculture Coordinator

The following persons were present and heard:

Gordon Fox	Commercial Fisherman
Douglas Bush	Cultured Abalone Farm
Don Wilson	Concerned Hunter
Guy Grundmeier	Commercial Fisherman
George Osborn	Central Coast Fisheries Coalition/ United Anglers of Southern California and Coastside Fishing Club
Rob Belloni	Concerned Citizen
Peter Alexander	East Bay Regional Park District
Pat Wright	Legalize Ferrets. Org
Eric Mills	Action for Animals
Dr. Jeanine Pheiffer	Yurok Tribe
Paul Weakland	Commercial Fisherman
Sam Cohen	Santa Ynez Band of Chumash Tribes
Curtis Knight	CalTrout
Mark Trenholm	Wild Salmon Center
Danielle Earl	Hastings Island Hunting Preserve
Jim Martin	Recreational Fishing Alliance
Kevin Chu	NOAA Fisheries Service
Alicia McQuillen	Yurok Tribe
Michael Belchik	Yurok Tribe
Javier Kinny	Yurok Tribe
Jennifer Fearing	The Humane Society of the U.S.
Bill Gaines	California Outdoor Heritage Alliance
Richard Myers	Yurok Tribe
Scott Williams	Kashia Band of Porno Indians
Kaitilin Gaffney	Ocean Conservancy
Kevin Lunny	Drakes Bay Oyster Company
Fiona Ma	Assemblywoman
Kim Thomas	Unites States Association of Reptile Keepers
Monica Engebretson	Born Free USA
Andrew Quinn	Concerned Citizen
Eric Chu	Seafood Market
David Chu	Representing Mr. Pius Lee
Helen Celaya	Concerned Citizen
Virginia Handley	PAWPAC
Paul Pierce	Coastside Fishing Club
Jeff Richards	Coastside Fishing Club

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

Items were taken out of order but are shown in numerical order in this summary.

1. ELECTION OF OFFICERS AND POSSIBLE ACTION ON SUBCOMMITTEE ASSIGNMENTS.
Commission elected Commissioner Kellogg as President and Commissioner Rogers as Vice-President for 2011.

MOVED BY M. SUTTON, SECONDED BY J. BAYLIS, TO ELECT COMMISSIONER KELLOGG AS PRESIDENT FOR 2011.
AYES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON. PASSED UNANIMOUSLY.

MOVED BY M. SUTTON, SECONDED BY J. BAYLIS, TO ELECT COMMISSIONER ROGERS AS VICE-PRESIDENT FOR 2011.
AYES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON. PASSED UNANIMOUSLY.

COMMISSION PRESIDENT KELLOGG REAPPOINTED COMMISSIONERS ROGERS AND SUTTON TO THE MARINE RESOURCES COMMITTEE, APPOINTED COMMISSIONERS RICHARDS AND BAYLIS TO THE AL TAUCHER COMMITTEE, AND APPOINTED HIMSELF AS AN ALTERNATE TO BOTH COMMITTEES. HE ALSO REAPPOINTED COMMISSIONERS ROGERS AND RICHARDS TO THE AQUACULTURE COMMITTEE.
2. PUBLIC FORUM.
Received public testimony from the following individuals: Gordon Fox, Douglas Bush, Don Wilson, Guy Grundmeier, George Osborn, Rob Belloni, Peter Alexander, Pat Wright, Eric Mills, Dr. Jeanine Pheiffer, Paul Weakland and Sam Cohen.
3. PRESENTATION FROM DIRK ROSEN, MARINE APPLIED RESEARCH AND EXPLORATION ON CHANNEL ISLANDS (2003-2009) AND NORTH CENTRAL COAST 2010 REMOTELY OPERATED VEHICLE SURVEYS.
Acting Executive Director Fischer reported that Mr. Dirk Rosen was unable to attend the meeting and that the item would be rescheduled for a future meeting.
4. UPDATE ON THE NORTH AMERICAN SALMON STRONGHOLD PARTNERSHIP.
Received the Department's presentation from Kevin Shaffer. Received public testimony.
5. RECEIPT OF LEGISLATIVE REPORTS.
 - (A) DEPARTMENT OF FISH AND GAME REPORT.
Received the Department's report from Susan LaGrande. Received public testimony.
 - (B) POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.
There was no report; no action.
6. RECEIPT OF DEPARTMENT OF FISH AND GAME INFORMATIONAL ITEMS.
 - (A) RECEIPT OF DEPARTMENT OF FISH AND GAME DIRECTOR'S REPORT.
There was no report from Director McCamman. No public testimony.

- (B) UPDATE ON AUTOMATED LICENSE DATA SYSTEM.
Received the Department's report from Director McCamman and Deputy Director Mastrup. Received public testimony.
 - (C) REPORT ON THE DEPARTMENT'S SENIOR VOLUNTEER PROGRAM.
Received the Department's report from Tony Warrington and Kent Smirl. No public testimony.
 - (D) REPORT ON THE DEPARTMENT'S K-12 EDUCATIONAL PROGRAM.
Received the Department's report from Deputy Director Traverso. No public testimony.
 - (E) UPDATE ON LAW ENFORCEMENT DIVISION.
Received the Department's update from Chief Foley. No public testimony.
 - (F) UPDATE ON WILDLIFE AND FISHERIES PROGRAMS.
Received the Department's update from Deputy Director Mastrup and Dr. Eric Loft. No public testimony.
 - (G) PRESENTATION ON THE DEPARTMENT'S CALIFORNIA RECREATIONAL FISHERIES SURVEY.
Received the Department's presentation from Connie Ryan. Received public testimony.
7. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.
- (A) 2011 WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES (WAFWA) MID-WINTER MEETING.
Acting Executive Director Fischer reported that he attended the meeting in Phoenix, Arizona. No public testimony.
8. SUBCOMMITTEE REPORTS, RECOMMENDATIONS, AND POSSIBLE COMMISSION ACTION.
- (A) MARINE RESOURCES COMMITTEE.
Commissioner Sutton reported that the next MRC meeting was scheduled for February 15th in Monterey. 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 a meeting would be scheduled soon. No public testimony.
 - (C) AQUACULTURE COMMITTEE.
Commissioner Richards reported that the committee had not met and there was no new progress to report. Received public testimony.

9. POSSIBLE ADOPTION OF PROPOSED MEETING SCHEDULE FOR 2011 AND ANNOUNCEMENT OF FUTURE MEETINGS. (See 2011 meeting schedule on page 12.)
Received update from Acting Executive Director Fischer. There was a discussion amongst the Commissioners. Received public testimony.

MOVED BY D. RICHARDS, SECONDED BY M. SUTTON, TO APPROVE THE 2011 MEETING SCHEDULE WITH THE FOLLOWING CHANGES:

CONFIRMED MARCH MEETING ON MARCH 3 IN LOS ANGELES; ADD A TELECONFERENCE MEETING ON MARCH 14, IF NEEDED; ADD A TELECONFERENCE MEETING ON APRIL 21; CHANGE THE LOCATION OF JUNE MEETING FROM SAN FRANCISCO TO STOCKTON; AND CHANGE SEPTEMBER TO A ONE DAY MEETING ON SEPTEMBER 15 AND CHANGE LOCATION FROM FORTUNA TO REDDING.

AYES: J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.

ABSENT: J. BAYLIS.

MOTION PASSED.

10. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.
Received report from Kevin Chu. No public testimony.
11. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.
There were no items.
12. NEW BUSINESS.
There were no items.
13. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.
Deputy Attorney General Thalhammer reported that the pending litigation on American pika was discussed at Executive Session.
14. PRESENTATION ON THE YUOK TRIBE'S FISH AND GAME PROGRAMS IN THE KLAMATH BASIN.
Received presentations from Alicia McQuillen, Michael Belchik and Javier Kinny. No public testimony.
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.)
Received the Department's report from Dan Yparraguirre. Received public testimony.

MOVED BY R. ROGERS, SECONDED BY D. RICHARDS, TO AUTHORIZE STAFF TO PUBLISH NOTICE OF COMMISSION INTENT TO MAKE TAG QUOTA CHANGES, CLARIFICATIONS AND URGENCY CHANGES FOR THE 2011-2012 MAMMAL HUNTING REGULATIONS.

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

16. CONSIDERATION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 632, TITLE 14, CCR, RE: STEWARTS POINT MARINE RESERVE. **Acting Executive Director Fischer summarized the item. Received public testimony.**

MOVED BY R. ROGERS, SECONDED BY M. SUTTON, TO ADOPT THE PROPOSED REGULATIONS FOR STEWARTS POINT STATE MARINE RESERVE AND STEWARTS POINT STATE MARINE CONSERVATION AREA.

AYES: J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.

ABSENT: J. BAYLIS.

MOTION PASSED.

17. CONSIDERATION AND POSSIBLE ACTION PERTAINING TO PROCESSING MR. BOB PARKER'S REQUEST FOR REINSTATEMENT OF HIS SUSPENDED TRAPPING PERMIT. **Deputy Attorney General Thalhammer advised that the Commission should consider Mr. Parker's application as void since he was not present at the meeting.**

MOVED BY D. RICHARDS, SECONDED BY J. KELLOGG, TO DISMISS MR. PARKER'S REQUEST FOR REINSTATEMENT OF HIS SUSPENDED TRAPPING PERMIT.

AYES: J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.

ABSENT: J. BAYLIS.

MOTION PASSED.

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. **Acting Executive Director Fischer summarized the item. Received public testimony. Commission requested that staff prepare for their approval and adoption procedures for processing petitions.**

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. **Deputy Attorney General Thalhammer reported that this item was discussed in Executive Session and there is pending litigation.**

MOVED BY M. SUTTON, SECONDED BY D. RICHARDS, TO RESUBMIT THE PETITION AS AMENDED TO THE DEPARTMENT FOR FURTHER REVIEW CONSISTENT WITH FISH AND GAME CODE SECTION 2073.7.

AYES: J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.

ABSENT: J. BAYLIS.

MOTION PASSED.

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.
Received the Department's report from Heather McIntire. Received public testimony.

**MOVED BY J. KELLOGG, SECONDED BY D. RICHARDS, TO TABLE MR. LUNNY'S REQUEST TO THE MARCH MEETING.
AYES: J. KELLOGG, D. RICHARDS.
NOES: R. ROGERS, M. SUTTON.
ABSENT: J. BAYLIS
MOTION FAILED.**

21. UPDATE AND POSSIBLE COMMISSION ACTION ON THE INITIAL STATEMENT OF REASONS REGARDING NON-NATIVE FROGS AND TURTLES.
Received a summary update from Acting Executive Director Fischer. Received public testimony.

**MOVED BY J. BAYLIS, SECONDED BY J. KELLOGG, TO RESCIND THE COMMISSION'S 9/16/10 DIRECTION TO PREPARE AN ISOR; ALLOW PERMITS WITH THE DEPARTMENT CHANGES; AND ENABLE A JOINT MEETING WITH THE INVASIVE SPECIES COUNCIL TO OCCUR.
AYES: J. BAYLIS, J. KELLOGG, R. ROGERS.
NOES: D. RICHARDS.
ABSTAIN: M. SUTTON.
MOTION PASSED.**

CONSENT CALENDAR

Item numbers 24 and 27 were pulled from the Consent Calendar and received public testimony.

**MOVED BY R. ROGERS, SECONDED BY D. RICHARDS, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES CONSENT CALENDAR ITEM NUMBERS 22, 23, 25 & 26.
AYES: J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.
ABSENT: J. BAYLIS.
MOTION PASSED.**

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.)
Approved. No public testimony.
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.)
Approved. No public testimony.

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.)
This item was pulled from the Consent Calendar and heard separately. Received the Department's update from Marija Vojkovich. Received public testimony.

**MOVED BY R. ROGERS, SECONDED BY M. SUTTON, TO AUTHORIZE STAFF TO PUBLISH NOTICE TO AMEND SECTION 27.80 REGARDING OCEAN SALMON SPORT FISHING REGULATIONS AND TO SCHEDULE A TELECONFERENCE CALL ON MARCH 14, IF NEEDED, TO ADOPT EMERGENCY REGULATIONS.
 AYES: J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.
 ABSENT: J. BAYLIS.
 MOTION PASSED.**

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.
Received reports. No public testimony.

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.
Approved. No public testimony.

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.
This item was pulled from the Consent Calendar and heard separately. Received public testimony.

The Commission took no action on the request.

OTHER

28. COMMISSION FOLLOW-UP, MEETING REVIEW, AND STAFF DIRECTION.
List to be established by staff.
29. ANNOUNCEMENT OF FUTURE MEETINGS.

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

March 3 (Thurs.)	Embassy Suites at Los Angeles Airport

	9891 Airport Blvd. Los Angeles
March 14 Teleconference, if needed	Sacramento (Via Telephone)
April 6 (Wed.) April 7 (Thurs.)	Lake Natoma Inn 702 Gold Lake Drive Folsom
April 21 (Teleconference)	Sacramento (Via Telephone)
May 4 (Wed.) May 5 (Thurs.)	Ontario
June 29 (Wed.) June 30 (Thurs.)	Stockton
August 3 (Wed.) August 4 (Thurs.)	State of California Resources Agency Building Auditorium 1416 Ninth Street Sacramento
September 15 (Thurs.)	Redding
October 19 (Wed.) October 20 (Thurs.)	Beach Resort Monterey 2600 Sand Dunes Drive Monterey
November 16 (Wed.) November 17 (Thurs.)	Santa Barbara
December 14 (Wed.) December 15 (Thurs.)	San Diego

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. RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS.
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There being no further business, the Fish and Game Commission meeting adjourned at 3:25 p.m.