

**State of California
FISH AND GAME COMMISSION**

Staff Summary, Meeting of April 6, 2011

Following is a summary of the subject meeting. The official record 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 Lake Natoma Inn, Sierra Ballroom, 702 Gold Lake Drive, Folsom, California on April 6, 2011. The meeting was called to order at 10:06 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
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
Kevin Hunting	Chief Deputy Director
Sonke Mastrup	Deputy Director, Resources Management & Policy Division (RMPD)
Nancy Foley	Deputy Director, Law Enforcement Division
John Mattox	Office of the General Counsel
Daniel Applebee	Central Region
Dan Yparraguirre	Wildlife Branch
Brad Burkholder	Wildlife Branch
Susan LaGrande	Deputy Director Legislation
Marija Vojkovich	Marine Regional Manager
Rob Allen	Law Enforcement Division
Brian Naslund	Law Enforcement Division

The following persons were present and heard:

<u>Name</u>	<u>Organization</u>	<u>Agenda Item(s)</u>
Dennis Byrne	Concerned Citizen	1
Eric Mills	Action for Animals	1

E.B. Duggan	Trinity River Guides Association	1
George Osborn	California Association of Recreational Fishermen, Coastside Fishing Club and United Anglers of Southern California	1, 7(A)
Paul Weakland	Commercial Fisherman	1, 6, 8(B), 9, 10 10(A), 12, 13
John Corbett	Yurok Tribe	1, 3
Jeanine Pfeiffer	Mendocino County	3
Thomas O'Rourke	Chairman, Yurok Tribe	3
Alicia McQuillen	Yurok Tribe	3
Justin Augustine	Center for Biological Diversity	4(A)
Chad Hanson	John Muir Project of Earth Island Institute	4(A)
Ed Murphy	Sierra Pacific Industries	4(A)
Stuart Farber	W. M. Beaty & Associates	4(A)
Bob Smith	San Diego County Wildlife Foundation	6
Virginia Handley	PAW PAC	7(A), 8(A) & (D) 10(A) & (B)
Debbie O'Connell	Representing Gunnar Gudjonsson	8(C)
John Finger	Hog Island Oyster Company	8(B)
Michael Toussaint	Marin Oyster Company	8(B)
Judy Trumper	Pacific Rim Sea Food	8(C)
Tom Raftican	The Sportfishing Conservancy	8(C)
George Trevelyan	Grassy Bar Oyster Company	8(B)
Bernard Friedman	Santa Barbara Mariculture	8(B)
Bill Gaines	California Outdoor Heritage Alliance	10(B)
Ed Worley	National Rifle Association	10(B)
Ashley Blacow	Oceana	10(A)
Kevin Chu	NOAA Fisheries	11

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

1. PUBLIC FORUM.
Received public testimony from the following individuals: Dennis Byrne, Eric Mills, E. B. Duggan, George Osborn, Paul Weakland and John Corbett.
2. PRESENTATION OF THE WARDEN OF THE YEAR AWARD.
Deputy Director Foley recognized Warden Robert Pelzman as Warden of the Year. The Commission presented a resolution to Warden Pelzman. No public testimony.
3. PRESENTATION OF TRIBAL HARVESTING PAPER BY DR. JEANINE PFEIFFER ET AL., ENTITLED "NATIVE SCIENCE, HARVESTING, AND CONSERVATION."
Dr. Jeanine Pfeiffer summarized her report. Received public testimony.
4. (A) PURSUANT TO SECTION 2074.2 OF THE FISH AND GAME CODE, CONSIDERATION OF THE DEPARTMENT'S INITIAL REVIEW AND RECOMMENDATION, AND POSSIBLE ACTION ON THE PETITION TO LIST BLACK-BACKED WOODPECKER (*Picoides arcticus*) AS THREATENED OR ENDANGERED UNDER THE CALIFORNIA ENDANGERED SPECIES ACT.
Received a summary from Acting Executive Director Fischer. Received the Department's report from Daniel Applebee recommending that the petition

not be accepted. Received public testimony.

MOVED BY M. SUTTON, SECONDED BY J. BAYLIS, TO TABLE THIS ITEM TO THE JUNE OR LATER FISH AND GAME COMMISSION MEETING TO RECEIVE THE DEPARTMENT'S EVALUATION OF THE PETITIONERS' MARCH 24 LETTER SUBMITTING ADDITIONAL INFORMATION AND DIRECTED THE DEPARTMENT TO PROVIDE DRAFT 2084 REGULATIONS AT THE SAME MEETING.

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

ABSENT: D. RICHARDS.

MOTION PASSED.

- (B) PURSUANT TO SECTION 2084 OF THE FISH AND GAME CODE, CONSIDERATION AND POSSIBLE EMERGENCY ACTION TO ADD SECTION 749.7, TITLE 14, CCR, RE: SPECIAL ORDER RELATING TO INCIDENTAL TAKE OF BLACK-BACKED WOODPECKER DURING CANDIDACY PERIOD. (Note: This item will only be considered if the Commission makes a finding that listing the black-backed woodpecker as threatened or endangered may be warranted.)
No action necessary.
5. SCOPING OF POSSIBLE 2011 UPLAND GAME REGULATION CHANGES.
Received the Department's update from Dan Yparraguirre regarding proposed changes. No public testimony.
6. SCOPING OF POSSIBLE 2011 WILDLIFE AREA AND ECOLOGICAL RESERVE REGULATION CHANGES.
Received the Department's summary from Brad Burkholder regarding the process and proposed regulation changes. Received public testimony.
7. RECEIPT OF LEGISLATIVE REPORTS.
- (A) DEPARTMENT OF FISH AND GAME REPORT.
Received report from Susan LaGrande. Received public testimony.
- (B) POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.
This item was combined with agenda item 10(B) below.
8. RECEIPT OF DEPARTMENT OF FISH AND GAME INFORMATIONAL ITEMS.
- (A) RECEIPT OF DEPARTMENT OF FISH AND GAME DIRECTOR'S REPORT.
Director McCamman provided updates on ALDS and compliance. Marine Region Manager Marija Vojkovich reported on California's damages and effects of the March 11, 2011, tsunami. No public testimony.
- (B) UPDATE ON DEPARTMENT RECOMMENDATION ON STATE WATER BOTTOM LEASE TERMS AND RENTAL RATES.
Received the Department's report from Deputy Director Mastrup. He reported that the Department's Aquaculture Coordinator had left the Department and that a draft lease template was expected to be completed by week's end and posted on the Department's website. Received public testimony.

- (C) UPDATE ON MR. GUNNAR GUDJONSSON'S REQUEST FOR AN EXPERIMENTAL GEAR PERMIT TO TRAP BROWN BOX CRAB FOR COMMERCIAL PURPOSES.
Received the Department's report and recommendation from Marine Region Manager Marija Vojkovich. Received public testimony.
 - (D) UPDATE ON ENFORCEMENT.
Received the Department's update from Rob Allen. Received public testimony.
 - (E) OTHER.
There was no report.
9. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.
- (A) KELP LEASE APPLICATIONS.
Dr. Craig Shuman provided an update and recommended this item be referred to the Marine Resources Committee. Received public testimony.
 - (B) OTHER.
Acting Executive Director Fischer reported that the San Jose Mule Deer Foundation sold a fundraising tag raising \$31,000 for the children of the victims of the January 5, 2010, DFG helicopter crash. No public testimony.
10. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.
- (A) MARINE RESOURCES COMMITTEE.
Dr. Craig Shuman reported on the February Marine Resources Committee meeting and that the next meeting was scheduled for May 25 in Santa Barbara. Received public testimony.
 - (B) AL TAUCHER'S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE.
Acting Executive Director Fischer reported on the recent meeting held on March 29 meeting. He reported that the committee passed resolutions to support Assembly Bills 1046 and 528 and a no change alternative for striped bass regulations. Received public testimony.

MOVED BY J. KELLOGG, SECONDED BY J. BAYLIS, TO SUPPORT ASSEMBLY BILL 1046, BILL BERRYHILL, REGARDING THE RIGHT TO HUNT LEGISLATION AS AMENDED ON FEBRUARY 18, 2011.
ROLL CALL VOTE:
AYES: J. BAYLIS, J. KELLOGG, R. ROGERS.
ABSTAIN: M. SUTTON.
ABSENT: D. RICHARDS.
MOTION PASSED.
 - (C) AQUACULTURE COMMITTEE.
Commissioner Rogers reported that the committee had not met and was waiting for the completion of the lease template. No public testimony.

- (D) OTHER.
There was no report.
 - 11. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.
Received a brief report from Kevin Chu, NOAA Fisheries. 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.
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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.
- VIII. UNITED ANGLERS OF SOUTHERN CALIFORNIA; COASTSIDE FISHING CLUB; AND ROBERT C. FLETCHER vs. CALIFORNIA FISH AND GAME COMMISSION RE: SOUTH COAST STUDY REGION AND NORTH CENTRAL COAST STUDY REGION MARINE PROTECTED AREAS UNDER THE MARINE PROTECTION ACT.

- 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 meeting recessed at 4:05 p.m. to reconvene on April 7, 2011, at 8:30 a.m.