

**State of California
FISH AND GAME COMMISSION**

Staff Summary, Meeting of May 5, 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 Doubletree Hotel Ontario Airport, 222 North Vineyard Avenue, Lake Arrowhead Room, Ontario, California on May 5, 2011. The meeting was called to order at 8:33 a.m. by Vice-President Rogers.

FISH AND GAME COMMISSION

Jim Kellogg	President	Absent
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
Carol Horn	Executive Assistant

OFFICE OF THE ATTORNEY GENERAL

Rick Thalhammer	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

Sonke Mastrup	Deputy Director, Resources Management & Policy Division (RMPD)
Kirsten Ramey	Marine Region (Via Skype)
Kyle Chang	Law Enforcement Division

The following persons were present and heard:

<u>Name</u>	<u>Organization</u>	<u>Agenda Item(s)</u>
Evelyn Meister	Concerned Citizen/Wildhaven Ranch	12
Mark Krausse	Pacific Gas and Electric Company	12
Cary Chitwood	Concerned Citizen	12
Evan Salvay	Concerned Sport Fisherman	12
Lia Protopapadakis	Santa Monica Bay Restoration Commission	12
Bort Carleton	Concerned Citizen/Wildhaven Ranch	12
Roger Williams	For Assembly Member Tim Donnelly	12
Mark Maxey	Concerned Citizen	12
Jennifer Erickson	Concerned Citizen	12
Paul Weakland	Commercial Fisherman	12, 14, 18, 19, 23

Dr. Paul Boccumini	Wildhaven Ranch	12
Bernard Friedman	Santa Barbara Mariculture	19
Martin Strain	Point Reyes Oyster Company	19
Michael Toussiant	Marin Oyster Company	19
John Finger	Hog Island Oyster Company	19
George Trevelyan	Grassy Bar Oyster Company	19
George Osborn	Partnership for Sustainable Oceans	21

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

12. CONTINUATION OF PUBLIC FORUM.
Received public testimony from the following individuals: Evelyn Meister, Mark Krausse, Cary Chitwood, Evan Salvay, Lia Protopapdakis, Bort Carleton, Roger Williams, Mark Maxey, Jennifer Erickson, Paul Weakland and Dr. Paul Boccumini (Dr. Boccumini spoke after item number 17).

13. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.
Deputy Attorney General Thalhammer reported that he advised the Commissioners on litigation issues and that a settlement offer was agreed on regarding the James Bunn litigation. He also reported that the vacant Executive Director position was discussed. There was no action taken and no public testimony.

14. UPDATE AND POSSIBLE COMMISSION ACTION ON REQUEST OF THE CULTURED ABALONE INC., SANTA BARBARA COUNTY, TO LEASE KELP BED NO. 26.
Acting Executive Director Fischer provided a brief summary and background. He indicated the need to rectify an administrative issue/procedure and recommended agendaizing the item for a special Commission May teleconference meeting. Received public testimony.

15. (A) POSSIBLE FINAL CERTIFICATION OF ENVIRONMENTAL DOCUMENTS, ADOPTION OF FINDINGS AND PROPOSED PROJECTS (OR ALTERNATIVES) FOR BEAR AND/OR BIGHORN SHEEP. (Action only, no further public comments. Certification of one or more of the environmental documents and associated adoption of findings and projects may be continued to a future meeting.)
Acting Executive Director Fischer summarized the item. Deputy Director Mastrup provided an update, including changes, and recommended the Commission certify the Bighorn Sheep Environmental Document. He further recommended that the Bear Environmental Document needed to be corrected and recirculated and proposed to reschedule it for discussion at the June 29- 30, 2011, Commission meeting. No public testimony.

MOVED BY M. SUTTON, SECONDED BY J. BAYLIS, TO CERTIFY THE FINAL ENVIRONMENTAL DOCUMENT FOR BIGHORN SHEEP.
AYES: J. BAYLIS, R. ROGERS, M. SUTTON.
ABSENT: J. KELLOGG, D. RICHARDS.
MOTION PASSED.

MOVED BY M. SUTTON, SECONDED BY J. BAYLIS, TO ADOPT PROPOSED PROJECTS AND CHANGES AS SPECIFIED BY THE DEPARTMENT FOR THE 2011-2012 MAMMAL HUNTING REGULATIONS.
AYES: J. BAYLIS, R. ROGERS, M. SUTTON.

**ABSENT: J. KELLOGG, D. RICHARDS.
MOTION PASSED.**

- (B) POSSIBLE ADOPTION OF TAG QUOTA CHANGES, CLARIFICATIONS AND URGENCY CHANGES FOR THE 2011-2012 MAMMAL HUNTING REGULATIONS. (Note: Adoption of some/all regulations could be continued to a future meeting.)

MOVED BY M. SUTTON, SECONDED BY J. BAYLIS, TO ADOPT TAG QUOTA CHANGES, CLARIFICATIONS AND URGENCY CHANGES FOR THE 2011-2012 MAMMAL HUNTING REGULATIONS WHICH INCLUDED NO CHANGE TO THE REPORTED HARVEST THRESHOLD OF 1,700 BEARS TO CLOSE THE SEASON AND NO CHANGE TO THE OPENING DATE FOR ARCHERY BEAR SEASON.

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

16. RECEIPT OF PUBLIC RECOMMENDATIONS AND REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTIONS 300, 311 AND 472, TITLE 14, CCR, RE: RESIDENT AND MIGRATORY UPLAND GAME HUNTING. (Note: The discussion hearing is scheduled for June 30, 2011. Additional discussion and possible adoption of the regulations are scheduled for August 4, 2011.)

Acting Executive Director Fischer introduced the item. Deputy Director Mastrup described five specific proposals. Commissioner Sutton made reference to two future proposals for possible consideration regarding sage grouse regulations and the use of non-toxic ammunition. No public testimony.

MOVED BY J. BAYLIS, SECONDED BY M. SUTTON, TO AUTHORIZE STAFF TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND RESIDENT AND MIGRATORY UPLAND GAME HUNTING REGULATIONS.

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

17. RECEIPT OF PUBLIC RECOMMENDATIONS AND REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO CONSIDER AMENDMENTS TO THE MIGRATORY GAME BIRD (WATERFOWL) REGULATIONS FOR 2011-2012, SECTION 502, TITLE 14, CCR. (Note: The discussion hearing is scheduled for June 30, 2011. Additional discussion and possible adoption of the regulations are scheduled for August 4, 2011.)

Acting Executive Director Fischer introduced the item. Deputy Director Mastrup described five specific proposals. No public testimony.

MOVED BY M. SUTTON, SECONDED BY J. BAYLIS, TO AUTHORIZE STAFF TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND THE MIGRATORY GAME BIRD (WATERFOWL) REGULATIONS FOR 2011-2012.

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

18. (A) UPDATE ON STATUS OF FEDERAL GROUND FISH FISHING REGULATIONS. **Acting Executive Director Fischer summarized the item and proposed that this item be considered at a special Commission May teleconference meeting.**

(B) POSSIBLE RECONSIDERATION OF COMMISSION'S OCTOBER 21, 2010 ACTION TO ADOPT CHANGES TO THE GROUND FISH FISHING REGULATIONS FOR 2011-2012, SECTION 27.20 ET AL., TITLE 14, CCR. **Deputy Director Mastrup summarized the item. Received public testimony.**

MOVED BY J. BAYLIS, SECONDED BY M. SUTTON, TO AUTHORIZE STAFF TO PUBLISH A CONTINUATION NOTICE OF COMMISSION INTENT TO AMEND GROUND FISH REGULATIONS AND TO AGENDIZE THE ITEM FOR A SPECIAL COMMISSION TELECONFERENCE MEETING TO BE SCHEDULED IN MAY.

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

ABSENT: J. KELLOGG, D. RICHARDS.

MOTION PASSED.

19. REVIEW AND DISCUSSION OF STATE WATER BOTTOM LEASE TEMPLATE FOR AQUACULTURE, INCLUDING RENTAL RATE AND TERM CONDITIONS. **Acting Executive Director Fischer summarized the item. Received the Department's report from Kirsten Ramey (via Skype). Received public testimony.**

Commission staff to schedule workshops to work with industry, Department and the legislature. Commission staff to also finalize the lease template and agendize for possible approval at the Commission's June/August meeting.

20. CONSIDERATION AND POSSIBLE APPROVAL OF MR. GUNNAR GUDJONSSON'S REQUEST FOR AN EXPERIMENTAL GEAR PERMIT TO TRAP BROWN BOX CRAB FOR COMMERCIAL PURPOSES.

Acting Executive Director Fischer summarized the item. No public testimony.

MOVED BY J. BAYLIS, SECONDED BY M. SUTTON, TO APPROVE THE REQUEST OF MR. GUNNAR GUDJONSSON FOR AN EXPERIMENTAL GEAR PERMIT TO TRAP BROWN BOX CRAB FOR COMMERCIAL PURPOSES.

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

ABSENT: J. KELLOGG, D. RICHARDS.

MOTION PASSED.

CONSENT CALENDAR

ITEM NUMBER 21 WAS PULLED FROM THE CONSENT CALENDAR AND HEARD SEPARATELY AND PUBLIC TESTIMONY WAS RECEIVED FROM PAUL WEAKLAND REGARDING ITEM NUMBER 23.

MOVED BY M. SUTTON, SECONDED BY J. BAYLIS, TO APPROVE CONSENT CALENDAR ITEM NUMBERS 22-25.

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

ABSENT: J. KELLOGG, D. RICHARDS.

MOTION PASSED.

21. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO CONSIDER AMENDMENTS OF THE SPORT FISHING REGULATIONS FOR 2011-2012. (Note: The discussion hearing is scheduled for June 30, 2011. Additional discussion and possible adoption of the proposed regulations are scheduled for August 4, 2011.) **Acting Executive Director Fischer summarized the item. Deputy Director Mastrup reported that based on a public recommendation heard during public forum today, he recommended a separate rulemaking file to consider changes to the spotted/salt water bass regulations and to not include it into this batch of the sport fishing regulations for the 2011-2012 season. No public testimony.**

MOVED BY J. BAYLIS, SECONDED BY M. SUTTON, TO AUTHORIZE STAFF TO PUBLISH NOTICE OF COMMISSION INTENT TO CONSIDER AMENDMENTS OF THE SPORT FISHING REGULATIONS FOR 2011-2012, AND TO START A NEW SEPARATE RULEMAKING FILE FOR THE CONSIDERATION OF AMENDING SPOTTED/SALT WATER BASS REGULATIONS.

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

ABSENT: J. KELLOGG, D. RICHARDS.

MOTION PASSED.

22. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTIONS 671.1 AND 703, AND ADD SECTION 671.8, TITLE 14, CCR, RE: INSPECTION OF FACILITIES FOR RESTRICTED SPECIES. (Note: The discussion hearing is scheduled for June 30, 2011. The adoption hearing is scheduled for August 4, 2011.) **Approved. No public testimony.**

23. RECEIPT OF AND POSSIBLE COMMISSION ACTION ON REQUEST OF THE ABALONE FARM, INC., TO RENEW OR EXTEND LEASE FOR KELP BEDS NO. 204 AND 207, SAN LUIS OBISPO COUNTY. **Approved. Received public testimony.**

24. POSSIBLE APPROVAL OF ANNUAL REPORT AND 2011 PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA PLANS FOR:

- (A) AVENALES RANCH, SAN LUIS OBISPO COUNTY
- (B) BIG MORONGO SPRINGS RANCH, SAN BERNARDINO COUNTY
- (C) BLACK RANCH, SHASTA COUNTY
- (D) BUCKEYE RANCH, SOLANO COUNTY
- (E) BURROWS RANCH, TEHAMA COUNTY
- (F) CAPISTRAN RACH, MENDOCINO COUNTY
- (G) CARLEY RANCH, MENDOCINO COUNTY
- (H) CARNAZA WILDLIFE MANAGEMENT AREA, SAN LUIS OBISPO COUNTY
- (I) CEDAR CANYON RANCH, SAN LUIS OBISPO COUNTY
- (J) CHIMNEY ROCK RANCH, SAN LUIS OBISPO COUNTY
- (K) CHRISTENSEN RANCH, MENDOCINO COUNTY
- (L) CONNOLLY/CORRAL HOLLOW RANCH, SANTA CLARA COUNTY
- (M) COON CREEK RANCH, SANTA CLARA COUNTY
- (N) COTTRELL RANCH, HUMBOLDT COUNTY
- (O) DIAMOND C OUTFITTERS, HUMBOLDT COUNTY
- (P) ELK CREEK PLM, MENDOCINO COUNTY
- (Q) ENG RANCH, SAN LUIS OBISPO COUNTY
- (R) FIVE-DOT RANCH HORSE LAKE UNIT, LASSEN COUNTY

- (S) FIVE-DOT RANCH SCHOOL SECTION UNIT, LASSEN COUNTY
- (T) FIVE-DOT RANCH TUNNEL SPRINGS UNIT, LASSEN COUNTY
- (U) FIVE-DOT RANCH WILLOW CREEK UNIT, LASSEN COUNTY
- (V) GABILAN RANCH, MONTEREY COUNTY
- (W) INDIAN VALLEY CATTLE COMPANY, MONTEREY COUNTY
- (X) ISABEL VALLEY RANCH, SANTA CLARA COUNTY
- (Y) LEWIS RANCH, SAN BENITO COUNTY
- (Z) MALLISON RANCH, SANTA CLARA COUNTY
- (AA) MILLER/ERIKSEN RANCH, MENDOCINO COUNTY
- (BB) POCKET RANCH, SONOMA COUNTY
- (CC) POTTER VALLEY RANCH, MENDOCINO COUNTY
- (DD) RED ROCK RANCH, LASSEN COUNTY
- (EE) ROOSTER COMB RANCH, STANISLAUS COUNTY
- (FF) SANHEDRIN PLM, MENDOCINO COUNTY
- (GG) SCHNEIDER RANCH, MENDOCINO COUNTY
- (HH) SEVEN SPRINGS RANCH, MENDOCINO COUNTY
- (II) SL RANCH, MODOC COUNTY
- (JJ) SPANISH VALLEY RANCH, NAPA COUNTY
- (KK) SPRING VALLEY RANCH, MENDOCINO COUNTY
- (LL) STEWART RANCH, TRINITY COUNTY
- (MM) SUMMER CAMP PLM, MENDOCINO COUNTY
- (NN) TEMBLOR WILDLIFE MANAGEMENT AREA, SAN LUIS OBISPO COUNTY
- (OO) TG & C CARRISA RANCH, SAN LUIS OBISPO COUNTY
- (PP) TRINCHERO RANCH, SAN BENITO COUNTY
- (QQ) WORK RANCH, MONTEREY COUNTY

Approved. No public testimony.

25. CONSIDERATION AND POSSIBLE APPROVAL OF PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA LICENSE (2011-2016) AND 2011-2012 MANAGEMENT PLAN FOR:

- (A) CLARK AND WHITE RANCH, SAN LUIS OBISPO COUNTY
- (B) DEFRANCESCO AND EATON RANCH, MERCED COUNTY
- (C) LONE RANCH, SAN BENITO COUNTY
- (D) RANCHO LA CUESTA, SAN BENITO COUNTY
- (E) RANCHO LOS CERRITOS RANCH, YOLO COUNTY
- (F) SHAMROCK RANCH, MENDOCINO COUNTY
- (G) SLICK ROCK RANCH, SANTA CLARA COUNTY
- (H) SWEETWATER RANCH, SANTA CLARA COUNTY

Approved. No public testimony.

OTHER

26. COMMISSION FOLLOW-UP, MEETING REVIEW, AND STAFF DIRECTION.
List to be established by staff.

27. ANNOUNCEMENT OF FUTURE MEETINGS.

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

June 29 (Wed.) June 30 (Thurs.)	Lexington Plaza Waterfront Hotel 110 W. Freemont Street Stockton
August 3 (Wed.) August 4 (Thurs.)	State of California Resources Agency Building Auditorium 1416 Ninth Street Sacramento
September 15 (Thurs.)	Red Lion Hotel 1830 Hilltop Drive 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

Summer WAFWA Meeting July 15-20, 2011
Federal Waterfowl Meeting July 28-29, 2011

There being no further business, the Fish and Game Commission meeting adjourned at 11:43 a.m.