

**State of California  
FISH AND GAME COMMISSION**

**Staff Summary, Meeting of June 29-30, 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 University Plaza Waterfront Hotel, 110 W. Fremont Street, Waterfront Ballroom, Stockton, California on June 30, 2011. The meeting was called to order at 8:31 a.m. by President Kellogg.

**FISH AND GAME COMMISSION**

Jim Kellogg	President	Present
Richard Rogers	Vice-President	Present (left at approximately 12:30 p.m.)
Michael Sutton	Member	Present
Daniel Richards	Member	Present (left at approximately 11:00)
Jack Baylis	Member	Present (left at approximately 11:30)

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**

Cecilia Dennis	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
Rob Allen	Law Enforcement Division
Lori Oldfather	Law Enforcement Division
James Baugus	Law Enforcement Division
Stafford Lehr	Chief, Fisheries Branch
Dr. Eric Loft	Chief, Wildlife Branch
Pete Kalvass	Marine Region
Dan Yparraguirre	Wildlife Branch
Joseph Johnson	North Central Region (Region 2)

The following persons were present and heard:

<u>Name</u>	<u>Organization</u>	<u>Agenda Item(s)</u>
John Duffy	Concerned Citizen	10
Ed Worley	National Rifle Association	10
Tom Pedersen	California Rifle & Pistol Association	10
H. Paul Payne	National Rifle Association	10
Alan Ekstrand	UC Davis	10
Monica Engebretson	Born Free USA	10, 29
Jennifer Fearing	The Humane Society of the US	10, 25A
Autumn Bremer	Fort Bragg Marine	16
Jim Martin	Recreational Fishing Alliance	16
Bill Bernard	Al Taucher Advisory Committee	16
Milo Vukovich	SCAN	16
Judy Trumper	Fort Bragg Marine	16
Virginia Handley	PAWPAC	22G, 25A, 29
Madeline Bernstein	SPCA/LA	22G, 29
Connie Buck	Teacher	22E
Maureen McCorry	Valley Eco Connection	22E
George Osborn	Coastside Fishing Club	25A
Dan Taylor	Audubon of California	26
Mark Hennelly	CA Outdoor Heritage Alliance	26, 27
Jim Waters	California Waterfowl Association	27
Traci Barsuglia	Concerned Citizen	29
Diana Frieling	Windswept Ranch	29
Mike Schultz	Concerned Citizen	29
Vic Lukas	U. C. Davis/Veterinarian	29
Melinda Alvarado	Concerned Citizen	29
Nicole Paquette	Humane Society of the United States	29
Leslie Field	Sacramento Zoo	29
Harrison Edell	California Association of Zoos and Aquariums	29
Richard Harris	Feld Entertainment/Ringling Brothers Circus	29
Daniel Brian	The Humane Society of the US	29
Joseph Carvalho	Carvalho Friends of a Feather	29
Stephanie Carvalho	Carvalho Friends of a Feather	29
Bonnie Crumwell	Classroom Safari	29
Rob Dicely	Wild Cat Education /IAWA	29
Charlie Sammut	International Animal Welfare Association	29

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

10. CONTINUATION OF PUBLIC FORUM.

**Received public testimony from the following individuals: John Duffy, Ed Worley, Tom Pedersen, H. Paul Payne, Alan Ekstrand, Monica Engebretson and Jennifer Fearing.**

## CONSENT CALENDAR

Acting Executive Director Fischer reported that Item Nos. 14 and 16 were removed from the Consent Calendar.

***MOVED BY R. ROGERS, SECONDED BY D. RICHARDS, TO APPROVE CONSENT CALENDAR ITEM NUMBERS 11-13, 15, AND 17-20.***

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

11. CONSIDERATION AND POSSIBLE APPROVAL OF 2011-2012 CALIFORNIA DUCK STAMP PROJECTS.  
**Approved. No public testimony.**
12. ADOPTION OF DEPARTMENT'S RECOMMENDATION FOR MODIFICATION OF THE COMMISSION'S POLICY ON "STOCKING FISH IN WATERS WHERE ANGLERS PAY ACCESS FEES."  
**Approved modification of Commission's policy. No public testimony.**
13. (A) EXTENSION OF STATE WATER BOTTOM LEASE NO. M-430-12, MR. JOHN FINGER, HOG ISLAND OYSTER COMPANY, MARIN COUNTY.  
**Approved lease extension. No public testimony.**
- (B) EXTENSION OF STATE WATER BOTTOM LEASE NO. M-430-02, MR. MICHAEL TOUSSAINT, MARIN OYSTER COMPANY, MARIN COUNTY.  
**Approved lease extension. No public testimony.**
- (C) EXTENSION OF STATE WATER BOTTOM LEASE NO. M-430-14, MR. MARTIN STRAIN, POINT REYES OYSTER COMPANY, MARIN COUNTY.  
**Approved lease extension. No public testimony.**
- (D) EXTENSION OF STATE WATER BOTTOM LEASE NO. M-635-02, MR. BERNARD FRIEDMAN, SANTA BARBARA MARICULTURE COMPANY, SANTA BARBARA COUNTY.  
**Approved lease extension. No public testimony.**
- (E) EXTENSION OF STATE WATER BOTTOM LEASE NOS. M-614-01, PARCEL #1, AND M-614-02, MR. GEORGE TREVELYN, GRASSY BAR OYSTER COMPANY, SAN LUIS OBISPO COUNTY.  
**Approved lease extension. No public testimony.**
14. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SUBSECTIONS 551(G), (J) AND (Q), AND SECTIONS 700.4, 701, AND 705, AND REPEAL SECTION 407, TITLE 14, CCR, RE: WILDLIFE AREA PASSES AND ANNUAL FEE ADJUSTMENTS FOR SPORT AND COMMERCIAL FISHING. (Note: The discussion hearing is scheduled for the August 4, 2011, meeting in Sacramento and the adoption hearing is scheduled for the September 15, 2011, meeting in Redding.)  
**Removed from the Consent Calendar. Received the Department's summary from Deputy Director Mastrup. No public testimony.**

**MOVED BY M. SUTTON, SECONDED BY D. RICHARDS, TO AUTHORIZE STAFF TO PUBLISH NOTICE TO AMEND REGULATIONS REGARDING WILDLIFE AREA PASSES AND ANNUAL FEE ADJUSTMENTS FOR SPORT AND COMMERCIAL FISHING. AYES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON. PASSED UNANIMOUSLY.**

15. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTIONS 163 AND 164, TITLE 14, CCR, RE: HARVEST OF HERRING AND HERRING EGGS. (Note: The discussion hearing is scheduled for the August 4, 2011, meeting in Sacramento and the adoption hearing is scheduled for the September 15, 2011, meeting in Redding.) **Authorized staff to publish notice to amend herring and herring eggs regulations. No public testimony.**
16. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 29.15, TITLE 14, CCR, RE: ABALONE. (Note: The discussion hearing is scheduled for the August 4, 2011, meeting in Sacramento and the adoption hearing is scheduled for the September 15, 2011, meeting in Redding.) **Removed from the Consent Calendar. Received the Department's summary from Pete Kalvass. Commission directed the Department to evaluate Mendocino Abalone Watch's recommendations for possible inclusion in an amended ISOR and to explore options to open areas that are currently closed to the take of abalone. Received public testimony.**

**MOVED BY R. ROGERS, SECONDED BY M. SUTTON, TO AUTHORIZE STAFF TO PUBLISH NOTICE TO AMEND ABALONE REGULATIONS. AYES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON. PASSED UNANIMOUSLY.**

17. REQUEST TO AMEND STATE WATER BOTTOM LEASE M-430-04, BROTHERS BERNAL OYSTER COMPANY, TOMALES BAY, MARIN COUNTY. **Approved request. No public testimony.**
18. POSSIBLE APPROVAL OF ANNUAL REPORT AND 2011 PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA PLANS FOR:
- (A) ABERNATHY RANCH, SHASTA COUNTY
  - (B) ALEXANDER RANCH, MONTEREY COUNTY
  - (C) BARDIN RANCH, MONTEREY COUNTY
  - (D) BIG BLUFF RANCH, TEHAMA COUNTY
  - (E) CORNING LAND AND CATTLE COMPANY, TEHAMA COUNTY
  - (F) EDEN VALLEY RANCH, MENDOCINO COUNTY
  - (G) FIVE DOT RANCH—AVILA UNIT, LASSEN COUNTY
  - (H) FOUR PINES RANCH, MENDOCINO COUNTY
  - (I) HARTNELL RANCH, MONTEREY COUNTY
  - (J) JS RANCH, SHASTA COUNTY
  - (K) LLANO SECO RANCHO, BUTTE COUNTY
  - (L) LOOKOUT RANCH, MODOC COUNTY
  - (M) MEISSNER RANCH, SHASTA COUNTY
  - (N) MENDIBOURE RANCH, LASSEN COUNTY
  - (O) ORDWAY RANCH, CALAVERAS COUNTY
  - (P) REDWOOD HOUSE RANCH, HUMBOLDT COUNTY

- (Q) ROBERTS RANCH, MODOC COUNTY
- (R) ROCK CREEK RANCH, BUTTE/TEHAMA COUNTIES
- (S) SANTA CATALINA ISLAND, LOS ANGELES COUNTY
- (T) SOPER-WHEELER RANCH, YUBA COUNTY
- (U) SOUTH KNOB RANCH, LASSEN COUNTY
- (V) SPURLOCK RANCH, GLENN COUNTY
- (W) SUGARLOAF-BANGOR RANCH, YUBA COUNTY
- (X) TEJON RANCH, KERN AND LOS ANGELES COUNTIES
- (Y) WILLIAMS RANCH, SHASTA COUNTY

**Approved annual reports and plans. No public testimony.**

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

- (A) BORELLO RANCH, MARIN COUNTY
- (B) COON CAMP SPRINGS, LASSEN COUNTY
- (C) PINE RANCH, YOLO COUNTY
- (D) R-R RANCH, MENDOCINO COUNTY
- (E) TRIPLE B RANCH, SHASTA COUNTY

**Approved licenses and management plans. No public testimony.**

20. POSSIBLE APPROVAL OF MODIFICATION OF AUTHORIZED HARVESTS AND SEASONS FOR POTTER VALLEY RANCH.

**Approved modification of authorized harvest and seasons. No public testimony.**

### **DISCUSSION ITEMS**

21. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.

**President Kellogg announced that the Commission selected Sonke Mastrup, its new Executive Director, effective July 8, 2011. He also thanked Mr. Fischer for a fantastic job over the last year and announced the retirement of Carol Horn after 35 years of state service. No public testimony.**

22. RECEIPT OF DEPARTMENT OF FISH AND GAME INFORMATIONAL ITEMS.

(A) RECEIPT OF DEPARTMENT OF FISH AND GAME DIRECTOR'S REPORT.  
**Received Director McCamman's report regarding ALDS, big game draw, fund-raising drawing and Strategic Vision Committee. No public testimony.**

(B) UPDATE ON FINDINGS ON THE PETITION TO LIST THE CEDARS WILD BUCKWHEAT (*Eriogonum cedrorum*) AS AN ENDANGERED SPECIES.  
**Deputy Director Mastrup reported that the Department was finishing the findings and anticipated that they would be available for the August Commission meeting. No public testimony.**

(C) UPDATE ON STATUS OF DRAFT ENVIRONMENTAL DOCUMENT REGARDING BEAR HUNTING.  
**Dan Yparraguirre provided a powerpoint status update. No public testimony.**

- (D) WILDLIFE AND FISHERIES DIVISION UPDATE: STURGEON RESCUE.  
**Joseph Johnson provided a powerpoint review of the sturgeon rescue and stated that regulation changes may be needed. No public testimony.**
  - (E) OFFICE OF COMMUNICATIONS, EDUCATION AND OUTREACH: EDUCATION PRESENTATION.  
**Received the Department's report from Deputy Director Traverso. Also received presentations from Connie Buck and Maureen McCorry regarding the Project Wild Program. No public testimony.**
  - (F) LAW ENFORCEMENT DIVISION UPDATE.  
**Chief Foley reported on the following: Warden Academy graduation on August 12, ALDS assists enforcement personnel, fines and penalties, and a big deer poaching/commercialization case. No public testimony.**
  - (G) OTHER.  
**Received public testimony regarding the live animal markets.**
23. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.  
**Acting Executive Director Fischer reported that there were no informational items. No public testimony.**
24. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.
- (A) MARINE RESOURCES COMMITTEE.  
**Dr. Craig Shuman reported on the committee meeting held on May 25. He indicated that they anticipate preparation of a regulatory package for kelp bass and sand bass to be submitted in the fall of 2011. Next meeting is tentatively scheduled for August in Monterey. No public testimony.**
  - (B) AL TAUCHER'S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE.  
**Acting Executive Director Fischer reported the committee last met on March 29 and may schedule a meeting in August. No public testimony.**
  - (C) OTHER.  
**No report. No public testimony.**
25. 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.
    - I. AB 1046 (BILL BERRYHILL) HUNTING OR TAKING GAME. SUPPORTED BY TAUCHER COMMITTEE.
    - II. AB 337 (MONNING) OCEAN RESOURCES: OCEAN PROTECTION COUNCIL: SUSTAINABLE SEAFOOD. SUPPORTED BY MARINE RESOURCES COMMITTEE.

- III. AB 376 (FONG AND HUFFMAN) SHARK FIN. SUPPORTED BY MARINE RESOURCES COMMITTEE.

**Commissioner Sutton reported that the MRC supported AB 337 and AB 376. He reported that AB 1046 failed to pass committee so now it is a two-year bill and suggested it might be more appropriate to write a letter of support next year. Received public testimony.**

***MOVED BY R. ROGERS, SECONDED BY J. KELLOGG, TO SEND LETTERS OF SUPPORT FOR AB 337 AND AB 376 AND TO WAIT UNTIL NEXT YEAR TO OFFICIALLY SUPPORT AB 1046.***

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

***ABSENT: J. BAYLIS AND D. RICHARDS.***

***MOTION PASSED.***

26. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTIONS 300, 311 AND 472, TITLE 14, CCR, RE: RESIDENT AND MIGRATORY UPLAND GAME HUNTING. (Note: Additional discussion and possible adoption of the regulations are scheduled for August 4, 2011.)  
**Received the Department's report on proposed changes from Dan Yparraguirre. Received public testimony.**
27. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO THE MIGRATORY GAME BIRD (WATERFOWL) REGULATIONS FOR 2011-2012, SECTION 502, TITLE 14, CCR. (Note: Additional discussion and possible adoption of the regulations are scheduled for August 4, 2011.)  
**Received the Department's report on proposed changes from Dan Yparraguirre. Received public testimony.**
28. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTIONS 2.10, 7.50(b)(1), 27.65, AND 29.80, TITLE 14, CCR, RE: SPORT FISHING REGULATIONS FOR 2011-2012. (Note: Additional discussion and possible adoption of the proposed regulations are scheduled for August 4, 2011.)  
**Received the Department's report on proposed changes from Rob Allen. No public testimony.**
29. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTIONS 671.1 AND 703, AND ADDITION OF SECTION 671.8, TITLE 14, CCR, RE: INSPECTION OF FACILITIES FOR RESTRICTED SPECIES. (Note: The adoption hearing is scheduled for August 4, 2011.)  
**Received the Department's report on proposed changes from Dr. Eric Loft. Received public testimony.**

#### **OTHER**

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

31. ANNOUNCEMENT OF FUTURE MEETINGS.

**2011 FISH AND GAME COMMISSION  
MEETING SCHEDULE  
[www.fgc.ca.gov](http://www.fgc.ca.gov)**

<b>August 3</b> (Wed.) <b>August 4</b> (Thurs.)	State of California Resources Agency Building Auditorium 1416 Ninth Street <b>Sacramento</b>
<b>September 15</b> (Thurs.)	Red Lion Hotel 1830 Hilltop Drive <b>Redding</b>
<b>October 19</b> (Wed.) <b>October 20</b> (Thurs.)	Beach Resort Monterey 2600 Sand Dunes Drive <b>Monterey</b>
<b>November 16</b> (Wed.) <b>November 17</b> (Thurs.)*	<b>Santa Barbara</b>
<b>December 14</b> (Wed.) <b>December 15</b> (Thurs.)	<b>San Diego</b>

There being no further business, the Fish and Game Commission meeting adjourned at 1:33 p.m.