

State of California
FISH AND GAME COMMISSION
(916) 653-4899
www.fgc.ca.gov

Meeting of
August 3, 2011 (Wednesday)
8:30 a.m.²

Resources Building
Auditorium¹
1416 Ninth Street
Sacramento

AGENDA³

ALL MEETINGS OPEN TO THE PUBLIC

1. **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.
2. **PRESENTATION OF SHIKAR SAFARI CLUB INTERNATIONAL WILDLIFE OFFICER OF THE YEAR FOR 2010 TO ASSISTANT CHIEF MICHAEL P. CARION.**
3. [PETITION TO LIST THE BLACK-BACKED WOODPECKER](#)
 - (A) **RECEIPT OF DEPARTMENT EVALUATION OF INFORMATION FROM PETITIONERS RECEIVED MARCH 24, 2011.**
 - (B) **RECEIPT OF LEGAL COUNSEL EVALUATION/RECOMMENDATION REGARDING PROCESS.**
 - (C) **COMMISSION ACTION/GUIDANCE RELATED TO INFORMATION RECEIVED AFTER MARCH 24, 2011.**

¹ 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.

² The Commission may break for lunch at approximately 12:00 noon.

³ 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.

4. RECEIPT OF DEPARTMENT OF FISH AND GAME INFORMATIONAL ITEMS.
 - (A) RECEIPT OF DEPARTMENT OF FISH AND GAME DIRECTOR'S REPORT.
 - (B) LAW ENFORCEMENT DIVISION UPDATE.
 - (C) OTHER.
5. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.
 - (A) DISCUSSION OF DEPARTMENT PROFESSIONAL OF THE YEAR AWARD PROJECT.
 - (B) ITEMS THAT DID NOT MAKE AGENDA AND NEED TO BE RESCHEDULED.
 - I. UPDATE ON THE FINDINGS OF THE PETITION TO LIST THE CEDARS WILD BUCKWHEAT (*Eriogonum cedrorum*) AS AN ENDANGERED SPECIES.
 - II. DISCUSSION OF DEPARTMENT RESPONSES TO COMMISSION OCTOBER 21, 2010 AND MARCH 3, 2011 QUESTIONS REGARDING SECTION 238.5, TITLE 14, CCR, PRIVATE STOCKING PERMIT, REGULATORY PROPOSAL; AND POSSIBLE COMMISSION ACTION.
 - III. UPDATE ON STATUS OF REGULATORY NOTICE TO AMEND SECTION 550, TITLE 14, CCR, RE: METHODS AUTHORIZED FOR TAKE OF RESIDENT SMALL GAME, BIG GAME, AND NONGAME BIRDS AND MAMMALS ON LANDS ADMINISTERED BY THE DEPARTMENT OF FISH AND GAME.
 - IV. UPDATE ON STATUS OF REGULATORY NOTICE TO AMEND SECTIONS 401, 472, 475 AND 487, AND ADD SECTION 250.7, TITLE 14, CCR, RE: LEAD PROJECTILES, CONDOR RANGE.
 - V. UPDATE ON STATUS OF REGULATORY NOTICE TO AMEND SECTIONS 550, 551, 552 AND 630, ADD SECTION 550.5, AND REPEAL SECTION 553, TITLE 14, CCR, RE: STATE AND FEDERAL WILDLIFE AREAS.
 - (C) OTHER.
6. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.
 - (A) MARINE RESOURCES COMMITTEE.
 - (B) AL TAUCHER'S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE.
 - (C) OTHER.

7. RECEIPT OF LEGISLATIVE REPORTS.
 - (A) DEPARTMENT OF FISH AND GAME REPORT.
 - (B) POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.
8. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.
9. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.
10. NEW BUSINESS. (Note: Any public comment must pertain to new business conveyed by the Commission or staff.)
11. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.
12. DISCUSSION AND POSSIBLE COMMISSION ACTION ON AMENDING THE INITIAL STATEMENT OF REASONS FOR SECTION 29.15, TITLE 14, CCR, RE: ABALONE.
13. COMMISSION RECOGNITION OF NEWLY INDUCTED MEMBERS TO THE CALIFORNIA WATERFOWLERS HALL OF FAME.
14. [CONSIDERATION OF CERTIFICATION OF FINAL ENVIRONMENTAL DOCUMENT AND DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO THE MIGRATORY GAME BIRD \(WATERFOWL\) REGULATIONS FOR 2011-2012, SECTION 502, TITLE 14, CCR.](#)
15. [RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTIONS 163 AND 164, TITLE 14, CCR, RE: HARVEST OF HERRING AND HERRING EGGS. \(Note: The adoption hearing is scheduled for the September 15, 2011, meeting in Redding.\)](#)
16. [DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTIONS 300, 311 AND 472, TITLE 14, CCR, RE: RESIDENT AND MIGRATORY UPLAND GAME HUNTING REGULATIONS.](#)
17. (A) [DISCUSSION AND POSSIBLE ADOPTION OF 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.](#)
 - (B) CONSIDERATION OF JUNE 14, 2011 LETTER FROM ENVIRONMENTAL DEFENSE CENTER REQUESTING EMERGENCY RULEMAKING TO CLOSE THE SISQUOC, SESPE CREEK AND NORTH FORK MATILIJA CREEK WATERSHEDS TO FISHING IN ORDER TO COMPLY WITH THE FEDERAL ENDANGERED SPECIES ACT TO PROTECT STEELHEAD.
18. [DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTIONS 671.1 AND 703, AND ADDITION OF SECTION 671.8, TITLE 14, CCR, RE: INSPECTION OF FACILITIES FOR RESTRICTED SPECIES.](#)

CONSENT CALENDAR

19. POSSIBLE APPROVAL OF ANNUAL REPORT AND 2011 PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA PLANS FOR:
 - (A) BASIN VIEW RANCH, MODOC COUNTY
 - (B) BELL RANCH, TEHAMA COUNTY
 - (C) CLARKS VALLEY RANCH, LASSEN COUNTY
 - (D) EAGLE ROCK RANCH, MENDOCINO COUNTY
 - (E) ELLIS RANCH, TEHAMA COUNTY
 - (F) HATHAWAY RANCH, SHASTA COUNTY
 - (G) PBM FARMS, SISKIYOU COUNTY
 - (H) SNOWSTORM RANCH, LASSEN COUNTY
 - (I) STOVER RANCH, HUMBOLDT COUNTY

20. CONSIDERATION AND POSSIBLE APPROVAL OF PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA LICENSE (2011-2016) AND 2011-2012 MANAGEMENT PLANS FOR:
 - (A) EL RANCHO RIO FRIO, TEHAMA COUNTY
 - (B) LITTLE DRY CREEK RANCH, TEHAMA COUNTY
 - (C) R-WILD HORSE RANCH, TEHAMA COUNTY
 - (D) ROARING RIVER RANCH, SHASTA COUNTY
 - (E) SALT CREEK RANCH, TEHAMA COUNTY

21. 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 THE [SECOND AMENDED PETITION TO LIST THE AMERICAN PIKA \(*Ochotona princeps*\) AS A THREATENED SPECIES.](#)

22. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO ADD SECTION 681, TITLE 14, CCR, RE: HYBRID ANIMALS. (Note: The discussion hearing is scheduled for the September 15, 2011, meeting in Redding and the adoption hearing is scheduled for the October 20, 2011, meeting in Monterey.)

23.
 - (A) REQUEST OF MR. JOHN FINGER, HOG ISLAND OYSTER COMPANY, FOR RENEWAL OF STATE WATER BOTTOM LEASE NO. M-430-12, MARIN COUNTY.

 - (B) REQUEST OF MR. MICHAEL TOUSSAINT, MARIN OYSTER COMPANY, FOR RENEWAL OF STATE WATER BOTTOM LEASE NO. M-430-02, MARIN COUNTY.

 - (C) REQUEST OF MR. MARTIN STRAIN, POINT REYES OYSTER COMPANY, FOR RENEWAL OF STATE WATER BOTTOM LEASE NO. M-430-14, MARIN COUNTY.

 - (D) REQUEST OF MR. BERNARD FRIEDMAN, SANTA BARBARA MARICULTURE COMPANY, FOR RENEWAL OF STATE WATER BOTTOM LEASE NO. M-635-02, SANTA BARBARA COUNTY.

 - (E) REQUEST OF MR. GEORGE TREVELYAN, GRASSY BAR OYSTER COMPANY, FOR RENEWAL OF STATE WATER BOTTOM LEASE NOS. M-614-01, PARCEL #1, AND M-614-02, SAN LUIS OBISPO COUNTY.

- 24. RECEIPT OF DEPARTMENT OF FISH AND GAME ANNUAL REVIEW OF WHITE SEABASS FISHERY MANAGEMENT PLAN FOR 2009-2010 FISHING SEASONS.
- 25. ADOPTION OF THE SOUTH COAST MARINE PROTECTED AREAS MONITORING PLAN AS AN APPENDIX TO THE DRAFT MARINE LIFE PROTECTION ACT MASTER PLAN.

OTHER

- 26. COMMISSION FOLLOW-UP, MEETING REVIEW, AND STAFF DIRECTION. (Note: Any public comment must pertain to Commission follow-up, meeting review, and staff direction conveyed by the Commission or staff.)
- 27. ANNOUNCEMENT OF FUTURE MEETINGS.

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

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

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.
- IX. MARILLEY vs. FISH AND GAME COMMISSION AND DEPARTMENT OF FISH AND GAME RE: COMMERCIAL FISHING PERMIT FEES.

B. POSSIBLE LITIGATION INVOLVING THE COMMISSION.

C. STAFF PERFORMANCE AND COMPENSATION.

D. RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS.
