

**State of California  
FISH AND GAME COMMISSION**

**Staff Summary, Meeting of August 3, 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 Natural Resources Agency Building Auditorium, 1416 Ninth Street, Sacramento, California on August 3, 2011. The meeting was called to order at 8:30 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	<b>Absent</b>

Persons present:

**COMMISSION STAFF**

Sonke Mastrup	Executive Director
Jon K. Fischer	Deputy Executive Director
Adrianna Shea	Deputy Executive Director
Craig Shuman	Marine Advisor
Sherrie Fonbuena	Associate Governmental Program Analyst
Anita Biedermann	Associate Governmental Program Analyst
Sheri Tiemann	Staff Services Analyst

**OFFICE OF THE ATTORNEY GENERAL**

Rick Thalhammer	Deputy Attorney General
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**DEPARTMENT OF FISH AND GAME**

John McCamman	Director
Nancy Foley	Deputy Director, Law Enforcement Division
Susan LaGrande	Deputy Director, Legislation
Rob Allen	Law Enforcement Division
Dr. Eric Loft	Chief, Wildlife Branch
Ian Taniguchi	Marine Region
Dan Yparraguirre	Wildlife Branch
Scott Barrow	Fisheries Branch
Jennifer Ikemoto	Law Enforcement Division

The following persons were present and heard:

<u>Name</u>	<u>Organization</u>	<u>Agenda Item(s)</u>
Rebecca Walker	Eagle Lake General Store	1
Valerie Aubrey	Eagle Lake Fishing Information and Network	1
Karl Kerster	Kerster's Falconry	1
Tom Stephan	Southwest Raptor Project	1

Richard Smith	California Veterinarian (Ferrets)	1
Jeremy Trimm	Legalize ferrets.org	1
Christine Newman	Ferret Legalization	1
Eric Mills	Action For Animals	1, 7B
Paul Weakland	Commercial Fisherman	1, 4A, 6C, 12
Paul Snider	Shikar Safari Club International	2
Michael Carion	Fish and Game/Assistant Chief Law Enforcement	2
Justin Augustine	Center for Biological Diversity	3
Chad Hanson	John Muir Project	3
Tom Engstrom	Sierra Pacific Industries	3
George Osborn	Ca. Association of Recreational Fishing & Mt. Lassen Trout Farm	5B(II), 7B
Virginia Handley	PAWPAC	7B, 18
John Carlson	California Waterfowl Association	7B, 13, 14
Bill Gaines	Ca. Outdoor Heritage Alliance	7B, 13, 14
Kevin Chu	NOAA Fisheries Service	8
Ed Schulze	Concerned Citizen	12
Todd Stagnaro	Recreational Diver	12
Russ Martin	Recreational Diver	12
Bill Bernard	Concerned Citizen	12
Glen Sharp	Recreational Diver	12
Karen Garrison	Natural Resources Defense Council	12
April Wakeman	The Sport Fishing Conservancy	17
Monica Engebretson	Born Free USA	18
David Riherd	Wildlife Learning Center	18
Jackie Navarro	Wild Wonders	18
Alan Ekstrand	UC Davis	18
Traci Barsuglia	Naturalist 4 Hire	18
Amanda Banks	Ca. Biomedical Research	18
Kate Marden	West Coast Falconry	18
Judy Cordromp	The Hesperia Zoo	18
Stephanie Taunton	The Hesperia Zoo	18
Al Wolfe	Safari West/Sonoma County Reptile Rescue	18
Lynette Lyon	Classroom Safari/Lyon Ranch/Leopard's Leap	18
Meg Catzen-Brown	Feld Entertainment & IAWA	18
Bonnie Cromwell	Classroom Safari	18
Tom Minton	Concerned Permit Holder	18
Bernard Friedman	Santa Barbara Mariculture Company	23D

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. PUBLIC FORUM.  
**Received public testimony from the following individuals: Rebecca Walker, Valerie Aubrey, Karl Kerster, Tom Stephan, Richard Smith, Jeremy Trimm, Christine Newman, Eric Mills and Paul Weakland.**

2. PRESENTATION OF SHIKAR SAFARI CLUB INTERNATIONAL WILDLIFE OFFICER OF THE YEAR FOR 2010 TO ASSISTANT CHIEF MICHAEL P. CARION.  
**THIS ITEM WAS TAKEN OUT OF ORDER AND HEARD AFTER ITEM NO. 7.**  
**Paul Snider, representing the Shikar Safari Club, presented the International Wildlife Officer of the Year Award for 2010 to Assistant Chief Michael Carion. Chief Foley read parts of the resolution. Assistant Chief Carion thanked both Shikar Safari Club and the Department indicating that he was very honored to have received the award. No public testimony.**
3. PETITION TO LIST THE BLACK-BACKED WOODPECKER
  - (A) RECEIPT OF DEPARTMENT EVALUATION OF INFORMATION FROM PETITIONERS RECEIVED MARCH 24, 2011.  
**Dr. Eric Loft provided the Department's evaluation report to not forward the Black-backed woodpecker to candidacy. He indicated that the additional information, recently submitted by the petitioners, had not yet been evaluated by the Department. Received public testimony.**
  - (B) RECEIPT OF LEGAL COUNSEL EVALUATION/RECOMMENDATION REGARDING PROCESS.  
**Received recommendation from Deputy Attorney General Thalhammer to continue the item to a future meeting.**
  - (C) COMMISSION ACTION/GUIDANCE RELATED TO INFORMATION RECEIVED AFTER MARCH 24, 2011.  
  
***MOVED BY M. SUTTON, SECONDED BY R. ROGERS, TO TABLE THIS ITEM TO THE OCTOBER/NOVEMBER FISH AND GAME COMMISSION MEETING TO RECEIVE THE DEPARTMENT'S EVALUATION OF ADDITIONAL INFORMATION RECEIVED TO DATE FROM THE PETITIONERS, JOHN MUIR PROJECT AND CENTER FOR BIOLOGICAL DIVERSITY.***  
***AYES: J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.***  
***ABSENT: J. BAYLIS.***  
***MOTION PASSED.***
4. 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 suction dredging, unallocated budget cuts and the Strategic Vision process. Received public testimony.**
  - (B) LAW ENFORCEMENT DIVISION UPDATE.  
**There was no update. No public testimony.**
  - (C) OTHER.  
**There was no report. No public testimony.**

5. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.

(A) DISCUSSION OF DEPARTMENT PROFESSIONAL OF THE YEAR AWARD PROJECT.

**Executive Director Mastrup requested and the Commissioners supported developing a written proposal for consideration of recognizing a Department Professional of the Year Award. Director McCamman suggested scheduling a presentation on the Department's overall employee award program at the next Commission meeting. No public testimony.**

(B) ITEMS THAT DID NOT MAKE THE 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: METHONDS 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.

**Executive Director Mastrup reported that this was a new agenda item and was mainly for transparency/tracking purposes and the items would be rescheduled as soon as possible at a future meeting. Received public testimony regarding Item No. 5 (B) II.**

(C) OTHER.

**Executive Director Mastrup reported that he participated in a Strategic Vision meeting and gave a presentation regarding Fish and Game Commission roles. No public testimony.**

6. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.
  - (A) MARINE RESOURCES COMMITTEE.  
**Dr. Craig Shuman reported the next committee meeting was scheduled for September 27 in Monterey. He indicated that they anticipate preparation of a regulatory package for kelp bass and sand bass, as well as for Kellet's whelk, to be submitted in the fall of 2011. No public testimony.**
  - (B) AL TAUCHER'S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE.  
**Deputy Executive Director Fischer reported the last meeting was held on March 29 and a future meeting would be scheduled for August or September. No public testimony.**
  - (C) OTHER.  
**Executive Director Mastrup suggested that the Commission re-establish a Budget Subcommittee to assure a good dialog into the budget process. *PRESIDENT KELLOGG APPOINTED COMMISSIONERS DAN RICHARDS AND RICHARD ROGERS TO SERVE ON THE SUBCOMMITTEE.* Executive Director Mastrup stated he planned on convening a meeting in the near future. Received public testimony.**
7. 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.  
**President Kellogg indicated there were no new legislative positions. Received public testimony.**
8. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.  
**Received report from Dr. Kevin Chu, NOAA Fisheries. He will provide a briefing at the September Marine Resources Committee on the drift gill net fisheries. No public testimony.**
9. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.  
**There was no report. No public testimony.**
10. NEW BUSINESS. (Note: Any public comment must pertain to new business conveyed by the Commission or staff.)  
**There was no new business. No public testimony.**
11. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.  
**THIS ITEM WAS TAKEN OUT OF ORDER AND HEARD AFTER ITEM NO. 14. Deputy Attorney General Thalhammer reported there was nothing to report. No public testimony.**

12. DISCUSSION AND POSSIBLE COMMISSION ACTION ON AMENDING THE INITIAL STATEMENT OF REASONS FOR SECTION 29.15, TITLE 14, CCR, RE: ABALONE. Received the Departments report from Ian Taniguchi and Rob Allen. Received public testimony.

**MOVED BY D. RICHARDS, SECONDED BY R. ROGERS, TO AMEND THE INITIAL STATEMENT OF REASONS AND PUBLISH THE NOTICE PROMPTLY. THE AMENDMENTS INCLUDE OPTIONS TO CONSIDER THE FOLLOWING:**

1. **IF THE CARDHOLDER DOES NOT TURN IN HIS ABALONE REPORT CARD FOR THE YEAR, HE WILL NOT BE ABLE TO ACQUIRE A NEW REPORT CARD THE FOLLOWING YEAR AND/OR WILL BE SUBJECT TO A PENALTY.**
2. **FISHERMEN WOULD BE REQUIRED TO VIEW A TRAINING CD OR COMPLETE SOME OTHER FORM OF EDUCATIONAL PROGRAM IN ORDER TO QUALIFY TO ACQUIRE AN ABALONE REPORT CARD.**
3. **OPPORTUNITIES FOR SPATIAL/REGIONAL MANAGEMENT.**
4. **PROHIBITING CO-MINGLING OF ABALONE AMONGST FISHERMEN BEFORE TAGGING.**

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

**ABSENT: J. BAYLIS.**

**MOTION PASSED.**

13. COMMISSION RECOGNITION OF NEWLY INDUCTED MEMBERS TO THE CALIFORNIA WATERFOWLERS HALL OF FAME.

John Carlson, representing California Waterfowl Association, provided a summary of the program. He reported that the 5 new members recognized this year were the following individuals: Gary Kramer, Tim Eagen, Stephen Bechtel Jr., Ray Burmaster and Grant Kenyon. Received public testimony.

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. Received the Department's report from Dan Yparraguirre. Received public testimony.

**MOVED BY M. SUTTON, SECONDED BY R. ROGERS, TO CERTIFY THE FINAL ENVIRONMENTAL DOCUMENT FOR THE MIGRATORY GAME BIRD (WATERFOWL) REGULATIONS FOR 2011-2012.**

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

**ABSENT: J. BAYLIS.**

**MOTION PASSED.**

**MOVED BY R. ROGERS, SECONDED BY M. SUTTON, TO ADOPT PROPOSED PROJECT (OR ALTERNATIVES) FOR THE MIGRATORY GAME BIRD (WATERFOWL) REGULATIONS FOR 2011-2012.**

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

**ABSENT: J. BAYLIS.**

**MOTION PASSED.**

**MOVED BY R. ROGERS, SECONDED BY M. SUTTON, AMENDS SECTION 502 REGARDING THE 2011-2012 MIGRATORY GAME BIRD (WATERFOWL) REGULATIONS.**

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

**ABSENT: J. BAYLIS.**

**MOTION PASSED.**

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.)  
**There was no report. No public testimony.**

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.  
**Received the Department's report from Dan Yparraguirre. Received public testimony.**

**MOVED BY D. RICHARDS, SECONDED BY J. KELLOGG, TO AMEND SECTIONS 300 AND 311 REGARDING RESIDENT AND MIGRATORY UPLAND GAME HUNTING REGULATIONS AND ADOPT NO CHANGE TO SECTION 472, TITLE 14, CCR.**

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

**ABSENT: J. BAYLIS.**

**MOTION PASSED.**

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.  
**Received the Department's report from Scott Barrow and Rob Allen.**

**MOVED BY D. RICHARDS, SECONDED BY M. SUTTON, TO AMEND SECTIONS 7.50(b)(1), 27.65 AND 29.80, AND ADOPT NO CHANGE TO SECTION 2.10, TITLE 14, CCR, OF THE SPORT FISHING REGULATIONS FOR 2011-2012.**

**AYES: D. RICHARDS, R. ROGERS, M. SUTTON.**

**ABSENT: J. BAYLIS, J. KELLOGG (OUT OF ROOM).**

**MOTION PASSED.**

- (B) CONSIDERATION OF JUNE 14, 2011 LETTER FROM ENVIRONMENTAL DEFENSE CENTER REQUESTING EMERGENCY RULEMAKING TO CLOSE THE SISQUOC, SESPE CREEK AND NORTH FORK MATILJA CREEK WATERSHEDS TO FISHING IN ORDER TO COMPLY WITH THE FEDERAL ENDANGERED SPECIES ACT TO PROTECT STEELHEAD.  
**Executive Director Mastrup announced that this item would be rescheduled for the Commission's November 2011 meeting at the request of the petitioner. Received public testimony.**

**MOVED BY M. SUTTON, SECONDED BY D. RICHARDS, TO REJECT THE REQUEST FOR EMERGENCY RULEMAKING TO CLOSE THE SISQUOC, SESPE CREEK AND NORTH FORK MATILJA CREEK WATERSHEDS TO FISHING TO COMPLY WITH THE FEDERAL ENDANGERED SPECIES ACT TO PROTECT STEELHEAD, AND DIRECT THE DEPARTMENT TO WORK WITH PROPONENTS AND REPORT BACK AT THE COMMISSION'S NOVEMBER 2011 MEETING.**

**AYES: D. RICHARDS, R. ROGERS, M. SUTTON.**  
**ABSENT: J. BAYLIS, J. KELLOGG (OUT OF ROOM).**  
**MOTION PASSED.**

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.

**Received the Department's report from Dr. Eric Loft. Received public testimony.**

**MOVED BY R. ROGERS, SECONDED BY M. SUTTON, TO DIRECT STAFF TO WITHDRAW CURRENT RULEMAKING FOR SECTIONS 671.1, 671.8 AND 703 AND WORK WITH THE DIRECTOR'S ANIMAL ADVISORY COMMITTEE REGARDING INSPECTION OF FACILITIES FOR RESTRICTED SPECIES.**

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

**ABSENT: J. BAYLIS.**

**MOTION PASSED.**

### **CONSENT CALENDAR**

**Executive Director Mastrup reported that there were requests for discussion on Item Nos. 22 and 23(D) and therefore they would be removed from the Consent Calendar.**

**MOVED BY R. ROGERS, SECONDED BY M. SUTTON, TO APPROVE CONSENT CALENDAR ITEM NUMBERS 19-21, AND 24-25.**

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

**ABSENT: J. BAYLIS.**

**MOTION PASSED.**

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

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

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

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



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.

**Approved the Department's request for a 30 day extension to complete its evaluation of the amended petition to list the American Pika as a threatened species. No public testimony.**

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.)

**This item was removed from the Consent Calendar and heard. Received the Department's report from Rob Allen indicating the recent situation could be in conflict with all fisheries and requested that the subject be evaluated and brought back to the Commission at a future meeting. No public testimony.**

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.

**This item was removed from the Consent Calendar and heard. Bernard Friedman requested special economic relief. No public testimony.**

***MOVED BY D. RICHARDS, SECONDED BY R. ROGERS, TO EXTEND STATE WATER BOTTOM LEASE NO. M-635-02, TO MR. BERNARD FRIEDMAN, SANTA BARBARA COUNTY, FOR ONE YEAR IN ITS CURRENT FORM WITH NO RENTAL RATE INCREASE.***

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

***ABSENT: J. BAYLIS.***

***MOTION PASSED.***

- (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.

***MOVED BY R. ROGERS, SECONDED BY M. SUTTON, TO APPROVE CONSENT CALENDAR ITEM #23 (A), (B), (C) & (E), APPROVING STATE WATER BOTTOM LEASES IN ACCORDANCE WITH NEW LEASE TEMPLATE FOR HOG ISLAND OYSTER COMPANY, MARIN OYSTER COMPANY, AND POINT REYES OYSTER COMPANY, MARIN COUNTY AND GRASSY BAR OYSTER COMPANY, SAN LUIS OBISPO COUNTY.***

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

***NOES: D. RICHARDS.***

***ABSENT: J. BAYLIS.***

**MOTION PASSED.**

24. RECEIPT OF DEPARTMENT OF FISH AND GAME ANNUAL REVIEW OF WHITE SEABASS FISHERY MANAGEMENT PLAN FOR 2009-2010 FISHING SEASONS.  
**Received the Department's annual review of White Seabass Fishery Management Plan for 2009-2010 fishing seasons. No public testimony.**
25. ADOPTION OF THE SOUTH COAST MARINE PROTECTED AREAS MONITORING PLAN AS AN APPENDIX TO THE DRAFT MARINE LIFE PROTECTION ACT MASTER PLAN.  
**Adopted South Coast Marine Protected Areas Monitoring Plan as an appendix to the draft MLPA Master Plan. No public testimony.**

**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.)  
**List to be established by staff.**
27. ANNOUNCEMENT OF FUTURE MEETINGS.

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

<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>

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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.
  - 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.
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There being no further business, the Fish and Game Commission meeting adjourned at 2:30 p.m.