

**State of California
FISH AND GAME COMMISSION**

Staff Summary, Meeting of September 15, 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 Red Lion Hotel, Sierra Room, 1830 Hilltop Drive, Redding, California, on September 15, 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	Absent
Michael Sutton	Member	Present
Daniel Richards	Member	Absent
Jack Baylis	Member	Present

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

OFFICE OF THE ATTORNEY GENERAL

Rick Thalhammer	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

Charlton Bonham	Director
Dan Yparraguirre	Acting Deputy Director, Wildlife and Fisheries Division
Nancy Foley	Deputy Director, Law Enforcement Division
Mike Carion	Law Enforcement Division
Rob Allen	Law Enforcement Division
Tony Warrington	Law Enforcement Division
Jacob Olsen	Law Enforcement Division
Scott Willems	Law Enforcement Division
Lisa Stone	Law Enforcement Division
Yvette Adams	Law Enforcement Division
DeWayne Little	Law Enforcement Division
Ian Taniguchi	Marine Region
Neil Manji	Regional Manager, Northern Region 1
Karen Kovacs	Northern Region 1
Mike Berry	Northern Region 1
Stafford Lehr	Chief, Fisheries Branch
Mike Dege	Northern Region 1

Ryan Bartling Marine Region
 Brad Burkholder Wildlife Branch

The following persons were present and heard:

<u>Name</u>	<u>Organization</u>	<u>Agenda Item(s)</u>
Paul Weakland	Commercial Fisherman	Added item, 1, 14
Judy Trumper	Pacific Rim Seafood/Fort Bragg Marine & Dive Shop	Added item, 1, 11, 14
Brian Houglund	Commercial Fisherman	1
Michelle Koach	Ferrets Anonymous	1
Donna Routley	UC Davis	1
Tom Weseloh	Joint Committee on Fisheries & Aquaculture	1
Jim Cook	Siskiyou County Board of Supervisors	2
Michael Cobseff	Siskiyou County Board of Supervisors	2
Tiana Williams	Yurok Tribe	3
Chris West	Yurok Tribe	3
Hawk Rosales	InterTribal Sinkyone Wilderness Council	4
Alicia McQuillen	Yurok Tribe	4
Frankie Joe Myers	Klamath Justice Coalition	4
Dana Colegrove	Hoopa Tribe	4
John Corbett	Yurok Tribe	4
Dr. Jeanine Pfeiffer	San Jose State University	4
Karen Garrison	Natural Resources Defense Council	4, 12, 14
Beth Warner	Humboldt Baykeeper	4
Jennifer Savage	Ocean Conservancy	4, 12
Rebecca Walker	Eagle Lake General Store	5B
Valerie Aubrie	Eagle Lake	5B
E. B. Duggan	Trinity River Guides Association	5C
George Osborn	Ca. Fish and Game Wardens Association/ Partnership for Sustainable Oceans	5D, 6A1, 12
Bill Gaines	California Outdoor Heritage Alliance	8, 18
Mike Long	U. S. Fish and Wildlife Service	9
Kevin Chu	NOAA Fisheries Service	9
Brad Hunt	The Otter Project	9
Nick Sohrhoff	San Francisco Bay Herring Research	13
Sam Liberati	Herring Fisherman	13
Josh Russo	Abalone Diver	14
Joe Baker	Abalone Diver	14
Shawn Anstein	Abalone Diver	14
Christopher Lin	Abalone Diver	14
Tom Raftican	The Sportfishing Conservancy	18

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.

Added Item:

ABALONE DIE-OFF ADDED ITEM TO AGENDA

MOVED BY J. BAYLIS, SECONDED BY M. SUTTON, TO ADD AN ITEM TO THE AGENDA REGARDING EMERGENCY ACTION TO CLOSE ABALONE SEASON IN SONOMA COUNTY.

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

ABSENT: D. RICHARDS, R. ROGERS.

MOTION PASSED.

Received update and presentation from Ian Taniguchi. Received public testimony.

MOVED BY M. SUTTON, SECONDED BY J. BAYLIS, TO TAKE EMERGENCY ACTION TO CLOSE THE ABALONE SEASON IN SONOMA COUNTY. THE COMMISSION DIRECTED DFG STAFF TO PREPARE A NEW ISOR BEFORE THE MARCH 2012 FGC MEETING.

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

ABSENT: D. RICHARDS, R. ROGERS.

MOTION PASSED.

1. PUBLIC FORUM.
Received public testimony from the following individuals: Brian Hougland, Paul Weakland, Michelle Koach, Donna Routley, Tom Weseloh, and Judy Trumper.
2. UPDATE FROM SISKIYOU COUNTY BOARD OF SUPERVISORS REGARDING DEER MANAGEMENT IN SISKIYOU COUNTY.
Received updates from Jim Cook and Michael Cobseff from Siskiyou County. Also received updates from the Department by Neil Manji and Karen Kovacs. No public testimony.
3. PRESENTATION FROM THE YUOK TRIBE REGARDING THE TRIBE'S HUNTERS AS STEWARDS PROGRAM.
Received presentations from Tiana Williams and Chris West. No public testimony.
4. DISCUSSION OF TRIBAL PROPOSALS FOR THE NORTH COAST STUDY REGION MARINE PROTECTED AREAS.
Executive Director Mastrup reported that the Commission had received the requested information from multiple tribes and proposed to go to notice at the November meeting with that tribal use information incorporated. Received public testimony.
5. RECEIPT OF DEPARTMENT OF FISH AND GAME INFORMATIONAL ITEMS.
 - (A) RECEIPT OF DEPARTMENT OF FISH AND GAME DIRECTOR'S REPORT.
Director Bonham introduced himself and reviewed his background and mission for the Department. No public testimony.
 - (B) UPDATE ON EAGLE LAKE.
Received the Department's update from Mike Berry. Received public testimony.

- (C) UPDATE ON THE EVALUATION OF A REGULATION CHANGE PROPOSAL FOR THE UPPER TRINITY RIVER, TRINITY COUNTY. (YEAR ROUND WINTER FISHERY)
Received the Department's update from Mike Dege. Received public testimony.
 - (D) LAW ENFORCEMENT DIVISION UPDATE.
Chief Foley reported on the following issues: 28 new warden graduates, southern California bears/lions in urban areas, central California surface oil and wind energy and North Coast abalone issues. Assistant Chief Carion reported on salmon and archery deer season issues. Received public testimony.
 - (E) OTHER - UPDATE ON THE EVALUATION OF A REGULATION CHANGE PROPOSAL FOR THE LOWER TRINITY RIVER, TRINITY COUNTY (HATCHERY COHO FISHERY)
Stafford Lehr provided the Department's update and stated that the Department cannot support this proposal at this time. He indicated that the Department would provide an updated report at the March 2012 FGC meeting with a list of issues and proposed costs to consider. No public testimony.
6. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.
- (A) ITEMS THAT DID NOT MAKE AGENDA AND NEED TO BE RESCHEDULED.
 - I. UPDATE ON STATUS OF REGULATORY NOTICE TO AMEND SECTION 238.5, TITLE 14, CCR, PRIVATE STOCKING PERMIT, REGULATORY PROPOSAL AND POSSIBLE COMMISSION ACTION.
Tentatively scheduled for the December 2011 Commission meeting.
 - II. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTIONS 401, 472, 475 AND 485, TITLE 14, CCR, RE: LEAD PROJECTILES, CONDOR RANGE.
Defer to 2012 meeting calendar.
 - III. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT 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
Defer to 2012 meeting calendar.
 - (B) RECEIPT AND DISCUSSION OF DRAFT 2012 COMMISSION MEETING SCHEDULE.
Executive Director Mastrup indicated that the Draft 2012 Commission meeting schedule should be adopted no later than the November meeting. Commissioner Sutton expressed the desire to meet jointly with the Oregon Fish and Wildlife Commission in October 2012 and recommended that Executive Director Mastrup contact Oregon Fish and Wildlife Commission regarding the feasibility for a joint meeting. Possible locations for that meeting were discussed (Redding, Tule Lake, Klamath Falls, Medford). No public testimony.

- (C) OTHER.
Executive Director Mastrup reported on the Strategic Vision meeting process and that he was participating more than originally expected. He recommended that the Commission's Legislation policy be amended and recommended it be scheduled for a future meeting for public comment and consideration. No public testimony.
- 7. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.
 - (A) BUDGET COMMITTEE.
 - I. ANNOUNCEMENT OF MEETING DATE AND AGENDA.
Executive Director Mastrup reported that based on Strategic Vision discussions, he suggests holding off on scheduling a Budget Subcommittee meeting at this time. No public testimony.
 - (B) OTHER.
Deputy Executive Director Fischer reported that an AI Taucher Advisory Committee meeting was tentatively scheduled for October 11 and that a location had not yet been determined. Commissioner Sutton reported that a Marine Resources Committee was scheduled for September 27 in Monterey. No public testimony.
- 8. RECEIPT OF LEGISLATIVE REPORTS.
 - (A) DEPARTMENT OF FISH AND GAME REPORT.
Received the Department's report from Director Bonham summarizing the bills of interest. Received public testimony.
- 9. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.
Received report by Mike Long regarding the Southern Sea Otter Translocation Program. Received report by Kevin Chu regarding gill net fishery. Received public testimony.
- 10. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.
Deputy Attorney General Thalhammer reported that he needed signatures from the Commissioners regarding a lawsuit. No public testimony.
- 11. DISCUSSION OF REQUESTS FOR EXPERIMENTAL GEAR PERMITS FOR GEODUCK CLAMS.
Executive Director Mastrup summarized the requests indicating that it was potentially a valuable fishery. He recommended that the Marine Resources Committee review the requests and make a recommendation to the Commission. Received public testimony.
- 12. REQUEST FOR COMMISSION GUIDANCE ON EFFECTIVE DATE OF SOUTH COAST STUDY REGION MARINE PROTECTED AREAS DUE TO OFFICE OF ADMINISTRATIVE LAW REVIEW/DECISION.
Executive Director Mastrup summarized the issue and recommended a new implementation date of January 1, 2012. Commissioners agreed with the timeline. Received public testimony.

13. CONSIDERATION OF CERTIFICATION OF FINAL ENVIRONMENTAL DOCUMENT AND DISCUSSION AND POSSIBLE ADOPTION OF FINDINGS AND PROPOSED PROJECT (OR ALTERNATIVE), AND FINAL ADOPTION OF SECTIONS 163 AND 164, TITLE 14, CCR, RE: HARVEST OF HERRING.

Received the Department's report from Ryan Bartling. Received public testimony.

MOVED BY M. SUTTON, SECONDED BY J. BAYLIS, TO CERTIFY THE FINAL ENVIRONMENTAL DOCUMENT FOR THE HARVEST OF HERRING.

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

ABSENT: D. RICHARDS, R. ROGERS.

MOTION PASSED.

President Kellogg requested a change to the Department's recommendation in the best interest of the fishery to keep the same quota as last year, instead of an increase in quota, for the San Francisco Bay fishery only.

MOVED BY J. KELLOGG, SECONDED BY M. SUTTON, TO ADOPT THE PROPOSED PROJECTS OR ALTERNATIVES AND THE PROPOSED REGULATORY ACTION RELATING TO SECTIONS 163 AND 164 REGARDING THE HARVEST OF HERRING INCLUDING THE NO CHANGE IN QUOTA FOR THE SAN FRANCISCO BAY FISHERY AS PROPOSED BY PRESIDENT KELLOGG.

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

ABSENT: D. RICHARDS, R. ROGERS.

MOTION PASSED.

14. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTION 29.15, TITLE 14, CCR, RE: ABALONE. (Note: The adoption hearing is scheduled for October 20, 2011, in Monterey.)

THIS ITEM WAS TAKEN OUT OF ORDER AND HEARD BEFORE ITEM 1. Received the Department's presentation from Ian Taniguchi. Received public testimony.

15. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO ADOPT REGULATIONS REGARDING KELLET'S WHELK.

Dr. Craig Shuman provided background information, regulatory options and a timeline. Commissioner Sutton recommended keeping all options now.

No public testimony.

MOVED BY M. SUTTON, SECONDED BY J. BAYLIS, TO AUTHORIZE STAFF TO PUBLISH NOTICE OF ITS INTENT TO ADOPT REGULATIONS REGARDING RECREATIONAL AND COMMERCIAL TAKE OF KELLET'S WHELK.

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

ABSENT: D. RICHARDS, R. ROGERS.

MOTION PASSED.

16. RECEIPT AND DISCUSSION OF STAFF RECOMMENDATIONS FOR AMENDMENTS TO THE "COMMISSION AGENDA" POLICY.

Executive Director Mastrup recommended that the Commission's Agenda Policy be amended at the October 19-20, 2011, Commission meeting. No public testimony.

17. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTIONS 550, 551, 552, 630, AND 703, ADD SECTION 550.5, AND REPEAL SECTION 553, TITLE 14, CCR, RE: PUBLIC USE OF DEPARTMENT OF FISH AND GAME LANDS. (Note: The discussion hearing is scheduled for the November 17, 2011, meeting in Santa Barbara and the adoption hearing is scheduled for the February 2012 meeting.)
Received the Department's report from Brad Burkholder. No public testimony.
- MOVED BY M. SUTTON, SECONDED BY J. BAYLIS, TO AUTHORIZE STAFF TO PUBLISH NOTICE OF ITS INTENT TO AMEND SECTIONS 550, 551, 552, 630 AND 703, ADD SECTION 550.5 AND REPEAL SECTION 553, REGARDING PUBLIC USE OF DEPARTMENT OF FISH AND GAME LANDS.***
AYES: J. BAYLIS, J. KELLOGG, M. SUTTON.
ABSENT: D. RICHARDS, R. ROGERS.
MOTION PASSED.
18. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SUBSECTION 551(g), (j) AND (q) AND SECTIONS 700.4, 701 AND 705; AND REPEAL SECTION 704, TITLE 14, CCR, RE: ALDS ACCEPTABLE FORMS OF IDENTIFICATION; WILDLIFE AREA PASSES AND ANNUAL FEE ADJUSTMENTS FOR SPORT FISHING AND COMMERCIAL FISHING.
Received the Department's report from Acting Deputy Director Yparraguirre. Received public testimony.
- MOVED BY J. KELLOGG, SECONDED BY J. BAYLIS, TO ADOPT CHANGES TO THE REGULATIONS FOR ACCEPTABLE FORMS OF IDENTIFICATION FOR ALDS, WILDLIFE AREA PASSES AND ANNUAL FEE ADJUSTMENTS FOR SPORT FISHING AND COMMERCIAL FISHING AS RECOMMENDED BY THE DEPARTMENT.***
AYES: J. BAYLIS, J. KELLOGG, M. SUTTON.
ABSENT: D. RICHARDS, R. ROGERS.
MOTION PASSED.
19. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.
Deputy Attorney General Thalhammer reported that no Executive Session was held; therefore nothing to report.

CONSENT CALENDAR

- MOVED BY J. KELLOGG, SECONDED BY M. SUTTON, TO APPROVE CONSENT CALENDAR ITEM NUMBERS 20-24.***
AYES: J. BAYLIS, J. KELLOGG, M. SUTTON.
ABSENT: D. RICHARDS, R. ROGERS.
MOTION PASSED.
20. RECEIPT OF THE DEPARTMENT'S EVALUATION REPORT, PURSUANT TO SECTION 2073.5 OF THE FISH AND GAME CODE, ON THE SECOND AMENDED PETITION TO LIST THE AMERICAN PIKA (*Ochotona princeps*) AS A THREATENED SPECIES. (Note: Public testimony and possible Commission action are scheduled for the October 19, 2011, meeting in Monterey.)
Received the Department's evaluation report. No public testimony.

21. CONSIDERATION AND POSSIBLE ADOPTION/RATIFICATION OF COMMISSION FINDINGS ON THE PETITION TO LIST THE CEDARS WILD BUCKWHEAT (*Eriogonum cedrorum*) AS AN ENDANGERED SPECIES.
Adopted/ratified the proposed Findings of Fact for The Cedars wild buckwheat. No public testimony.
22. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 7.00 AND SUBSECTION (b)(68) OF SECTION 7.50, TITLE 14, CCR, RE: OROVILLE-THERMALITO COMPLEX REGULATIONS. (Note: The discussion hearing is scheduled for the October 20, 2011, meeting in Monterey and the adoption hearing is scheduled for the November 17, 2011, meeting in Santa Barbara.)
Approved authorization to publish notice of intent to amend sections regarding Oroville-Thermalito Complex Regulations. No public testimony.
23. CONSIDERATION OF REQUEST FROM MR. RANDY MILLER FOR EXTENSION OF 30 DAYS TO SUBMIT A WRITTEN APPEAL STATEMENT FOR AN AMENDMENT OF HIS RESIDENT RESTRICTED SPECIES EXHIBITING PERMIT.
Approved 30 day extension to submit a written request for an appeal hearing. No public testimony.
24. CONSIDERATION AND POSSIBLE APPROVAL OF PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA LICENSE (2011-2016) AND 2011-2012 MANAGEMENT PLANS FOR:
 - (A) DIXIE VALLEY RANCH, LASSEN COUNTY
 - (B) ROSEBURG RESOURCES PONDOSA, SISKIYOU COUNTY
 - (C) PEACHTREE RANCH, MONTEREY COUNTY**Approved licenses and management plans. No public testimony.**

OTHER

25. NEW BUSINESS.
Commissioner Sutton requested that an agenda item be placed on the October Commission meeting agenda in Monterey for a request from the Pacific Grove City Council to rename a MPA in honor of Julia Platt.
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.

27. ANNOUNCEMENT OF FUTURE MEETINGS.

2011 FISH AND GAME COMMISSION

MEETING SCHEDULE

www.fgc.ca.gov

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.)	Hubbs-Sea World Research Institute Shedd Auditorium 2595 Ingraham Street 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.
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There being no further business, the Fish and Game Commission meeting adjourned at 2:40 p.m.