

Commissioners
Daniel W. Richards, President
 Upland
Michael Sutton, Vice President
 Monterey
Jim Kellogg, Member
 Discovery Bay
Richard Rogers, Member
 Santa Barbara
Jack Baylis, Member
 Los Angeles

STATE OF CALIFORNIA
 Edmund G. Brown Jr., Governor

Sonke Mastrup, Executive Director
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Fish and Game Commission



Staff Summary, Meeting of June 20, 2012

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 Mountainside conference Center, Rooms 4 and 5, 1 Minaret Road, Mammoth Lakes, California on June 20, 2012. The meeting was called to order at 9:09 a.m. by President Richards.

FISH AND GAME COMMISSION

Daniel W. Richards	President	Present
Michael Sutton	Vice President	Present
Jim Kellogg	Member	Present
Richard Rogers	Member	Absent
Jack Baylis	Member	Absent

Persons present:

COMMISSION STAFF

Sonke Mastrup	Executive Director
Craig Shuman	Marine Advisor
Sherrie Fonbuena	Analyst
Anita Biedermann	Analyst
Mary Brittain	Administrative Assistant

OFFICE OF THE ATTORNEY GENERAL

Rick Thalhammer	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

Chuck Bonham	Director
Mike Taugher	Asst. Deputy Director, Office of Communications, Education & Outreach
Kim Nicol	Region 6, Regional Manager
Stafford Lehr	Chief, Fisheries Branch
Eric Loft	Chief, Wildlife Branch
Brad Burkholder	Wildlife Branch
Kari Lewis	Wildlife Branch
Bill Dailey	Law Enforcement Division
William Witzel	Law Enforcement Division
Chad Elliott	Law Enforcement Division

The following persons were present and heard:

<u>Name</u>	<u>Organization</u>	<u>Agenda Item(s)</u>
Dennis Fox	Concerned Citizen	1, 9
Kent Rianda	The Trout Fly & Troutfitter	1, 3
Tom Raftican	The Sportfishing Conservancy	1, 3
Jim King	Concerned Citizen	1
Bob Burke	Society for the Preservation of Bighorn Sheep	1, 2, 7
Paul Weakland	Commercial Fisherman	1, 4, 9
Mark Hennelly	California Waterfowl Association	1, 5, 6
Bill Gaines	Ca. Outdoor Heritage Alliance	1, 5, 6, 7, 9
Harry Williams	Concerned Citizen (spoke after Item No. 3)	1
Steve Marti	Mono County Fisheries Commission	3
Tim Hansen	Mono County Supervisor	3
Bill Bernard	CISD	3, 9
Tim Stalder	High Sierra Fly Casters	3
Dennis Byrne	Concerned Citizen	3
Dick Noles	Concerned Citizen	3
Steven Osterman	Performance Guide Service	3
Dr. Amanda Banks	California Biomedical Research Association	4
Donna Routley	UC Davis, Animal Care Facility	4
Vic Lukas	Attending Veterinarian, UC Davis	4
April Wakeman	The Sportfishing Conservancy	5, 9
Wayne Raupe	California Bowmen Hunters	7, 9
Kevin Chu	NOAA Fisheries	13

President Richards 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: Dennis Fox, Kent Rianda, Tom Raftican, Jim King, Bob Burke, Paul Weakland, Mark Hennelly, and Bill Gaines. Harry Williams provided comments after agenda item No. 3.

THE PRESIDENT ASKED STAFF TO ADD ALL LICENSE AGENTS AND FISHING GUIDES AS INTERESTED PARTIES TO THE FGC'S AGENDA E-MAIL DISTRIBUTION LISTS.

2. PRESENTATION BY SOCIETY FOR THE CONSERVATION OF BIGHORN SHEEP.
Received PowerPoint & DVD waterhaul presentation from Bob Burke. No public testimony.

3. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTIONS 2.08 ET AL., TITLE 14, CCR, RE: SPORT FISHING REGULATIONS FOR 2013-2014. (Note: The discussion hearing is scheduled for August 8, 2012, in Ventura and the adoption hearing is scheduled for November 7, 2012, in Los Angeles.)

Received the Department's PowerPoint review of proposed regulations from Stafford Lehr. DFG to provide an update on the Hatchery Science Review Group Report at the Commission's October meeting. Received public testimony.

MOVED BY M. SUTTON, SECONDED BY J. KELLOGG, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES STAFF TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 2.08 ET AL., TITLE 14, CCR, REGARDING SPORT FISHING REGULATIONS FOR 2013-2014. IT ALSO AUTHORIZED STAFF TO PUBLISH NOTICE OF ITS INTENT TO AMEND PACIFIC HALIBUT REGULATIONS AND TO EVALUATE A PROPOSAL TO ALLOW SEASONAL SPEAR FISHING IN SPAWNING AREAS LISTED IN FISH AND GAME CODE SECTION 1505.

AYES: J. KELLOGG, D. RICHARDS, M. SUTTON.

ABSENT: J. BAYLIS, R. ROGERS.

MOTION PASSED.

4. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 671.1 AND ADDITION OF SECTION 671.8, TITLE 14, CCR, RE: PERMITS FOR RESTRICTED SPECIES AND INSPECTION OF FACILITIES.

DFG Director Bonham recapped and summarized the issue. Received the Department's PowerPoint review of the proposed changes from Eric Loft. Received public testimony.

MOVED BY M. SUTTON, NO SECOND, THAT THE FISH AND GAME COMMISSION HEREBY ADOPTS ALTERNATIVE 2, AMENDING SECTION 671.1 AND ADDING SECTION 671.8, TITLE 14, CCR, REGARDING PERMITS FOR RESTRICTED SPECIES AND INSPECTION OF FACILITIES.

MOTION FAILED.

MOVED BY J. KELLOGG, SECONDED BY M. SUTTON, THAT THE FISH AND GAME COMMISSION HEREBY ADOPTS ALTERNATIVE 1, AMENDING SECTION 671.1 AND ADDING SECTION 671.8, TITLE 14, CCR, REGARDING PERMITS FOR RESTRICTED SPECIES AND INSPECTION OF FACILITIES.

AYES: J. KELLOGG, D. RICHARDS, M. SUTTON.

ABSENT: J. BAYLIS, R. ROGERS.

MOTION PASSED.

5. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 550, 551, 552, 630, AND 703, ADDITION OF SECTION 550.5 AND REPEAL OF SECTION 553, TITLE 14, CCR, RE: PUBLIC USE OF DEPARTMENT LANDS.

Received the Department's PowerPoint presentation and recap from Brad Burkholder. Received public testimony.

MOVED BY M. SUTTON, SECONDED BY J. KELLOGG, THAT THE FISH AND GAME COMMISSION HEREBY AMENDS SECTIONS 550, 551, 552, 630 AND 703, ADDS SECTION 550.5, AND REPEALS SECTION 553, TITLE 14, CCR, REGARDING PUBLIC USE OF DEPARTMENT LANDS AS PROPOSED BY THE DEPARTMENT.

AYES: J. KELLOGG, D. RICHARDS, M. SUTTON.

ABSENT: J. BAYLIS, R. ROGERS.

MOTION PASSED.

MOVED BY J. KELLOGG, SECONDED BY M. SUTTON, THAT THE FISH AND GAME COMMISSION HEREBY DIRECTS THE DEPARTMENT OF FISH AND GAME TO

WORK WITH CONSTITUTENTS AND BRING BACK AN ISOR WITHIN 9 MONTHS WITH CLEANUP/MODIFICATIONS OF TODAY'S DECISION, REGARDING PUBLIC USE OF DEPARTMENT LANDS.

AYES: J. KELLOGG, D. RICHARDS, M. SUTTON.

ABSENT: J. BAYLIS, R. ROGERS.

MOTION PASSED.

6. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO WATERFOWL, MIGRATORY; AMERICAN COOT; AND COMMON MOORHEN (COMMON GALLINULE) REGULATIONS FOR 2012-2013, SECTION 502, TITLE 14, CCR. (Note: The adoption hearing is scheduled for August 8, 2012, in Ventura.)
There was no report from the Department. Received public testimony.
7. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTION 300, TITLE 14, CCR, RE: UPLAND GAME HUNTING REGULATIONS. (Note: The adoption hearing is scheduled for August 8, 2012, in Ventura.)
There was no report from the Department. Received public testimony.
8. DISCUSSION AND POSSIBLE COMMISSION ACTION TO DIRECT STAFF TO SEND A LETTER TO NATIONAL OCEANIC ATMOSPHERIC ADMINISTRATION FISHERIES, THE PACIFIC FISHERY MANAGEMENT COUNCIL AND THE INTERNATIONAL PACIFIC HALIBUT COMMISSION REQUESTING INCREASED ALLOCATION OF PACIFIC HALIBUT FOR THE RECREATIONAL FISHERY SOUTH OF HUMBURG MOUNTAIN, AND SUPPORT FOR EXPANSION OF THE ANNUAL STOCK ASSESSMENT INTO CALIFORNIA WATERS.
Marine Advisor Shuman provided an update. No public testimony.

MOVED BY M. SUTTON, SECONDED BY J. KELLOGG, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES STAFF TO SEND A LETTER TO NOAA FISHERIES, THE PACIFIC FISHERY MANAGEMENT COUNCIL, THE INTERNATIONAL PACIFIC HALIBUT COMMISSION AND APPROPRIATE PERSONS REQUESTING A STOCK ASSESSMENT OF PACIFIC HALIBUT IN WATERS OFFSHORE OF CALIFORNIA AND AN INCREASED ALLOCATION OF PACIFIC HALIBUT FOR THE RECREATIONAL FISHERY SOUTH OF HUMBURG MOUNTAIN BASED ON THAT ASSESSMENT.

AYES: J. KELLOGG, D. RICHARDS, M. SUTTON.

ABSENT: J. BAYLIS, R. ROGERS.

MOTION PASSED.

9. RECEIPT AND POSSIBLE ACTION ON COMMISSION BUSINESS.
 - (A) SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.
 - I. MARINE RESOURCES COMMITTEE.
 - a. COMMISSION FOLLOW-UP/CLARIFICATION ON BOW FISHING FOR SHARKS.
Received update from Marine Advisor Shuman. Received public testimony. Commission decided to not forward this issue to the MRC at this time.
 - II. AL TAUCHER COMMITTEE.
There was no report. No public testimony.

- III. BUDGET COMMITTEE.
There was no report. No public testimony.
 - IV. OTHER.
There was no report. No public testimony.
- (B) ITEMS UNDER CONSIDERATION THAT NEED TO BE RESCHEDULED.
- I. ABALONE
 - II. LEAD – WILDLIFE AND ECOLOGICAL RESERVE
 - III. LEAD – DEPREDATION
 - IV. AUTOMATED LICENSE DATA SYSTEM AUTHORITY #'S AND 1-DAY
 - V. FALCONRY
Executive Director Mastrup indicated that the two lead items would be scheduled for the Commission’s August meeting in Ventura. Received public testimony.
- (C) NEW BUSINESS/COMMISSION FOLLOW-UP AND STAFF DIRECTION.
There was no report and no public testimony.
10. RECEIPT OF AND POSSIBLE ACTION ON LEGISLATIVE REPORTS.
- (A) DEPARTMENT OF FISH AND GAME REPORT.
Director Bonham provided a recap of the Legislative deadlines. No public testimony.
 - (B) POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.
 - I. AB 1776, FONG, STATE GOVERNMENT: PACIFIC LEATHERBACK SEA TURTLE.
President Richards commented that he now was opposed to AB 1776. No public testimony.
11. ANNOUNCEMENT OF FUTURE MEETINGS.
Executive Director Mastrup reviewed the meeting schedule for the balance of the year. No public testimony.

**2012 FISH AND GAME COMMISSION
MEETING SCHEDULE**
www.fgc.ca.gov

August 8 (Wed.) August 9 (Thurs.)	Crowne Plaza Ventura Beach Miguel A Room 450 East Harbor Boulevard Ventura
October 3 (Wed.) October 4 (Thurs.)	State of California Resources Building First Floor Auditorium 1416 Ninth Street Sacramento
November 7 (Wed.)	Radisson Hotel at Los Angeles Airport

November 8 (Thurs.)	6225 West Century Boulevard Los Angeles
December 12 (Wed.)	Hilton San Diego Mission Valley 901 Camino del Rio South San Diego

INFORMATIONAL ITEMS

12. RECEIPT OF DEPARTMENT OF FISH AND GAME INFORMATIONAL ITEMS.
- (A) RECEIPT OF DEPARTMENT OF FISH AND GAME DIRECTOR'S REPORT. **Director Bonham commented on the following items: met with Owens Valley Tribes regarding restoration of native fish; met with the DFG Bishop staff; announced the first Science Institute; initiating a regulations unit in the Department; personnel transitions update – Marija Vojkovich is retiring, Paul Hamdorf will become Acting Regional Manager of the Marine Region and Dan Sforza will become the Acting Assistant Chief Law Enforcement Division. No public testimony.**
- (B) WILDLIFE AND FISHERIES DIVISION AND ECOSYSTEM CONSERVATION DIVISION UPDATES. **There was no report. No public testimony.**
- (C) LAW ENFORCEMENT DIVISION UPDATE. **There was no report. No public testimony.**
- (D) RECOMMENDATION AND PROPOSED TIMELINE FOR THE AMENDMENT OF SECTIONS 165 AND 165.5, TITLE 14, CCR, RE: COMMERCIAL TAKE OF KELP AND OTHER AQUATIC PLANTS. **Executive Director Mastrup reported that the Department had recommended a three-phase reconstruction approach over several years to improve management and enforceability of the regulations for the commercial take of kelp and other aquatic plants. No public testimony.**
- (E) OTHER. **President Richards requested an update on the aquaculture ponzi scheme. No public testimony.**
13. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS. **Received report from Kevin Chu. No public testimony.**
14. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS. **There was no report. No public testimony.**
15. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION. **There was no report. No public testimony.**

CONSENT CALENDAR

**MOVED BY J. KELLOGG, SECONDED BY M. SUTTON, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES ITS JUNE 20, 2012, CONSENT CALENDAR, ITEM NUMBERS 16 THROUGH 23.
AYES: J. KELLOGG, D. RICHARDS, M. SUTTON.**

**ABSENT: J. BAYLIS, R. ROGERS.
MOTION PASSED.**

16. 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 and adoption hearing is scheduled for October 3, 2012, in Sacramento.)
Approved authorization to publish notice of intent to amend regulations for the harvest of herring and herring eggs. No public testimony.
17. CONSIDERATION AND POSSIBLE APPROVAL OF 2012-2013 CALIFORNIA DUCK STAMP PROJECTS.
Approved 2012-2013 California Duck Stamp Projects. No public testimony.
18. RECEIPT OF WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES (WAFWA) MULE DEER WORKING GROUP REPORT.
Received report. No public testimony.
19. 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 PETITION TO LIST THE GRAY WOLF (*Canis lupus*) AS ENDANGERED UNDER THE CALIFORNIA ENDANGERED SPECIES ACT.
Approved request for 30 day extension to complete evaluation of petition. No public testimony.
20. APPROVAL OF REQUEST BY SANFORD-BURNHAM MEDICAL RESEARCH INSTITUTE (SBMRI) TO RENEW THEIR RESTRICTED SPECIES PERMIT (#2502) FOR 2012 AND APPROVAL TO POSSESS TRANSGENIC ZEBRAFISH (*DANIO RERIO*).
Approved request to renew permit. No public testimony.
21. APPROVAL OF MR. JOHN CAMPBELL'S REQUEST FOR REINSTATEMENT OF HIS TRAPPING PERMIT.
Approved request for reinstatement of Mr. Campbell's trapping permit. No public testimony.
22. POSSIBLE APPROVAL OF ANNUAL REPORT AND 2012 PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA PLANS FOR:
 - (A) ABERNATHY RANCH, SHASTA COUNTY
 - (B) BARDIN RANCH, MONTEREY COUNTY
 - (C) BIG BLUFF RANCH, TEHAMA COUNTY
 - (D) BLACK RANCH, SHASTA COUNTY
 - (E) CORNING LAND AND CATTLE COMPANY, TEHAMA COUNTY
 - (F) DIXIE VALLEY RANCH, LASSEN COUNTY
 - (G) EL RANCHO RIO FRIO, TEHAMA COUNTY
 - (H) JS RANCH, SHASTA COUNTY
 - (I) LLANO SECO RANCHO, BUTTE COUNTY
 - (J) MEISSNER RANCH, SHASTA COUNTY
 - (K) MENDIBOURE RANCH, LASSEN COUNTY
 - (L) PINE RANCH, YOLO COUNTY
 - (M) RANCHOS LOS CERRITOS, YOLO COUNTY
 - (N) ROBERTS RANCH, MODOC COUNTY
 - (O) R-R RANCH, MENDOCINO COUNTY
 - (P) ROSEBURG RESOURCES PONDOSA, SISKIYOU COUNTY

- (Q) SL RANCH, MODOC COUNTY
- (R) SPRING VALLEY RANCH, MENDOCINO COUNTY
- (S) STEWART RANCH, TRINITY COUNTY
- (T) TRIPLE B RANCH, SHASTA COUNTY
- (U) WILLIAMS RANCH, SHASTA COUNTY

Approved Annual Reports and 2012 Private Lands Habitat Enhancement and Wildlife Area Plans for 21 ranches. No public testimony.

23. CONSIDERATION AND POSSIBLE APPROVAL OF PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA LICENSE (2012-2017) AND 2012-2013 MANAGEMENT PLAN FOR:

- (A) BUCKEYE RANCH, SOLANO COUNTY
- (B) DIAMOND M OUTFITTERS, HUMBOLDT COUNTY
- (C) TEJON RANCH, KERN AND LOS ANGELES COUNTIES

Approved Private Lands Habitat Enhancement and Wildlife Area Licenses and 2012-2013 Management Plans for three ranches. No public testimony.

There being no further business, the Fish and Game Commission meeting adjourned at 4:09 p.m. for a field trip to the Hot Creek Hatchery.

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. JAMES BUNN AND JOHN GIBBS vs. CALIFORNIA FISH AND GAME COMMISSION RE: SQUID PERMITS.
- III. 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.
- IV. CENTER FOR BIOLOGICAL DIVERSITY vs. CALIFORNIA FISH AND GAME COMMISSION AND DEPARTMENT OF FISH AND GAME RE: PACIFIC FISHER.
- V. 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.
- VI. CENTER FOR BIOLOGICAL DIVERSITY AND EARTH ISLAND INSTITUTE vs. FISH AND GAME COMMISSION ADOPTING EMERGENCY REGULATION TO AUTHORIZE INCIDENTAL TAKE OF THE BLACK-BACKED WOODPECKER DURING CANDIDACY PERIOD.

- 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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