

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
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

Fish and Game Commission



Meeting of
August 8, 2012 (Wednesday)
10:00 a.m.²

Crowne Plaza Ventura Beach
San Miguel Ballroom A¹
450 East Harbor Boulevard
Ventura

AGENDA³

ALL MEETINGS OPEN TO THE PUBLIC

NOTE: Items may be heard on either day and in any order pursuant to the determination of the Commission President.

1. ELECTION OF COMMISSION OFFICERS, PURSUANT TO SECTION 102 OF THE FISH AND GAME CODE.
2. PUBLIC FORUM— Any member of the public may address the Commission regarding 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.
3. COMMISSION RECOGNITION OF NEWLY INDUCTED MEMBERS TO THE CALIFORNIA WATERFOWLERS HALL OF FAME.
4. [DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO WATERFOWL, MIGRATORY; AMERICAN COOT; AND COMMON MOORHEN \(COMMON GALLINULE\) REGULATIONS FOR 2012-2013, SECTION 502, TITLE 14, CCR.](#)
5. [DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 300, TITLE 14, CCR, RE: UPLAND GAME HUNTING REGULATIONS.](#)

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, materials received within **two** days of a meeting outside of Sacramento will not be delivered to 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 in three minutes or less. 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.

6. [DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SUBSECTION \(b\)\(102\) OF SECTION 632, TITLE 14, CCR, RE: BLUE CAVERN STATE MARINE CONSERVATION AREA.](#)
7. POSSIBLE APPROVAL OF LEASE RATE INCREASE FOR STATE WATER BOTTOM LEASES:
 - (A) TOMALES BAY SHELLFISH FARMS, MARIN COUNTY, STATE WATER BOTTOM LEASE NO. M-430-05.
 - (B) COVE MUSSEL COMPANY, MARIN COUNTY, STATE WATER BOTTOM LEASE NO. M-430-06.
 - (C) HOG ISLAND OYSTER COMPANY, MARIN COUNTY, STATE WATER BOTTOM LEASE NO. M-430-10.
 - (D) NEUSHUL MARICULTURE, INC., SANTA BARBARA COUNTY, STATE WATER BOTTOM LEASE NO. M-654-03.
8. REQUEST OF MR. BERNARD FRIEDMAN, FOR EXTENSION OF STATE WATER BOTTOM LEASE NO. M-635-02, SANTA BARBARA MARICULTURE COMPANY, SANTA BARBARA COUNTY.
9. [RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTIONS 27.65 AND 28.30, TITLE 14, CCR, RE: SAND AND KELP BASS.](#) (Note: The adoption hearing is scheduled for November 7, 2012 in Los Angeles.)
10. [RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SPORT FISHING REGULATIONS FOR 2013-2014, SECTION 1.45 ET AL., TITLE 14, CCR.](#) (Note: The adoption hearing is scheduled for November 7, 2012 in Los Angeles.)
11. REVIEW OF PAST PROPOSALS, RECEIPT OF NEW INFORMATION, AND DISCUSSION AND POSSIBLE DIRECTION ON USE OF LEAD AMMUNITION.
 - (A) AUTHORIZED METHODS OF TAKE ON WILDLIFE AREAS AND ECOLOGICAL RESERVES.
 - (B) AUTHORIZED METHODS OF TAKE FOR ANIMALS CAUSING DAMAGE.
 - (C) PRESENTATIONS ON NEW INFORMATION REGARDING LEAD AMMUNITION.
 - I. NATIONAL RIFLE ASSOCIATION
 - II. NATIONAL AUDUBON SOCIETY
12. DISCUSSION AND POSSIBLE DIRECTION TO PUBLISH NOTICE OF COMMISSION INTENT TO CHANGE THE NAME OF LOVERS POINT STATE MARINE RESERVE.

CONSENT CALENDAR

13. RECEIPT OF THE DEPARTMENT'S EVALUATION REPORT, PURSUANT TO SECTION 2073.5 OF THE FISH AND GAME CODE, ON THE [PETITION TO LIST THE GRAY WOLF \(*Canis lupus*\) AS AN ENDANGERED SPECIES](#). (Note: Public testimony and possible Commission action are scheduled for the October 3, 2012 meeting in Sacramento.)
14. APPROVAL OF REQUEST BY CALIFORNIA STATE UNIVERSITY, SAN FRANCISCO TO RENEW ITS RESTRICTED SPECIES PERMIT (#2601) FOR 2012 AND APPROVAL TO POSSESS THE FOLLOWING TRANSGENIC AQUATIC SPECIES: ZEBRAFISH (*Danio rerio*), THREESPINE STICKLEBACK (*Gasteroseus aculeatus*), KELP ROCKFISH (*Sebastes atrovirens*), BLUEBANDED GOBY (*Lythrypnis dalli*), AND BAY PIPEFISH (*Syngnathus leptorhynchus*).
15. APPROVAL OF ANNUAL REPORT AND 2012 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) HATHAWAY OAK RUN RANCH, SHASTA COUNTY
 - (E) LITTLE DRY CREEK RANCH, TEHAMA COUNTY
 - (F) ORDWAY RANCH, CALAVERAS COUNTY
 - (G) PBM FARMS, SISKIYOU COUNTY
 - (H) R WILD HORSE RANCH, TEHAMA COUNTY
 - (I) ROARING RIVER RANCH, SHASTA COUNTY
 - (J) ROCK CREEK RANCH, BUTTE COUNTY/TEHAMA COUNTY
 - (K) SALT CREEK RANCH, TEHAMA COUNTY
 - (L) SNOWSTORM RANCH, LASSEN COUNTY
 - (M) SOPER-WHEELER RANCH, YUBA COUNTY
 - (N) SPURLOCK RANCH, GLENN COUNTY
 - (O) SUGARLOAF-BANGOR RANCH, YUBA COUNTY
16. APPROVAL OF PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA LICENSE (2012-2017) AND 2012-2013 MANAGEMENT PLAN FOR:
 - (A) ASH VALLEY RANCH, LASSEN COUNTY
 - (B) DESERET FARMS-BALLARD UNIT, BUTTE COUNTY
 - (C) DESERET FARMS-WILSON UNIT, BUTTE COUNTY
 - (D) JERUSALEM CREEK RANCH, SHASTA COUNTY
 - (E) LOOKOUT RANCH, MODOC COUNTY
 - (F) M&T CHICO RANCH, BUTTE COUNTY
 - (G) STOVER RANCH, HUMBOLDT COUNTY
17. APPROVAL OF MODIFICATION OF AUTHORIZED HARVESTS FOR STEWART RANCH.

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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Fish and Game Commission



Meeting of
August 9, 2012 (Thursday)
9:00 a.m.

Crowne Plaza Ventura Beach
San Miguel Ballroom A
450 East Harbor Boulevard
Ventura

AGENDA

ALL MEETINGS OPEN TO THE PUBLIC

NOTE: Items may be heard on either day and in any order pursuant to the determination of the Commission President.

18. CONTINUATION OF PUBLIC FORUM— Any member of the public may address the Commission regarding 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.
19. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.
20. PRESENTATION BY THE SANTA YNEZ BAND OF CHUMASH INDIANS REQUESTING AN EXEMPTION FROM THE SOUTH COAST STUDY REGION MARINE PROTECTED AREAS FOR CULTURAL AND CEREMONIAL FISHING AND GATHERING.
21. RECEIPT AND DISCUSSION OF INFORMATION ON DIABLO CANYON POWER PLANT SEISMIC TESTING.
 - (A) DEPARTMENT PRESENTATION.
 - (B) PACIFIC GAS AND ELECTRIC COMPANY PRESENTATION.

INFORMATIONAL ITEMS

22. RECEIPT OF DEPARTMENT OF FISH AND GAME INFORMATIONAL ITEMS.
 - (A) RECEIPT OF DEPARTMENT OF FISH AND GAME DIRECTOR'S REPORT.
 - (B) 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.
 - (C) WILDLIFE AND FISHERIES DIVISION AND ECOSYSTEM CONSERVATION DIVISION UPDATES.
 - (D) LAW ENFORCEMENT DIVISION UPDATE.
 - (E) UPDATE ON FALCONRY REGULATIONS.
 - (F) OTHER.
23. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.
24. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.

ACTION ITEMS

25. RECEIPT AND POSSIBLE ACTION ON COMMISSION BUSINESS.
 - (A) DISCUSSION OF COMMISSION LICENSE AND PERMIT APPEALS PROCESS.
 - (B) DISCUSSION OF PROPOSAL TO UPDATE COMMISSION STRATEGIC PLAN AND POLICIES. (Links to current [Strategic Plan](#) and [Policies](#)).
 - (C) SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.
 - I. MARINE RESOURCES COMMITTEE.
 - II. AL TAUCHER COMMITTEE.
 - III. BUDGET COMMITTEE.
 - IV. OTHER.
 - (D) ITEMS UNDER CONSIDERATION THAT NEED TO BE RESCHEDULED.
 - I. ABALONE REGULATIONS.
 - II. AUTOMATED LICENSE DATA SYSTEM AUTHORITY NUMBERS AND ONE-DAY LICENSES.
 - III. FALCONRY REGULATIONS.
 - IV. MATCH PLANTING PROGRAM.
 - V. TERMINAL MARKETS.
 - (E) NEW BUSINESS/COMMISSION FOLLOW-UP AND STAFF DIRECTION.

26. RECEIPT OF AND POSSIBLE ACTION ON LEGISLATIVE REPORTS.
- (A) DEPARTMENT OF FISH AND GAME REPORT.
- (B) POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.
27. ANNOUNCEMENT OF FUTURE MEETINGS.

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

| October 3 (Wed.) October 4 (Thurs.) | State of California Resources Building First Floor Auditorium 1416 Ninth Street Sacramento |
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| November 7 (Wed.) November 8 (Thurs.) | Radisson Hotel at Los Angeles Airport Laguna Room 6225 West Century Boulevard Los Angeles |
| December 12 (Wed.) | Hilton San Diego Mission Valley 901 Camino del Rio South San Diego |

28. DISCUSSION OF MEETING DATES AND LOCATIONS FOR 2013.

**2013 FISH AND GAME COMMISSION
MEETING SCHEDULE
www.fgc.ca.gov**

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| February 6 (Wed.) February 7 (Thurs.) | Sacramento |
| March 6 (Wed.) March 7 (Thurs.) | Mt. Shasta Medford, OR |
| April 17 (Wed.) April 18 (Thurs.) | Fresno |
| May 22 (Wed.) May 23 (Thurs.) | Morro Bay Cambria |
| June 26 (Wed.) June 27 (Thurs.) | Susanville Truckee Tahoe |
| August 7 (Wed.) August 8 (Thurs.) | Sonoma |
| September 4 (Wed.) September 5 (Thurs.) | Folsom |
| October 2 (Wed.) October 3 (Thurs.) | Del Mar |
| November 6 (Wed.) November 7 (Thurs.) | Dana Point Catalina |
| December 11 (Wed.) December 12 (Thurs.) | San Diego Temecula |

July 24, 2012

Winter WAFWA Meeting, January 3-6, Tucson, AZ
 Summer WAFWA Meeting, July XXXX, Omaha, NE
 Pacific Fishery Management Council Meeting, March 6-11, Tacoma, WA
 Pacific Fishery Management Council Meeting, April 6-11, Portland, OR
 Pacific Flyway Meeting, March/July