

Commissioners
Jim Kellogg, President
 Discovery Bay
Michael Sutton, Vice President
 Monterey
Daniel W. Richards, Member
 Upland
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 November 7, 2012

Following is a summary of the subject meeting. The official record of the meeting may be obtained from the Commission's website or www.cal-span.org.

Pursuant to the call of the President, the Commission met at the Radisson Hotel at Los Angeles Airport, Century Room, 6225 West Century Boulevard, Los Angeles, California on November 7, 2012. The meeting was called to order at 9:03 a.m. by President Kellogg.

FISH AND GAME COMMISSION

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

Persons present:

COMMISSION STAFF

Sonke Mastrup	Executive Director
Adrianna Shea	Deputy Executive Director
Craig Shuman	Marine Advisor
Mary Brittain	Administrative Assistant
Sherrie Fonbuena	Analyst

OFFICE OF THE ATTORNEY GENERAL

Richard Thalhammer	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

Chuck Bonham	Director
Dan Yparraguirre	Deputy Director, Wildlife and Fisheries Division
Mike Carion	Deputy Director, Law Enforcement Division
Thomas Gibson	Office of the General Counsel
Mike Taugher	Asst. Deputy Director, Office of Communications, Education & Outreach
Paul Hamdorf	Acting Regional Manager, Marine Region
Stafford Lehr	Chief, Fisheries Branch
Marci Yaremko	Marine Region
Erica Jarvis	Marine Region
Michelle Horeczko	Marine Region
Ian Taniguchi	Marine Region

Dr. Laura Rogers-Bennett	Marine Region
Cindy Wood	Law Enforcement Division
George Struble	Law Enforcement Division
Michele Budish	Law Enforcement Division
Kory Collins	Law Enforcement Division
Robert Wardlow	Law Enforcement Division
Kevin Kintz	Law Enforcement Division

The following persons were present and heard:

<u>Name</u>	<u>Organization</u>	<u>Agenda Item(s)</u>
Marija Vojkovich	Retiree from Marine Region	
Kathy Knight	Ballona Ecosystem	1
Gary Burke	Commercial Fisherman	1
Andrew Rasmussen	Commercial Fisherman	1
Patricia McPherson	Grassroots Coalition/Sierra Club	1
George Osborn	Mt. Lassen Trout Farm/Coastside Fishing Club	1, 2, 7F
Jenn Eckerle	Natural Resources Defense Council	1, 4, 10A
Paul Weakland	Commercial Fisherman	1, 2, 5
Robert "Roy" van de Hoek	Concerned Citizen	1
Volker Hoehne	Watermens Alliance	1, 5
Brian Trautwein	Environmental Defense Council	2
Joe Exline	Concerned Citizen/Oceanside Anglers Club	2, 4
Jim Martin	Recreational Fishing Alliance/Mendocino County Fish and Game Advisory Committee/Sonoma County Abalone Network	2, 3, 5
Mike Gilmour	Concerned Citizen	4
Mordy Kay	Concerned Citizen	4
Don Brockman	Davey's Locker Sportfishing	4
Danny Strunk	22 nd Street Landing	4
Sergio Fainsztein	Angler Chronicles	4
Dennis Yamamoto	Recreational Fisherman	4
Ken Franke	Sportfishing Association	4
Rick Oefinger	Marine Del Rey Sportfishing Inc.	4
Chuck Tennin	Marina Del Rey Sportfishing Inc.	4
Dana Murray	Heal the Bay	4
Greg Helms	Ocean Conservancy	4, 10A
Todd Mansur	Dana Point Sportfishing	4
John Ballotti	Los Angeles Rod and Reel Club	4
Sarah Sikich	Heal the Bay	4, 10A
Bruce Steele	Commercial Fisherman	5
Diane Pleschner Steele	Ca. Wetfish Producers Association	7, 10A
Brent Sandberg	Surfrider Foundation	10A
Rex Levi	Concerned Citizen	10A
Tom Rudolph	Concerned Citizen	10A
Anna Weinstein	Audubon	10A
Geoff Shester	Oceana/Coastside Fishing Club	10A
Jonathan MacKay	Oceana/LA Waterkeeper	10A
Kyle Meintzer	California Chapter, Wild Sheep Foundation	11
Bill Gaines	California Outdoor Heritage Alliance	11

President Kellogg introduced members of the Commission, its staff, Directorate and Richard Thalhammer of the Attorney General's Office.

ITEMS WERE TAKEN OUT OF ORDER BUT ARE SHOWN IN NUMERICAL ORDER IN THIS SUMMARY.

The Commission presented Marija Vojkovich with a resolution honoring her retirement.

1. PUBLIC FORUM
Received public testimony from the following individuals: Kathy Knight, Gary Burke, Andrew Rasmussen, Patricia McPherson, George Osborn, Jenn Eckerle, Paul Weakland, Robert "Roy" van de Hoek, and Volker Hoehne.

THE FISH AND GAME COMMISSION HEREBY RECOGNIZES THE PUBLIC COMMENTS AND RECOMMENDATIONS AND RECOMMENDS NO ACTION.

2. DISCUSSION AND POSSIBLE ADOPTION OF FINAL ENVIRONMENTAL DOCUMENT AND PROPOSED CHANGES TO SPORT FISHING REGULATIONS FOR 2013-2014, (SECTION 1.45 ET AL., TITLE 14, CCR)
Received the Department's PowerPoint presentation from Stafford Lehr and Marci Yaremko. Received public testimony.

MOVED BY R. ROGERS, SECONDED BY M. SUTTON, THAT THE COMMISSION CERTIFIES THAT THE FINAL ENVIRONMENTAL DOCUMENT IS COMPLETE AND IN COMPLIANCE WITH CEQA.

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

ABSENT: D. RICHARDS.

MOTION PASSED.

MOVED BY R. ROGERS, SECONDED BY M. SUTTON, THAT THE COMMISSION HEREBY ADOPTS THE PROPOSED SPORT FISHING CHANGES WITH OPTION 2 FOR SPEARFISHING FOR STRIPED BASS FOR INLAND WATERS.

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

ABSENT: D. RICHARDS.

MOTION PASSED.

3. DISCUSSION OF PROPOSED CHANGES TO RECREATIONAL GROUND FISH FISHING REGULATIONS FOR 2013-2014 (SECTION 27.25 ET AL., TITLE 14, CCR)
Received the Department's PowerPoint presentation from Marci Yaremko. Received public testimony.

4. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SAND AND KELP BASS FISHING REGULATIONS (SECTIONS 27.65 AND 28.30, TITLE 14, CCR)
Received a report from Craig Shuman and the Department's PowerPoint report from Erica Jarvis. Received public testimony.

MOVED BY R. ROGERS, SECONDED BY J. KELLOGG, THAT THE COMMISSION HEREBY AMENDS THE SAND AND KELP BASS REGULATIONS AS FOLLOWS:

5 FISH BAG LIMIT IN COMBINATION OF SPECIES

14 INCH MINIMUM SIZE LIMIT FOR ALL BASSES

7 ½ INCH FILLET LENGTH FOR ALL BASSES

10 INCH ALTERNATE LENGTH FOR ALL BASSES

NO SEASONAL CLOSURE

ALL OTHER RECOMMENDATIONS PROPOSED BY THE DEPARTMENT

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

ABSENT: D. RICHARDS.

MOTION PASSED.

5. PRESENTATION ON THE ABALONE RECOVERY AND MANAGEMENT PLAN, ITS IMPLEMENTATION, AND POSSIBLE FUTURE ACTION
Received the Department's PowerPoint presentation from Ian Taniguchi and Dr. Laura Rogers-Bennett. Received public testimony.
6. COMMISSION STAFF REPORT FOR CONSIDERATION AND POSSIBLE ACTION
 - (A) STATUS OF CURRENT CALIFORNIA ENDANGERED SPECIES ACT PETITIONS
Executive Director Mastrup reported that there were 10 petitions before the Commission. No public testimony.
 - (B) RECOMMENDATIONS ON ITEMS OF INTEREST FROM PRIOR MEETINGS
There was no report.
 - (C) DRAFT 2013 REGULATORY CALENDAR
Executive Director Mastrup reviewed the 2013 regulatory calendar. No public testimony.
 - (D) APPROVAL OF MEETING DATES AND LOCATIONS FOR 2013
Executive Director Mastrup reviewed the proposed meeting schedule for 2013 and asked if there were any changes. No public testimony.

MOVED BY J. KELLOGG, SECONDED BY R. ROGERS, THAT THE COMMISSION ADOPTS THE BALANCE OF THE 2013 MEETING SCHEDULE AS FOLLOWS:

MAY	LOS ANGELES
JUNE	TRUCKEE
AUGUST	LONG BEACH
SEPTEMBER	SACRAMENTO
OCTOBER	VENTURA
NOVEMBER	SANTA BARBARA
DECEMBER	SAN DIEGO

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

ABSENT: D. RICHARDS.

MOTION PASSED.

- (E) PREVIEW OF FUTURE AGENDA ITEMS
Executive Director Mastrup reviewed future agenda items. No public testimony.

MOVED BY J. KELLOGG, SECONDED BY R. ROGERS, THAT THE COMMISSION HEREBY DIRECTS THE FOLLOWING ITEMS BE PLACED ON THE DECEMBER AGENDA:

**ADOPTION OF MOUNTAIN YELLOW-LEGGED FROG REGULATIONS
 ADOPTION OF GROUND FISH REGULATIONS
 NOTICE OF EARLY SEASON OCEAN SALMON REGULATIONS
 ECOSYSTEM UPDATE ON BAY DELTA RESTORATION PLAN
 PENINSULAR BIGHORN SHEEP RECOVERY PROGRAM PRESENTATION
 COMMISSION MEETING PROCEDURES/IMPLEMENTATION OF AB 2609
 2013 REGULATORY CALENDAR**

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

ABSENT: D. RICHARDS.

MOTION PASSED.

7. DEPARTMENT OF FISH AND GAME INFORMATIONAL ITEMS
 - (A) DIRECTOR'S REPORT
Received Director Bonham's report in which he highlighted the following issues: Announcement of Tina Bartlett as Regional Manager for Region 2; development of a Regulations Unit within the Department; and effective January 1, 2013, the Department's name will change to the Department of Fish and Wildlife. Received public testimony.
 - (B) UPDATE ON PROPOSED CHANGES TO PUBLIC USE OF DEPARTMENT LANDS REGULATIONS (SECTIONS 550, 551, 552, 630, AND 703, TITLE 14, CCR)
Received the Department's update from Deputy Director Yparraguirre. No public testimony.
 - (C) WILDLIFE AND FISHERIES DIVISION AND ECOSYSTEM CONSERVATION DIVISION
Deputy Director Yparraguirre highlighted the following issues: Rush Fire and loss of forage in the 270,000 acres that burned; new check station/visitor station built with Pittman-Robertson Act grant funds; capture of bighorn sheep; mud samples collected at Upper Newport Bay; collecting eelgrass; Battle Creek barrier removal; Sacramento River diversion pumps and Pacific fisher translocation program. No public testimony.
 - (D) LAW ENFORCEMENT DIVISION
Received the Department's report from Chief Carion highlighting the following issues: salmon snagging, significant deer case, fish business detail, LA Harbor dock collapsed, and numbers of hunter education classes. Ventura Lt. Wood highlighted the following issues: spiny lobsters; highlight of Patrol Boat *Thresher* actions; and bear cub possession case. No public testimony.
 - (E) MARINE
Received the Department's PowerPoint presentation from Michelle Horeczko regarding the Collaborative Aerial Sardine Survey. No public testimony.
 - (F) OTHER
Received the Department's update from Stafford Lehr regarding the cooperative stocking program and policy. Received public testimony.
8. OTHER INFORMATIONAL ITEMS
 - (A) LEGAL COUNSEL
There was no report. No public testimony.
 - (B) FEDERAL AGENCIES
There was no report. No public testimony.
9. POSSIBLE DIRECTION ON LEGISLATIVE MATTERS
There was no report. No public testimony.
10. COMMISSION POLICIES FOR CONSIDERATION AND POSSIBLE ACTION
 - (A) POSSIBLE APPROVAL OF NEW "FORAGE SPECIES" POLICY
Received a report from Craig Shuman. Received public testimony.

MOVED BY M. SUTTON, SECONDED BY R. ROGERS, THAT THE COMMISSION HEREBY ADOPTS THE FORAGE SPECIES POLICY AS PRESENTED BY THE COMMISSION.

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

ABSENT: D. RICHARDS.

MOTION PASSED.

- (B) POSSIBLE APPROVAL OF AMENDMENTS TO "COMMISSION DESIGNATED WILD TROUT WATERS" POLICY

Received the Department's report by Stafford Lehr. No public testimony.

MOVED BY R. ROGERS, SECONDED BY M. SUTTON, THAT THE COMMISSION HEREBY ADOPTS THE RECOMMENDATIONS TO AMEND THE COMMISSION DESIGNATED WILD TROUT WATERS POLICY AS PROPOSED BY THE DEPARTMENT.

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

ABSENT: D. RICHARDS.

MOTION PASSED.

11. REQUEST FOR PUBLIC RECOMMENDATIONS REGARDING MAMMAL HUNTING REGULATIONS FOR 2013

Received the Department's report from Deputy Director Yparraguirre. Received public testimony.

CONSENT ITEMS

MOVED BY J. KELLOGG, SECONDED BY R. ROGERS, THAT THE COMMISSION APPROVES CONSENT CALENDAR ITEM NUMBERS 12-15.

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

ABSENT: D. RICHARDS.

MOTION PASSED.

12. ANNUAL ACCOUNTING OF DEPOSITS INTO, AND EXPENDITURES FROM THE FISH AND GAME PRESERVATION FUND (SECTION 8589.7, FISH AND GAME CODE)
13. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND FALCONRY REGULATIONS (SECTION 670, TITLE 14, CCR)
14. RECEIPT OF PETITION FROM CENTER FOR BIOLOGICAL DIVERSITY TO LIST THE CLEAR LAKE HITCH (*Lavinia exilicauda chi*) AS THREATENED UNDER THE CALIFORNIA ENDANGERED SPECIES ACT
15. APPROVAL OF REQUEST BY MR. GENE YOUNG TO REINSTATE THE SALMON VESSEL PERMIT FOR *F/V ENTERPRISE*

16. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION
Deputy Attorney General Thalhammer reported that the Commission met in Executive Session and pursuant to Court Order voted to set aside its 2010 findings with respect to the candidacy of the Pacific Fisher and will reconsider the status of the species under the California Endangered Species Act when the Department presents its new evaluation. No public testimony.

17. POSSIBLE ACTION ON NEW BUSINESS, COMMISSION FOLLOW-UP AND STAFF DIRECTION
There was no report. No public testimony.
18. ANNOUNCEMENT OF FUTURE MEETINGS
Executive Director Mastrup indicated the next meeting was December 12, 2012, in San Diego. No public testimony.

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

December 12 (Wed.)	Hilton San Diego Mission Valley 901 Camino del Rio South San Diego

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

February 6 (Wed.) February 7 (Thurs.)	State of California Resources Building First Floor Auditorium 1416 Ninth Street Sacramento, CA 95814
March 6 (Wed.) March 7 (Thurs.)	Mt. Shasta Medford, OR (Joint meeting with Oregon Fish and Wildlife Commission)
April 17 (Wed.) April 18 (Thurs.)	Santa Rosa

There being no further business, the Fish and Game Commission meeting adjourned at 4:35 p.m.

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
 - 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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