

**State of California
FISH AND GAME COMMISSION
www.fgc.ca.gov**

**Meeting of
June 22, 2006 (Thursday)
10:00 a.m.**

**Mammoth Inn
1 Minaret Road
Mammoth Lakes**

SUMMARY OF MEETING

1. PUBLIC FORUM

Eric Mills expressed his concerns regarding game warden staffing and compensation, banning the use of robo-ducks and the status of the African Clawed Frog eradication proposal.

Zeke Grader presented an overview of the salmon fishery issue. He stated that he had proposed a state-waters fishery plan to the Department, with a caveat that DNA sampling be utilized in order to minimize the impacts of the commercial fleet upon the Klamath stocks, and was surprised when Department staff referred him to the Commission.

Duncan McClain asked the Commission to endorse a July 2-July 22 Salmon Troll season. He further stated that water reform is needed and that NMFS would not oppose a state-waters fishery. He indicated that the season catch would consist of 75 fish per boat per week, which would utilize and rollover the unused fish from May.

President Flores questioned the Department regarding what sort of jurisdiction the Commission had concerning this issue.

Director Brodrick indicated that the Department has jurisdiction on this issue and that the Klamath River was in terrible shape.

Vice President Hattoy stated that it was not the fishermen's fault and yet they all seem to be impacted by this issue. He further indicated that the Commission cannot regulate water issues.

Paul Weakland discussed his concerns regarding withering syndrome, a turban snail fishery and in the urchin permit process.

2. RECEIPT OF ANNUAL REVIEW OF WHITE SEABASS FISHERY MANAGEMENT PLAN FOR 2004-2005 FISHING SEASONS.

Received review; received public testimony.

3. RECEIPT OF DEPARTMENT'S PREFERRED ALTERNATIVE PACKAGE PROPOSAL RE: CENTRAL COAST MPAs AND UPDATE TO PROPOSED MLPA SCHEDULE. (Note: Department presentation and public testimony will be received at the Commission's special meeting on August 2, 2006 in Sacramento.)

Received Department's preferred alternative and proposed MLPA schedule; received

public testimony. Commission added a special hearing on August 15, 2006 to its MLPA meeting schedule and authorized staff to begin preparation of CEQA documents.

4. UPDATE ON BACKGROUND AND STATUS OF DEPARTMENT ACTION RE: DR. RICK STAUB'S REQUESTS RELATED TO REPTILE COLLECTION, PROPAGATION, AND CONSERVATION.

Received update; received public testimony. Commission directed the Department to continue working with Dr. Staub and provide an update at its August 3, 2006 meeting.

5. CLARIFICATION OF COSUMNES RIVER ECOLOGICAL RESERVE REGULATIONS REGARDING WATERFOWL HUNTING ON NAVIGABLE WATERS.

The Department indicated that the Regional Manager will resolve the issue for the upcoming season, until a regulatory change will be completed; received public testimony.

6. RECEIPT OF DEPARTMENT REPORT AND RECOMMENDATIONS ON ITS REVIEW OF THE FOLLOWING COMMISSION POLICIES:

- (A) COOPERATIVELY OPERATED REARING PROGRAMS FOR SALMON AND STEELEHEAD.
- (B) UPDATE REGARDING IMPLEMENTATION OF JOINT POLICY ON PACIFIC SALMON AND ANADROMOUS TROUT.
- (C) ENDANGERED AND THREATENED SPECIES.
- (D) INTRODUCTION OF NON-NATIVE SPECIES.
- (E) LAND USE PLANNING.
- (F) SALTON SEA.
- (G) RAPTORS.
- (H) DEER MANAGEMENT.
- (I) DEPREDATION CONTROL.
- (J) ELK.
- (K) UPLAND GAME.

Received report and recommendations; received public testimony. Commission directed staff to forward the draft Joint Policy on Pacific Salmon and Anadromous Trout to the Board of Forestry for its approval.

OTHER

7. RECEIPT OF DEPARTMENT LEGISLATIVE REPORT AND POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.

Received report; received public testimony. Commission unanimously voted to support AB 874.

8. RECEIPT OF DEPARTMENT INFORMATIONAL ITEMS.

- (A) UPDATE ON DEPARTMENT'S BUDGET.

Received report; no public testimony.

(B) UPDATE ON PFMC ISSUES.

Received report; no public testimony.

(C) UPDATE ON AVIAN INFLUENZA.

Received report; no public testimony.

(D) STATUS OF IMPLEMENTATION OF MLMA AND NEARSHORE FISHERIES MANAGEMENT PLAN.

Received report; received public testimony.

(E) UPDATE ON UP COMING SPORTFISH REGULATION CYCLE AND STRATEGY TO ENCOURAGE EARLY PUBLIC INPUT.

Received report; no public testimony.

(F) UPDATE ON THE IMPLEMENTATION OF THE HALIBUT TRAWL BILL.

Received report; received public testimony.

(G) UPDATE ON AUTOMATED LICENSING AND DATA SYSTEM (ALDS) IMPLEMENTATION.

Received report; no public testimony.

(H) OTHER.

Received reports on the organizational chart for the Marine Region and on the Fishing Passport Program; received public testimony.

9. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.

(A) SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.

I. MARINE RESOURCES COMMITTEE.

A. UPDATE ON OR POSSIBLE RATIFICATION OF NOMINEES FOR THE SAN MIGUEL ISLAND ABALONE FISHERY ADVISORY GROUP.

Commission ratified the Department's nominees to the San Miguel Island Abalone Fishery Advisory Group; received public testimony.

B. MARINE ISSUES PRIORITY MATRIX UPDATE.

No report.

C. OTHER.

No report.

II. AL TAUCHER'S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE UPDATE.

Received report; received public testimony.

III. LEGISLATION SUBCOMMITTEE.

No report.

(B) STAFF REPORTS.

No report.

(C) ANALYSIS AND ORGANIZATION OF COMMISSION SUBCOMMITTEES

Commissioner Hattoy replaced Commissioner Gustafson as the Co-Chair of the Marine Resources Committee.

(D) UPDATE ON LIVE ANIMAL MARKET SPECIAL HEARINGS.

Special public hearing to be scheduled in July 2006 in the Bay Area; received public testimony.

(E) OTHER.

Executive Director Carlson provided a report on his recent participation on the Migratory Bird Conservation Commission meeting in Washington DC; no public testimony.

10. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.

No report.

11. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.

No report.

12. NEW BUSINESS.

Executive Director Carlson indicated that the Commission had received a request for reconsideration of Department denial of a PLM agreement and also received a petition to delist the brown pelican from Threatened status.

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. SANFORD WINSTON, ET AL., vs. CALIFORNIA FISH AND GAME COMMISSION RE: SPOT PRAWN TRAWL.
- II. CENTER FOR BIOLOGICAL DIVERSITY vs. CALIFORNIA FISH AND GAME COMMISSION RE: TIGER SALAMANDER.
- III. CALIFORNIA FORESTRY ASSOCIATION, ET AL., vs. CALIFORNIA FISH AND GAME COMMISSION RE: COHO SALMON.
- IV. JACK MORICI vs. CALIFORNIA FISH AND GAME COMMISSION RE: COMMERCIAL FISHING LICENSE.
- V. BIG CREEK LUMBER COMPANY AND CENTRAL COAST FOREST ASSOC. vs. CALIFORNIA FISH AND GAME COMMISSION RE: SOUTH SAN FRANCISCO COHO LISTING.
- VI. LINDY O'LEARY vs. CALIFORNIA FISH AND GAME COMMISSION RE: R.R.S.A.C. AND R.R.S.S. PERMIT DENIALS.

B. POSSIBLE LITIGATION INVOLVING THE COMMISSION.

C. STAFF PERFORMANCE AND COMPENSATION.

D. RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS AND ADOPTION OF COMMISSION FINDINGS FOR:

- I. LINDA SOUTHERN, TRANSFERABLE LOBSTER OPERATOR PERMIT.
 - II. RANDY TOUSSAINT, TRANSFERABLE LOBSTER OPERATOR PERMIT.
 - III. PIETRO "PETE" BUOMPENSIERO, SPOT PRAWN TRAP VESSEL PERMIT.
 - IV. KIRK SCHOONOVER, TRANSFERABLE LOBSTER OPERATOR PERMIT.
 - V. PHILIP R. FREEMAN, TRANSFERABLE LOBSTER OPERATOR PERMIT.
 - VI. RYAN A. HILL, SOUTHERN ROCK CRAB TRAP PERMIT.
-

State of California
FISH AND GAME COMMISSION
www.fgc.ca.gov

Meeting of
June 23, 2006 (Friday)
8:30 a.m.

Mammoth Inn
1 Minaret Road
Mammoth Lakes

SUMMARY OF MEETING

13. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.

Commission accepted its Hearing Officer's proposed decisions on the following license and permit items from the Commission's June 22, 2006, Executive Session:

- I. LINDA SOUTHERN, DENIED, TRANSFERABLE LOBSTER OPERATOR PERMIT.
- II. RANDY TOUSSAINT, DENIED, TRANSFERABLE LOBSTER OPERATOR PERMIT.
- III. PIETRO "PETE" BUOMPENSIERO, DENIED, SPOT PRAWN TRAP VESSEL PERMIT.
- IV. KIRK SCHOONOVER, DENIED, TRANSFERABLE LOBSTER OPERATOR PERMIT.
- V. PHILIP R. FREEMAN, DENIED, TRANSFERABLE LOBSTER OPERATOR PERMIT.
- VI. RYAN A. HILL, DENIED, SOUTHERN ROCK CRAB TRAP PERMIT.

14. CONSIDERATION OF DEPARTMENT RECOMMENDATION FOR SPECIES TO BE DEPICTED ON THE CALIFORNIA DUCK STAMP, 2007-2011 AND THE DUCKS UNLIMITED M.A.R.S.H. PROJECTS.

Received recommendations; no public testimony.

15. RECEIPT OF PUBLIC RECOMMENDATIONS AND REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO CONSIDER AMENDMENTS OF THE MIGRATORY GAME BIRD (WATERFOWL) REGULATIONS FOR 2006-2007. (Note: The adoption hearing is scheduled for August 25, 2006, in Santa Barbara.)

Received recommendations; received public testimony. Commission authorized staff publish notice of its intent to consider amendments to the waterfowl regulations.

16. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTIONS 163 AND 164, TITLE 14, CCR, RE: COMMERCIAL HERRING FISHERY AND HARVESTING OF HERRING EGGS ON KELP. (Note: The Commission will receive public testimony at its August 4, 2006, meeting in Sacramento. The adoption hearing is scheduled for August 25, 2006, in Santa Barbara.)

Received request; no public testimony. Commission authorized staff to publish notice of its intent to consider amendments to the commercial herring fishery regulations.

17. CONSIDERATION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 679, TITLE 14, CCR, RE: WILDLIFE REHABILITATION.

Received proposed changes; received public testimony. Commission unanimously adopted proposed amendments to the wildlife rehabilitation regulations.

18. CONSIDERATION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 7.50(b)(178), TITLE 14, CCR, RE: SILVER KING CREEK.

Received proposed changes; received public testimony. Commission unanimously adopted proposed changes to the Silver King Creek regulations.

19. CONSIDERATION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 27.80, TITLE 14, CCR, RE: OCEAN SALMON FISHING REGULATIONS.

Received proposed changes; received public testimony. Commission unanimously adopted proposed changes to the ocean salmon regulations.

20. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 632(b)(72), TITLE 14, CCR, RE: COMMERCIAL LOBSTER FISHING IN DANA POINT STATE MARINE PARK.

Received request; received public testimony. Commission authorized staff to publish notice of its intent to consider amendments to the commercial lobster fishing regulations.

21. DISCUSSION AND RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTIONS 53.03, 149, AND 149.1, TITLE 14, CCR, RE: NON-TRANSFERABLE SQUID LIGHT BOAT PERMITS, SQUID PERMIT FEES, AND REVISION OF LIGHT BOAT LOG BOOK FORM. (Note: Proposal and public testimony limited to establishment of a Non Transferable Market Squid Light Boat permit category, adjustment of permit fees for all squid permit classes and revision of the light boat logbook form. Additional public discussion is scheduled for August 25, 2006, in Santa Barbara. The adoption hearing is scheduled for October 6, 2006, in San Diego.)

Received proposed changes; received public testimony.

22. VERIFICATION OF ADOPTION OF PROPOSED CHANGES TO SECTION 7.50(b)(91.1), TITLE 14, CCR, RE: KLAMATH-TRINITY RIVER SALMON REGULATIONS RE: BAG LIMIT FOR BROWN TROUT, AND OPENING DATE OF APRIL 1 FOR THE TRINITY RIVER MAIN STEM.

Received proposed amendments; no public testimony. Commission unanimously verified adoption the proposed amendments to the Klamath-Trinity River salmon regulations.

CONSENT CALENDAR

23. REQUEST OF THE ABALONE FARM, INC., CAYUCOS, TO LEASE KELP BED NO. 204 AND 207, SAN LUIS OBISPO COUNTY.

Approved; received public testimony.

24. REQUEST OF THE NATURE CONSERVANCY, SANTA CRUZ, TO LEASE KELP BED NO. 209, SAN LUIS OBISPO COUNTY.

Approved; received public testimony.

25. CONSIDERATION OF APPROVAL OF PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA LICENSE (2006-2011) AND 2006-2007 MANAGEMENT PLAN FOR:

- (A) PINTAIL RANCH, SOLANO COUNTY
- (B) CLARK AND WHITE RANCH, SAN LUIS OBISPO COUNTY
- (C) LONE RANCH, SAN BENITO COUNTY
- (D) R-R RANCH, MENDOCINO COUNTY
- (E) RANCHO LA CUESTA, SAN BENITO COUNTY
- (F) SHAMROCK RANCH, MENDOCINO COUNTY
- (G) SPANISH VALLEY RANCH, NAPA COUNTY

Approved; no public testimony.

26. APPROVAL OF ANNUAL REPORT AND 2006-2007 PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA PLANS FOR:

- (A) ABERNATHY RANCH, SHASTA
- (B) BIG BLUFF RANCH, TEHAMA
- (C) BLACK RANCH, SHASTA
- (D) CLARKS VALLEY- RED ROCK RANCH, LASSEN
- (E) CORNING LAND AND CATTLE CO., TEHAMA
- (F) LOOKOUT RANCH, MODOC
- (G) MEISSNER RANCH, SHASTA
- (H) MENDIBOURE RANCH, LASSEN
- (I) STEWART RANCH, TRINITY
- (J) WILLIAMS RANCH, SHASTA
- (K) BANGOR RANCH, YUBA
- (L) CONNOLLY/CORRAL HOLLOW RANCH, SAN JOAQUIN AND ALAMEDA
- (M) LLANO SECO RANCHO, BUTTE
- (N) ROCK CREEK RANCH, BUTTE
- (O) SILLER RANCH, YUBA
- (P) SUGARLOAF RANCH, YUBA
- (Q) AVENALES RANCH, SAN LUIS OBISPO
- (R) BAR B6 WMA, SAN LUIS OBISPO
- (S) COON CREEK RANCH, SANTA CLARA
- (T) EDEN VALLEY RANCH, MENDOCINO
- (U) ENG RANCH, SAN LUIS OBISPO
- (V) FOWLER RANCH, LAKE
- (W) ISABEL VALLEY RANCH, SANTA CLARA
- (X) MALLISON RANCH, SANTA CLARA
- (Y) MARTIN RANCH, MENDOCINO
- (Z) MASUT COVELO RANCH, MENDOCINO
- (AA) ROBINSON CREEK RANCH, MENDOCINO
- (BB) SCHNEIDER RANCH, MENDOCINO
- (CC) SPRING VALLEY RANCH, MENDOCINO
- (DD) TEMBLOR WMA, SAN LUIS OBISPO
- (EE) TRINCHERO RANCH, SAN BENITO
- (FF) WHITE CLOUD RESOURCES, MENDOCINO
- (GG) TEJON RANCH, KERN
- (HH) BIG MORONGO SPRINGS RANCH, SAN BERNARDINO

Approved; no public testimony.

OTHER

27. ANNOUNCEMENT OF FUTURE MEETINGS.