Pursuant to the call of the President, the Commission met at Wine and Roses Country Garden Inn, Garden Ballroom, 2505 W. Turner Road, Lodi, California, on April 8, 2009. The meeting was called to order at 10:15 a.m. by President Gustafson.

**FISH AND GAME COMMISSION**

Cindy Gustafson  President  Present
Jim Kellogg  Vice-President  Present
Richard Rogers  Member  Present
Michael Sutton  Member  Present
Daniel Richards  Member  Present

Persons present:

**COMMISSION STAFF**

John Carlson, Jr.  Executive Director
Jon K. Fischer  Deputy Executive Director
Adrianna Shea  Deputy Executive Director
Sherrie Fonbuena  Associate Governmental Program Analyst
Anita Biedermann  Associate Governmental Program Analyst
Carol Horn  Executive Assistant

**OFFICE OF THE ATTORNEY GENERAL**

Deborah Barnes  Deputy Attorney General

**DEPARTMENT OF FISH AND GAME**

Donald Koch  Director
John McCamman  Chief Deputy Director
Sonke Mastrup  Deputy Director, Resources Management & Policy Division (RMPD)
Nancy Foley  Deputy Director, Law Enforcement Division
Dr. Eric Loft  Chief, Wildlife Branch (RMPD)
Neil Manji  Chief, Fisheries Branch (RMPD)
Philip Bairrington  Northern Region

The following persons were present and heard:

Ed Schultz  Marin County Fish and Wildlife Commission
Jim Martin  Recreational Fishing Alliance
Ray Yee  Coastside Fishing
Jim Haussenen  California Marine Affairs
Ed Tavasieff  Commercial Fisherman
Bill Bernard Abalone Advisory Group
Dan Bacher Editor, Fish Sniffer
Arch Richardson Concerned Citizen
Tom Pedersen California Rifle and Pistol Association
John Fields California Rifle and Pistol Association
George Osborn Concerned Fisherman
Tom Raftican The Sportfishing Conservancy
E. B. Duggan Trinity River Guide Association/In-River Sports Fishing
Steve Shimek Monterey Coastkeeper
Steve Scheiblauer City of Monterey, Harbor Masters
Paul Weakland Commercial Fisherman
Bill Gaines California Outdoor Heritage Alliance
Jay Yokomizo MLPA Stakeholder
Karen Reyna Gulf of the Farallones National Marine Sanctuary
Bob Wilson Farallones Marine Sanctuary Association
Thomas Lyons California Coastkeeper Alliance
Bob Bow Coastside Fishing Club
Don Peoples Concerned Citizen
Robin King Concerned Citizen
Jessica Luo Point Reyes National Seashore
Paul Hobi Ocean Conservancy
Jim Bulger Concerned Fisherman
Laura Kasa Save Our Shores
Bob Breen Concerned Citizen
Bill Johnson Coastside Fishing Club
Rick Johnson Concerned Citizen
Scott Tibbedeaux Concerned Citizen
Karen Garrison Natural Resources Defense Council
Vern Goehring California Fisheries Coalition
Dennis Long Monterey Bay Sanctuary Foundation
Gilbert Higbee Recreational Fisherman
Bob Fletcher Sportfishing Association of California
Doug Wilgis Concerned Citizen
Eric Holthouse Recreational Fisherman
Jim Higuchi Recreational Fisherman
Matthew Plut Coastside Fishing Club
Michael Starr Coastside Fishing Club
Francesca Koe NCC Stakeholder/Diver
Cyndi Dawson Science Reef Check of California
Kaitlin Gaffney Ocean Conservancy
Steven Fukuto United Anglers of Southern California
Tom Weseloh California Trout
Ben Taylor PCF
Charles Bucaria Federation of Fly Fishers
Pamela Flick Defenders of Wildlife
Bill Snyder Department of Forestry and Fire Protection
Justin Augustine CBD
Gary Rynearsen Green Diamond Resource Co.
Steven Self Sierra Pacific Industries
Ed Worley National Rifle Association
The following agenda items were heard on April 9, 2009:  6, 8(C), 8(F), 8(G), 8(H), 10(A) & (B), 11, 12, 13 & 14.

1.  PUBLIC FORUM.
Received public testimony from the following:  Ed Schultz, Jim Martin, Ray Yee, Jim Haussenen, Ed Tavasieff, Bill Bernard, Dan Bacher, Arch Richardson, Tom Pedersen, John Fields, George Osborn, Tom Raftican, E. B. Duggan, Steve Shimek, Steve Scheiblauer, and Paul Weakland.

President Gustafson reported that DFG would be providing an update on the MLPA funding issue in the next agenda item.

2.  UPDATE ON MARINE LIFE PROTECTION ACT (MLPA) FOR NORTH CENTRAL COAST STUDY REGION.
(A)  REGULATION TIMELINE AND CALIFORNIA ENVIRONMENTAL QUALITY ACT DOCUMENT.
(B)  ESTIMATED COSTS AND ANTICIPATED FUND SOURCES.
Received report from the Department; Final EIR to be completed in for the August FGC Meeting. Received public testimony. All Commissioners agreed on the following suggested timeline:  FGC to publish notice as soon as it receives the appropriate paperwork from DFG, including Form 399; receive public comments at the Commission’s May 13-14, 2009, meeting and possible adoption, including receipt of public testimony, at the Commission’s August 5-6, 2009, meeting.

3.  RECEIPT AND POSSIBLE ACTION ON THE DEPARTMENT OF FISH AND GAME DRAFT NEGATIVE DECLARATION REGARDING DELISTING THE AMERICAN PEREGRINE FALCON.
Received the Department’s report.  No public testimony.

MOVED BY J. KELLOGG, SECOND BY R. ROGERS, TO RELEASE DOCUMENT FOR PUBLIC REVIEW. TO MAY 09 MEETING FOR PUBLIC COMMENTS AND ADOPTION AT AUGUST 5-6, 2009, MEETING.
AYES:  C. GUSTAFSON, J KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.  MOTION PASSED UNANIMOUSLY.

4.  UPDATE ON SMITH RIVER ISSUES AND MANAGEMENT.
Cal Trout provided an update.  Received the Department’s update. Received public testimony.

5.  (A)  CONSIDERATION AND POSSIBLE ADOPTION OF FINDINGS ON THE PETITION TO DESIGNATE PACIFIC FISHER (Martes pennanti) AS AN ENDANGERED OR THREATENED SPECIES CANDIDATE.
Received the Department’s report.  Received public testimony.

MOVED BY R. ROGERS, SECOND BY M. SUTTON, TO ADOPT PROPOSED DRAFT FINDINGS TO DESIGNATE PACIFIC FISHER AS AN ENDANGERED OR THREATENED SPECIES CANDIDATE.
AYES:  C. GUSTAFSON, J KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.  MOTION PASSED UNANIMOUSLY.
(B) CONSIDERATION AND POSSIBLE EMERGENCY ACTION TO ADD SECTION 749.5, TITLE 14, CCR, RE: SPECIAL ORDER RELATING TO INCIDENTAL TAKE OF PACIFIC FISHER DURING CANDIDACY PERIOD. Received the Department’s report. Received public testimony.

MOVED BY R. ROGERS, SECOND BY D. RICHARDS, TO TAKE EMERGENCY ACTION TO ADD SPECIAL ORDER RELATING TO INCIDENTAL TAKE OF PACIFIC FISHER DURING CANDIDACY PERIOD. AYES: C. GUSTAFSON, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON. MOTION PASSED UNANIMOUSLY.

6. SCOPING OF POSSIBLE DEPARTMENT AND COMMISSION 2009 UPLAND GAME REGULATION CHANGE PROPOSALS.
   Received the Department’s update. Received public testimony. At the Commission’s direction, DFG to evaluate turkey hunting on State Wildlife Areas and to include an option for a complete ban of lead ammo for upland game, small mammal, hunting in the condor range.

7. DEPARTMENT OF FISH AND GAME LEGISLATIVE REPORT UPDATE AND POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.
   Received the Department’s report. Received public testimony.

8. RECEIPT OF DEPARTMENT OF FISH AND GAME INFORMATIONAL ITEMS.
   (A) RECEIPT OF DEPARTMENT OF FISH AND GAME DIRECTOR’S REPORT.
       Received the Department’s report. No public testimony.
   (B) UPDATE ON THE AUTOMATED LICENSE DATA SYSTEM.
       Received the Department’s report. No public testimony.
   (C) STATUS UPDATE ON THE REPORT REGARDING LEVELS OF LEAD FOUND IN CALIFORNIA CONDORS DURING 2008. (Note: The Commission is required to issue this report by June 2009, pursuant to Section 3004.5 of the Fish and Game Code.)
       Received the Department’s status update and that the report will be available at the Commission’s May meeting. Received public testimony.
   (D) UPDATE ON AQUACULTURE.
       Received the Department’s report. Received public testimony.
   (E) RECEIPT OF DEPARTMENT TEMPLATE FOR STATE BOTTOM LEASE.
       Received the Department’s report. No public testimony.
   (F) UPDATE ON ENFORCEMENT.
       Received the Department’s report. All Commissioners agreed to send letter of support to Counties District Attorneys. No public testimony.
   (G) UPDATE ON PACIFIC FISHERY MANAGEMENT COUNCIL ISSUES.
       Department to report under the salmon items. No public testimony.
(H) OTHER.
Department provided a status of the Herring fishery.

9. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.
Received report from Executive Director Carlson. No public testimony.

10. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.
(A) MARINE RESOURCES COMMITTEE.
Received reports from Commissioners Sutton and Rogers. Received public testimony.

(B) AL TAUCHER'S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE.
Received report from Deputy Executive Director Fischer. Next meeting scheduled for June 22 or 23, 2009. Received public testimony.

11. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.
Received report from Tony Morton. No public testimony.

12. FISH AND GAME COMMISSION/DEPARTMENT OF FISH AND GAME WORKLOAD PLANNING AND COORDINATION.
Received update from Executive Director Carlson. Meeting to be scheduled in conjunction with Commission’s June meeting.

13. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.
No report.

14. NEW BUSINESS.
None.

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. SAN LUIS AND DELTA-MENDOTA WATER AUTHORITY AND WESTLAND WATER DISTRICT; STATE WATER CONTRACTORS; KERN COUNTY WATER AGENCY; AND OTHER REAL PARTIES IN INTEREST vs. CALIFORNIA FISH AND GAME COMMISSION RE: LONGFIN SMELT.

   II. CENTER FOR BIOLOGICAL DIVERSITY vs. CALIFORNIA FISH AND GAME COMMISSION RE: TIGER SALAMANDER.

   III. BIG CREEK LUMBER COMPANY AND CENTRAL COAST FOREST ASSOC. vs. CALIFORNIA FISH AND GAME COMMISSION RE: COHO LISTING, SOUTH OF SAN FRANCISCO.
IV. LINDY O'LEARY vs. CALIFORNIA FISH AND GAME COMMISSION RE: R.R.S.A.C. AND R.R.S.S. PERMIT DENIALS.
V. NATURAL RESOURCES DEFENSE COUNCIL, ET AL., vs. CALIFORNIA FISH AND GAME COMMISSION RE: CALIFORNIA CONDORS EXPOSURE TO LEAD AMMUNITION.
VI. COALITION FOR SUSTAINABLE DELTA, ET AL., vs. CALIFORNIA FISH AND GAME COMMISSION RE: SPORTFISH REGULATIONS AND TAKE OF LISTED SPECIES.
VII. JAMES BUNN AND JOHN GIBBS vs. CALIFORNIA FISH AND GAME COMMISSION RE: SQUID PERMITS.
VIII. CENTER FOR BIOLOGICAL DIVERSITY vs. CALIFORNIA FISH AND GAME COMMISSION RE: AMERICAN PIKA.

B. POSSIBLE LITIGATION INVOLVING THE COMMISSION.

C. STAFF PERFORMANCE AND COMPENSATION.

D. RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS:

There being no further business, the meeting recessed at 5:17 p.m. to reconvene on April 9 at 8:30 a.m.
Pursuant to the call of the President, the Commission met at Wine and Roses Country Garden Inn, Garden Ballroom, 2505 W. Turner Road, Lodi, California, on April 9, 2009. The meeting was called to order at 8:40 a.m. by President Gustafson.

FISH AND GAME COMMISSION

Cindy Gustafson  President  Present
Jim Kellogg  Vice-President  Present
Richard Rogers  Member  Present
Michael Sutton  Member  Present
Daniel Richards  Member  Present

Persons present:

COMMISSION STAFF

John Carlson, Jr.  Executive Director
Jon K. Fischer  Deputy Executive Director
Adrianna Shea  Deputy Executive Director
Sherrie Fonbuena  Associate Governmental Program Analyst
Anita Biedermann  Associate Governmental Program Analyst
Carol Horn  Executive Assistant

OFFICE OF THE ATTORNEY GENERAL

Deborah Barnes  Deputy Attorney General

DEPARTMENT OF FISH AND GAME

Donald Koch  Director
Sonke Mastrup  Deputy Director, Resources Management & Policy Division (RMPD)
Nancy Foley  Deputy Director, Law Enforcement Division
Dr. Eric Loft  Chief, Wildlife Branch (RMPD)
Neil Manji  Chief, Fisheries Branch (RMPD)
Scott Barrow  Senior Biologist Specialist, Fisheries Branch
James Baugus  Law Enforcement Division
Erica Hacche  Law Enforcement Division
Tony Straw  System Analyst

The following persons were present and heard:

Bill Gaines  California Outdoor Heritage Alliance
Paul Weakland  Commercial Fisherman
Ed Worley  National Rifle Association
Tom Pedersen  California Rifle and Pistol Association
The following items were scheduled for April 8 and heard on April 9, 2009: 6, 8(C), 8(F), 8(G), 8(H), 10(A) & (B), 11, 12, 13 & 14.

15. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.
Deputy Attorney General Barnes reported that no announcements were required.
No public testimony.

16. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SUBSECTION (b)(91.1) OF SECTION 7.50, TITLE 14, CCR, RE: KLAMATH-TRINITY SALMON FISHING REGULATIONS. (Note: The Commission will consider adoption of the proposed changes at its April 21, 2009, teleconference meeting.)
Received report from the Department. Received public testimony.

17. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTIONS 7.00 AND 7.50, TITLE 14, CCR, RE: CENTRAL VALLEY SALMON FISHING REGULATIONS. (Note: The Commission will consider adoption of the proposed changes at its April 21, 2009, teleconference meeting.)
Received report from the Department. Received public testimony.

18. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTION 27.80, TITLE 14, CCR, RE: OCEAN SALMON FISHING REGULATIONS. (Note: The Commission will consider adoption of the proposed changes at its April 21, 2009, teleconference meeting.)
Received report from the Department. Received public testimony.
19. RECEIPT OF PUBLIC TESTIMONY ON TAG QUOTA CHANGES, CLARIFICATIONS AND URGENCY CHANGES FOR THE 2009-2010 MAMMAL HUNTING REGULATIONS. (Note: The Commission will consider adoption of the proposed changes at its April 21, 2009, teleconference meeting.)

Received report from the Department. Received public testimony.

20. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTION 124, TITLE 14, CCR, RE: HALIBUT TRAWLING. (Note: The Commission will consider adoption of the proposed changes at its May 14, 2009, meeting in Sacramento.)

Received report from the Department. Received public testimony.

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

Received report from the Department. No public testimony.

MOVED BY J. KELLOGG, SECOND BY D. RICHARDS, ADOPTION OF PROPOSED CHANGES TO SILVER KING CREEK SPORT FISHING REGULATIONS.

AYES: C. GUSTAFSON, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.

MOTION PASSED UNANIMOUSLY.

22. CONSIDERATION AND POSSIBLE ACTION RELATED TO THE REQUEST OF JAMES L. BUCHAL FOR THE COMMISSION TO AMEND SUBSECTION (b)(91.1)(B)2. OF SECTION 7.50, TITLE 14, CCR, RE: EXEMPTION TO GENERAL AREA CLOSURES ON THE KLAMATH RIVER WHICH ALLOWS THE USE OF HAND-HELD DIP NETS BY THE KARUK INDIAN TRIBE AT ISHI PISHI FALLS.

Received report from the Department. Received public testimony.

MOVED BY J. KELLOGG, SECOND BY M. SUTTON, TO DENY REQUEST.

AYES: C. GUSTAFSON, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.

MOTION PASSED UNANIMOUSLY.

23. COMMISSION FOLLOW-UP.

President Gustafson summarized the item and requested that Commissioners suggest items to be discussed at future meetings. No suggestions were made by Commissioners.

24. MEETING REVIEW AND STAFF DIRECTION.

Executive Director Carlson reviewed the "to do".

(May not be the complete list.)

Schedule presentation on MPA monitoring at May meeting.
Schedule Aquaculture meeting, May 13.
Schedule MLPA hearings.
Schedule ratification of Longfin Smelt findings for May meeting.
Prepare 5 legislative bill analysis.
Staff to draft letter to District Attorney's Association regarding prosecution of crimes.
Prepare report for May Biodiversity Council.
Schedule ½ day workload meeting in conjunction with June Commission meeting.
Chief Foley to update Commissioners via report on Salinas River enforcement.
Status of salmon/steelhead report cards for youth.
Commissioner Richards is coordinating with Chief Foley for a Warden Shoot on June 2, 2009, in San Bernardino.

25. ANNOUNCEMENT OF FUTURE MEETINGS.

2009 FISH AND GAME COMMISSION
MEETING SCHEDULE
www.fgc.ca.gov

<table>
<thead>
<tr>
<th>DATE</th>
<th>LOCATION</th>
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<tbody>
<tr>
<td>April 21 (9:30 a.m.) Confirmed</td>
<td>Sacramento (Via Telephone)</td>
</tr>
<tr>
<td>May 13 (Wed.) May 14 (Thurs.) Confirmed</td>
<td>State of California Resources Agency Building 1416 Ninth Street Sacramento</td>
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<tr>
<td>June 24 (Wed.) June 25 (Thurs.)</td>
<td>Yolo Fliers Club 17980 County Road 94B Woodland</td>
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<tr>
<td>August 6 (Thurs.) August 7 (Fri.)</td>
<td>???</td>
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<tr>
<td>September 2 (Wed.) September 3 (Thurs.)</td>
<td>???</td>
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<tr>
<td>September 30 (Wed.) October 1 (Thurs.) Confirmed</td>
<td>Yolo Fliers Club 17980 County Road 94B Woodland</td>
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<tr>
<td>November 4 (Wed.) November 5 (Thurs.) Confirmed</td>
<td>Yolo Fliers Club 17980 County Road 94B Woodland</td>
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<tr>
<td>December 10 (Thurs.) December 11 (Fri.) Confirmed</td>
<td>State of California Department of General Services Auditorium (Ziggurat Bldg.) 707 Third Street, First Floor West Sacramento</td>
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April 5-10, 2009, PFMC Salmon
July 10-15, 2009, WAFWA Newport Beach
September 2009, AFWA

There being no further business, the Fish and Game Commission adjourned at 12:23 p.m.