Pursuant to the call of the President, the Commission met at the Yolo Fliers Club, Ballroom, 17980 County Road 94B, Woodland, California, on August 5, 2009. The meeting was called to order at 10:25 a.m. by Vice-President Kellogg.

FISH AND GAME COMMISSION

Jim Kellogg
Richard Rogers
Michael Sutton
Daniel Richards
Don Benninghoven
Vice-President
Member
Member
Member
Member
Present
Present
Present
Present
Present

Persons present:

COMMISSION STAFF

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

OFFICE OF THE ATTORNEY GENERAL

Deborah Wordham
Deputy Attorney General

DEPARTMENT OF FISH AND GAME

Donald Koch
Sonke Mastrup
Nancy Foley
Susan LaGrande
Tony Warrington
Susan Ashcraft
Director
Deputy Director, Resources Management & Policy Division (RMPD)
Deputy Director, Law Enforcement Division
Deputy Director, Legislation
Law Enforcement Division
Marine Region

The following persons were present and heard:

Craig Bell
Joey Racano
Tom Pedersen
Dewey Savell
Jim deRoove
Dave Myers
Paul Weakland
Jim Martin
Mendocino County Fish and Game Commission
Ocean Outfall Group
California Rifle & Pistol Association/CA Gamehawks Association
California Gamehawks Association
California Hawking Club
California Gamehawks Association
Commercial Fisherman
Recreational Fishing Alliance
Ed Tavasieff Commercial Fisherman
Barbara Schmitz Animal Protection Institute
Mendel Stewart U.S. Fish and Wildlife Service
Matt Brookhart NOAA Sanctuaries, Regional Policy Coordinator
Maria Brown NOAA, Gulf of the Farallones National Marine Sanctuary
Dave Schaub Department of Parks and Recreation
Ben Becker National Park Service/Pt. Reyes National Seashore
Craig Davis Concerned Citizen
Richard Charter Defenders of Wildlife
Kate Purcell Save Our Shores
Keary Sorenson Concerned Citizen/Volunteer
John Russell Yeo Concerned Citizen
Charlotte Stevenson Heal the Bay
Fred Euphrat Senator Patricia Wiggins/Committee on Fisheries & Aquaculture
Bryan Rosen Concerned Citizen
Tom Ford Santa Monica Baykeeper
Joe Russell Concerned Citizen
Ray Hiemstra Orange County Coastkeeper
Josh Berry Concerned Citizen
Bob Davis Concerned Citizen
Todd Tognazzini California Fish and Game Wardens Association
Jim Bulger Vessel Assist
Dale Della Rosa Concerned Citizen
Claudia Tippett Pacific Environment
Ben Petersen NCKA
Walter Stolar Concerned Citizen
John Lewallen Mendocino Sea Vegetable Company
Terry Nieves Ocean Harvest Sea Vegetable Company
Tomas DiFiore Seaweed Subsistence Food
Jeff Russell Concerned Citizen
Lester Pinola Kashia Rancheria
Charlotte Alvord Concerned Citizen
Tim Machado Humboldt Area Saltwater Anglers
Ben Doane Humboldt Area Saltwater Anglers
Andrew Bland Abalone Divers
Francesca Koe MLPA Stakeholders & Divers
Craig Harris Concerned Citizen
Marcela Ewtiewez Concerned Citizen
Jonathan Zaidman Concerned Citizen
Dale Myer Coastside Fishing Club
Sal Dimercunio Coastside Fishing Club
Barbara Stephens-Lewallen Mendocino Sea Vegetable Company
William Smith Riptide Charters
Pierre Granier Concerned Citizen
Matthew Plut Coastside Fishing Club
Michael Starr Concerned Citizen
Mike Davis Fitzgerald Marine Reserve
Gregg Berman Fitzgerald Marine Reserve
Steve Durkin Fitzgerald Marine Reserve
Mary DeLong Fitzgerald Marine Reserve
Ed Homer Concerned Citizen
1. PUBLIC FORUM.

Received public testimony from: Craig Bell, Joey Racano, Tom Pedersen, Dewey Savell, Jim deRoove, Dave Myers, Paul Weakland, Jim Martin, Ed Tavaseiff, and Barbara Schmitz.
2. (A) FINAL CERTIFICATION OF ENVIRONMENTAL DOCUMENT, AND ADOPTION OF FINDINGS AND PROPOSED PROJECT (OR ALTERNATIVE) FOR PROPOSED CHANGES TO SECTION 632, TITLE 14, CCR, RE: MARINE PROTECTED AREAS FOR THE NORTH CENTRAL COAST STUDY REGION. Received the Department’s review. Received public testimony.

MOVED BY R. ROGERS, SECOND BY D. BENNINGHOVEN, TO CERTIFY FINAL ENVIRONMENTAL DOCUMENT FOR THE NORTH CENTRAL COAST MARINE PROTECTED AREAS.

ROLL CALL VOTE:
AYES: D. BENNINGHOVEN, R. ROGERS, M. SUTTON.
NOES: J. KELLOGG, D. RICHARDS.

MOTION PASSED.

(B) DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 632, TITLE 14, CCR, RE: MARINE PROTECTED AREAS FOR THE NORTH CENTRAL COAST STUDY REGION. Received the Department’s review. Received public testimony.

MOVED BY J. KELLOGG, SECOND BY D. RICHARDS, TO SUSPEND THE MLPA PROCESS UNTIL THE ECONOMICS IMPROVE, STATE BUDGET CRISIS IMPROVES, AND PROOF THAT THE EXISTING MPA’S WORK BEFORE MOVING FORWARD.

ROLL CALL VOTE:
AYES: J. KELLOGG, D. RICHARDS.
NOES: D. BENNINGHOVEN, R. ROGERS, M. SUTTON.

MOTION FAILED.

MOVED BY R. ROGERS, SECOND BY D. BENNINGHOVERN, TO ADOPT THE INTEGRATED PREFERRED ALTERNATIVE, INCLUDING MONTARA AND SEA LION COVE.

ROLL CALL VOTE:
AYES: D. BENNINGHOVEN, R. ROGERS, M. SUTTON.
NOES: J. KELLOGG, D. RICHARDS.

MOTION PASSED.

3. DEPARTMENT OF FISH AND GAME LEGISLATIVE REPORT UPDATE AND POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.
Received Department's report. Received public testimony. The Commissioners directed staff to develop a legislative policy.

MOVED BY D. RICHARDS, SECOND BY J. KELLOGG, TO SUPPORT THE FOLLOWING BILLS AS OF JULY 22: AB 489, AB 571, AB 708, AB 1052, AB 1217, AB 1442, and SB 778.

AYES: D. BENNINGHOVEN, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.
MOTION PASSED.
4. RECEIPT OF DEPARTMENT OF FISH AND GAME INFORMATIONAL ITEMS.

(A) RECEIPT OF DEPARTMENT OF FISH AND GAME DIRECTOR’S REPORT.
Received report from Director Koch. No public testimony.

(B) UPDATE ON THE AUTOMATED LICENSE DATA SYSTEM.
Received report from Director Koch. Received public testimony.

(C) UPDATE ON STATE WATER BOTTOMS LEASE TEMPLATE.
Received report from Deputy Director Mastrup. No public testimony.

(D) UPDATE ON ENFORCEMENT.
Received report from Chief Nancy Foley. No public testimony.

(E) OTHER.
None.

5. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.

(A) REPORT ON WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES (WAFWA) CONFERENCE.
Deputy Executive Director Fischer provided a review of the meeting held in Newport Beach, CA. National meeting to be held in Boston, September 2009, Mid-winter meeting scheduled in San Diego, January 2010 and WAFWA hosted by Alaska in July 2010.

(B) OTHER.
None.

6. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.

(A) MARINE RESOURCES COMMITTEE.
Received report from M. Sutton. Received public testimony.

(B) AL TAUCHER’S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE.
Deputy Executive Director Fischer reported that the next meeting was scheduled for September.

(C) AQUACULTURE COMMITTEE.
Commissioner Richards reported that he believes nothing has occurred regarding actions taken at the last meeting. Received public testimony.

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

8. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.
There was no report. Received public testimony.

9. NEW BUSINESS.
No report. Received public testimony.
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. LINDY O’LEARY vs. CALIFORNIA FISH AND GAME COMMISSION RE: R.R.S.A.C. AND R.R.S.S. PERMIT DENIALS.
   III. JAMES BUNN AND JOHN GIBBS vs. CALIFORNIA FISH AND GAME COMMISSION RE: SQUID PERMITS.
B. POSSIBLE LITIGATION INVOLVING THE COMMISSION.
C. STAFF PERFORMANCE AND COMPENSATION.
D. RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS.
   I. BRUCE HOWARD DENNIS, REVOCATION OF COMMERCIAL FISHING LICENSE.

There being no further business, the meeting recessed at 6:10 p.m. to reconvene on August 6, 2009 at 8:30 a.m.

State of California
FISH AND GAME COMMISSION

Staff Summary, Meeting of August 6, 2009
This is staff's best effort to summarize the actions of the meeting.
For more specific information go to www.Cal-span.org.

Pursuant to the call of the President, the Commission met at the Yolo Fliers Club, Ballroom, 17980 County Road 94B, Woodland, California, on August 6, 2009. The meeting was called to order at 8:53 a.m. by Vice-President Kellogg.

FISH AND GAME COMMISSION

Jim Kellogg Vice-President Present
Richard Rogers Member Present
Michael Sutton Member Present
Daniel Richards Member Present (left during #18)
Don Benninghoven Member Present (left before #18)
Persons present:

COMMISSION STAFF

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 Wordham 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
Neil Manji Chief, Fisheries Programs Branch
Dan Yparraguirre Wildlife Branch
Scott Barrow Fisheries Branch
Rob Allen Law Enforcement Division
Tony Warrington Law Enforcement Division
Brian Naslund Law Enforcement Division
Jim Jones Law Enforcement Division

The following persons were present and heard:

Paul Weakland Commercial Fisherman
Tony Morton NOAA Fisheries
Michael McCoy California Aquaculture Association
Tom Pedersen California Rifle & Pistol Association
Chuck Michel Michel & Associates, P.C.
Anthony Canales Michel & Associates, P.C.
Dr. Eric Randich Michel & Associates, P.C./Forensic Materials International
Dr. Don Saba Sierra Bioresource
Virginia Handley PAW PAC
Damand Nagami Natural Resources Defense Council
Ed Worley National Rifle Association
Eric Mills Action for Animals
Ryan Mattis National Wild Turkey Foundation
Bill Gaines California Outdoor Heritage Alliance
Greg Yarris California Waterfowl Association
Jim Waters California Waterfowl Association
Bob McLandress California Waterfowl Association
Joe Maynard Exotic Feline Breeding Compound/ZAA
Dale Anderson Project Survival
Mark Eglington Blue Beyond Fisheries
Nicole Paquette Born Free USA
10. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.
Deputy Attorney General Wordham reported on the Executive Session held on August 5, 2009. She reported that the Commission adopted the proposed decision to permanently revoke the commercial fishing privileges of Bruce Howard Dennis.

11. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED ADDITION OF SECTION 235.3 AND AMENDMENT OF SECTIONS 236, 238, AND 240, TITLE 14, CCR, RE: MARKING AND INSPECTION OF LIVE FISH TRANSPORTATION VEHICLES AND INSPECTIONS OF AQUACULTURE FACILITIES.
Received public testimony. Department recommended renoticing regulations to incorporate new information. Commissioners agreed.

12. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED ADDITION OF SECTIONS 311.1 AND 507.2, TITLE 14, CCR, RE: METHODS AUTHORIZED FOR TAKING RESIDENT SMALL GAME AND MIGRATORY UPLAND GAME BIRDS WITHIN THE RANGE OF THE CALIFORNIA CONDOR.
Received report from the Department recommending no change. Received public testimony.

MOVED BY D. RICHARDS, SECOND BY R. ROGERS, TO APPROVE DEPARTMENT'S RECOMMENDATION FOR THE NO CHANGE ALTERNATIVE.
AYES: D. BENNINGHOVEN, J. KELLOGG, D. RICHARDS, R. ROGERS.
NOES: M. SUTTON.
MOTION PASSED UNANIMOUSLY.

13. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED AMENDMENTS TO THE MIGRATORY GAME BIRD (WATERFOWL) REGULATIONS FOR 2009-2010.
Received the Department's report from D. Yparraguirre. Received public testimony.

MOVED BY D. RICHARDS, SECOND BY M. SUTTON, TO CERTIFY THE ENVIRONMENTAL DOCUMENT FOR THE WATERFOWL REGULATIONS.
AYES: D. BENNINGHOVEN, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.
MOTION PASSED UNANIMOUSLY.
MOVED BY J. KELLOGG, SECOND BY R. ROGERS, TO ADOPT PROPOSED CHANGES FOR THE 2009-2010 WATERFOWL REGULATIONS.
AYES: D. BENNINGHOVEN, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON. MOTION PASSED UNANIMOUSLY.

14. COMMISSION RECOGNITION OF NEWLY INDUCTED MEMBERS TO THE CALIFORNIA WATERFOWLERS HALL OF FAME.
The following individuals were inducted to the California Waterfowlers Hall of Fame: Peter Bontadelli, James Bancroft, Trudy Eastman, Dr. Stanley W. Harris, Paul Crapuchettes, and Carter Harrison.

15. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTIONS 671, 671.1, 671.7, AND 703, TITLE 14, CCR, RE: NEW RESTRICTED SPECIES PERMITS AND REQUIREMENTS.
Received the Department's report. Received public testimony.

MOVED BY M. SUTTON, SECOND BY J. KELLOGG, TO AMEND AND RENOTICE PROPOSED CHANGES TO RESTRICTED SPECIES PERMITS.
AYES: D. BENNINGHOVEN, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON. MOTION PASSED UNANIMOUSLY.

16. PURSUANT TO FISH AND GAME CODE SECTION 2084, CONSIDERATION AND POSSIBLE EMERGENCY ACTION TO RE-ADOPT SECTION 749.4, TITLE 14, CCR, FOR AN ADDITIONAL 90 DAY PERIOD, RE: SPECIAL ORDER RELATING TO INCIDENTAL TAKE OF CALIFORNIA TIGER SALAMANDER DURING CANDIDACY PERIOD.
Received Department's report. Received public testimony.

MOVED BY R. ROGERS, SECOND BY D. RICHARDS, TO APPROVE EMERGENCY ACTION FOR AN ADDITIONAL 90 DAY PERIOD REGARDING SPECIAL ORDER RELATING TO INCIDENTAL TAKE OF CALIFORNIA TIGER SALAMANDER DURING CANDIDACY PERIOD.
AYES: D. BENNINGHOVEN, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON. MOTION PASSED UNANIMOUSLY.

17. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTIONS 163 AND 164, TITLE 14, CCR, RE: HERRING. (Note: The adoption hearing is scheduled for September 3, 2009.)
No report from the Department. Received public testimony.

18. RECEIPT OF PUBLIC RECOMMENDATIONS AND REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO CONSIDER AMENDMENTS OF THE SPORT FISHING REGULATIONS FOR 2010-2012. (Note: The adoption hearing is scheduled for December 10, 2009, in West Sacramento.)
Received Department's report. Received public testimony.

MOVED BY R. ROGERS, SECOND BY M. SUTTON, AUTHORIZING STAFF TO PUBLISH NOTICE OF INTENT TO CONSIDER AMENDMENTS OF THE SPORT FISHING REGULATIONS.
AYES: J. KELLOGG, R. ROGERS, M. SUTTON.
ABSENT: D. BENNINGHOVEN, D. RICHARDS. MOTION PASSED.
CONSENT CALENDAR

MOVED BY R. ROGERS, SECOND BY J. KELLOGG, TO APPROVE CONSENT CALENDAR ITEMS 19-25 AS RECOMMENDED BY THE DEPARTMENT.

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

ABSENT:  D. BENNINGHOVEN, D. RICHARDS.

MOTION PASSED.

19. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO ADD SECTION 681, TITLE 14, CCR, RE: HYBRID ANIMALS AND PLANTS.
(Note: The discussion hearing is scheduled for October 1, 2009, meeting in Woodland.)
Approved.  No public testimony.

20. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 155, TITLE 14, CCR, RE: COMMERCIAL TAKE OF WHITE SEABASS.  (Note: The discussion hearing is scheduled for October 1, 2009, meeting in Woodland.)
Approved.  No public testimony.

21. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 122, TITLE 14, CCR, RE: LOBSTER BUOY REGULATIONS.
Approved proposed changes.  No public testimony.

22. CONSIDERATION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 670.5, TITLE 14, CCR, TO DELIST THE AMERICAN PEREGRINE FALCON (Falco peregrinus anatum) AS AN ENDANGERED SPECIES.
Approved.  No public testimony.

23. DEPARTMENT OF FISH AND GAME REQUEST FOR MODIFICATION OF DUCK STAMP PROJECT PROPOSALS FOR ASH CREEK AND SHASTA VALLEY WILDLIFE AREAS.
Approved.  No public testimony.

24. POSSIBLE APPROVAL OF ANNUAL REPORT AND 2009 PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA PLANS FOR:

(A) ABERNATHY RANCH, SHASTA COUNTY
(B) BASIN VIEW RANCH, MODOC COUNTY
(C) ELLIS RANCH, TEHAMA COUNTY
(D) HATHAWAY RANCH, SHASTA COUNTY
(E) LITTLE DRY CREEK RANCH, TEHAMA COUNTY
(F) LLANO SECO RANCHO, BUTTE COUNTY
(G) PINE RANCH, YOLO AND COLUSA COUNTIES
(H) ROCK CREEK RANCH, BUTTE COUNTY
(I) STOVER RANCH, HUMBOLDT COUNTY
(J) SUGARLOAF-BANGOR RANCH, YUBA COUNTY
Approved.  No public testimony.
25. CONSIDERATION AND POSSIBLE APPROVAL OF PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA LICENSE (2009-2014) AND 2009-2010 MANAGEMENT PLAN FOR:

(A) BELL RANCH, TEHAMA COUNTY
(B) CLARKS VALLEY RANCH, LASSEN COUNTY
(C) CORNING LAND AND CATTLE COMPANY, TEHAMA COUNTY
(D) SNOWSTORM RANCH, LASSEN COUNTY
(E) SOPER-WHEELER RANCH, YUBA COUNTY

Approved. No public testimony.

OTHER

26. COMMISSION FOLLOW-UP, MEETING REVIEW, AND STAFF DIRECTION. There was discussion and Commissioners agreed to 1 day Commission meetings for the balance of 2009, if feasible.

27. ANNOUNCEMENT OF FUTURE MEETINGS.

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

<table>
<thead>
<tr>
<th>DATE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 2 (Wed.)</td>
<td>TENTATIVE Yolo Fliers Club</td>
</tr>
<tr>
<td>September 3 (Thurs.)</td>
<td>17980 County Road 94B, <strong>Woodland</strong></td>
</tr>
<tr>
<td>September 30 (Wed.)</td>
<td>TENTATIVE Yolo Fliers Club</td>
</tr>
<tr>
<td>October 1 (Thurs.)</td>
<td>17980 County Road 94B, <strong>Woodland</strong></td>
</tr>
<tr>
<td>November 4 (Wed.)</td>
<td>TENTATIVE Yolo Fliers Club</td>
</tr>
<tr>
<td>November 5 (Thurs.)</td>
<td>17980 County Road 94B, <strong>Woodland</strong></td>
</tr>
<tr>
<td>December 10 (Thurs.)</td>
<td>Department of General Services Auditorium (Ziggurat Bldg.) 707 Third Street, 1st Floor, <strong>West Sacramento</strong></td>
</tr>
<tr>
<td>December 11 (Fri.)</td>
<td></td>
</tr>
</tbody>
</table>

There being no further business, the Fish and Game Commission meeting adjourned at 1:20 p.m.