Pursuant to the call of the President, the Commission met at the Yolo Fliers Club, Ballroom, 17980 County Road 94B, Woodland, California, on October 1, 2009. The meeting was called to order at 10:03 a.m. by President Kellogg.

**FISH AND GAME COMMISSION**

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Status</th>
</tr>
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<tbody>
<tr>
<td>Jim Kellogg</td>
<td>President</td>
<td>Present</td>
</tr>
<tr>
<td>Richard Rogers</td>
<td>Vice-President</td>
<td>Present</td>
</tr>
<tr>
<td>Michael Sutton</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Daniel Richards</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Don Benninghoven</td>
<td>Member</td>
<td>Present</td>
</tr>
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Persons present:

**COMMISSION STAFF**

- John Carlson: Executive Director (left early)
- 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**

- Rick Thalhammer: Deputy Attorney General

**DEPARTMENT OF FISH AND GAME**

- Donald Koch: Director
- Sonke Mastrup: Deputy Director, Resources Management & Policy Division (RMPD)
- Ann Malcolm: General Counsel
- Nancy Foley: Deputy Director, Law Enforcement Division
- Susan LaGrande: Deputy Director, Legislation
- Joe Milton: Office of General Counsel
- Rob Allen: Law Enforcement Division
- Dr. Eric Loft: Chief, Wildlife Branch (RMPD)
- Neil Manji: Chief, Fisheries Branch (RMPD)
- Scott Barrow: Fisheries Branch
- Michael Healy: North Coast Region
The following persons were present and heard:

Michael Leonard      Attorney Representing Bruce Dennis
George Osborn        PSO
Paul Weakland        Commercial Fisherman
Guy Auxer            Never Cry Wolf Rescue and Adoption
Patti Funakosho      Concerned Citizen
Valeria Walker       Concerned Citizen
Leesa Faulkner       Concerned Citizen
Pamela Hormiotis     Lake Tahoe Wolf Rescue
Julia Parker         Lake Tahoe Wolf Rescue
Javier Cardenas      Northern California Sled Dog Rescue
Jessica Riggs        Concerned Citizen
Dr. David Ostrech   Concerned Citizen
Sandra Hawkins       Concerned Citizen
Kristine Alessio     The International Cat Association
Dr. Brigitte Cowell  The International Cat Association
Jay Bangle           The International Cat Association
James Mosby          Mosby Enterprises
Virginia Handley     PAW PAC
Tom Engstrom         Concerned Citizen
Martin Vranicar Jr.  California District Attorneys Association
Tom Weseloh          California Trout
Miles Young          Concerned Citizen
Michelle Tsai        Concerned Citizen
Eric Mills           Action for Animals
Tom Raftican         The Sportfishing Conservancy
Diane Windham       Acting Assistant Regional Administrator, NOAA Fisheries
April Wakeman        The Sportfishing Conservancy
Charles Bucaria      Northern California Council Federation of Fly Fishers
Dave Ford            Northern California Council Federation of Fly Fishers
Stephen Karr         Putah Creek Trout
Mark Rockwell        Northern California Council Federation of Fly Fishers/Endangered Species Coalition
Dougald Scott       Northern California Council Federation of Fly Fishers
Gary Rynearson      Green Diamond Resource Company
Martin Strain       Point Reyes Oyster Company
George Trevelyan    Grassly Bar Oyster Company
Mike Toussaint      Marin Oyster Company
Terry Sawyer         Hog Island Oyster Company

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

1. PUBLIC FORUM.
   Received public testimony from: Michael Leonard, George Osborn and Paul Weakland.
2. CONSIDERATION AND POSSIBLE RATIFICATION OF COMMISSION FINDINGS ON THE PETITION TO LIST THE AMERICAN PIKA (*Ochotona princeps*) AS A THREATENED SPECIES.

Received the Department's report. No public testimony.

MOVED BY R. ROGERS, SECOND BY D. BENNINGHOVEN, TO RATIFY FINDINGS OF JUNE 24, 2009, TO REJECT THE PETITION TO LIST THE AMERICAN PIKA AS A THREATENED SPECIES.

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

ABSENT: D. RICHARDS.

MOTION PASSED.

3. REPORT FROM MARTIN VRANICAR JR. REGARDING THE CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION ENVIRONMENTAL TRAINING PROJECT AND THE CIRCUIT PROSECUTOR PROJECT.

Received report from Martin Vranicar. Received public testimony.

4. RECEIPT OF LEGISLATIVE REPORTS.

(A) DEPARTMENT OF FISH AND GAME REPORT.

Received Department's report. Received public testimony.

(B) POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.

Executive Director Carlson reported that the Commission was in the process of surveying other boards and commissions to assist in developing its policy.

5. RECEIPT OF DEPARTMENT OF FISH AND GAME INFORMATIONAL ITEMS.

(A) RECEIPT OF DEPARTMENT OF FISH AND GAME DIRECTOR’S REPORT.

Received the Director's report. LRB to give a presentation at the November Commission meeting. Received public testimony.

(B) UPDATE ON THE AUTOMATED LICENSE DATA SYSTEM.

Received update from Deputy Director Mastrup. Received public testimony.

(C) UPDATE ON ENFORCEMENT.

Received update from Chief Foley. Received public testimony.

(D) UPDATE ON 2010 MAMMAL REGULATORY CYCLE.

Received update from Dr. Loft. No public testimony.

(E) OTHER.

Deputy Executive Director Fischer reported that the halibut trawl permit transfer would be scheduled for the November Commission meeting.
6. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.
   
   (A) UPDATE ON SCOPING MEETING AND REQUEST FOR CLARIFICATION ON POSSIBLE REGULATORY ACTION TO PROHIBIT THE IMPORTATION OF NON-NATIVE FROG AND TURTLE SPECIES. 
   Received update from Executive Director Carlson. Received public testimony. Scoping meeting to be scheduled.

7. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.
   
   (A) MARINE RESOURCES COMMITTEE. 
   Received update from Mike Sutton. Next meeting scheduled for November 17 in Santa Barbara. No public testimony.

   (B) AL TAUCHER’S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE. 
   Received report from Deputy Executive Director Fischer on the meeting held on September 9. No public testimony.

   (C) AQUACULTURE COMMITTEE. 
   Report to be given under Item No. 16.

8. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS. 
   Received report from Diane Windham. No public testimony.

9. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS. 
   Deputy Attorney General Thalhammer discussed Ethics Training and Sexual Harassment training. Received public testimony.

10. NEW BUSINESS. 
    None.

11. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION. 
    Deputy Attorney General Thalhammer reported on two issues discussed during Executive Session involving Bruce Dennis's request and a longfin smelt comment letter rejected as "untimely". No public testimony.

12. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO THE TRIENNIAL SPORT FISHING REGULATIONS FOR 2010-2013. (Note: The adoption hearing is scheduled for December 10, 2009; location to be announced.) 
    Received report from Chief Manji and Scott Barrow summarized the proposals. Received public testimony.

13. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED ADDITION OF SECTION 681, TITLE 14, CCR, RE: HYBRID ANIMALS AND PLANTS. (Note: The adoption hearing is scheduled for November 5, 2009, in Woodland.) 
    Received public testimony.
14. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTION 155, TITLE 14, CCR, RE: COMMERCIAL TAKE OF WHITE SEABASS. (Note: The adoption hearing is scheduled for November 5, 2009, in Woodland.)

No public testimony.

15. PURSUANT TO FISH AND GAME CODE SECTION 2084, CONSIDERATION AND POSSIBLE EMERGENCY ACTION TO RE-ADOPT SECTION 749.5, TITLE 14, CCR, FOR AN ADDITIONAL 90 DAY PERIOD, RE: SPECIAL ORDER RELATING TO INCIDENTAL TAKE OF PACIFIC FISHER DURING CANDIDACY PERIOD.

Received public testimony.

MOVED BY R. ROGERS, SECOND BY D. BENNINGHOVEN, TO ADOPT EMERGENCY ACTION TO RE-ADOPT SECTION 749.5 RE: SPECIAL ORDER RELATING TO INCIDENTAL TAKE OF PACIFIC FISHER DURING CANDIDACY FOR AN ADDITIONAL 90 DAY PERIOD.

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

ABSENT: D. RICHARDS.

MOTION PASSED.

16. (A) CONSIDERATION AND POSSIBLE APPROVAL OF STATE WATER BOTTOMS LEASE TEMPLATE.

(B) REQUEST OF JOHN FINGER, HOG ISLAND OYSTER COMPANY, FOR LEASE RENEWAL OF STATE WATER BOTTOM LEASE NO. M-430-12, MARIN COUNTY.

(C) REQUEST OF MICHAEL TOUSSAINT, MARIN OYSTER COMPANY, FOR LEASE RENEWAL OF STATE WATER BOTTOM LEASE NO. M-430-02, MARIN COUNTY.

Received reports from the Department. Received public testimony.

MOVED BY R. ROGERS, SECOND BY M. SUTTON, TO CONTINUE ITEMS 16(A), 16 (B), AND 16 (C) TO THE NOVEMBER OR DECEMBER MEETING.

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

ABSENT: D. RICHARDS.

MOTION PASSED.

CONSENT CALENDAR

MOVED BY M. SUTTON, SECOND BY D. BENNINGHOVEN, TO APPROVE CONSENT CALENDAR ITEMS 17 AND 18, AS RECOMMENDED BY THE DEPARTMENT.

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

ABSENT: D. RICHARDS.

MOTION PASSED.

17. REQUEST OF MR. CHRIS RACCIATO FOR REINSTATEMENT OF HIS EXPIRED TRAPPING PERMIT.

Approved reinstatement. No public testimony.
18. APPROVAL OF PLM MODIFICATION FOR STEWART RANCH, TRINITY COUNTY. 
   Approved. No public testimony.

OTHER

19. COMMISSION FOLLOW-UP, MEETING REVIEW, AND STAFF DIRECTION. 
   List to be established.

20. ANNOUNCEMENT OF FUTURE MEETINGS.

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

<table>
<thead>
<tr>
<th>DATE</th>
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<tbody>
<tr>
<td>November 4 (Wed.)</td>
<td>Yolo Fliers Club</td>
</tr>
<tr>
<td>November 5 (Thurs.)</td>
<td>17980 County Road 94B</td>
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<tr>
<td></td>
<td>Woodland</td>
</tr>
<tr>
<td>December 10 (Thurs.)</td>
<td>Radisson Hotel</td>
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<td>Los Angeles</td>
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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. TANYA BAIN, RESTRICTED SPECIES ANIMAL CARE-WELFARE SPECIES PERMIT AND RESIDENT EXHIBITING PERMIT.

There being no further business, the Fish and Game Commission meeting was adjourned at 4:00 p.m.