

**State of California
FISH AND GAME COMMISSION**

Staff Summary, Meeting of February 3-4, 2010

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 Resources Building, 1416 Ninth Street, Auditorium, Sacramento, California, on February 3, 2010. The meeting was called to order at 10:17 a.m. by President Kellogg.

FISH AND GAME COMMISSION

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

Persons present:

COMMISSION STAFF

John Carlson	Executive Director
Jon K. Fischer	Deputy Executive Director
Adrianna Shea	Deputy Executive Director
Craig Shuman	Marine Advisor
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

John McCamman	Director
Sonke Mastrup	Deputy Director, Resources Management & Policy Division (RMPD)
Nancy Foley	Deputy Director, Law Enforcement Division
Susan LaGrande	Deputy Director, Legislative Affairs
Neil Manji	Chief, Fisheries Programs Branch
Brian Naslund	Law Enforcement Division
Jennifer Ikemoto	Law Enforcement Division
Tony Straw	License and Revenue Branch
Roy Griffith	North Central Region
Craig Stowers	Wildlife Programs Branch

The following persons were present and heard:

Eric Mills	Action for Animals
Paul Weakland	Commercial Fisherman
Scott Swanton	Gold Country Fly Fishers
George Osborn	Partnership for Sustainable Oceans
Robert Belloni	Recreational Fisherman

Paul Trudeau	Concerned Citizen
Don Wilson	Concerned Hunter
Steven Fukuto	United Anglers of Southern California
Michael Sheehy	Santa Barbara Channelkeeper
Ray Hiemstra	Orange County Coastkeeper
Samantha Murray	Ocean Conservancy
Dan Taylor	Audubon of California
Elaine Martinez	Sacramento Turtle and Tortoise Association
Nicole Paquette	Humane Society of the U.S.
Monica Engebretson	Born Free USA
Michelle Tsai	Concerned Citizen
Cheri Recchia	California Coastal Conservancy/Ocean Protection Council
Amber Mace	California Ocean Protection Council
Tony Morton	NOAA Fisheries
Charles Wahle	NOAA Fisheries
Jerry Karnow	President, California Game Wardens Association
Tom Pedersen	California Rifle & Pistol Association
Bill Gaines	California Outdoor Heritage Alliance

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

1. A MOMENT OF SILENCE IN MEMORY OF OUR DECEASED COLLEAGUES: CLU COTTER OF FRESNO, KEVIN O'CONNOR OF FRESNO, TOM STOLBERG OF FRESNO AND MIKE DONOVAN OF PALM SPRINGS.

A moment of silence was held in memory of Clu Cotter, Kevin O'Connor, Tom Stolberg and Mike Donovan.

2. ELECTION OF OFFICERS AND POSSIBLE ACTION ON SUBCOMMITTEE ASSIGNMENTS.
Commission elected Commissioner Kellogg as President and Commissioner Rogers as Vice-President for 2010.

MOVED BY M. SUTTON, SECOND BY D. BENNINGHOVEN, TO ELECT COMMISSIONER KELLOGG AS PRESIDENT AND COMMISSIONER ROGERS AS VICE-PRESIDENT FOR 2010.

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

3. PRESENTATION OF RESOLUTION HONORING MS. CINDY GUSTAFSON.
Due to weather conditions, Ms. Gustafson was unable to attend the meeting. This item will be rescheduled to a future date.
4. PUBLIC FORUM.
Received public testimony from the following: Eric Mills, Paul Weakland, Scott Swanton, George Osborn, Robert Belloni, Paul Trudeau, Don Wilson, Steven Fukuto, Michael Sheehy, Ray Hiemstra, Samantha Murray, and Dan Taylor.

5. SCOPING OF POSSIBLE OPTIONS TO BAN NON-NATIVE FROG AND TURTLE SPECIES.
Received the Department's summary from Deputy Director Mastrup. Received public testimony.
6. RECEIPT OF THE NORTH CENTRAL COAST MARINE PROTECTED AREAS MONITORING PLAN. (Note: Possible Commission action is scheduled for March 2010.)
Received presentations from Cheri Recchia, California Coastal Conservancy and Ocean Protection Council, and Amber Mace, California Ocean Protection Council. Received public testimony.
7. PRESENTATION ON NATIONAL OCEAN POLICY TASK FORCE - INTERIM FRAMEWORK FOR EFFECTIVE COASTAL AND MARINE SPATIAL PLANNING.
Tony Morton introduced Charles Wahle who provided a presentation. No public testimony.
8. PRESENTATION ON THE CALTIP PROGRAM.
Received presentation and overview of the CALTIP Program from Jennifer Ikemoto. No public testimony.
9. RECEIPT OF LEGISLATIVE REPORTS.
 - (A) DEPARTMENT OF FISH AND GAME REPORT.
Received the Department's report from Susan LaGrande. No public testimony.
 - (B) POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.
Executive Director Carlson reported on FGC positions on legislation. He reported on an Assembly Water, Parks and Wildlife Committee meeting scheduled for February 9 that he will attend.
10. 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 from Director McCamman. No public testimony.
 - (B) OVERVIEW OF MODIFIED PREFERENCE POINTS TAG DRAWING SYSTEM.
Received Department's report from Tony Straw. No public testimony.
 - (C) UPDATE ON THE AVAILABILITY OF THE 2008 AND 2009 CALIFORNIA STATE DUCK STAMP PRINTS.
Received update from Deputy Director Mastrup. Discussion of the future of duck stamps to be rescheduled for a future meeting. No public testimony.
 - (D) UPDATE ON ENFORCEMENT.
 - I. HUNTER EDUCATION INSTRUCTOR RECRUITMENT.
Received update from Roy Griffith. Received public testimony.
 - (E) DEPARTMENT PROPOSAL FOR FUTURE REGULATORY SCOPING PROCEDURES AND TIMELINES.
Received update from Deputy Director Mastrup. No public testimony.

- (F) OTHER.
None.
11. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.
- (A) 2010 WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES (WAFWA) MID-WINTER MEETING.
Received reports from Executive Director Carlson and Commissioner Benninghoven. No public testimony.
- (B) PETITION FROM CENTER FOR BIOLOGICAL DIVERSITY TO PROHIBIT HUNTING WITHIN THE MOJAVE NATIONAL PRESERVE.
Received update from Executive Director Carlson. Received public testimony.
- (C) OTHER.
Executive Director Carlson asked if Commissioners would like to agendize the Resource Legacy Fund Foundation's letter addressed to Kathy Rehis-Boyd for the March meeting.
- MOVED BY J. KELLOGG, SECOND BY D. RICHARDS, TO AGENDIZE ITEM.
AYES: J. KELLOGG, D. RICHARDS.
NOES: D. BENNINGHOVEN, M. SUTTON, R. ROGERS.
MOTION FAILED.***
12. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.
- (A) MARINE RESOURCES COMMITTEE.
Received update from Dr. Craig Shuman. Next meeting scheduled for February 16 in Santa Barbara.
- (B) AL TAUCHER'S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE.
Commissioner Kellogg reported that yesterday's meeting was well attended.
- (C) AQUACULTURE COMMITTEE.
Executive Director Carlson reported that the aquaculture committee has not met. Received public testimony.
13. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.
Received report from Tony Morton. No public testimony.
14. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.
There were no items.
15. NEW BUSINESS.
There were no items.

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.
 - IV. 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.
 - V. 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.
- I. SHARON NATHANS – DENIAL OF A RESTRICTED SPECIES ANIMAL CARE-DETRIMENTAL SPECIES PERMIT TO IMPORT AND POSSESS A MONK PARAKEET (*Myiopsitta monachus*) FOR PET PURPOSES.
 - II. LAURIE BARRON – DENIAL OF A 2009 APPLICATION FOR A RESTRICTED SPECIES ANIMAL CARE PERMIT TO POSSESS A THREE-YEAR OLD FEMALE JAPANESE MACAQUE (*Macaca fuscata*) AND AN EIGHT YEAR-OLD, MALE BOLIVIAN SQUIRREL MONKEY (*Saimiri boliviensis*) FOR PET PURPOSES.
 - III. TOM HAFER – DENIAL TO TRANSFER MR. JOE W. LOISEAU'S SOUTH-CENTRAL COAST REGION NEARSHORE FISHERY PERMIT TO MR. TOM HAFER'S SON, MR. LUCAS O. HAFER.

There being no further business, the meeting recessed at 5:59 p.m. to reconvene on February 4, 2010, at 8:30 a.m.

State of California
FISH AND GAME COMMISSION

Staff Summary, Meeting of February 3-4, 2010

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 Resources Building, 1416 Ninth Street, Auditorium, Sacramento, California, on February 4, 2010. The meeting was called to order at 8:45 a.m. by President Kellogg.

FISH AND GAME COMMISSION

Jim Kellogg	President	Present (Left during Item #20)
Richard Rogers	Vice-President	Present
Michael Sutton	Member	Present
Daniel Richards	Member	Present
Don Benninghoven	Member	Present

Persons present:

COMMISSION STAFF

John Carlson	Executive Director (Left during Item #20)
Jon K. Fischer	Deputy Executive Director
Aдриanna Shea	Deputy Executive Director
Craig Shuman	Marine Advisor
Sherrie Fonbuena	Associate Governmental Program Analyst
Anita Biedermann	Associate Governmental Program Analyst
Sandy Miles	Retired Annuitant

OFFICE OF THE ATTORNEY GENERAL

Rick Thalhammer	Deputy Attorney General
-----------------	-------------------------

DEPARTMENT OF FISH AND GAME

Sonke Mastrup	Deputy Director, Resources Management & Policy Division (RMPD)
Nancy Foley	Deputy Director, Law Enforcement Division
Rob Allen	Assistant Chief, Law Enforcement Division
Tony Warrington	Assistant Chief, Law Enforcement Division
Dr. Eric Loft	Chief, Wildlife Programs Branch
Neil Manji	Chief, Fisheries Programs Branch
Doug Updike	Wildlife Programs Branch
Scott Barrow	Fisheries Programs Branch

The following persons were present and heard:

Paul Weakland	Commercial Fisherman
Greg Helms	Ocean Conservancy
Kevin Reikes	Concerned Citizen
Bill James	Port San Luis CFA
Liz Odell	Concerned Hunter
Josh Brones	California Houndsmen for Conservation
Monica Engebretson	Born Free USA

Irv Corbin	Houndsmen
John Kunkle	California Houndsmen for Conservation
Dan Tichenor	California Houndsmen for Conservation
Nicole Paquette	Humane Society of the U.S.
George Checa	California Houndsmen for Conservation
Peter Meyer	Concerned Citizen
Tom Pedersen	California Rifle & Pistol Association
Bill Gaines	California Outdoor Heritage Alliance
Kim Flaherty	In Defense of Animals
Josh Goldman	Australis Aquaculture
Stephen Angeli	Horridum Angeli Reptiles
Doug Price	Price Animal Company
David Muth	Concerned Citizen
Mark Eglington	Bluebeyond Fisheries
Steve Owen	Glenn County Fish and Game Commission
Scott Minto	Owner, Spurlock Ranch, Glenn County
Tom Raftican	The Sportfishing Conservancy

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

16. CONTINUATION OF PUBLIC FORUM.
Received public testimony from the following: Greg Helms, Paul Weakland, Kevin Reikes, and Bill James.

17. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.
Deputy Attorney General Thalhammer reported on the Executive Session held on February 3, 2010. He reported that the Commission adopted the proposed decisions for Sharon Nathans and Laurie Barron.

18. PRESENTATION ON THE SAFE HARBOR PROGRAM BY CHIEF DEPUTY DIRECTOR KEVIN HUNTING.
Chief Deputy Director Hunting was not present. This item to be rescheduled.

19. RECEIPT OF PUBLIC RECOMMENDATIONS AND REQUEST TO PUBLISH NOTICE OF COMMISSION INTENT TO CONSIDER AMENDMENTS OF 2010-2012 MAMMAL HUNTING AND TRAPPING REGULATIONS. (Note: The discussion hearings are scheduled for March and April 2010. The adoption hearing is scheduled for April 21, 2010, at a special meeting via teleconference call.)
Received the Department's report from Doug Updike. Received public testimony.

MOVED BY R. ROGERS, SECOND BY D. RICHARDS, TO AUTHORIZE THE COMMISSION TO PUBLISH NOTICE OF INTENT TO CONSIDER AMENDMENTS OF 2010-2012 MAMMAL HUNTING AND TRAPPING REGULATIONS INCLUDING LANGUAGE REGARDING TELEMETRY/GPS REPORTING.
AYES: D. BENNINGHOVEN, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON. PASSED UNANIMOUSLY.

20. STATUS UPDATE ON THE AMENDED INITIAL STATEMENT OF REASONS ON PROPOSED CHANGES TO SECTIONS 671, 671.1, 671.7 AND 703, TITLE 14, CCR, RE: NEW RESTRICTED SPECIES PERMITS AND REQUIREMENTS, AND POSSIBLE COMMISSION ACTION TO PROVIDE ADDITIONAL INPUT REGARDING CONTENT. (Note: The discussion hearings are scheduled for March and April 2010, with the adoption hearing scheduled at the April 2010 meeting.)
Received the Department's status report from Scott Barrow and Neil Manji.
Received public testimony.

MOVED BY D. RICHARDS, SECOND BY M. SUTTON, TO APPROVE PROPOSED CHANGES AND INCLUDE AN OPTION 5 REGARDING NEW RESTRICTED SPECIES PERMITS AND REQUIREMENTS.

AYES: D. BENNINGHOVEN, D. RICHARDS, R. ROGERS, M. SUTTON.

ABSENT: J. KELLOGG.

MOTION PASSED.

21. APPROVAL OF PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA LICENSE (2009-2014) AND 2009-2010 MANAGEMENT PLAN FOR:

- (A) SPURLOCK RANCH, GLENN COUNTY
Deputy Executive Director Fischer summarized the item. Received public testimony.

MOVED BY D. BENNINGHOVEN, SECOND BY D. RICHARDS, TO CONTINUE THIS ITEM TO THE MARCH COMMISSION MEETING TO REVISE/UPDATE CURRENT YEAR FOR THE WILDLIFE AREA LICENSE AND MANAGEMENT PLAN YEARS.

AYES: D. BENNINGHOVEN, D. RICHARDS, R. ROGERS, M. SUTTON.

ABSENT: J. KELLOGG.

MOTION PASSED.

22. APPROVAL TO TRANSFER EDWARD J. SYLVESTER'S CALIFORNIA HALIBUT BOTTOM TRAWL VESSEL PERMIT.
Received the Department's report from Deputy Director Mastrup. Received public testimony.

MOVED BY D. RICHARDS, SECOND BY M. SUTTON, TO APPROVE THE REQUEST OF MR. EDWARD J. SYLVESTER TO TRANSFER THE CALIFORNIA HALIBUT BOTTOM TRAWL PERMIT UPON THE SALE OF THE F/V TWO SON.

AYES: D. BENNINGHOVEN, D. RICHARDS, R. ROGERS, M. SUTTON.

ABSENT: J. KELLOGG.

MOTION PASSED.

CONSENT CALENDAR

MOVED BY D. RICHARDS, SECOND BY M. SUTTON, TO APPROVE CONSENT CALENDAR ITEMS NOS. 23-26 & 28, AS RECOMMENDED BY THE DEPARTMENT. ITEM #27 WAS REMOVED FROM THE CONSENT CALENDAR AND WILL BE RESCHEDULED.

AYES: D. BENNINGHOVEN, D. RICHARDS, R. ROGERS, M. SUTTON.

ABSENT: J. KELLOGG.

MOTION PASSED.

23. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SUBSECTION (b)(91.1) OF SECTION 7.50, TITLE 14, CCR, RE: KLAMATH-TRINITY SPORT FISHING REGULATIONS. (Note: The discussion hearings are scheduled for March and April 2010. The adoption hearing is scheduled for April 21, 2010, at a special meeting via teleconference call.)
Approved. No public testimony.
24. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 7.50, TITLE 14, CCR, RE: CENTRAL VALLEY SPORT FISHING REGULATIONS. (Note: The discussion hearings are scheduled for March and April 2010. The adoption hearing is scheduled for April 21, 2010, at a special meeting via teleconference call.)
Approved. No public testimony.
25. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 27.80, TITLE 14, CCR, RE: OCEAN SALMON SPORT FISHING REGULATIONS. (Note: The discussion hearings are scheduled for March and April 2010. The adoption hearing is scheduled for April 21, 2010, at a special meeting via teleconference call.)
Approved. No public testimony.
26. RECEIPT OF THE DEPARTMENT'S REPORT ON THE PETITION TO LIST THE CALIFORNIA TIGER SALAMANDER (*Ambystoma californiense*) AS AN ENDANGERED SPECIES. (Note: Public testimony and possible Fish and Game Commission action is scheduled for March 2010.)
Received report. No public testimony.
27. REQUEST TO CHANGE FISH AND GAME COMMISSION MEETING DATE FOR OCTOBER 2010.
Removed from the Consent Calendar to be rescheduled.
28. RECEIPT OF ANNUAL REPORTS RE: CAMP ROBERTS, CAMP PENDLETON, AND FORT HUNTER LIGGETT DEER AND ELK HUNTS, UNDER SECTION 640, TITLE 14, CCR, MANAGEMENT OF FISH AND WILDLIFE ON MILITARY LANDS.
Approved. No public testimony.

OTHER

29. COMMISSION FOLLOW-UP, MEETING REVIEW, AND STAFF DIRECTION.
To be compiled by staff.

30. ANNOUNCEMENT OF FUTURE MEETINGS.

**2010 FISH AND GAME COMMISSION
MEETING SCHEDULE
www.fgc.ca.gov**

March 3 (Wed.) March 4 (Thurs.)	Ontario/Upland Area
April 7 (Wed.) April 8 (Thurs.)	Monterey
April 21 (Teleconference)	Sacramento (Via Telephone)
May 5 (Wed.) May 6 (Thurs.)	Stockton
June 23 (Wed.) June 24 (Thurs.)	Greater Sacramento Area
August 4 (Wed.) August 5 (Thurs.)	Santa Barbara
September 1 (Wed.) September 2 (Thurs.)	Greater Sacramento Area
October 6 (Wed.) October 7 (Thurs.)	San Diego
November 3 (Wed.) November 4 (Thurs.)	Greater Sacramento Area
December 1 (Wed.) December 2 (Thurs.)	State of California Resources Agency Building Auditorium 1416 Ninth Street Sacramento

There being no further business, the Fish and Game Commission adjourned at 12:33 p.m.