Staff Summary, Meeting of March 3, 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 Double Tree Hotel Ontario Airport, Doubletree Ballroom, 222 N. Vineyard Avenue, Ontario, California, on March 3, 2010. The meeting was called to order at 8:40 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
Tony Warrington Law Enforcement Division
Rob Allen Law Enforcement Division
Marija Vojkovich Regional Manager, Marine Region
Neil Manji Chief, Fisheries Programs Branch
Matt Robinson Legislative Affairs
Scott Barrow Fisheries Programs Branch
Dan Sforza Law Enforcement Division
Larry Stephens Law Enforcement Division
Bob Rojas Law Enforcement Division
David McNair Law Enforcement Division
Susan Ashcraft Marine Region
The following persons were present and heard:

Steven Fukuto United Anglers of Southern California
Jenny Armstrong The Sportfishing Conservancy
Brian Dickenson Cal Fishing
Dr. Fumio Ogoshi Cal Fishing
Joel Greenberg Recreational Fishing Alliance
Paul Weakland Commercial Fisherman
Ileene Anderson Center for Biological Diversity
Tim Schmelzer Wine Institute
Dr. Glenn Stewart Cal Poly (ASIH, HL, SSAR, DTC)
Mark Sanderson The Nature Conservancy
Alfredo Gonzales The Nature Conservancy
Kaitilin Gaffney Ocean Conservancy
Eric Mills Action for Animals
Christine Franco Animal Welfare Organizations
George Osborn CA. Fish and Game Wardens Association/U.S. Association of Reptile Keepers
Bill Gaines California Outdoor Heritage Alliance
Nicolette Paquette Humane Society of U.S.
Madeline Bernstein SPCA, Los Angeles
Danny Stevenson CA. Fish and Game Wardens Association
Don Thompson Former Commercial Abalone Diver
Jim Marshall California Abalone Association
Alicia Bonnette California Abalone Association
Chris Voss California Abalone Association
Tony Morton NOAA Fisheries
Michael Luhrs Reptiles
Scott Solar PIJAC/Amazon Reptile
Andrew Wyatt U.S. Association of Reptile Keepers
Philippo de Vasjoli Advanced Visions
Tim Samra Tribal Reptile Company
Christine Roscher L.A. Reptile, Inc.
Shane Bagnall Zoo Med Laboratories, Inc.
Jordan Russell (No card)
Susan Tellum American Tortoise Rescue
Marshall Thompson American Turtle/Tortoise Rescue
Karen Benzel American Turtle/Tortoise Rescue
Bob Peters PCOC-Hunters
Joe Dotterer California Bowmen Hunters
Ronald Stephens National Varmint Hunters
Don McGiffin So. Cal. Chapter Varmint Hunters
Michael Moreno Southern California Houndsmen
Ted Schultz Southern California Houndshunt Association
Anthony Canales Concerned Hunter
Gary Clevenger Concerned Hunter
Larry Lowell Southern California Houndsmen
Gerald Hillier Consultant to San Bernardino County
August Felando Representing Kingfisher Trading Company
Mark Eglington California Abalone Association/Blue Beyond Fisheries
Jim Brockett Brockett's Film Fauna
Randy Wright Gila Monster Breeder
<table>
<thead>
<tr>
<th>Name</th>
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<tr>
<td>Josh Goldman</td>
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<td>Kevin Fleming</td>
<td>State Parks Department</td>
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<td>Mary Jane Folley</td>
<td>RSG Member, South Coast (no card)</td>
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<td>Susan Brodeur</td>
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<td>Michael Thornton</td>
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<td>Steve Meyer</td>
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<td>Carmen White</td>
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<td>Tom Rosales</td>
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<tr>
<td>Lia Protopapadakis</td>
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<td>Shelley Luce</td>
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<td>Steve Maguin</td>
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<td>Gary Villalobos</td>
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<td>Boun Prasert</td>
<td>Local Anglers</td>
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<td>Otto Allen</td>
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<td>Joe Exline</td>
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<td>Mia Davidson</td>
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<td>Douglas Gaxiola</td>
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<td>Phyllis Grifman</td>
<td>University of Southern California Sea Grant</td>
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<td>Meagan Wylie</td>
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<td>Sarah Sikich</td>
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<td>Merit McCrea</td>
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<td>Tom Ford</td>
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<td>South Laguna Civic Association</td>
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<td>Surfrider Foundation</td>
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<td>Dr. Joe Farlo</td>
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<td>Michael Hansen</td>
<td>Dana Wharf Sportfishing</td>
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<td>Bob Fletcher</td>
<td>Advisor, Sportfishing Association of California</td>
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<td>Wendy Tochihara</td>
<td>SCRSC, Izorline Int.</td>
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<td>Richard Martin</td>
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<td>William Raus, Jr.</td>
<td>United Anglers of Southern California</td>
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<td>Karen Garrison</td>
<td>Natural Resources Defense Council</td>
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<td>Joseph Nguyen</td>
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<td>Mati Waiya</td>
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<td>Raymond Hiemstra</td>
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<td>Melinda Stanton</td>
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<td>Yasumichi Kato</td>
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<td>Calla Allison</td>
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<tr>
<td>Richard Picheny</td>
<td>Concerned Citizen</td>
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<tr>
<td>Ed Almanza</td>
<td>Laguna Ocean Foundation</td>
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</tbody>
</table>
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 the following: Steven Fukoto, Jenny Armstrong, Brian Dickenson, Dr. Fumio Ogoshi, Joel Greenberg and Paul Weakland.

2. (A) PURSUANT TO FISH AND GAME CODE SECTIONS 2075 AND 2075.5, CONSIDERATION AND POSSIBLE ACTION ON THE PETITION AND THE DEPARTMENT’S ONE YEAR STATUS REPORT/RECOMMENDATION ON THE PETITION TO LIST THE CALIFORNIA TIGER SALAMANDER (Ambystoma californiense) AS A THREATENED SPECIES AND ADOPTION OF COMMISSION FINDINGS.
   Received the Department’s report from Deputy Director Mastrup. Received public testimony.

   MOVED BY M. SUTTON, SECOND BY R. ROGERS, FINDS THAT THE PETITION TO LIST THE CALIFORNIA TIGER SALAMANDER AS A THREATENED SPECIES STATUS WARRANTS LISTING.
   AYES: D. BENNINGHOVEN, R. ROGERS, M. SUTTON.
   NOES: J. KELLOGG, D. RICHARDS.
   MOTION PASSED.
REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 670.5, TITLE 14, CCR, RE: ADDITION OF CALIFORNIA TIGER SALAMANDER (*Ambystoma californiense*) TO THE LIST OF ANIMALS OF CALIFORNIA DECLARED TO BE ENDANGERED OR THREATENED.  (Note: This Item will only be considered if the Commission makes a finding that listing the California tiger salamander as threatened or endangered is warranted.)

MOVED BY M. SUTTON, SECOND BY R. ROGERS, TO AUTHORIZE STAFF TO AMEND REGULATIONS TO LIST CALIFORNIA TIGER SALAMANDER AS A THREATENED SPECIES.
AYES: D. BENNINGHOVEN, R. ROGERS, M. SUTTON.
NOES: J. KELLOGG, D. RICHARDS.
MOTION PASSED.

3. CONSIDERATION OF COMMISSION SUPPORT FOR PROPOSED 2010 STATE PARKS INITIATIVE.
Received summary reports from Commissioner Sutton, Mark Sanderson and Alfredo Gonzales of The Nature Conservancy. Received public testimony.

MOVED BY M. SUTTON, SECOND BY R. ROGERS, THAT THE COMMISSION SIGN THE ORGANIZATIONAL FORM SUPPORTING THE PROPOSED 2010 STATE PARKS INITIATIVE.
AYES: D. BENNINGHOVEN, J. KELLOGG, R. ROGERS, M. SUTTON.
ABSTAIN: D. RICHARDS.
MOTION PASSED.

4. RECEIPT OF LEGISLATIVE REPORTS.

(A) DEPARTMENT OF FISH AND GAME REPORT.
Received the Department’s report from Matt Robinson. Received public testimony.

(B) POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.
There was no report.

5. 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) OPTIONS FOR FUTURE DUCK STAMPS AND DUCK STAMP ARTWORK PRINTS.
Received the Department’s report from Deputy Director Mastrup indicating that other states were being surveyed and will report back when survey is completed. Received public testimony.

(C) UPDATE ON ENFORCEMENT.
Received the Department’s update from Chief Foley. Received public testimony.
(D) SCOPING FOR POSSIBLE AMENDMENTS TO ANIMAL CARE AND INSPECTION REGULATIONS.
Received the Department’s report from Deputy Director Mastrup. Received public testimony.

(E) UPDATE ON PACIFIC FISHERIES MANAGEMENT COUNCIL GROUNDFISH MANAGEMENT.
Received the Department’s update from Marija Vojkovich. No public testimony.

(F) OTHER.
Received the Department’s update from Neil Manji regarding three hatchery lawsuits. No public testimony.

6. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.

(A) UPDATE ON POSSIBLE FISH AND GAME COMMISSION MEETING DATE/LOCATION CHANGES FOR SEPTEMBER, OCTOBER, NOVEMBER, AND DECEMBER 2010.
Executive Director Carlson provided an update on the tentative changes in the fall meeting locations. No public testimony.

(B) UPDATE ON CALIFORNIA LEGISLATURE, ASSEMBLY COMMITTEE ON WATER, PARKS AND WILDLIFE, INFORMATIONAL OVERSIGHT HEARING OF FEBRUARY 9, 2010.
Executive Director Carlson reported on the oversight hearing he attended in February and that a copy of the results was in the Commissioners meeting binders. Received public testimony.

(C) OTHER.
None.

7. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.

(A) MARINE RESOURCES COMMITTEE.
Received report from Dr. Craig Shuman on the February 16 MRC meeting. Next meeting scheduled for April 28 in Monterey. Received public testimony.

(B) AL TAUCHER’S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE.
Deputy Executive Director Fischer reported that the committee had not met since the February meeting. Next meeting scheduled for May 4 in Sacramento.

(C) AQUACULTURE COMMITTEE.
Executive Director reported that the committee had not met recently. Received public testimony.

8. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.
Received report from Tony Morton. Received public testimony.
9. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.
   There were no legal counsel informational items to report.

10. NEW BUSINESS.
    Status of the recovery plan for striped bass was discussed. Received public testimony.

11. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.
    Deputy Attorney General Thalhammer reported that the Commission adopted the proposed decision for Tom Hafer. He also reported that the Commission authorized a conflict of interest waiver after hiring an outside law firm to handle litigation against the Commission.

12. CONSIDERATION AND POSSIBLE ACTION ON THE DEPARTMENT’S DRAFT FINDINGS REGARDING THE DETRIMENTAL EFFECTS OF NON-NATIVE FROGS AND TURTLES.
    Received Department's update from Deputy Director Mastrup. Received public testimony.

    MOVED BY M. SUTTON, SECOND BY UNKNOWN COMMISSIONER, TO APPROVE THE DEPARTMENT’S PROPOSED RESOLUTION AND REQUEST THAT IT BE DRAFTED INTO COMMISSION POLICY FORMAT AND TO BE SCHEDULED FOR ADOPTION AT THE APRIL COMMISSION MEETING.
    AYES: D. BENNINGHOVEN, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.
    MOTION PASSED.

13. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED AMENDMENTS OF 2010-2012 MAMMAL HUNTING AND TRAPPING REGULATIONS. (Note: Additional public testimony is scheduled for the Commission’s April 8, 2010, meeting. The adoption hearing is scheduled for April 21, 2010, at a special teleconference meeting.)
    No report from the Department. Received public testimony.

14. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED AMENDMENTS TO SECTIONS 671, 671.1, 671.7 AND 703, TITLE 14, CCR, RE: NEW RESTRICTED SPECIES PERMITS AND REQUIREMENTS. (Note: Additional public testimony is scheduled for the April 8, 2010, meeting in Monterey. The adoption hearing is scheduled for the May 5, 2010, meeting in Stockton.)
    Received Department’s brief recap from Scott Barrow. Received public testimony.

15. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SUBSECTION (b)(91.1) OF SECTION 7.50, TITLE 14, CCR, RE: KLAMATH-TRINITY SPORT FISHING REGULATIONS. (Note: Additional public testimony is scheduled for the Commission’s April 8, 2010, meeting. The adoption hearing is scheduled for April 21, 2010, at a special teleconference meeting.)
    Received Department’s report from Scott Barrow. No public testimony.

16. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTION 7.50, TITLE 14, CCR, RE: CENTRAL VALLEY SPORT FISHING REGULATIONS. (Note: Additional public testimony is scheduled for the Commission’s April 8, 2010, meeting. The adoption hearing is scheduled for April 21, 2010, at a special teleconference meeting.)
    Received Department’s report from Scott Barrow. No public testimony.
17. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTION 27.80, TITLE 14, CCR, RE: OCEAN SALMON SPORT FISHING REGULATIONS. (Note: Additional public testimony is scheduled for the Commission’s April 8, 2010, meeting. The adoption hearing is scheduled for April 21, 2010, at a special teleconference meeting.)

Received Department’s report from Marija Vojkovich. No public testimony.

18. RECEIPT OF DEPARTMENT UPDATE AND POSSIBLE COMMISSION DIRECTION ON UNRESOLVED ISSUES AND POTENTIAL OPTIONS FOR THE INTEGRATED PREFERRED ALTERNATIVE OF THE MARINE LIFE PROTECTION ACT IN THE SOUTH COAST STUDY REGION.

Received Department’s update from Susan Ashcraft. Received public testimony.


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

CONSENT CALENDAR

MOVED BY R. ROGERS, SECOND BY D. BENNINGHOVEN, TO APPROVE CONSENT CALENDAR ITEMS 19-22, AS RECOMMENDED BY THE DEPARTMENT. NO PUBLIC TESTIMONY.

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


Approved. No public testimony.

20. REQUEST FOR A 180-DAY EXTENSION FOR STATE WATER BOTTOM LEASES, M-614-01, PARCEL 1, AND M-614-02, GRASSY BAR OYSTER COMPANY, MORRO BAY, SAN LUIS OBISPO COUNTY.

Approved. No public testimony.

21. RECEIPT OF PETITION FROM THE CENTER FOR BIOLOGICAL DIVERSITY TO LIST THE MOUNTAIN YELLOW-LEGGED FROG (Rana muscosa and Rana sierrae) AS ENDANGERED UNDER THE CALIFORNIA ENDANGERED SPECIES ACT. (Note: The petition was forwarded to the Department on February 4, 2010, for its 90-day review. The Commission will take public testimony and consider the petition at a future meeting.)

Received petition. No public testimony.
22. RECEIPT OF DEPARTMENT’S REPORT ON THE PETITION TO LIST THE PACIFIC FISHER (*Martes pennanti*) AS A THREATENED OR ENDANGERED SPECIES. (Note: Public testimony and possible Fish and Game Commission action is scheduled for April 2010.)

Received Department’s report. No public testimony.

OTHER

23. COMMISSION FOLLOW-UP, MEETING REVIEW, AND STAFF DIRECTION.

To be compiled by staff.

24. ANNOUNCEMENT OF FUTURE MEETINGS.

2010 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 7 (Wed.)</td>
<td>Monterey Best Western Beach Resort Monterey</td>
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<tr>
<td>April 8 (Thurs.)</td>
<td>2600 Sand Dunes Drive Monterey</td>
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<tr>
<td>April 21 (Teleconference)</td>
<td>Sacramento (Via Telephone)</td>
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<tr>
<td>May 5 (Wed.)</td>
<td>Stockton</td>
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<td>Stockton Rod and Gun Club</td>
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<td>3120 Monte Diablo Avenue</td>
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<td>August 4 (Wed.)</td>
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<td>December 1 (Wed.)</td>
<td>State of California Resources Agency Building</td>
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<tr>
<td></td>
<td>1416 Ninth Street</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.
   
   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. 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 Fish and Game Commission meeting was adjourned at 8:05 p.m.