

**State of California
FISH AND GAME COMMISSION**

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
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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
Nicole 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	Amercian 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

Josh Goldman	Australias Aquaculture
Kevin Fleming	State Parks Department
Mary Jane Folley	RSG Member, South Coast (no card)
Susan Brodeur	Orange County
Michael Thornton	San Elijo Joint Powers Authority
Steve Meyer	City of San Diego, Public Utilities Division
Carmen White	U.S. EPA
Joe Gully	Sanitation Districts of LA County
Tom Rosales	South Orange County Wastewater Authority
Lia Protopapadakis	Santa Monica Bay Restoration Commission
Shelley Luce	Santa Monica Bay Restoration Commission
Steve Maguin	Sanitation Districts of LA County
Rob Mandel	Concerned Citizen
Gary Villalobos	Concerned Citizen
Boun Prasert	Local Anglers
Otto Allen	Concerned Citizen
Joe Exline	Oceanside Anglers Club
Mia Davidson	Concerned Citizen
Thomas Gruber	San Diego Rod and Reel Club
Sara Aminzadeh	California Coastkeeper Alliance
Whitney Graves	Concerned Citizen
Mark Sellers	Concerned Citizen
Sonia Diaz	Concerned Citizen
Douglas Gaxiola	Kayak Fishing Interests
Phyllis Grifman	University of Southern California Sea Grant
Meagan Wylie	San Diego Coastkeeper
Sarah Sikich	Heal the Bay
Merit McCrea	Concerned Citizen
Tom Ford	Santa Monica Baykeeper
Brian Meux	Santa Monica Baykeeper
Jinger Wallace	Concerned Citizen
Michael Beanan	South Laguna Civic Association
Joe Geever	Surfrider Foundation
Dr. Joe Farlo	Concerned Citizen
Michael Hansen	Dana Wharf Sportfishing
Bob Fletcher	Advisor, Sportfishing Association of California
Wendy Tochihara	SCRSC, Izorline Int.
Richard Martin	Concerned Citizen
George Osborn	PSO
William Raus, Jr.	United Anglers of Southern California
Paul Lebowitz	Kayak Fishing Association of California
Karen Garrison	Natural Resources Defense Council
Joseph Nguyen	Concerned Citizen
Bruce Steele	Concerned Citizen
Mati Waiya	Wistoyo-Ventura Coastkeeper
Raymond Hiemstra	Orange County Coastkeeper
Melinda Stanton	Concerned Citizen
Sandy Dildine	Concerned Citizen
Yasumichi Kato	Concerned Citizen
Calla Allison	Concerned Citizen
Richard Picheny	Concerned Citizen
Ed Almanza	Laguna Ocean Foundation

Barbara Picheny	Concerned Citizen
Ginger Osborne	Concerned Citizen
Michael Hoag	Concerned Citizen
Sharon Larimer	Concerned Citizen
Barbara Metzger	Concerned Citizen
Charlotte Masarik	Concerned Citizen
Johanna Felder	Concerned Citizen
Darrylin Girvin	Concerned Citizen
Judy Teverbaugh	Concerned Citizen
Jeff Sporcich	Concerned Spearfisherman
Don Bell	Concerned Citizen
Marcela Gutierrez	Wildcoast
Dr. Kristian Jon	Concerned Citizen
Scott Sebastian	Concerned Citizen
Lisa Marks	Concerned Citizen
Tyler Webb	Kayak Fisherman
Daniel Burke	Concerned Citizen
Brandon Slater	KFACA Kayak Fisherman
Kyle Parker	Concerned Citizen
Ken Franke	Sportfishing Association of California
Sean Guthrie	King Harbor Marina
Kevin Ketchum	Concerned Citizen
Michael Ploessel	Seniors Who fish
Michael Sheehy	Santa Barbara Channelkeeper
Paul Romanowski	Los Angeles Fathomiers
Greg Helms	Ocean Conservancy
Debbie Karimoto	Non-consumptive SCUBA

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.***

- (B) 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 GROUND FISH 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.

MOVED BY M. SUTTON, SECOND BY D. BENNINGHOVEN, TO DIRECT STAFF TO PREPARE THE REQUIRED REGULATORY DOCUMENTS FOR POSSIBLE COMMISSION AUTHORIZATION TO PUBLISH NOTICE OF ITS INTENT TO AMEND REGULATIONS REGARDING MPA'S IN THE SOUTH COAST FOR THE COMMISSION'S APRIL 7-8, 2010, MEETING. SPECIFICALLY CONFIRMING THE IPA AS THE PROPOSED PROJECT AND TO ADD THE RECOMMENDATIONS FROM DFG AS SUBOPTIONS (INCLUDING ANY OPTIONS FROM PARKS). FURTHER, RECOGNIZING THE IMPORTANCE OF THE WORK OF THE BRTF, AND THE CONSTRAINTS OF THE DEPARTMENT AND COMMISSION STAFF, THIS MOTION WOULD SPECIFY THAT ONLY THE IPA BE GIVEN FURTHER REGULATORY CONSIDERATION

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.

19. APPROVAL OF PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA LICENSE (2010-2015) AND 2010-2011 MANAGEMENT PLAN FOR SPURLOCK RANCH, GLENN COUNTY.
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**

April 7 (Wed.) April 8 (Thurs.)	Monterey Best Western Beach Resort Monterey 2600 Sand Dunes Drive Monterey
April 21 (Teleconference)	Sacramento (Via Telephone)
May 5 (Wed.)	Stockton Stockton Rod and Gun Club 3120 Monte Diablo Avenue 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

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.