

State of California
FISH AND GAME COMMISSION
(916) 653-4899
www.fgc.ca.gov

Meeting of
May 5, 2010 (Wednesday)
8:30 a.m.²

Stockton Rod and Gun Club¹
3120 Monte Diablo Avenue
Stockton

AGENDA³

ALL MEETINGS OPEN TO THE PUBLIC

NOTE: Items may be heard in any order pursuant to the determination of the Commission President.

1. PUBLIC FORUM– Any member of the public may address and/or ask questions of the Commission relating to the implementation of its policies or any other matter within the jurisdiction of the Commission. The issue to be discussed should not be related to any item on the current agenda. As a general rule, action cannot be taken on issues not listed on the agenda. At the discretion of the Commission, staff may be requested to follow up on such items. Submittal of written comments is encouraged to ensure that all comments will be included in the record before the Commission. Please be prepared to summarize your comments to the time allocated by the President.
2. PRESENTATION OF RESOLUTION HONORING CINDY GUSTAFSON.
3. UPDATE ON 2010 FEDERAL DUCK STAMP CONTEST, MARIE STRASSBURGER, CHIEF, DIVISION OF MIGRATORY BIRDS AND HABITAT FOR THE PACIFIC SOUTHWEST, U.S. FISH AND WILDLIFE SERVICE.
4. (A) CONSIDERATION AND POSSIBLE ADOPTION/RATIFICATION OF COMMISSION FINDINGS ON THE PETITION TO LIST THE CALIFORNIA TIGER SALAMANDER (*Ambystoma californiense*) AS AN ENDANGERED SPECIES.

(B) [CONSIDERATION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 670.5, TITLE 14, CCR, RE: ADDITION OF CALIFORNIA TIGER SALAMANDER \(*Ambystoma californiense*\) TO THE LIST OF ANIMALS OF CALIFORNIA DECLARED TO BE THREATENED.](#)

¹ These facilities are accessible to persons with disabilities. To request reasonable accommodations for a disability, please contact California Relay Service at 1 (800) 735-2929 (TT) or 1 (800) 735-2922 (Voice) and ask them to contact the California Fish and Game Commission at (916) 653-4899.

² The Commission may break for lunch at approximately 12:00 noon.

³ The public is encouraged to comment on any item on the agenda. In order for the Commission to adequately consider public comments, the public is requested to submit written comments no later than **ten** days prior to the meeting. Written comments received fewer than **ten** days preceding the meeting will be submitted to the Commission at the meeting; however, Commission staff is unable to deliver material received one day before and on the day of the meeting to the Commissioners when the meeting is not in Sacramento. Please send your comments to be received no later than two days before the meeting.

If you decide to speak at the Commission meeting, please begin by giving your name and affiliation (if any) and the number of people represented by your organization. Then tell the Commission your concerns. Time allotted for each agenda item depends upon the number of speakers for each item and the length of the agenda. The Commission is interested in your views; don't worry about how to say them. If several people have spoken, try not to be repetitious. If there are several with the same concerns, please try to appoint a spokesperson. The Commission is particularly interested in the specific reasons you are for or against a proposal because the Commission's decision needs to be based on specific reasons.

If you would like to present handouts/written material to the Commission at the meeting, please provide eleven (11) copies.

5. (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 PACIFIC FISHER (*Martes pennanti*) AS A THREATENED OR ENDANGERED SPECIES AND ADOPTION OF COMMISSION FINDINGS.
- (B) REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 670.5, TITLE 14, CCR, RE: ADDITION OF PACIFIC FISHER (*Martes pennanti*) 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 Pacific fisher as threatened or endangered is warranted.)
6. PRESENTATION ON THE SAFE HARBOR PROGRAM BY CHIEF DEPUTY DIRECTOR KEVIN HUNTING.
7. RECEIPT OF LEGISLATIVE REPORTS.
 - (A) DEPARTMENT OF FISH AND GAME REPORT.
 - (B) POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.
8. RECEIPT OF DEPARTMENT OF FISH AND GAME INFORMATIONAL ITEMS.
 - (A) RECEIPT OF DEPARTMENT OF FISH AND GAME DIRECTOR'S REPORT.
 - (B) FISH AND GAME COMMISSION GUIDANCE ON SCIENTIFIC COLLECTING PERMITS IN MARINE PROTECTED AREAS.
 - (C) UPDATE ON LAW ENFORCEMENT DIVISION.
 - (D) UPDATE ON WILDLIFE AND FISHERIES DIVISION.
 - (E) UPDATE ON PACIFIC FISHERY MANAGEMENT COUNCIL (PFMC) ACTIVITIES.
 - (F) OTHER.
9. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.
 - (A) [STATUS UPDATE ON EXPIRING REGULATORY NOTICE Z2009-0608-01, SECTIONS 235.3, 236, 238 AND 240, TITLE 14, CCR, MARKING AND INSPECTIONS OF LIVE FISH TRANSPORTATION VEHICLES AND INSPECTIONS OF AQUACULTURE FACILITIES.](#)
 - (B) OTHER.

10. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.
 - (A) MARINE RESOURCES COMMITTEE.
 - (B) AL TAUCHER'S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE.
 - (C) AQUACULTURE COMMITTEE.
11. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.
12. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.
13. NEW BUSINESS.
14. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.
15. [DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 7.50, TITLE 14, CCR, RE: CENTRAL VALLEY SALMON SPORT FISHING.](#)
16. UPDATE ON THE STATUS OF THE DRAFT ENVIRONMENTAL DOCUMENT (ED) REGARDING BEAR HUNTING AND RECEIPT OF PUBLIC RECOMMENDATIONS AND REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTIONS 265, 365 AND 366, TITLE 14, CCR, RE: USE OF DOGS FOR PURSUIT/TAKE OF MAMMALS OR FOR DOG TRAINING, BEAR, AND ARCHERY BEAR HUNTING.
17. RECEIPT OF DEPARTMENT EVALUATION OF THE PETITION TO LIST THE MOUNTAIN YELLOW-LEGGED FROG (*Rana muscosa* and *Rana sierrae*) AS AN ENDANGERED SPECIES, OR RECEIPT AND POSSIBLE ACTION ON DEPARTMENT REQUEST PURSUANT TO SECTION 2073.5 OF THE FISH AND GAME CODE FOR AN EXTENSION OF TIME OF 30 DAYS TO COMPLETE ITS EVALUATION OF THE PETITION TO LIST THE MOUNTAIN YELLOW-LEGGED FROG (*Rana muscosa* and *Rana sierrae*) AS AN ENDANGERED SPECIES.
18. RECEIPT OF PUBLIC RECOMMENDATIONS AND REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 300, TITLE 14, CCR, RE: UPLAND GAME BIRDS.
19. RECEIPT OF PUBLIC RECOMMENDATIONS AND REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO CONSIDER AMENDMENTS TO THE MIGRATORY GAME BIRD (WATERFOWL) REGULATIONS FOR 2010-2011, SECTIONS 502 AND 507, TITLE 14, CCR.
20. RECEIPT OF PUBLIC RECOMMENDATIONS AND REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 29.80, TITLE 14, CCR, RE: GEAR RESTRICTIONS FOR SALTWATER CRUSTACEANS (LOBSTER HOOP NET).

CONSENT CALENDAR

21. (A) EXTENSION OF STATE WATER BOTTOM LEASE NO. M-430-12 FOR JOHN FINGER, HOG ISLAND OYSTER COMPANY, MARIN COUNTY.
- (B) EXTENSION OF STATE WATER BOTTOM LEASE NO. M-430-02 FOR MICHAEL TOUSSAINT, MARIN OYSTER COMPANY, MARIN COUNTY.
- (C) EXTENSION OF STATE WATER BOTTOM LEASE NO. M-430-14 FOR MARTIN STRAIN, POINT REYES OYSTER COMPANY, MARIN COUNTY.
22. REQUEST FROM BRUCE HARGER TO SUBLEASE STATE WATER BOTTOM LEASE M-654-03 NEUSHEL MARICULTURE, INC.
23. POSSIBLE APPROVAL OF ANNUAL REPORT AND 2010 PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA PLANS FOR:
 - (A) BUCKEYE RANCH, SOLANO COUNTY
 - (B) CONNOLLY/CORRAL HOLLOW RANCH, SAN JOAQUIN COUNTY
 - (C) MILLER/ERIKSEN RANCH, MENDOCINO COUNTY
 - (D) SHAMROCK RANCH, MENDOCINO COUNTY
 - (E) SLICK ROCK RANCH, SANTA CLARA COUNTY
 - (F) SPANISH VALLEY RANCH, NAPA COUNTY
 - (G) SWEETWATER RANCH, SANTA CLARA COUNTY
24. CONSIDERATION AND POSSIBLE APPROVAL OF PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA LICENSE (2010-2015) AND 2010-2011 MANAGEMENT PLAN FOR:
 - (A) ISABEL VALLEY RANCH, SANTA CLARA COUNTY
 - (B) MALLISON RANCH, SANTA CLARA COUNTY
 - (C) POCKET RANCH, SONOMA COUNTY
 - (D) SEVEN SPRINGS RANCH, MENDOCINO COUNTY

OTHER

25. COMMISSION FOLLOW-UP, MEETING REVIEW, AND STAFF DIRECTION.
26. ANNOUNCEMENT OF FUTURE MEETINGS.

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. HARVEY GONZALEZ – PERMANENTLY REVOKE COMMERCIAL FISHING LICENSE AND SOUTHERN ROCK CRAB, TIDAL INVERTEBRATE AND GENERAL TRAP PERMITS.
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