

**State of California  
FISH AND GAME COMMISSION**

**Staff Summary , Meeting of May 5, 2010**

This is staff's best effort to summarize the actions of the meeting.  
For more specific information go to [www.Cal-span.org](http://www.Cal-span.org).

Pursuant to the call of the President, the Commission met at the Stockton Rod and Gun Club, 3120 Monte Diablo Avenue, Stockton, California, on May 5, 2010. The meeting was called to order at 9:00 a.m. by President Kellogg.

**Executive Director Carlson stated that the Commission did not have a Quorum today and that a teleconference meeting would be scheduled as soon as possible to hear any items on the agenda that require a vote or other action.**

**FISH AND GAME COMMISSION**

Jim Kellogg	President	Present
Richard Rogers	Vice-President	<b>Absent</b>
Michael Sutton	Member	Present
Daniel Richards	Member	<b>Absent</b>
Don Benninghoven	Member	<b>Absent</b>

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
Kevin Hunting	Chief Deputy Director
Sonke Mastrup	Deputy Director, Resources Management & Policy Division (RMPD)
Nancy Foley	Deputy Director, Law Enforcement Division
Susan LaGrande	Deputy Director, Legislative Affairs
Tom Gibson	General Counsel
Dr. Eric Loft	Chief, Wildlife Management Branch
Doug Updike	Wildlife Management Branch
Dan Yparraguirre	Wildlife Management Branch
Rob Allen	Law Enforcement Division
John Baker	Law Enforcement Division
Lori Oldfather	Law Enforcement Division

Erica Manes                      Law Enforcement Division  
James Baugus                  Law Enforcement Division

The following persons were present and heard:

Rey Ochoa	Attorney for Harvey Gonzalez
Bill Bernard	Recreational Abalone Diver
Kaitilin Gaffney	Ocean Conservancy
Scott Williams	Kashia Pomo Indian Tribe
Johnny K. Lew	Delta Switchboard
Tom Raftican	The Sport Fishing Conservancy
Chris Iversen	Commercial Fisherman
Pius Lee	Chinatown Economic Development Committee
Richard Ow	San Francisco Chinatown
Henry Cheung	Charlie Seafood Inc.
David Chu	Oakland Asian Community
Eric Chu	Oakland Asian Community
Paul Lee	Lien Hing Super Market
Name Unknown	Ming Fat Seafood Company
David Li	New United Supermarkets
Paul Weakland	Commercial Fisherman
Bob Bentz	Local Citizen
Virginia Handley	PAWPAC
Cindy Gustafson	Former Fish and Game Commissioner
Sarah Swenty	U.S. Fish and Wildlife Service
Pamela Flick	Defenders of Wildlife
Gary Rynearson	Green Diamond Resource Company
Justin Augustine	Center for Biological Diversity
Tom Engstrom	Sierra Pacific Industries
Bill Gaines	California Outdoor Heritage Alliance
Anthony Macaluso	Concerned Waterfowl Hunter
Jim Waters	California Waterfowl Association
Lia Protopapadakis	Santa Monica Bay Restoration Commission
Greg Helms	Ocean Conservancy
Michael Sheehy	Santa Barbara Channelkeeper
Tony Morton	NOAA Fisheries

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: Rey Ochoa, Bill Bernard, Kaitilin Gaffney, Scott Williams, Johnny K. Lew, Tom Raftican, Chris Iversen, Pius Lee, Richard Ow, Henry Cheung, David Chu, Eric Chu, Paul Lee, David Li, Paul Weakland, Bob Bentz and Virginia Handley.**
2. PRESENTATION OF RESOLUTION HONORING CINDY GUSTAFSON.  
**The Commission presented a resolution honoring Ms. 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.  
**Received an update from Sarah Swenty, U.S. Fish and Wildlife Service on the 2010 federal duck stamp contest to be held in Berkeley, California in October 2010.**
  
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.  
**Dr. Eric Loft reported that the Department had submitted draft findings to the Commission. No public testimony. Due to lack of a quorum, item continued to the Commission's teleconference meeting scheduled for May 20, 2010.**
  
- (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.  
**No action taken. Due to lack of a quorum, item continued to the Commission's teleconference meeting scheduled for May 20, 2010.**
  
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.  
**No action taken. Due to lack of a quorum, item continued to the Commission's teleconference meeting scheduled for May 20, 2010.**
  
- (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.)  
**Received public testimony. Due to lack of a quorum, item continued to the Commission's teleconference meeting scheduled for May 20, 2010.**
  
6. PRESENTATION ON THE SAFE HARBOR PROGRAM BY CHIEF DEPUTY DIRECTOR KEVIN HUNTING.  
**Department of Fish and Game Chief Deputy Director Kevin Hunting provided the Commission with information on the Safe Harbor Program. No public testimony.**
  
7. RECEIPT OF LEGISLATIVE REPORTS.
  - (A) DEPARTMENT OF FISH AND GAME REPORT.  
**Received the Department's report from Susan LaGrande. Received public testimony.**

- (B) POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.  
**No Report.**
8. RECEIPT OF DEPARTMENT OF FISH AND GAME INFORMATIONAL ITEMS.
- (A) RECEIPT OF DEPARTMENT OF FISH AND GAME DIRECTOR'S REPORT.  
**Received report from Director McCamman. No public testimony.**
- (B) FISH AND GAME COMMISSION GUIDANCE ON SCIENTIFIC COLLECTING PERMITS IN MARINE PROTECTED AREAS.  
**Received update from Deputy Director Mastrup. Received public testimony.**
- (C) UPDATE ON LAW ENFORCEMENT DIVISION.  
**Received update from Deputy Director Foley and Assistant Chief, Central District, John Baker. Received public testimony.**
- (D) UPDATE ON WILDLIFE AND FISHERIES DIVISION.  
**Deputy Director Mastrup did not have a report. No public testimony.**
- (E) UPDATE ON PACIFIC FISHERY MANAGEMENT COUNCIL (PFMC) ACTIVITIES.  
**Received written report from Deputy Director Mastrup. No public testimony.**
- (F) OTHER.  
**Received update from Deputy Director Mastrup regarding tribal issues. No public testimony.**
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.  
**Executive Director Carlson reported that the regulatory notice for this item would expire at the end of this month. Received public testimony.**
- (B) OTHER.  
**None.**
10. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.
- (A) MARINE RESOURCES COMMITTEE.  
**Received report from Dr. Craig Shuman. Next meeting scheduled for May 25 in Monterey. No public testimony.**
- (B) AL TAUCHER'S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE.  
**Received a summary report from Deputy Executive Director Fischer on the meeting held on May 4, 2010. The committee made a motion to support SB 1058 regarding Fund Raising Tags. No public testimony.**

- (C) AQUACULTURE COMMITTEE.  
**Executive Director Carlson reported that the Committee had not met and would be meeting soon. Received public testimony.**
11. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.  
**Received report from Tony Morton. He announced his retirement effective June 4, 2010.**
  12. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.  
**There were no legal counsel informational items. No public testimony.**
  13. NEW BUSINESS.  
**No new business to report. No public testimony.**
  14. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.  
**No Executive Session held due to lack of a quorum. No public testimony.**
  15. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 7.50, TITLE 14, CCR, RE: CENTRAL VALLEY SALMON SPORT FISHING.  
**Due to lack of a quorum, item continued to the Commission's teleconference meeting to be scheduled for May 20, 2010. No public testimony.**
  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.  
**Deputy Director Mastrup reported that the Department is looking at options on bear hunting regulations. Received public testimony. Due to lack of a quorum, item continued to the Commission's June 23-24, 2010, meeting.**
  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.  
**Due to lack of a quorum, item continued to the Commission's teleconference meeting scheduled for May 20, 2010.**
  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.  
**Received Department's update from Doug Updike. Received public testimony. Executive Director Carlson authorized staff to publish notice of its intent to amend section 300 regarding 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.  
**Received Department's update from Dan Yparraguirre. Received public testimony. Executive Director Carlson authorized staff to publish notice of its intent to amend sections 502 and 507 regarding migratory game bird regulations for 2010-2011.**
  
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).  
**No public testimony. Executive Director Carlson authorized staff to publish notice of its intent to amend section 29.80 regarding gear restrictions for saltwater crustaceans.**

**CONSENT CALENDAR**

**Due to lack of a quorum, Consent Calendar items 21-24, continued to the Commission's teleconference meeting scheduled for May 20, 2010.**

21. (A) EXTENSION OF STATE WATER BOTTOM LEASE NO. M-430-12 FOR JOHN FINGER, HOG ISLAND OYSTER COMPANY, MARIN COUNTY.  
**Received public testimony.**
  
- (B) EXTENSION OF STATE WATER BOTTOM LEASE NO. M-430-02 FOR MICHAEL TOUSSAINT, MARIN OYSTER COMPANY, MARIN COUNTY.  
**Received public testimony**
  
- (C) EXTENSION OF STATE WATER BOTTOM LEASE NO. M-430-14 FOR MARTIN STRAIN, POINT REYES OYSTER COMPANY, MARIN COUNTY.  
**Received public testimony.**
  
22. REQUEST FROM BRUCE HARGER TO SUBLEASE STATE WATER BOTTOM LEASE M-654-03 NEUSHEL MARICULTURE, INC.  
**Received public testimony.**
  
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**No public testimony.**

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
- No public testimony.**
25. COMMISSION FOLLOW-UP, MEETING REVIEW, AND STAFF DIRECTION.  
**To be compiled by staff.**
26. **ANNOUNCEMENT OF FUTURE MEETINGS.**

**2010 FISH AND GAME COMMISSION  
MEETING SCHEDULE  
[www.fgc.ca.gov](http://www.fgc.ca.gov)**

<b>June 23 (Wed.) June 24 (Thurs.)</b>	<b>Lake Natoma Inn 702 Gold Lake Drive, Folsom, CA 95630</b>
<b>August 4 (Wed.) August 5 (Thurs.)</b>	<b>Santa Barbara</b>
<b>September 15 (Wed.) September 16 (Thurs.)</b>	<b>Greater Sacramento Area</b>
<b>October 20 (Wed.) October 21 (Thurs.)</b>	<b>San Diego</b>
<b>November 17 (Wed.) November 18 (Thurs.)</b>	<b>Greater Sacramento Area</b>
<b>December 15 (Wed.) December 16 (Thurs.)</b>	<b>Sacramento</b>

There being no further business, the Fish and Game Commission meeting adjourned at 1:30 p.m.