Pursuant to the call of the President, the Commission met by teleconference on May 20, 2010. The teleconference meeting originated at the Resources Building, 1416 Ninth Street, Room 1131, Sacramento, California. The meeting was audible to the public at the following additional locations: Department of Fish and Game, Santa Barbara Field Office and Laboratory, 1933 Cliff Dr., Suite 9, Santa Barbara, CA 93109; Department of Fish and Game, Inland Deserts Region, 3602 Inland Empire Boulevard, Suite C-220, Ontario, CA 91764; and Center for the Future of the Oceans Monterey Bay Aquarium, 99 Pacific Street, Suite 100A, Monterey, CA 93940. Due to the number of attendees at the Sacramento location, the meeting was also audible in Room 1206 for item number one only. The teleconference meeting was called to order at 9:36 a.m. by President Kellogg.

FISH AND GAME COMMISSION

Jim Kellogg  President  Present at Sacramento location
Richard Rogers  Vice-President  Via Telephone from Santa Barbara
Michael Sutton  Member  Via Telephone from Monterey
Daniel Richards  Member  Via Telephone from Ontario (Left at 1210 hours)
Don Benninghoven  Member  Present at Sacramento location

Persons present:

COMMISSION STAFF

John Carlson  Executive Director (Left after public testimony for Item 1)
Jon K. Fischer  Deputy Executive Director
Adrianna Shea  Deputy Executive Director
Sherrie Fonbuena  Associate Governmental Program Analyst
Anita Biedermann  Associate Governmental Program Analyst
Jon Snellstrom  Associate Governmental Program Analyst (Room 1206)
Carol Horn  Executive Assistant
Sandy Miles  Retired Annuitant (Room 1206)

OFFICE OF THE ATTORNEY GENERAL

Rick Thalhammer  Deputy Attorney General

DEPARTMENT OF FISH AND GAME

John McCamman  Director
Nancy Foley  Deputy Director, Law Enforcement Division
Rob Allen  Law Enforcement Division
Tony Warrington  Law Enforcement Division
Brian Naslund  Law Enforcement Division (Room 1206)
Neil Manji  Chief, Fisheries Programs Branch
The following persons were present and heard:

Leland Yee  
Senator, San Francisco
Fiona Ma  
Assemblymember, 12th District, San Francisco
Ted Lieu  
Assemblymember, 53rd District, Torrance
Dr. Kerry Krieger  
Save the Frogs (No card–Monterey location)
Paul Weakland  
Commercial Fisherman (No card–Santa Barbara Location)
Christine Rocia  
L.A. Reptiles (No card–Ontario location)
Glenda Corcoran  
Representing Assemblymember Hector De La Torre
Carl Chan  
Oakland Chinese Community
Helen Celaya  
Concerned Citizen
Max Celaya  
Concerned Citizen
Tommy Tang  
Concerned Citizen
Eric Mills  
Action for Animals
Linda Pang  
Concerned Citizen
So Han Chang  
Concerned Citizen
Virginia Handley  
PawPac
Pius Lee  
San Francisco Chinatown Economic
Paul Lee  
San Francisco City Super
Wilma Pang  
San Francisco Chinatown
David Chu  
Concerned Citizen
Eric Chu  
Concerned Citizen
Gigi Ma  
Concerned Citizen
Monica Engebretson  
Born Free USA
Pamela Flick  
Defenders of Wildlife
Bill Wong  
Chinese Consolidated Benevolent Association
Nicole Paquette  
The Humane Society of the U.S.
Finnie Fung  
Legendary Palace Restaurant, Oakland
Henry Cheung  
Charlie Seafood, San Francisco
Judith Lim  
Concerned Citizen
Vivian Li  
New Tin’s Market, Oakland
Mable Sato  
Concerned Citizen
Derek Chu  
Concerned Citizen
Gard Chiu  
San Francisco Chinese Community
Florence Kong  
Concerned Citizen
Richard Ow  
Concerned Citizen
Kathryn Pierce  
Concerned Citizen
Ray Ochoa  
Attorney representing Harvey Gonzalez (No card-Ontario location)

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

1. RECONSIDERATION OF COMMISSION POLICY ADOPTED AT ITS APRIL 8, 2010, MEETING IN MONTEREY, RE: NON-NATIVE FROGS AND TURTLES.

Received public testimony.

MOVED BY D. BENNINGHOVEN, SECOND BY J. KELLOGG, TO RESCIND THE COMMISSION’S APRIL 8TH, 2010, POLICY ON NON-NATIVE TURTLES AND FROGS AND TO DIRECT STAFF TO COME BACK WITH RECOMMENDATIONS ON REGULATORY/LEGISLATIVE/POLICY SOLUTIONS TO INSURE THAT PURCHASED ANIMALS ARE HUMANELY EUTHANIZED PRIOR TO LEAVING FOOD MARKET
PREMISES AND TO INCREASE PENALTIES FOR VIOLATIONS.
AYES: D. BENNINGHOVEN, J. KELLOGG.
NOES: D. RICHARDS, R. ROGERS, M. SUTTON.
MOTION FAILED.

MOVED BY R. ROGERS, SECOND BY D. BENNINGHOVEN, TO DIRECT STAFF TO COME BACK WITH RECOMMENDATIONS ON REGULATORY/LEGISLATIVE/ POLICY SOLUTIONS TO CLOSE THE LOOP HOLE TO INSURE THAT PURCHASED NON-NATIVE ANIMALS ARE HUMANELY EUTHANIZED PRIOR TO LEAVING FOOD MARKET PREMISES; TO INCREASE PENALTIES FOR VIOLATIONS; AND TO COMPREHENSIVELY EXPLORE THE NON-NATIVE SPECIES IMPORTATION ISSUES. EXISTING POLICY REMAINS IN EFFECT AS PREVIOUSLY ADOPTED BY THE COMMISSION.
AYES: D. BENNINGHOVEN, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON, PASSED UNANIMOUSLY.

2. (A) CONSIDERATION AND POSSIBLE ADOPTION/RATIFICATION OF COMMISSION FINDINGS ON THE PETITION TO LIST THE CALIFORNIA TIGER SALAMANDER (Ambystoma californiense) AS AN ENDANGERED SPECIES.
No public testimony.

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

(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 public testimony.

MOVED BY M. SUTTON, SECOND BY R. ROGERS, TO ADOPT THE PROPOSED CHANGES TO ADD THE CALIFORNIA TIGER SALAMANDER TO THE LIST OF THREATENED SPECIES.
AYES: D. BENNINGHOVEN, R. ROGERS, M. SUTTON.
NOES: J. KELLOGG, D. RICHARDS.
MOTION PASSED.

3. UPDATE ON THE DEPARTMENT’S ONE YEAR STATUS REPORT/RECOMMENDATION ON THE PETITION TO LIST THE PACIFIC FISHER (Martes pennanti) AS A THREATENED OR ENDANGERED SPECIES.
Received the Department’s update from Director McCamman. No public testimony. No action. Item to be scheduled for the Commission’s June meeting.
4. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 7.50, TITLE 14, CCR, RE: CENTRAL VALLEY SALMON SPORT FISHING. Received the Departments update from Neil Manji. Received public testimony.

MOVED BY R. ROGERS, SECOND BY D. BENNINGHOVEN, TO AMEND CENTRAL VALLEY SALMON SPORT FISHING REGULATIONS, AS RECOMMENDED BY DFG. AYES: D. BENNINGHOVEN, J. KELLOGG, D. RICHARDS, D. ROGERS, M. SUTTON. PASSED UNANIMOUSLY.

5. RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS.

(A) HARVEY GONZALEZ – RECOMMENDATION TO PERMANENTLY REVOKE COMMERCIAL FISHING LICENSE AND SOUTHERN ROCK CRAB, TIDAL INVERTEBRATE AND GENERAL TRAP PERMITS. Received public testimony from Ray Ochoa representing Harvey Gonzalez.

The Commission recessed at 11:55 a.m. to hold Executive Session and reconvened the Fish and Game Commission meeting at 12:28 p.m.

6. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION. Deputy Attorney General Thalhammer reported on the Executive Session that the Commission rejected the settlement on American pika and adopted the proposed decision for Harvey Gonzalez.

CONSENT CALENDAR

MOVED BY D. BENNINGHOVEN, SECOND BY J. KELLOGG, TO APPROVE CONSENT CALENDAR ITEMS 7-12, AS RECOMMENDED BY THE DEPARTMENT. RECEIVED PUBLIC TESTIMONY ON ITEM NUMBERS 9 & 10. AYES: D. BENNINGHOVEN, J. KELLOGG, R. ROGERS, M. SUTTON. ABSENT: D. RICHARDS. MOTION PASSED.


8. 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. Approved. No public testimony.

9. (A) EXTENSION OF STATE WATER BOTTOM LEASE NO. M-430-12 FOR JOHN FINGER, HOG ISLAND OYSTER COMPANY, MARIN COUNTY. Approved lease extension for 180 days. Received public testimony.
(B) EXTENSION OF STATE WATER BOTTOM LEASE NO. M-430-02 FOR MICHAEL TOUSSAINT, MARIN OYSTER COMPANY, MARIN COUNTY. Approved. Received public testimony.

(C) EXTENSION OF STATE WATER BOTTOM LEASE NO. M-430-14 FOR MARTIN STRAIN, POINT REYES OYSTER COMPANY, MARIN COUNTY. Approved. Received public testimony.

10. APPROVAL OF REQUEST FROM BRUCE HARGER TO SUBLEASE STATE WATER BOTTOM LEASE M-654-03 NEUSHEL MARICULTURE, INC. Approved. Received public testimony.

11. 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
Approved.

12. 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
Approved.

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

There being no further business, the Fish and Game teleconference meeting was adjourned at 12:34 p.m.