Pursuant to the call of the President, the Commission met at the Lion’s Gate Hotel & Conference Center, Club Ballroom, 3410 Westover Street, McClellan, California, on September 15, 2010. The meeting was called to order at 10:10 a.m. by President Kellogg.

FISH AND GAME COMMISSION

Jim Kellogg
Richard Rogers
Michael Sutton
Daniel Richards
Mike Sutsos

President
Vice-President
Member
Member
Member

Present
Absent
Present
Present
Present

Persons present:

COMMISSION STAFF

Jon K. Fischer
Adrianna Shea
Craig Shuman
Sherrie Fonbuena
Anita Biedermann
Carol Horn

Acting Executive Director
Deputy Executive Director
Marine Advisor
Associate Governmental Program Analyst
Associate Governmental Program Analyst
Executive Assistant

OFFICE OF THE ATTORNEY GENERAL

Cecilia Dennis

Deputy Attorney General

DEPARTMENT OF FISH AND GAME

John McCamman
Sonke Mastrup
Nancy Foley
John Mattox
Susan LaGrande
Dr. Eric Loft
Tony Warrington
Brian Naslund
Tiffany Stinson
Curtis Milliron
Scott Barrow

Director
Deputy Director, Resources Management & Policy Division (RMPD)
Deputy Director, Law Enforcement Division
Office of the General Counsel
Deputy Director, Legislative Affairs
Chief, Wildlife Branch
Law Enforcement Division
Law Enforcement Division
Warden, Law Enforcement Division
Eastern Sierra-Inland Deserts Region
Fisheries Branch

The following persons were present and heard:

Lori Kammerer
George Osborn
Karen Garrison
Andrew Wyatt
Kim Thomas

Small Businesses of California
Partnership for Sustainable Oceans
Natural Resources Defense Council
U.S. Association of Reptile Keepers
The Frog Ranch LLC
President Kellogg introduced members of the Commission, its staff, Directorate and Cecilia Dennis of the Attorney General’s Office.

1. PUBLIC FORUM.
   Received public testimony from the following: Lori Kammerer, George Osborn, Karen Garrison, Andrew Wyatt, Kim Thomas and Paul Weakland.

2. PRESENTATION OF DEPARTMENT OF FISH AND GAME LIFESAVING AWARD TO WARDEN TIFFANY STINSON.
   Chief Foley made a presentation honoring Warden Tiffany Stinson and presented her with a DFG Lifesaving Award. No public testimony.

3. CONSIDERATION AND POSSIBLE RATIFICATION OF COMMISSION’S JUNE 23, 2010 FINDINGS ON THE PETITION TO LIST THE PACIFIC FISHER (Martes pennanti) AS A THREATENED OR ENDANGERED SPECIES.
   Received a review of the findings from John Mattox, DFG, Office of the General Counsel. Received public testimony.

   MOVED BY D. RICHARDS, SECOND BY J. KELLOGG, TO RATIFY FINDINGS THAT THE PETITIONED ACTION TO LIST PACIFIC FISHER AS AN ENDANGERED OR THREATENED SPECIES IS NOT WARRANTED.
   AYES: J. KELLOGG, D. RICHARDS.
   NOES: M. SUTTON.
   ABSTAIN: M. SUTSOS.
   ABSENT: R. ROGERS.
   MOTION PASSED.
4. (A) PURSUANT TO SECTION 2074.2 OF THE FISH AND GAME CODE, CONSIDERATION OF THE DEPARTMENT'S INITIAL REVIEW AND RECOMMENDATION, AND POSSIBLE ACTION ON THE PETITION TO LIST THE MOUNTAIN YELLOW-LEGGED FROG (Rana muscosa and Rana sierrae) AS AN ENDANGERED SPECIES. Received the Department's update and review from Curtis Milliron. Received public testimony.

MOVED BY M. SUTTON, SECOND BY D. RICHARDS, FINDS THAT THE PETITIONED ACTION TO LIST THE MOUNTAIN YELLOW-LEGGED FROG MAY BE WARRANTED.
AYES:  J. KELLOGG, D. RICHARDS, M. SUTSOS, M. SUTTON.
ABSENT:  R. ROGERS.
PASSED UNANIMOUSLY.

(B) PURSUANT TO SECTION 2084 OF THE FISH AND GAME CODE, CONSIDERATION AND POSSIBLE EMERGENCY ACTION TO ADD SECTION 749.6, TITLE 14, CCR, RE: SPECIAL ORDER RELATING TO INCIDENTAL TAKE OF MOUNTAIN YELLOW-LEGGED FROG DURING CANDIDACY PERIOD. Received the Department's review of section 2084 from John Mattox, DFG, Office of the General Counsel. Received public testimony.

MOVED BY D. RICHARDS, SECOND BY J. KELLOGG, APPROVES EMERGENCY ACTION TO ADD SECTION 749.6 REGARDING SPECIAL ORDER RELATING TO INCIDENTAL TAKE OF MOUNTAIN YELLOW-LEGGED FROG DURING CANDIDACY PERIOD. MOTION INCLUDED AMENDING FOREST PRACTICE PROCEDURES AND CHANGES REPORT DIVISION TO THE FISHERIES BRANCH OF THE DEPARTMENT OF FISH AND GAME.
AYES:  J. KELLOGG, D. RICHARDS, M. SUTSOS, M. SUTTON.
ABSENT:  R. ROGERS.
PASSED UNANIMOUSLY.

5. RECEIPT OF LEGISLATIVE REPORTS.

(A) DEPARTMENT OF FISH AND GAME REPORT. Received the Department’s report from Susan LaGrande. No public testimony.

(B) POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION. Received public testimony. No action taken.

6. 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 on the following issues: update on frog and turtle permitting, budget update and effects on the Department relating to vendors, travel reimbursements, hiring freeze, furloughs and overtime. Received public testimony.
(B) RECEIPT OF ANNUAL REVIEW OF WHITE SEABASS FISHERY MANAGEMENT PLAN FOR 2008-2009 FISHING SEASON. Deputy Director Mastrup provided an overview of the Fishery Management Plan. No public testimony.

(C) RECEIPT OF ANNUAL STATUS OF THE FISHERIES REPORT – AN UPDATE THROUGH 2008. Deputy Director Mastrup provided an overview of the report. No public testimony.

(D) RECEIPT OF INFORMATION REQUESTED REGARDING STRESSORS AFFECTING THE BAY-DELTA ECOSYSTEM AND THREATENED AND ENDANGERED SPECIES THAT DEPEND ON IT. Received report. Director McCamman requested this item be scheduled for discussion at a future meeting when all Commissioners would be present. Received public testimony.

(E) UPDATE ON LAW ENFORCEMENT DIVISION. Received report from Chief Foley. She reported 38 warden/cadets graduated from the academy and that poaching was on an increase. Received public testimony.

(F) UPDATE ON WILDLIFE AND FISHERIES PROGRAMS. Received the Department’s update from Deputy Director Mastrup. No public testimony.

(G) UPDATE ON THE STATUS REVIEW OF STATE GAME REFUGES. Received the Department’s update from Dr. Loft. No public testimony.

(H) UPDATE ON POTENTIAL BEAR REGULATION CHANGES FOR 2011. Received the Department’s update from Dr. Loft. Received public testimony.

(I) UPDATE ON CALIFORNIA TROUT’S LETTER OF APRIL 22, 2010, ON PROPOSALS FOR THE KLAMATH-TRINITY RIVER SPORT FISHING REGULATIONS. Received the Department’s update from Scott Barrow. Possible item for April/May 2011 FGC meeting. No public testimony.

(J) OTHER. Deputy Director Mastrup provided a status report of the Abalone Fishery. No public testimony.

7. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.

(A) RECEIPT OF PROPOSED 2011 MEETING SCHEDULE, DISCUSSION AND DIRECTION FROM COMMISSION. Acting Executive Director Fischer reviewed the meeting schedule. Consensus was to evaluate the meeting schedule and consider some one day meetings. No public testimony.
(B) OTHER.
Acting Executive Director Fischer announced that staff received a Director’s Achievement Award in July. No public testimony.

8. SUBCOMMITTEE REPORTS, RECOMMENDATIONS, AND POSSIBLE COMMISSION ACTION.

(A) MARINE RESOURCES COMMITTEE.
Marine Advisor Dr. Craig Shuman provided an update and reported the next MRC meeting was scheduled for October 12 in Santa Barbara. No public testimony.

(B) AL TAUCHER’S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE.
Acting Executive Director Fischer provided a review of the most recent meeting held September 14, 2010. No public testimony.

(C) AQUACULTURE COMMITTEE.
Commissioner Richards and Deputy Executive Director Shea reported that progress was slow and that more legal review was needed. No public testimony.

(D) OTHER.
There was no report.

9. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.
Received report from Diane Windham. She reported that Dr. Kevin Chu would be attending the Commission meetings in the future to provide updates. No public testimony.

10. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.
There were no items.

11. NEW BUSINESS.
This item was heard on September 16. Diane Windham, NOAA, introduced Dr. Kevin Chu, as NOAA’s new Regional Administrator who would be providing updates at future Commission 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. JAMES BUNN - DENIAL OF TRANSFER AND RENEWAL OF NON-TRANSFERABLE MARKET SQUID PERMIT, F/V DONNA B.

II. BEATRICE M. BONANNO – DENIAL OF RENEWAL OF PACIFIC RESIDENT HERRING GILL NET PERMIT.

III. TACY LEE – DENIAL OF APPLICATION TO TRANSFER LOBSTER OPERATOR PERMIT FROM RICHARD LEE TO TYLER LEE.

There being no further business, the meeting recessed at 3:30 p.m. to reconvene on September 16, 2010, at 8:30 a.m.