Pursuant to the call of the President, the Commission met at the Hotel Mar Monte, El Cabrillo Room, 1111 East Cabrillo Blvd., Santa Barbara, California, on December 15, 2010. The meeting was called to order at 9:30 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
Jack Baylis Member Present

Persons present:

COMMISSION STAFF

Jon K. Fischer Acting 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
Sonke Mastrup Deputy Director, Resources Management & Policy Division (RMPD)
Jordan Traverso Deputy Director, Office of Communications, Education & Outreach
Nancy Foley Deputy Director, Law Enforcement Division
Marija Vojkovich Regional Manager, Marine Region
Becky Ota Marine Region
Susan Ashcraft Marine Region
Rob Allen Law Enforcement Division
Brian Naslund Law Enforcement Division
Mike Stefanak Law Enforcement Division
Dan Sforza Law Enforcement Division
Cindy Wood Law Enforcement Division
Jorge Paz Law Enforcement Division
Jack Coombs Law Enforcement Division
Brady Hill Law Enforcement Division
The following persons were present and heard:

Mick Kronman Harbor Master City of Santa Barbara
Dan Wolford Coastside Fishing Club
Guy Grundmeier Port San Luis Commercial Fisherman
Don Maruska Concerned Citizen
Paul Weakland Commercial Fisherman
Joey Racano Ocean Outfall Group
Lorna Moffat Concerned Citizens for Environmental Health
Melvin de la Motte Central Coast Fisheries Conservation
Bryan Rosen Concerned Citizen
Dave Ploessel Concerned Citizen
Jay Chamberlin State Department of Parks and Recreation
Salud Carbajal Santa Barbara County Supervisor
Steve Offerman Ventura County Supervisor
Verna Rollinger City of Laguna Beach, Councilmember
Mike Soto Representing Mayor Toni Iseman, City of Laguna Beach
Vennise Miller-Forte Coastal Band of the Chumash Nation
Jeff Sporcich Recreational Freedivers
Russell Galipeau Channel Islands National Park
Peggy Oki Origami Whales Project
Robert Warner UC Santa Barbara
Charles Alban Concerned Citizen
Penny Owens Santa Barbara Channelkeeper
Ben Pitterle Santa Barbara Channelkeeper
Grace Chan Los Angeles County Sanitation Districts
Michael Lunsford Gaviota Coast Conservancy
Larry Manson Ventura Chapter Surfrider
Janet Koed Concerned Citizen
Bruce Steele Concerned Citizen
Debbie Karimoto Orange County Diving and Laguna Bluebelt
Kaitilin Gaffney Ocean Conservancy
Jeremy Bordofsky Concerned Citizen
Louise Thornton Laguna Ocean Foundation
Sandra Dildine Laguna Bluebelt Coalition
Deane Plaister Surfrider Chapter/Santa Barbara
David Allen Concerned Citizen
Gary Burke Concerned Citizen
Jean Michel Cousteau Ocean Futures Society
David Cooke Attorney/Partnership for Sustainable Oceans
Joe Farlo Watermen’s Alliance
Marvin Garrett Attorney/Partnership for Sustainable Oceans
George Osborn Partnership for Sustainable Oceans
Vicki Wawerchak Concerned Citizen
Randi Parent Concerned Citizen
Whitney Graves Concerned Citizen
Nancy Weiss Concerned Citizen
Steve Clark Concerned Citizen
Adam Livingston Concerned Citizen
Gordon Robertson American Sportfishing Association
Phyllis Griffin USC Sea Grant/Wrigley Institute for Environmental Studies
Amanda Griesbach Concerned Citizen
Philip Beguhl Santa Barbara County Fish and Game Commissioner
Miguel Checa Concerned Citizen
Kristi Birney Environmental Defense Center
Bryan Murray Concerned Citizen
Meagan Wylie San Diego Coastkeeper
Kira Redmond Santa Barbara Channelkeeper
Stefanie Sekich Surfrider Foundation
Lia Protopapadakis Santa Monica Bay Restoration Commission
Vic Cox Concerned Citizen
Jenn Eckerle Natural Resources Defense Council
Dr. Lee Heller Concerned Citizen
Linda Gibbs Concerned Citizen
Zack Gold Santa Monica High School
Mark Gold Heal the Bay
Holly Aminzadeh Concerned Citizen
Sara Aminzadeh California Coastkeeper Alliance
Dr. Fred Aminzadeh Concerned Citizen
Dana Murray Heal the Bay
W. Scott Dunn Concerned Citizen
Marisa Villarreal Concerned Citizen
Linda Krop Environmental Defense Council
Joe Geever Surfrider Foundation
Michael Sheehy Santa Barbara Channelkeeper
Marcela Gutierrez Wildcoast
Emily Siegel State Water Resources Control Board
Rachel Harvey Santa Barbra Adventure Company
Ben McCue Wildcoast
Brandon Slater Concerned Citizen
Sarah Sikich Heal the Bay
Susie Santilena Concerned Citizen
Mike McCorkle MLPA Stakeholder
David Hornback Concerned Citizen
Ginger Osborne Concerned Citizen
Mia Davidson Concerned Citizen
Dr. Andrea Neal Blue Ocean Sciences
Richard Picheny Concerned Citizen
Charlotte Masarik Concerned Citizen
Lee Harrington Concerned Citizen
Michael Beanan South Laguna Civic Association
Brennon Flahive South Orange County Wastewater Authority
Jinger Wallace Concerned Citizen
Freddie Romero Chumash Tribe
Frank Arredondo Chumash Tribe
Tyson Eckerle Concerned Citizen
Joe Exline Oceanside Anglers
Michael Quill Concerned Citizen
Ray Hiemstra Orange County Coastkeeper
President Kellogg introduced members of the Commission, its staff, Directorate and Rick Thalhammer of the Attorney General's Office.

Mick Kronman welcomed the Commission to Santa Barbara.

1. PUBLIC FORUM.
Received public testimony from the following: Dan Wolford, Guy Grundmeier, Don Maruska, Paul Weakland, Joey Racano, Lorna Moffat, Melvin de la Motte, Bryan Rosen and Dave Ploessel.

2. (A) FINAL CERTIFICATION OF ENVIRONMENTAL DOCUMENT, AND ADOPTION OF FINDINGS FOR PROPOSED CHANGES TO SECTION 632, TITLE 14, CCR, RE: MARINE PROTECTED AREAS FOR THE SOUTH COAST STUDY REGION.
Received updated reports from the Department by Becky Ota and Susan Ashcraft. Received public testimony.

MOVED BY J. BAYLIS, SECONDED BY M. SUTTON, TO CERTIFY THE ENVIRONMENTAL DOCUMENT FOR THE SOUTH COAST MARINE PROTECTED AREAS.
AYES: J. BAYLIS, R. ROGERS, M. SUTTON.
NOES: J. KELLOGG, D. RICHARDS.
MOTION PASSED.
DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 632, TITLE 14, CCR, RE: MARINE PROTECTED AREAS FOR THE SOUTH COAST STUDY REGION.

Received updated reports from the Department by Susan Ashcraft.
Received public testimony.

THERE WERE A SERIES OF 19 DECISIONS/OPTIONS WITHIN THE PROPOSED PACKAGE AND EACH WAS VOTED ON SEPARATELY AS FOLLOWS:

MOVED BY J. BAYLIS, SECONDED BY D. RICHARDS, TO APPROVE THE FOLLOWING SIX DECISIONS AND OPTIONS:
DECISION 1/OPTION 1:
DECISION 2/OPTION 2:
DECISION 3/OPTION 2:
DECISION 4/OPTION 1:
DECISION 5/OPTION 2:
DECISION 6/OPTION 2:
AYES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.
PASSED UNANIMOUSLY.

MOVED BY D. RICHARDS, SECONDED BY J. KELLOGG, TO APPROVE DECISION 7/OPTION 3.
AYES: J. KELLOGG, D. RICHARDS.
NOES: J. BAYLIS, R. ROGERS, M. SUTTON.
MOTION FAILED.

MOVED BY M. SUTTON, SECONDED BY R. ROGERS, TO APPROVE DECISION 7/OPTION 2.
AYES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.
PASSED UNANIMOUSLY.

MOVED BY J. BAYLIS, SECONDED BY M. SUTTON, TO APPROVE DECISION 8/OPTION YES AND DECISION 9/OPTION 1.
AYES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.
PASSED UNANIMOUSLY.

MOVED BY D. RICHARDS, SECONDED BY R. ROGERS, TO APPROVE DECISION 10/OPTION A.
AYES: J. KELLOGG, D. RICHARDS, R. ROGERS.
NOES: J. BAYLIS, M. SUTTON.
MOTION PASSED.
MOVED BY D. RICHARDS, SECONDED BY M. SUTTON, TO APPROVE
DECISION 11/OPTION YES.
AYES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.
PASSED UNANIMOUSLY.

MOVED BY R. ROGERS, SECONDED BY D. RICHARDS, TO APPROVE
DECISION 12/OPTION YES.
AYES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.
PASSED UNANIMOUSLY.

MOVED BY R. ROGERS, SECONDED BY M. SUTTON, TO APPROVE
DECISION 13/OPTION A.
AYES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.
PASSED UNANIMOUSLY.

MOVED BY R. ROGERS, SECONDED BY M. SUTTON, TO APPROVE
DECISION 14/OPTION 4.
AYES: J. BAYLIS, R. ROGERS, M. SUTTON.
NOES: J. KELLOGG, D. RICHARDS.
MOTION PASSED.

MOVED BY M. SUTTON, SECONDED BY R. ROGERS, TO APPROVE
DECISION 15/OPTION A.
AYES: R. ROGERS, M. SUTTON.
NOES: J. BAYLIS, J. KELLOGG, D. RICHARDS.
MOTION FAILED.

MOVED BY D. RICHARDS, SECONDED BY R. ROGERS, TO APPROVE
DECISION 15/OPTION B.
AYES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS.
NOES: M. SUTTON.
MOTION PASSED.

MOVED BY D. RICHARDS, SECONDED BY M. SUTTON, TO APPROVE
DECISION 16/OPTION 2.
AYES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.
PASSED UNANIMOUSLY.

MOVED BY M. SUTTON, SECONDED BY J. BAYLIS, TO APPROVE
DECISION 17/OPTION 4.
AYES: J. BAYLIS, R. ROGERS, M. SUTTON.
NOES: J. KELLOGG, D. RICHARDS.
MOTION PASSED.

MOVED BY J. BAYLIS, SECONDED BY M. SUTTON, TO APPROVE
DECISION 18/OPTION 2.
AYES: J. BAYLIS, M. SUTTON.
NOES: J. KELLOGG, D. RICHARDS, R. ROGERS.
MOTION FAILED.
MOVED BY D. RICHARDS, SECONDED BY J. KELLOGG, TO APPROVE DECISION 18/OPTION 1.
AYES: J. KELLOGG, D. RICHARDS, R. ROGERS.
NOES: J. BAYLIS, M. SUTTON.
MOTION PASSED.

MOVED BY M. SUTTON, SECONDED BY J. BAYLIS, TO APPROVE DECISION 19/OPTION 2.
AYES: J. BAYLIS, M. SUTTON.
NOES: J. KELLOGG, D. RICHARDS, R. ROGERS.
MOTION FAILED.

MOVED BY D. RICHARDS, SECONDED BY J. KELLOGG, TO APPROVE DECISION 19/OPTION 1.
AYES: J. KELLOGG, D. RICHARDS, R. ROGERS.
NOES: J. BAYLIS, M. SUTTON.
MOTION PASSED.

IT WAS THEN MOVED BY J. BAYLIS, SECONDED BY M. SUTTON, TO APPROVE AMENDING SECTION 632, TITLE 14, CCR, REGARDING MARINE PROTECTED AREAS FOR THE SOUTH COAST STUDY REGION, TO INCLUDE THE 19 DECISIONS/OPTIONS PREVIOUSLY VOTED ON.
AYES: J. BAYLIS, R. ROGERS, M. SUTTON.
NOES: J. KELLOGG, D. RICHARDS.
MOTION PASSED.
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.
   VI. TACY LEE vs. CALIFORNIA FISH AND GAME COMMISSION AND DEPARTMENT OF FISH AND GAME RE: DENIAL OF TRANSFER OF LOBSTER OPERATOR PERMIT.
   VII. CENTER FOR BIOLOGICAL DIVERSITY vs. CALIFORNIA FISH AND GAME COMMISSION AND DEPARTMENT OF FISH AND GAME RE: PACIFIC FISHER.

B. POSSIBLE LITIGATION INVOLVING THE COMMISSION.

C. STAFF PERFORMANCE AND COMPENSATION.
   I. DISCUSSION OF FULL TIME LEGAL REPRESENTATION FOR THE COMMISSION.
   II. RECRUITMENT OF EXECUTIVE DIRECTOR.

D. RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS.
   I. LAURIE BARRON – DENIAL OF APPLICATION FOR A RESIDENT RESTRICTED SPECIES EXHIBITING PERMIT.
   II. JOSEPH CARVALHO - DENIAL OF APPLICATION TO AMEND RESIDENT RESTRICTED SPECIES EXHIBITING PERMIT.

There being no further business, the meeting recessed at 3:17 p.m. to reconvene on December 16, 2010, at 9:00 a.m.