

**State of California
FISH AND GAME COMMISSION**

Staff Summary, Meeting of March 3, 2011

Following is a summary of the subject meeting. The official record of the meeting may be obtained from the Commission's website or Cal-span.

Pursuant to the call of the President, the Commission met at the Embassy Suites at Los Angeles International Airport-North, Catalina Ballroom, 9801 Airport Blvd., Los Angeles, California on March 3, 2011. The meeting was called to order at 8:37 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 (Left at approximately 2:15 p.m.)
Jack Baylis	Member	Present

Persons present:

COMMISSION STAFF

Jon K. Fischer	Acting Executive Director
Adrianna Shea	Deputy Executive Director
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

Sonke Mastrup	Deputy Director, Resources Management & Policy Division (RMPD)
Nancy Foley	Deputy Director, Law Enforcement Division
Susan LaGrande	Deputy Director Legislation
Tom Gibson	Office of General Counsel
Marija Vojkovich	Marine Regional Manager
Scott Barrow	Fisheries Branch
Nancee Murray	Senior Staff Counsel
Tony Warrington	Law Enforcement Division
Rob Allen	Law Enforcement Division

The following persons were present and heard:

Pat Wright	Legalize Ferrets.org
April Wakeman	The Sportfishing Conservancy

Robert Tennyson	Yurok Tribe
Lia Protopapadakis	Santa Monica Bay Restoration Commission
Josh Fisher	California Lobster & Trap Fishermen's Association
George Osborn	Coastside Fishing Club, Ca. Association for Recreational Fishing and Partnership for Sustainable Oceans
Sarah Sikich	Heal the Bay
Paul Weakland	Commercial Fisherman
Tom Raftican	The Sportfishing Conservancy
Bernard Friedman	Santa Barbara Mariculture
Diane Windham	NOAA
Douglas Elliott	Santa Ana River Lakes
Ken Beer	Aquaculture Development Committee
Shiraz Tangri	California Association for Recreational Fishing
Rob Ross	California Aquaculture Association
Douglas Bush	Cultured Abalone
Greg Helms	Ocean Conservancy
George Trevelyan	Grassy Bar Oyster Company
Jenn Eckerle	Natural Resources Defense Council

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 individuals: Pat Wright, April Wakeman, Robert Tennyson, Lia Protopapadakis, Josh Fisher, George Osborn, Sarah Sikich, Paul Weakland and Tom Raftican.

2. 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.
There was no report.

3. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTION 7.50, TITLE 14, CCR, RE: KLAMATH-TRINITY SPORT FISHING REGULATIONS.
 (Note: Additional public testimony is scheduled for the Commission's April 7, 2011 meeting. The adoption hearing is scheduled for April 21, 2011, at a special teleconference meeting.)
Acting Executive Director Fischer summarized the item. No public testimony.

4. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTIONS 7.00 AND 7.50, TITLE 14, CCR, RE: CENTRAL VALLEY SPORT FISHING REGULATIONS.
 (Note: Additional public testimony is scheduled for the Commission's April 7, 2011 meeting. The adoption hearing is scheduled for April 21, 2011, at a special teleconference meeting.)
Acting Executive Director Fischer summarized the item. No public testimony.

5. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTION 27.80, TITLE 14, CCR, RE: OCEAN SALMON SPORT FISHING REGULATIONS. (Note: Additional public testimony is scheduled for the Commission's April 7, 2011 meeting. The adoption hearing is scheduled for April 21, 2011, at a special teleconference meeting.) **Received the Department's update from Marija Vojkovich. Received public testimony.**
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 Deputy Director Mastrup. There was discussion regarding the Director's memo dated March 2, 2011, titled Correction: Frogs and Turtles Discussion of February 3, 2011. The letter will be discussed at the next meeting when Director McCamman is present. No public testimony.**
 - (B) UPDATE ON MR. KEVIN LUNNY'S REQUEST TO AMEND STATE WATER BOTTOM LEASE NO. M-438-01, DRAKES BAY OYSTER COMPANY, DRAKES ESTERO, MARIN COUNTY. **Received the Department's update from Deputy Director Mastrup. No public testimony.**
 - (C) UPDATE ON FEDERAL GROUND FISH REGULATIONS. **Received the Department's update from Marija Vojkovich. No public testimony.**
7. RECEIPT OF COMMISSION INFORMATIONAL ITEMS. **There was no report. No public testimony.**
8. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.
 - (A) MARINE RESOURCES COMMITTEE. **Commissioner Sutton reported on items that were discussed at the February 15th Marine Resources Committee. No public testimony.**
 - (B) AL TAUCHER'S PRESERVING HUNTING AND SPORT FISHING OPPORTUNITIES ADVISORY COMMITTEE. **Acting Executive Director Fischer reported that a committee meeting would be scheduled for March 29 at the Yolo Wildlife Area in Davis. He also pointed out that future meeting locations would alternate between southern California and Sacramento. No public testimony.**
 - (C) AQUACULTURE COMMITTEE. **Commissioner Rogers reported that progress had been made on the lease template and it would be agendaized for the April 2011 meeting. Received public testimony.**
9. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS. **Received report from Diane Windham. No public testimony.**

10. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.
There was no report. No public testimony.
11. NEW BUSINESS.
There was no report. No public testimony.
12. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.
Deputy Attorney General Thalhammer reported that the Commission adopted the proposed decision for Tanya Bain. He also reported that the Commission agreed to stipulate to those groups seeking to intervene on two pending litigation cases (CBD –Pacific Fisher and United Anglers of So. Cal – South Coast Marine Protection Areas). He also reported that potential litigation regarding aquaculture leasing templates was discussed.
13. UPDATE AND POSSIBLE COMMISSION ACTION ON EAST BAY REGIONAL PARK DISTRICT'S REQUEST TO CONSIDER CHANGES TO THE ALAMEDA CREEK SPORT FISHING REGULATIONS.
Acting Executive Director Fischer summarized the item. No public testimony.

MOVED BY R. ROGERS, SECONDED BY M. SUTTON, TO CONFIRM ITS DECEMBER 16, 2010, DECISION TO INCLUDE THE CONSIDERATION OF ADOPTION OF CHANGES TO THE ALAMEDA CREEK SPORTFISHING REGULATIONS WITH OTHER SPORT FISHING REGULATIONS IN 2011. AYES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON. PASSED UNANIMOUSLY.

14. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTION 632, TITLE 14, CCR, RE: SOUTHEAST FARALLON ISLAND SPECIAL CLOSURE. (Note: The adoption hearing is scheduled for April 7, 2011, in Folsom.)
Acting Executive Director Fischer summarized the item. Received public testimony.
15. RECEIPT OF PUBLIC TESTIMONY ON TAG QUOTA CHANGES, CLARIFICATIONS AND URGENCY CHANGES FOR THE 2011-2012 MAMMAL HUNTING REGULATIONS. (Note: Additional public testimony is scheduled for the Commission's April 7, 2011 meeting. The adoption hearing is scheduled for May 5, 2011, in Ontario.)
Acting Executive Director Fischer summarized the item and the Department's Deputy Director Mastrup highlighted some of the proposed changes. No public testimony.
16. STATUS UPDATE AND POSSIBLE COMMISSION GUIDANCE ON AMENDED INITIAL STATEMENT OF REASONS FOR SECTION 238.5, TITLE 14, CCR, RE: STOCKING OF AQUACULTURE PRODUCTS.
Received the Department's update from Scott Barrow. Received public testimony.

Commission unanimously provided direction to delay this item for 120 days; therefore, this item will be rescheduled for the Commission's August 3-4, 2011, meeting.

17. RECEIPT OF DEPARTMENT STATUS UPDATE AND POSSIBLE COMMISSION DIRECTION ON THE CULTURED ABALONE'S REQUEST TO TRANSFER KELP BED LEASE FROM BED L27 TO BED L26.
Received the Department's update from Deputy Director Mastrup. Received public testimony.

MOVED BY R. ROGERS, SECONDED BY M. SUTTON, THAT THE COMMISSION FINDS THAT KELP BED 26 IS AVAILABLE FOR LEASE AND THAT THE LEASE WOULD BE IN THE PUBLIC INTEREST, AND THEREFORE DIRECTED STAFF TO PUBLISH NOTICE, PURSUANT TO SECTION 6702 OF THE FISH AND GAME CODE, THAT KELP BED 26 IS BEING CONSIDERED FOR LEASING.

**AYES: J. BAYLIS, J. KELLOGG, D. RICHARDS, R. ROGERS, M. SUTTON.
PASSED UNANIMOUSLY.**

18. UPDATE AND POSSIBLE ACTION ON REQUEST OF MR. GEORGE TREVELYN, GRASSY BAR OYSTER COMPANY, FOR RENEWAL OR EXTENSION OF STATE WATER BOTTOM LEASE NOS. M-614-01, PARCEL NO. 1 AND M-614-02, SAN LUIS OBISPO COUNTY.

Received the Department's update and recommendation from Deputy Director Mastrup. Received public testimony.

MOVED BY R. ROGERS, SECONDED BY M. SUTTON, TO APPROVE A 120 DAY, EXTENSION OF STATE WATER BOTTOM LEASE NOS. M-614-01, PARCEL NO. 1 AND M-614-02, SAN LUIS OBISPO COUNTY.

**AYES: J. BAYLIS, J. KELLOGG, R. ROGERS, M. SUTTON.
ABSENT: D. RICHARDS.
MOTION PASSED.**

19. CONSIDERATION AND POSSIBLE ACTION ON PETITIONS RECEIVED AT THE DECEMBER 15, 2010, MEETING IN SANTA BARBARA FROM MR. MELVIN DE LA MOTTE AND MR. DAN WOLFORD REGARDING CENTRAL COAST MARINE PROTECTED AREAS UNDER THE MARINE LIFE PROTECTION ACT.

Received the Department's recommendation from Deputy Director Mastrup. Received public testimony.

MOVED BY M. SUTTON, SECONDED BY J. BAYLIS, TO REJECT THE PETITIONS FROM MR. MELVIN DE LA MOTTE AND FROM MR. DAN WOLFORD.

**AYES: J. BAYLIS, J. KELLOGG, ROGERS, M. SUTTON.
ABSENT: D. RICHARDS.
MOTION PASSED.**

CONSENT CALENDAR

MOVED BY R. ROGERS, SECONDED BY J. BAYLIS, TO APPROVE CONSENT CALENDAR ITEM NUMBERS 20 AND 21.

**AYES: J. BAYLIS, J. KELLOGG, R. ROGERS, M. SUTTON.
ABSENT: D. RICHARDS.
MOTION PASSED.**

20. REINSTATEMENT OF MR. BEN L. STRUBLE'S TRAPPING LICENSE.
Approved license reinstatement. No public testimony.
21. RECEIPT OF DEPARTMENT'S EVALUATION REPORT ON THE PETITION TO LIST THE BLACK-BACKED WOODPECKER (*Picoides arcticus*) AS A THREATENED OR ENDANGERED SPECIES. (Note: Public testimony and possible Fish and Game Commission action are scheduled for the April 6, 2011, meeting in Folsom.)
Received the Department's evaluation report. No public testimony.

OTHER

22. COMMISSION FOLLOW-UP, MEETING REVIEW, AND STAFF DIRECTION.
List to be established by staff.
23. ANNOUNCEMENT OF FUTURE MEETINGS.

**2011 FISH AND GAME COMMISSION
MEETING SCHEDULE**
www.fgc.ca.gov

March 14, 10 a.m. (Teleconference)	Resources Agency Building Fish and Game Commission 1416 Ninth Street, Room 1320 Sacramento (Via Telephone)
April 6 (Wed.) April 7 (Thurs.)	Lake Natoma Inn 702 Gold Lake Drive Folsom
April 21, 10 a.m. (Teleconference)	Resources Agency Building Fish and Game Commission 1416 Ninth Street, Room 1320 Sacramento (Via Telephone)
May 4 (Wed.) May 5 (Thurs.)	Doubletree Hotel Ontario Airport 222 North Vineyard Ave Ontario
June 29 (Wed.) June 30 (Thurs.)	Stockton
August 3 (Wed.) August 4 (Thurs.)	State of California Resources Agency Building Auditorium 1416 Ninth Street Sacramento
September 15 (Thurs.)	Redding
October 19 (Wed.) October 20 (Thurs.)	Beach Resort Monterey 2600 Sand Dunes Drive Monterey

November 16 (Wed.) November 17 (Thurs.)	Santa Barbara
December 14 (Wed.) December 15 (Thurs.)	San Diego

PFMC Meeting April 7-14
Summer WAFWA Meeting July 15-20, 2011
Federal Waterfowl Meeting July 28-29, 2011

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.
- VIII. UNITED ANGLERS OF SOUTHERN CALIFORNIA; COASTSIDE FISHING CLUB; AND ROBERT C. FLETCHER vs. CALIFORNIA FISH AND GAME COMMISSION RE: SOUTH COAST STUDY REGION AND NORTH CENTRAL COAST STUDY REGION MARINE PROTECTED AREAS UNDER THE MARINE PROTECTION ACT.

B. POSSIBLE LITIGATION INVOLVING THE COMMISSION.

C. STAFF PERFORMANCE AND COMPENSATION.

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

I. TANYA BAIN - DENIAL OF 2010 REQUEST TO AMEND RESIDENT RESTRICTED SPECIES EXHIBITING PERMIT.

There being no further business, the Fish and Game Commission meeting adjourned at 2:45 p.m.