Staff Summary, Meeting of November 7, 2012

Following is a summary of the subject meeting. The official record of the meeting may be obtained from the Commission’s website or www.cal-span.org.

Pursuant to the call of the President, the Commission met at the Radisson Hotel at Los Angeles Airport, Century Room, 6225 West Century Boulevard, Los Angeles, California on November 7, 2012. The meeting was called to order at 9:03 a.m. by President Kellogg.

FISH AND GAME COMMISSION

Jim Kellogg  President  Present
Michael Sutton  Vice President  Present
Daniel W. Richards  Member  Absent
Richard Rogers  Member  Present
Jack Baylis  Member  Present

Persons present:

COMMISSION STAFF

Sonke Mastrup  Executive Director
Adrianna Shea  Deputy Executive Director
Craig Shuman  Marine Advisor
Mary Brittain  Administrative Assistant
Sherrie Fonbuena  Analyst

OFFICE OF THE ATTORNEY GENERAL

Richard Thalhammer  Deputy Attorney General

DEPARTMENT OF FISH AND GAME

Chuck Bonham  Director
Dan Yparraguirre  Deputy Director, Wildlife and Fisheries Division
Mike Carion  Deputy Director, Law Enforcement Division
Thomas Gibson  Office of the General Counsel
Mike Taugher  Asst. Deputy Director, Office of Communications, Education & Outreach
Paul Hamdorf  Acting Regional Manager, Marine Region
Stafford Lehr  Chief, Fisheries Branch
Marci Yaremko  Marine Region
Erica Jarvis  Marine Region
Michelle Horeczko  Marine Region
Ian Taniguchi  Marine Region
The following persons were present and heard:

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
<th>Agenda Item(s)</th>
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<tbody>
<tr>
<td>Marija Vojkovich</td>
<td>Retiree from Marine Region</td>
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<tr>
<td>Kathy Knight</td>
<td>Ballona Ecosystem</td>
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<tr>
<td>Gary Burke</td>
<td>Commercial Fisherman</td>
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<tr>
<td>Andrew Rasmussen</td>
<td>Commercial Fisherman</td>
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<tr>
<td>Patricia McPherson</td>
<td>Grassroots Coalition/Sierra Club</td>
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<tr>
<td>George Osborn</td>
<td>Mt. Lassen Trout Farm/Coastside Fishing Club</td>
<td>1, 2, 7F</td>
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<tr>
<td>Jenn Eckerle</td>
<td>Natural Resources Defense Council</td>
<td>1, 4, 10A</td>
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<tr>
<td>Paul Weakland</td>
<td>Commercial Fisherman</td>
<td>1, 2, 5</td>
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<td>Robert “Roy” van de Hoek</td>
<td>Concerned Citizen</td>
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<tr>
<td>Volker Hoehne</td>
<td>Watermens Alliance</td>
<td>1, 5</td>
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<tr>
<td>Brian Trautwein</td>
<td>Environmental Defense Council</td>
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<tr>
<td>Joe Exline</td>
<td>Concerned Citizen/Oceanside Anglers Club</td>
<td>2, 4</td>
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<tr>
<td>Jim Martin</td>
<td>Recreational Fishing Alliance/Sonoma County/Fish and Game Advisory Committee</td>
<td>2, 3, 5</td>
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<td>Mike Gilmour</td>
<td>Concerned Citizen</td>
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<td>Mordy Kay</td>
<td>Concerned Citizen</td>
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<tr>
<td>Don Brockman</td>
<td>Davey’s Locker Sportfishing</td>
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<tr>
<td>Danny Strunk</td>
<td>22nd Street Landing</td>
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<td>Sergio Fainsztein</td>
<td>Angler Chronicles</td>
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<tr>
<td>Dennis Yamamoto</td>
<td>Recreational Fisherman</td>
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<tr>
<td>Ken Franke</td>
<td>Sportfishing Association</td>
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<td>Rick Oefinger</td>
<td>Marine Del Rey Sportfishing Inc.</td>
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<td>Chuck Tennin</td>
<td>Marina Del Rey Sportfishing Inc.</td>
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<td>Dana Murray</td>
<td>Heal the Bay</td>
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<td>Greg Helms</td>
<td>Ocean Conservancy</td>
<td>4, 10A</td>
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<td>Todd Mansur</td>
<td>Dana Point Sportfishing</td>
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<td>John Ballotti</td>
<td>Los Angeles Rod and Reel Club</td>
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<td>Sarah Sikich</td>
<td>Heal the Bay</td>
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<td>Bruce Steele</td>
<td>Commercial Fisherman</td>
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<td>Diane Pleshner Steele</td>
<td>Ca. Wetfish Producers Association</td>
<td>7, 10A</td>
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<td>Brent Sandberg</td>
<td>Surfrider Foundation</td>
<td>10A</td>
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<td>Rex Levi</td>
<td>Concerned Citizen</td>
<td>10A</td>
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<td>Tom Rudolph</td>
<td>Concerned Citizen</td>
<td>10A</td>
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<td>Anna Weinstein</td>
<td>Audubon</td>
<td>10A</td>
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<td>Geoff Shester</td>
<td>Oceana/Coastside Fishing Club</td>
<td>10A</td>
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<td>Jonathan MacKay</td>
<td>Oceana/LA Waterkeeper</td>
<td>10A</td>
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<tr>
<td>Kyle Meintzer</td>
<td>California Chapter, Wild Sheep Foundation</td>
<td>11</td>
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<tr>
<td>Bill Gaines</td>
<td>California Outdoor Heritage Alliance</td>
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President Kellogg introduced members of the Commission, its staff, Directorate and Richard Thalhammer of the Attorney General's Office.
ITEMS WERE TAKEN OUT OF ORDER BUT ARE SHOWN IN NUMERICAL ORDER IN THIS SUMMARY.

The Commission presented Marija Vojkovich with a resolution honoring her retirement.

1. PUBLIC FORUM
Received public testimony from the following individuals: Kathy Knight, Gary Burke, Andrew Rasmussen, Patricia McPherson, George Osborn, Jenn Eckerle, Paul Weakland, Robert “Roy” van de Hoek, and Volker Hoehne.

THE FISH AND GAME COMMISSION HEREBY RECOGNIZES THE PUBLIC COMMENTS AND RECOMMENDATIONS AND RECOMMENDS NO ACTION.

2. DISCUSSION AND POSSIBLE ADOPTION OF FINAL ENVIRONMENTAL DOCUMENT AND PROPOSED CHANGES TO SPORT FISHING REGULATIONS FOR 2013-2014, (SECTION 1.45 ET AL., TITLE 14, CCR)
Received the Department’s PowerPoint presentation from Stafford Lehr and Marci Yaremko. Received public testimony.

MOVED BY R. ROGERS, SECONDED BY M. SUTTON, THAT THE COMMISSION CERTIFIES THAT THE FINAL ENVIRONMENTAL DOCUMENT IS COMPLETE AND IN COMPLIANCE WITH CEQA.
AYES: J. BAYLIS, J. KELLOGG, R. ROGERS, M. SUTTON.
ABSENT: D. RICHARDS.
MOTION PASSED.

MOVED BY R. ROGERS, SECONDED BY M. SUTTON, THAT THE COMMISSION HEREBY ADOPTS THE PROPOSED SPORT FISHING CHANGES WITH OPTION 2 FOR SPEARFISHING FOR STRIPED BASS FOR INLAND WATERS.
AYES: J. BAYLIS, J. KELLOGG, R. ROGERS, M. SUTTON.
ABSENT: D. RICHARDS.
MOTION PASSED.

3. DISCUSSION OF PROPOSED CHANGES TO RECREATIONAL GROUND FISHING REGULATIONS FOR 2013-2014 (SECTION 27.25 ET AL., TITLE 14, CCR)
Received the Department's PowerPoint presentation from Marci Yaremko. Received public testimony.

4. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SAND AND KELP BASS FISHING REGULATIONS (SECTIONS 27.65 AND 28.30, TITLE 14, CCR)
Received a report from Craig Shuman and the Department’s PowerPoint report from Erica Jarvis. Received public testimony.

MOVED BY R. ROGERS, SECONDED BY J. KELLOGG, THAT THE COMMISSION HEREBY AMENDS THE SAND AND KELP BASS REGULATIONS AS FOLLOWS:
5 FISH BAG LIMIT IN COMBINATION OF SPECIES
14 INCH MINIMUM SIZE LIMIT FOR ALL BASSES
7½ INCH FILLET LENGTH FOR ALL BASSES
10 INCH ALTERNATE LENGTH FOR ALL BASSES
NO SEASONAL CLOSURE
ALL OTHER RECOMMENDATIONS PROPOSED BY THE DEPARTMENT
AYES: J. BAYLIS, J. KELLOGG, R. ROGERS, M. SUTTON.
ABSENT: D. RICHARDS.
MOTION PASSED.
5. PRESENTATION ON THE ABALONE RECOVERY AND MANAGEMENT PLAN, ITS IMPLEMENTATION, AND POSSIBLE FUTURE ACTION

Received the Department’s PowerPoint presentation from Ian Taniguchi and Dr. Laura Rogers-Bennett. Received public testimony.

6. COMMISSION STAFF REPORT FOR CONSIDERATION AND POSSIBLE ACTION

(A) STATUS OF CURRENT CALIFORNIA ENDANGERED SPECIES ACT PETITIONS

Executive Director Mastrup reported that there were 10 petitions before the Commission. No public testimony.

(B) RECOMMENDATIONS ON ITEMS OF INTEREST FROM PRIOR MEETINGS

There was no report.

(C) DRAFT 2013 REGULATORY CALENDAR

Executive Director Mastrup reviewed the 2013 regulatory calendar. No public testimony.

(D) APPROVAL OF MEETING DATES AND LOCATIONS FOR 2013

Executive Director Mastrup reviewed the proposed meeting schedule for 2013 and asked if there were any changes. No public testimony.

MOVED BY J. KELLOGG, SECONDED BY R. ROGERS, THAT THE COMMISSION ADOPTS THE BALANCE OF THE 2013 MEETING SCHEDULE AS FOLLOWS:

MAY   LOS ANGELES
JUNE   TRUCKEE
AUGUST LONG BEACH
SEPTEMBER SACRAMENTO
OCTOBER VENTURA
NOVEMBER SANTA BARBARA
DECEMBER SAN DIEGO

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

(E) PREVIEW OF FUTURE AGENDA ITEMS

Executive Director Mastrup reviewed future agenda items. No public testimony.

MOVED BY J. KELLOGG, SECONDED BY R. ROGERS, THAT THE COMMISSION HEREBY DIRECTS THE FOLLOWING ITEMS BE PLACED ON THE DECEMBER AGENDA:

ADOPTION OF MOUNTAIN YELLOW-LEGGED FROG REGULATIONS
ADOPTION OF GROUNDFISH REGULATIONS
NOTICE OF EARLY SEASON OCEAN SALMON REGULATIONS
ECOSYSTEM UPDATE ON BAY DELTA RESTORATION PLAN
PENINSULAR BIGHORN SHEEP RECOVERY PROGRAM PRESENTATION
COMMISSION MEETING PROCEDURES/IMPLEMENTATION OF AB 2609
2013 REGULATORY CALENDAR

AYES:  J. BAYLIS, J. KELLOGG, R. ROGERS, M. SUTTON.
ABSENT:  D. RICHARDS.
MOTION PASSED.
7. DEPARTMENT OF FISH AND GAME INFORMATIONAL ITEMS

(A) DIRECTOR’S REPORT
Received Director Bonham’s report in which he highlighted the following issues: Announcement of Tina Bartlett as Regional Manager for Region 2; development of a Regulations Unit within the Department; and effective January 1, 2013, the Department’s name will change to the Department of Fish and Wildlife. Received public testimony.

(B) UPDATE ON PROPOSED CHANGES TO PUBLIC USE OF DEPARTMENT LANDS REGULATIONS (SECTIONS 550, 551, 552, 630, AND 703, TITLE 14, CCR)
Received the Department’s update from Deputy Director Yparraguirre. No public testimony.

(C) WILDLIFE AND FISHERIES DIVISION AND ECOSYSTEM CONSERVATION DIVISION
Deputy Director Yparraguirre highlighted the following issues: Rush Fire and loss of forage in the 270,000 acres that burned; new check station/visitor station built with Pittman-Robertson Act grant funds; capture of bighorn sheep; mud samples collected at Upper Newport Bay; collecting eelgrass; Battle Creek barrier removal; Sacramento River diversion pumps and Pacific fisher translocation program. No public testimony.

(D) LAW ENFORCEMENT DIVISION
Received the Department’s report from Chief Carion highlighting the following issues: salmon snagging, significant deer case, fish business detail, LA Harbor dock collapsed, and numbers of hunter education classes. Ventura Lt. Wood highlighted the following issues: spiny lobsters; highlight of Patrol Boat Thresher actions; and bear cub possession case. No public testimony.

(E) MARINE
Received the Department’s PowerPoint presentation from Michelle Horeczko regarding the Collaborative Aerial Sardine Survey. No public testimony.

(F) OTHER
Received the Department’s update from Stafford Lehr regarding the cooperative stocking program and policy. Received public testimony.

8. OTHER INFORMATIONAL ITEMS

(A) LEGAL COUNSEL
There was no report. No public testimony.

(B) FEDERAL AGENCIES
There was no report. No public testimony.

9. POSSIBLE DIRECTION ON LEGISLATIVE MATTERS
There was no report. No public testimony.

10. COMMISSION POLICIES FOR CONSIDERATION AND POSSIBLE ACTION

(A) POSSIBLE APPROVAL OF NEW “FORAGE SPECIES” POLICY
Received a report from Craig Shuman. Received public testimony.
MOVED BY M. SUTTON, SECONDED BY R. ROGERS, THAT THE COMMISSION HEREBY ADOPTS THE FORAGE SPECIES POLICY AS PRESENTED BY THE COMMISSION.
AYES: J. BAYLIS, J. KELLOGG, R. ROGERS, M. SUTTON.
ABSENT: D. RICHARDS.
MOTION PASSED.

(B) POSSIBLE APPROVAL OF AMENDMENTS TO “COMMISSION DESIGNATED WILD TROUT WATERS” POLICY
Received the Department’s report by Stafford Lehr. No public testimony.

MOVED BY R. ROGERS, SECONDED BY M. SUTTON, THAT THE COMMISSION HEREBY ADOPTS THE RECOMMENDATIONS TO AMEND THE COMMISSION DESIGNATED WILD TROUT WATERS POLICY AS PROPOSED BY THE DEPARTMENT.
AYES: J. BAYLIS, J. KELLOGG, R. ROGERS, M. SUTTON.
ABSENT: D. RICHARDS.
MOTION PASSED.

11. REQUEST FOR PUBLIC RECOMMENDATIONS REGARDING MAMMAL HUNTING REGULATIONS FOR 2013
Received the Department’s report from Deputy Director Yparraguirre. Received public testimony.

CONSENT ITEMS

MOVED BY J. KELLOGG, SECONDED BY R. ROGERS, THAT THE COMMISSION APPROVES CONSENT CALENDAR ITEM NUMBERS 12-15.
AYES: J. BAYLIS, J. KELLOGG, R. ROGERS, M. SUTTON.
ABSENT: D. RICHARDS.
MOTION PASSED.

12. ANNUAL ACCOUNTING OF DEPOSITS INTO, AND EXPENDITURES FROM THE FISH AND GAME PRESERVATION FUND (SECTION 8589.7, FISH AND GAME CODE)

13. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND FALCONRY REGULATIONS (SECTION 670, TITLE 14, CCR)

14. RECEIPT OF PETITION FROM CENTER FOR BIOLOGICAL DIVERSITY TO LIST THE CLEAR LAKE HITCH (Lavinia exilicauda chi) AS THREATENED UNDER THE CALIFORNIA ENDANGERED SPECIES ACT

15. APPROVAL OF REQUEST BY MR. GENE YOUNG TO REINSTATE THE SALMON VESSEL PERMIT FOR F/V ENTERPRISE

16. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION
Deputy Attorney General Thalhammer reported that the Commission met in Executive Session and pursuant to Court Order voted to set aside its 2010 findings with respect to the candidacy of the Pacific Fisher and will reconsider the status of the species under the California Endangered Species Act when the Department presents its new evaluation. No public testimony.
17. POSSIBLE ACTION ON NEW BUSINESS, COMMISSION FOLLOW-UP AND STAFF DIRECTION
   There was no report. No public testimony.

18. ANNOUNCEMENT OF FUTURE MEETINGS
   Executive Director Mastrup indicated the next meeting was December 12, 2012, in San Diego. No public testimony.

   2012 FISH AND GAME COMMISSION
   MEETING SCHEDULE
   www.fgc.ca.gov

   | December 12 (Wed.) | Hilton San Diego Mission Valley  
   |                   | 901 Camino del Rio South  
   |                   | San Diego |

   2013 FISH AND GAME COMMISSION
   MEETING SCHEDULE
   www.fgc.ca.gov

   | February 6 (Wed.) | State of California  
   | February 7 (Thurs.) | Resources Building  
   |                   | First Floor Auditorium  
   |                   | 1416 Ninth Street  
   |                   | Sacramento, CA 95814 |

   | March 6 (Wed.) | Mt. Shasta  
   | March 7 (Thurs.) | Medford, OR (Joint meeting with Oregon  
   |                   | Fish and Wildlife Commission |

   | April 17 (Wed.) | Santa Rosa |
   | April 18 (Thurs.) |

   There being no further business, the Fish and Game Commission meeting adjourned at 4:35 p.m.
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. James Bunn and John Gibbs vs. California Fish and Game Commission re: Squid permits
   III. 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
   IV. Center for Biological Diversity vs. California Fish and Game Commission and Department of Fish and Game re: Pacific Fisher
   V. 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