

Commissioners
Michael Sutton, President
Monterey

Richard Rogers, Vice President
Santa Barbara

Jim Kellogg, Member
Discovery Bay

Jack Baylis, Member
Los Angeles

Jacque Hostler-Carmesin, Member
McKinleyville

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission



Sonke Mastrup, Executive Director
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Staff Summary, Meeting of October 2, 2013

Following is a summary of the subject meeting as prepared by staff.

Pursuant to the call of the President, the Fish and Game Commission met at the Crowne Plaza Ventura Beach Hotel, 450 East Harbor Blvd., Ventura, California on October 2, 2013. The meeting was called to order at 8:35a.m. by President Sutton.

FISH AND GAME COMMISSION

Michael Sutton	President	Present
Richard Rogers	Vice President	Present
Jim Kellogg	Member	Present
Jack Baylis	Member	Present
Jacque Hostler-Carmesin	Member	Present

Persons present:

COMMISSION STAFF

Sonke Mastrup	Executive Director
Adrianna Shea	Deputy Executive Director
Mary Brittain	Administrative Assistant
Sherrie Fonbuena	Analyst
Caren Woodson	Analyst

OFFICE OF THE ATTORNEY GENERAL

Christopher Ames	Senior Assistant Attorney General
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DEPARTMENT OF FISH AND WILDLIFE

Chuck Bonham	Director
Dan Yparraguirre	Deputy Director, Wildlife and Fisheries Division
Tom Gibson	Office of the General Counsel
Mike Carion	Deputy Director, Law Enforcement Division
Craig Shuman	Regional Manager, Marine Region

Stafford Lehr	Chief, Fisheries Branch
Rebecca Flores Miller	Marine Region
Steve Wertz	Marine Region
Randy Lovell	Aquaculture Coordinator
Matt Elyash	Office of Communications, Education and Outreach
Mike Stefanak	Law Enforcement Division
Ron Van Benthuyzen	Law Enforcement Division
Cindy Wood	Law Enforcement Division
Mike Breiling	Law Enforcement Division
Dennis Rosenberg	Law Enforcement Division

The following persons were present and heard:

<u>Name</u>	<u>Organization</u>	<u>Agenda Item(s)</u>
George Osborn	Coastside Fishing/CARF	1, 15B
Jenn Eckerly	Natural Resources Defense Council	4, 16E1
Douglas Bush	The Cultured Abalone Farm	4
Paul Weakland	Commercial Fisherman	4, 16, 20
Jeremy Heidrick	Hunter Ranch, LLC	11A
Dan Wolford	Coastside Fishing Club	12, 20
Reg Elgin	Dry Creek Rancheria	13
Anna Weinstein	Audubon	16E
Greg Helms	Ocean Conservancy	16E, 20
Victor Bui	Son of Khanh Quang Bui	19
Khanh Quang Bui	Commercial Fisherman	19
Sarah Sikich	Heal the Bay	20
Zach Plopper	San Diego County MPA Collaborative	20
Walter Lamb	Ballona Wetlands Land Trust	20
Tom Raftican	The Sportfishing Conservancy	20
Michael McLenaghan	Strata Management	20
Tom Durr	Commercial Fisherman	20
Phil Schemck	Commercial Fisherman	20
Kyle Kaercher	Commercial Fisherman	20
Diane Pleschner	California Wetfish Producers Association	20

President Sutton introduced members of the Commission, its staff, Department of Fish and Wildlife (Department) Directorate and Christopher Ames of the Attorney General's Office.

ITEMS WERE TAKEN OUT OF ORDER BUT ARE SHOWN IN NUMERICAL ORDER IN THIS SUMMARY.

1. DISCUSSION AND POSSIBLE ADOPTION OF COMMISSION MEETING DATES, LOCATIONS, AND COMMITTEE FUNCTIONS FOR 2014
Executive Director Mastrup explained and reviewed the meeting schedule for 2014. Received public testimony.

MOVED BY J. KELLOGG, SECONDED BY R. ROGERS, THAT THE FISH AND GAME COMMISSION HEREBY ADOPTS THE MEETING SCHEDULE AS PROPOSED, INCLUDING CHANGES, AS FOLLOWS:

Wed., January 15 – WRC – Los Angeles

Wed., February 5 and Thurs., February 6 – FGC – Sacramento

Wed., March 19 – MRC – Santa Rosa

Wed., April 16 and Thurs., April 17 – FGC – Ventura

Wed., May 7 – WRC – San Francisco/Bay Area

Wed., June 4 and Thurs., June 5 – FGC – Eureka

Wed., July 16 – MRC – Monterey

Wed., August 6 and Thurs., August 7 – FGC – San Diego

Wed., September 17 – WRC – Sacramento

Wed., October 8 and Thurs., October 9 – FGC – Yreka

Second day with Oregon

Wed., November 5 – MRC – Los Alamitos

Wed., December 3 and Thurs., December 4 – FGC – Los Angeles

AYES: J. BALYIS, J. HOSTLER-CARMESIN, J. KELLOGG, R. ROGERS, M. SUTTON.

MOTION PASSED.

2. DISCUSSION OF PROPOSED CHANGES TO INLAND TROUT AND SALMON REGULATIONS (SECTION 7.50, TITLE 14, CCR)
Received the Department's PowerPoint presentation from Stafford Lehr. No public testimony.
3. UPDATE ON, AND POSSIBLE EMERGENCY ACTION, TO CLOSE AND/OR RELOCATE BIGHORN SHEEP HUNTS/TAGS
Received the Department's update from Deputy Director Yparraguire. No action was taken. No public testimony.
4. DISCUSSION OF PROPOSED CHANGES TO COMMERCIAL HARVEST OF KELP REGULATIONS (SECTIONS 165 AND 165.5, TITLE 14, CCR)
Received the Department's PowerPoint presentation from Rebecca Flores Miller. Received public testimony.
5. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND PRIVATE LANDS MANAGEMENT REGULATIONS (SECTIONS 601 AND 702(a), TITLE 14, CCR)
Received the Department's PowerPoint presentation from Deputy Director Yparraguire. Chief Carion described the proposed changes that will address enforcement issues. No public testimony.

MOVED BY J. KELLOGG, SECONDED BY R. ROGERS, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES ITS STAFF TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 601 AND SUBSECTION 702(a) REGARDING PRIVATE LANDS MANAGEMENT .

AYES: J. BALYIS, J. HOSTLER-CARMESIN, J. KELLOGG, R. ROGERS,

**M. SUTTON.
MOTION PASSED.**

CONSENT ITEMS

6. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO STURGEON TAG REGULATIONS (SECTIONS 5.79 AND 27.92, TITLE 14, CCR)
7. REINSTATEMENT OF MR. STEVE DUNN'S COMMERCIAL ROCK CRAB TRAP PERMIT (SETTLEMENT AGREEMENT)
8. REQUEST, ON BEHALF OF LESSEE (MARIN OYSTER COMPANY), FOR THE COMMISSION TO TRANSFER MARIN OYSTER COMPANY'S STATE WATER BOTTOM LEASES M430-02 AND M430-19 TO THE LESSEE'S NEWLY-FORMED CORPORATION, MARIN OYSTER COMPANY, INC.
9. CONFIRMATION OF COMMISSION'S JUNE 26, 2013, ACTION TO ADD SECTION 665, TITLE 14, CCR, REGARDING MEETING PROCEDURES
10. APPROVAL OF CORRECTED HARVEST DATES FOR COTTRELL RANCH'S (NOVEMBER 30, 2013 to DECEMBER 15, 2013) AND DIAMOND C OUTFITTERS' (NOVEMBER 30, 2012 to DECEMBER 15, 2013) 2013-14 PRIVATE LANDS ANNUAL MANAGEMENT PLANS
11. APPROVAL OF PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA INITIAL FIVE YEAR PLANS (2013-2018) AND 2013-2014 ANNUAL MANAGEMENT PLANS FOR:
 - (A) HUNTER RANCH, HUMBOLDT COUNTY
 - (B) CAMP 5 OUTFITTERS MORISOLI RANCH, MONTEREY AND SAN BENITO COUNTIES
 - (C) CARIZZO RANCH, SAN LUIS OBISPO COUNTY

Items 6 and 11 were removed from the Consent Calendar. Stafford Lehr provided a PowerPoint presentation on item 6. Received public testimony on item 11.

MOVED BY R. ROGERS, SECONDED BY M. SUTTON, THAT THE FISH AND GAME COMMISSION HEREBY ADOPTS THE CONSENT CALENDAR, ITEMS 6-11.

**AYES: J. BALYIS, J. HOSTLER-CARMESIN, J. KELLOGG, R. ROGERS, M. SUTTON.
MOTION PASSED.**

12. DISCUSSION OF POSSIBLE ALTERNATIVES FOR OCEAN SALMON POSSESSION LIMITS
Received the Department's update from Craig Shuman. Received public testimony.

MOVED BY J. KELLOGG, SECONDED BY R. ROGERS, THAT THE FISH AND GAME COMMISSION HEREBY DIRECTS THE DEPARTMENT TO INCLUDE OPTIONS 1 AND 3 IN THE INITIAL STATEMENTS OF REASONS FOR 2014 OCEAN SALMON FISHING.

AYES: J. BALYIS, J. HOSTLER-CARMESIN, J. KELLOGG, R. ROGERS, M. SUTTON.

MOTION PASSED.

13. DISCUSSION OF PLAN TO ADOPT COMMISSION TRIBAL CONSULTATION POLICY

Executive Director Mastrup introduced and summarized the options. Received public testimony. Commission formed a tribal consultation committee consisting of Commissioner Hostler-Carmesin and Commissioner Baylis. No other action taken.

14. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION

Senior Assistant Attorney General Ames reported that the Commission met in Executive Session and deferred action regarding the Administrative Law Judge's proposed decision for Joseph Carvalho denying his request to amend his resident restricted species exhibiting permit. No public testimony.

15. COMMISSION STAFF REPORT FOR CONSIDERATION AND POSSIBLE ACTION

- (A) RECOMMENDATIONS ON ITEMS OF INTEREST FROM PRIOR MEETINGS

Executive Director Mastrup stated there was nothing specific to report. No public testimony.

- (B) PREVIEW OF FUTURE AGENDA ITEMS AND MEETING LOGISTICS
Executive Director Mastrup reported on the following items to be scheduled for the November meeting:

- a. Update on AZ-CA reciprocal hunting and fishing licenses
- b. Possible adoption of inland trout and salmon special regulations
- c. Possible adoption of commercial kelp harvest regulations
- d. Possible adoption of amendment to wild trout waters policy
- e. Discussion hearing Private Lands Management
- f. Potential request to publish notice regarding MPAs (clean-up)
- g. Potential request to publish notice regarding market squid 2-ton
- h. Potential request to publish notice regarding the appeal process
- i. Potential request to publish notice regarding department lands – phase I

- j. Potential request to publish notice regarding groundfish conformance
- k. Potential request to publish notice regarding pacific halibut conformance
- l. Potential COLA adjustments to fees
- m. Potential receipt of Pacific fisher status report
- n. Potential receipt of Condor status report
- o. Potential receipt of report on the Central Coast MPA – First Five Years
- p. FWS condor watching field trip or lead-free shooting demo
- q. Hatchery reform review panel (not in San Diego)

Received public testimony. The Commission directed staff to schedule a scientific panel discussion on Hatchery Reform around the February 2014 meeting.

- (C) MARINE RESOURCES COMMITTEE
There was no update. No public testimony.
- (D) WILDLIFE RESOURCES COMMITTEE
Executive Director Mastrup reported the subcommittee is working on framing the predator policy review. No public testimony.
- (E) NEW BUSINESS
Deputy Executive Director Shea reported that the Marine Advisor job announcement had been posted. No public testimony.

16. DEPARTMENT INFORMATIONAL ITEMS

- (A) DIRECTOR'S REPORT
Director Bonham reported on the following issues: Rush Creek restoration/settlement, Natural Community Conservation Planning Act, Natural Resources Volunteer Program, the accidental death of Natural Resources volunteer Shane Krogen, and the Department's Science Institute. No public testimony.
- (B) UPDATE ON CA LAW REVISION PROCESS
There was no report. No public testimony.
- (C) WILDLIFE AND FISHERIES DIVISION AND ECOSYSTEM CONSERVATION DIVISION
Deputy Director Yparraguirre, as a follow up to questions asked during item 3, reported on the bighorn sheep population by zone. Stafford Lehr reported on a snagging working group. No public testimony.
- (D) LAW ENFORCEMENT DIVISION
Captain Stefanak reported on local enforcement activities. No public testimony.

- (E) MARINE
 - I. STATE LANDS COMMISSION'S DRAFT MITIGATED NEGATIVE DECLARATION FOR THE LOW ENERGY OFFSHORE GEOPHYSICAL PERMIT PROGRAM UPDATE
Received the Department's report from Craig Shuman, who also reported on herring quotas for Humboldt Bay and Crescent City to be included in next year's herring rulemaking package; the Lobster Advisory Committee; independent technical review of the Department's abalone survey methods; and squid. Received public testimony.

- (F) OTHER
There was no report.

17. OTHER INFORMATIONAL ITEMS

- (A) LEGAL COUNSEL
There was no report. No public testimony.
- (B) FEDERAL AGENCIES
There was no report. No public testimony.

18. RECEIPT OF AND POSSIBLE ACTION ON LEGISLATIVE MATTERS

- (A) DEPARTMENT REPORT
Received the Department's report from Director Bonham. No public testimony.

19. CONSIDERATION OF PERMANENT REVOCATION OF COMMERCIAL FISHING LICENSE AND PRIVILEGES FOR KHANH QUANG BUI, LONG BEACH

Received testimony from Victor Bui on behalf of his father, Khanh Quang Bui. Received the Department's report from Chief Carion.

MOVED BY J. KELLOGG, SECONDED BY R. ROGERS, THAT THE FISH AND GAME COMMISSION HEREBY PERMANENTLY REVOKES THE COMMERCIAL FISHING LICENSE AND PRIVILEGES OF KHANH QUANG BUI AS DESCRIBED BY THE DEPARTMENT.

***AYES: J. BALYIS, J. HOSTLER-CARMESIN, J. KELLOGG, R. ROGERS, M. SUTTON.
MOTION PASSED.***

20. PUBLIC FORUM

Received public testimony from the following individuals: Dan Wolford, Sarah Sikich, Zach Plopper, Walter Lamb, Greg Helms, Tom Raftican, Paul Weakland, Michael McLenaghan, Tom Durr, Phil Schemck, Kyle Kaercher, and Diane Pleschner.

MOVED BY J. KELLOGG, SECONDED BY R. ROGERS, THAT THE FISH AND GAME COMMISSION HEREBY REFERS THE FOLLOWING REQUESTS TO THE DEPARTMENT FOR ANALYSIS AND RECOMMENDATION: REQUEST FOR AMENDMENTS TO BIG GAME HUNTING REGULATIONS FOR INCREASED YOUTH PARTICIPATION, REQUEST TO PERMIT SPORT FISHING ON THE SOUTH FORK OF THE PIT RIVER, REQUEST FOR AMENDMENTS TO HALIBUT REGULATIONS TO ALLOW THE USE OF HARPOONS, AND THE REQUEST TO HUNT ELK ON THE POTTER VALLEY PLM.

AYES: J. BALYIS, J. HOSTLER-CARMESIN, J. KELLOGG, R. ROGERS, M. SUTTON.

MOTION PASSED.

**2013 FISH AND GAME COMMISSION
MEETING SCHEDULE**

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MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
Nov. 6 (Wed.) Nov. 7 (Thurs.)	Embassy Suites 50-777 Santa Rosa Plaza La Quinta, CA 92253	No Marine Resources Committee Meeting or Wildlife Resources Committee Meeting scheduled.
Dec. 11 (Wed.) Dec. 12 (Thurs.)	Hilton San Diego Mission Valley 901 Camino del Rio South San Diego, CA 92108	No Marine Resources Committee Meeting or Wildlife Resources Committee Meeting scheduled.

**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. CENTER FOR BIOLOGICAL DIVERSITY vs. CALIFORNIA FISH AND GAME COMMISSION AND DEPARTMENT OF FISH AND GAME RE: PACIFIC FISHER.
 - IV. 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 LIFE PROTECTION ACT.
 - V. CENTER FOR BIOLOGICAL DIVERSITY AND EARTH ISLAND INSTITUTE vs. FISH AND GAME COMMISSION ADOPTING EMERGENCY REGULATION TO AUTHORIZE INCIDENTAL TAKE OF THE BLACK-BACKED WOODPECKER DURING CANDIDACY PERIOD.
- B. POSSIBLE LITIGATION INVOLVING THE COMMISSION
 - C. REPORT ON DRAKES BAY OYSTER COMPANY vs. JEWELL, DECISION BY U.S. COURT OF APPEALS, NINTH CIRCUIT
 - D. STAFF PERFORMANCE AND COMPENSATION
 - E. RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS
 - I. JOSEPH CARVALHO, CARVALHO'S FRIENDS OF A FEATHER – REQUEST TO AMEND RESIDENT RESTRICTED SPECIES EXHIBITING PERMIT

There being no further business, the Fish and Game Commission meeting adjourned at 2:20 p.m.