

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



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Staff Summary. Meeting of November 6, 2013

Following is a summary of the subject meeting as prepared by staff. A record of the meeting may be obtained from www.cal-span.org

Pursuant to the call of the President, the Fish and Game Commission met at the Embassy Suites La Quinta Hotel & Spa, 50-777 Santa Rosa Plaza, La Quinta, California on November 6, 2013. The meeting was called to order at 9:00 a.m. by President Sutton.

FISH AND GAME COMMISSION

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

Persons present:

COMMISSION STAFF

Sonke Mastrup	Executive Director
Adrianna Shea	Deputy Executive Director
Mary Brittain	Administrative Assistant
Sherrie Fonbuena	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
Jordan Traverso	Deputy Director, Office of Communications, Education and Outreach
Mike Carion	Deputy Director, Law Enforcement Division

Craig Shuman	Regional Manager, Marine Region
Kim Nichol	Regional Manager, Inland Deserts Region
Stafford Lehr	Chief, Fisheries Branch
Becky Ota	Marine Region
Julie Horenstein	Wildlife Branch/Lands Program
Briana Brady	Marine Region
Steve Wertz	Marine Region
Paul Hamdorf	Law Enforcement Division
Dan Sforza	Law Enforcement Division
Bob Farrell	Law Enforcement Division
Brady Hill	Law Enforcement Division
Rick Fischer	Law Enforcement Division
Rodney Nemlowill	Law Enforcement Division

The following persons were present and heard:

<u>Name</u>	<u>Organization</u>	<u>Agenda Item(s)</u>
Gary Rynearson	Green Diamond Resource Company/ CA Forestry Association	1, 5
Florence Sloan	Concerned Citizen	2
Bill Gaines	CA Bowmen Hunters/State Archery Association/CA Hawking Club	2, 15
Mike Kucera	Commercial Fisherman	3
Gary Harden	Commercial Fisherman	3
Diane Pleschner Steele	CA Wetfish Producers Association	3
Jacob Moller	Commercial Fisherman	3
Tom Durr	Commercial Fisherman	3
Phil Schenck	Concerned Citizen	3
Vanessa DeLuca	Commercial Fish Processing	3
Paul Weakland	Commercial Fisherman	7, 9, 15
Jerry Lucas	Concerned Citizen	7
Liz Whiteman	CA Ocean Science Trust	9
Greg Helms	Ocean Conservancy	9, 15
Jennifer Fearing	The Humane Society of U.S.	10,12A, 13C, 15
Reg Elgin	Dry Creek Rancheria Band of Pomo Indians	12D
Kathy Lynch	National Shooting Sports Foundation	12A, 13C
George Osborn	Coastside Fishing Club	15
Steve Mathieu	AGP Video	15

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

1. DISCUSSION OF PROPOSED CHANGES TO PRIVATE LANDS MANAGEMENT REGULATIONS (SECTIONS 601 AND 702(a), TITLE 14, CCR)
Received an update from Executive Director Mastrup. Received public testimony.
2. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND DEPARTMENT LANDS REGULATIONS (SECTIONS 550, 550.5, 551, 552, 553, 630 AND 703, TITLE 14, CCR)
Received the Department's PowerPoint update from Julie Horenstein. Received public testimony.

MOVED BY J. BAYLIS, SECONDED BY R. ROGERS, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES STAFF TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTIONS 550, 551, 552, 630 AND SUBSECTION (a) OF SECTION 703, ADD SECTION 550.5, AND REPEAL SECTION 553, TITLE 14, CCR, REGARDING PUBLIC USE OF CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE LANDS.

AYES: J. BAYLIS, R. ROGERS, M. SUTTON.

ABSENT: J. HOSTLER-CARMESIN, J. KELLOGG.

MOTION PASSED.

3. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND COMMERCIAL MARKET SQUID TWO-TON INCIDENTAL TAKE FISHING REGULATIONS (SECTION 149, TITLE 14, CCR)
Received the Department's PowerPoint report/update from Craig Shuman and Briana Brady. Received public testimony.

MOVED BY R. ROGERS, SECONDED BY J. BAYLIS, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES STAFF TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 149 AND SUBSECTION 149.1(a) REGARDING COMMERCIAL TAKE OF MARKET SQUID WITH THE ADJUSTMENT TO THE ALLOWED PERCENT OF SQUID IN LOAD FROM 10-30 PERCENT TO 0-30 PERCENT AND TO ADD A DECEMBER 2013 DISCUSSION MEETING.

AYES: J. BAYLIS, R. ROGERS, M. SUTTON.

ABSENT: J. HOSTLER-CARMESIN, J. KELLOGG.

MOTION PASSED.

4. APPROVAL OF AMENDMENT TO COMMISSION DESIGNATED WILD TROUT WATERS POLICY
Received the Department's PowerPoint presentation from Stafford Lehr. No public testimony.

MOVED BY R. ROGERS, SECONDED BY M. SUTTON, THAT THE FISH AND GAME COMMISSION HEREBY ADOPTS THE DEPARTMENT RECOMMENDATION TO AMEND THE COMMISSION DESIGNATED WILD

TROUT WATERS POLICY BY ADDING SACRAMENTO RIVER FROM KESWICK DAM DOWNSTREAM TO THE RED BLUFF DIVERSION DAM (SHASTA AND TEHAMA COUNTIES) AND TO DEFER THE ADDITION OF MANZANITA LAKE (SHASTA COUNTY) UNTIL A CONFIRMATION IS RECEIVED FROM THE NATIONAL PARKS SERVICE.

AYES: J. BAYLIS, R. ROGERS, M. SUTTON.

ABSENT: J. HOSTLER-CARMESIN, KELLOGG.

MOTION PASSED.

5. ADOPTION/RATIFICATION OF DRAFT FINDINGS FOR COMMISSION'S REJECTION OF PETITION TO LIST THE BLACK-BACKED WOODPECKER (*Picoides arcticus*) AS A THREATENED OR ENDANGERED SPECIES
Executive Director Mastrup reported that a letter was received from the Petitioner after briefing binders deadline and could be found in the package of late correspondence provided to Commissioners at the start of the meeting. Received public testimony.

MOVED BY R. ROGERS, SECONDED BY J. BAYLIS, THAT THE FISH AND GAME COMMISSION HEREBY ADOPTS FINDINGS REGARDING THE REJECTION OF THE PETITION TO LIST THE BLACK-BACKED WOODPECKER AS A THREATENED OR ENDANGERED SPECIES.

AYES: J. BAYLIS, R. ROGERS, M. SUTTON.

ABSENT: J. HOSTLER-CARMESIN, J. KELLOGG.

MOTION PASSED.

CONSENT ITEMS (Documents available upon request)

6. ADOPTION OF PROPOSED CHANGES TO INLAND TROUT AND SALMON REGULATIONS (SECTION 7.50, TITLE 14, CCR)
7. ADOPTION OF PROPOSED CHANGES TO COMMERCIAL HARVEST OF KELP REGULATIONS (SECTIONS 165 AND 165.5, TITLE 14, CCR)
8. ADOPTION OF AMENDMENT TO DUCK STAMP PROJECT AUTHORIZATION

Received public testimony on Item 7.

MOVED BY J. BAYLIS, SECONDED BY R. ROGERS, THAT THE FISH AND GAME COMMISSION HEREBY ADOPTS THE CONSENT CALENDAR, ITEMS 6-8.

AYES: J. BAYLIS, R. ROGERS, M. SUTTON.

ABSENT: J. HOSTLER-CARMESIN, J. KELLOGG.

MOTION PASSED.

9. MONITORING RESULTS AND MANAGEMENT REVIEW FOR THE CENTRAL COAST MARINE PROTECTED AREAS

Received a PowerPoint summary from Liz Whiteman, program director for the MPA Monitoring Enterprise and a review of next steps from Steve Wertz. Received public testimony.

10. REPORT OF CHAPTERED BILLS REQUIRING COMMISSION ACTION

Executive Director Mastrup reviewed the following six chaptered bills affecting the Fish and Game Commission's authority: AB 165, AB 497, AB 711, AB 789, AB 1213, and SB 392. Received public testimony.

MOVED BY R. ROGERS, SECONDED BY J. BAYLIS, THAT THE FISH AND GAME COMMISSION HEREBY DIRECTS THE WILDLIFE RESOURCE COMMITTEE TO DEVELOP AN IMPLEMENTATION PLAN FOR AB 711 AND AB 1213 AND THAT THE MARINE RESOURCE COMMITTEE DEVELOP AN IMPLEMENTATION PLAN FOR SB 392, FOR FUTURE COMMISSION CONSIDERATION.

AYES: J. BAYLIS, R. ROGERS, M. SUTTON.

ABSENT: J. HOSTLER-CARMESIN, J. KELLOGG.

MOTION PASSED.

11. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION

There was no Executive Session. No public testimony.

12. COMMISSION STAFF REPORT FOR CONSIDERATION AND POSSIBLE ACTION

(A) RECOMMENDATIONS ON ITEMS OF INTEREST FROM PRIOR MEETINGS

Executive Director Mastrup stated that the Hatchery Reform Panel agenda item was moving forward for February 2014. Executive Director Mastrup to follow up with small arms manufacturers and rescheduling of a shooting range demonstration. Received public testimony.

(B) PREVIEW OF FUTURE AGENDA ITEMS

Executive Director Mastrup reported on the following items to be scheduled for the December meeting which may be a full one day meeting. No public testimony.

- a. Receipt of DFW Status Report on Pacific Fisher
- b. Receipt of DFW Status Report on Gray Wolf
- c. Possible adoption of 2014 Regulatory Calendar
- d. Presentation by LAC on lobster FMP
- e. Possible adoption of Commission findings on petition to list the Townsend's big-eared bat as a threatened or endangered species
- f. Request to publish notice regarding technical amendment to MPAs
- g. Possible adoption of Private Lands Management regulations
- h. Request to publish notice regarding Ocean Salmon regulations
- i. Request to publish notice regarding Klamath River Salmon regulations

- j. **Request to publish notice regarding Mammal regulations**
- k. **AZ/CA Compact Amendment**
- l. **Possible adoption of Commission findings on the petition to list the Northern Spotted Owl as a threatened or endangered species**
- m. **Amendment to Commission Designated Wild Trout Waters by adding Manzanita Lake (Shasta County)**

(C) **REVIEW APPROVED 2014 MEETING DATES AND LOCATIONS**

Executive Director Mastrup stated that the 2014 meeting dates and locations had been finalized and staff was securing meeting facilities by utilizing as many free facilities as possible. No public testimony.

(D) **TRIBAL COMMITTEE**

Executive Director Mastrup reported that work continues on a draft consultation policy and process. Received public testimony.

(E) **NEW BUSINESS**

Executive Director Mastrup reported that the Commission was in the process of hiring a full time attorney and a new marine advisor and that he would work to include interested Commissioners in the hiring process. Commission requested a budgetary report. No public testimony.

13. **DEPARTMENT INFORMATIONAL ITEMS**

(A) **DIRECTOR'S REPORT**

Director Bonham reported on the following issues: youth essay contest, Dungeness crab season opener, fall/winter waterfowl opportunities in Alameda County, Garcia River coho/steelhead restoration, pheasant season opener, and the end of the Legislative session. No public testimony.

(B) **UPDATE ON CA LAW REVISION PROCESS**

This is a standing item and there was no update. No public testimony.

(C) **WILDLIFE AND FISHERIES DIVISION AND ECOSYSTEM CONSERVATION DIVISION**

Deputy Director Yparraguirre reported on big horn sheep epidemic and expects tag ranges to include "0" for next year. No public testimony.

I. **STATUS UPDATE ON REPORT REGARDING LEVELS OF LEAD FOUND IN CALIFORNIA CONDORS DURING 2012 (PURSUANT TO SECTION 3004.5, FISH AND GAME CODE)**

Executive Director Mastrup reported that the third and final federal report was received on October 29th and is on the Commission's website per Section 3004.5(d). Received public testimony.

(D) LAW ENFORCEMENT DIVISION

Received a report from Rick Fischer on the following issues: season openers in Southern California, chronic wasting disease check points, significant cases involving over limits of doves, and a bear encounter in Los Angeles County. No public testimony.

(E) MARINE

Received a report from Craig Shuman on: Dungeness crab season opener and the Marine Region’s most recent employee award ceremony. No public testimony.

14. OTHER INFORMATIONAL ITEMS

(A) LEGAL COUNSEL

There was no report. No public testimony.

(B) FEDERAL AGENCIES

There was no report. No public testimony.

15. PUBLIC FORUM

Received public testimony from the following individuals: Bill Gaines (testimony received after agenda item 8), George Osborn, Greg Helms, Paul Weakland, Steve Mathieu, and Jennifer Fearing.

THE FISH AND GAME COMMISSION HEREBY RECOGNIZES THE PUBLIC REQUESTS AND TAKES NO ACTION.

**2013 FISH AND GAME COMMISSION
MEETING SCHEDULE**

www.fgc.ca.gov

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
Dec. 11 (Wed.) Dec. 12 (Thurs.) (Possible 1 day mtg.)	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.

**2014 FISH AND GAME COMMISSION
MEETING SCHEDULE**

www.fgc.ca.gov

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
Jan. 15 (Wed.)		Wildlife Resources – Los Angeles

Feb. 5 (Wed.) Feb. 6 (Thurs.)	Sacramento	
Mar. 19 (Wed.)		Marine Resources – Santa Rosa
Apr. 16 (Wed.) Apr. 17 (Thurs.)	Ventura	
May 7 (Wed.)		Wildlife Resources – San Francisco/Bay Area
Jun. 4 (Wed.) Jun. 5 (Thurs.)	Eureka	
Jul. 16 (Wed.)		Marine Resources – Monterey
Aug. 6 (Wed.) Aug. 7 (Thurs.)	San Diego	
Sep. 17 (Wed.)		Wildlife Resources – Sacramento
Oct. 8 (Wed.) Oct. 9 (Thurs.)	Yreka <i>Joint meeting with Oregon DFW</i>	
Nov. 5 (Wed.)		Marine Resources – Los Alamitos
Dec. 3 (Wed.) Dec. 4 (Thurs.)	Los Angeles	

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

There being no further business, the Fish and Game Commission meeting adjourned at 1:12 p.m.