

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

Sonke Mastrup, Executive Director
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Fish and Game Commission



Staff Summary. Meeting of December 11, 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 Hilton San Diego Mission Valley, 901 Camino del Rio South, San Diego, California on December 11, 2013. The meeting was called to order at 8:35 a.m. by President Sutton.

FISH AND GAME COMMISSION

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

Persons present:

COMMISSION STAFF

Sonke Mastrup	Executive Director
Aдриanna 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

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
Thomas Gibson	General Counsel
Craig Shuman	Regional Manager, Marine Region

Eric Loft	Chief, Wildlife Branch
Stafford Lehr	Chief, Fisheries Branch
Marci Yaremko	Marine Region
Briana Brady	Marine Region
Barry Miller	Marine Region
Tom Mason	Marine Region
Kristine Barsky	Marine Region
Randy Lovell	Aquaculture Coordinator
Paul Hamdorf	Law Enforcement Division
Scott Bringman	Law Enforcement Division
Dave McNair	Law Enforcement Division
Lance Weihe	Law Enforcement Division
John Potter	Law Enforcement Division
Noel Richards	Law Enforcement Division
Mike Ference	Law Enforcement Division
Dan Sforza	Law Enforcement Division
Wayne Burnett	Law Enforcement Division
Ron VanBenthuisen	Law Enforcement Division
Travis Vuich	Law Enforcement Division

The following persons were present and heard:

<u>Name</u>	<u>Organization</u>	<u>Agenda Item(s)</u>
Gary Gentile	CA Bowmen Hunters	1
Sam Madamba	Sportsman/Archery Hunter	1
Joe Exline	Concerned Citizen	1, 8, 18A/EI
Ed Worley	National Rifle Association	2
Tom Pedersen	CA Rifle and Pistol Association	2
Janette Vosburg	Grassroots Coalition	2
Patricia McPherson	Grassroots Coalition/Sierra Club	2
Florence Sloane	Concerned Citizen	2
Mark Hennelly	California Waterfowl Association	2
Bob Smith	San Diego County Wildlife Foundation	2
Bill Gaines	CA Bowmen Hunters/CA Hawking Club	2
Don Barthel	German Short-haired Pointer Club of San Diego	2
Mike Conroy	West Coast Fisheries Coalition/Brail Fishermen	4
Danny Strunk	San Pedro Bait Company	4
Phil Schenck	Commercial Fisherman	4
Jenn Eckerle	Natural Resources Defense Council	4, 8
Vince Terzoli	Commercial Fisherman	4
Diane Pleschner Steel	CA Wetfish Producers Association	4, 8
Steve Huber	Klamath/Trinity Guides	5
Dana Murray	Heal the Bay	8
Samatha Murray	Ocean Conservancy	8
Volker Hoehne	Watermen's Alliance	8, 18EI, 20
David Pierce	San Diego Council of Divers	8, 18EI, 20
George Osborn	Coastside Fishing Club	8, 18EII

Ray Hiemstra	Orange County Coastkeeper	8, 20
Paul Weakland	Commercial Fisherman	8, 18G, 20
Rob Diperna	Environmental Protection Information Center (EPIC)	15A & B
Gary Rynearson	Green Diamond Resource Company	15A & B
Tom Engstrom	Sierra Pacific Industries	15A & B
Josh Chatten-Brown	Environmental Protection Information Center (EPIC)	15B, 20
Noel Cremers	CA Farm Bureau Federation	15B
David Bischel	CA Forestry Association	15B
Jim Salazar	Concerned Citizen	18E
Corey Ridings	Ocean Conservancy	18E
Bruce Campbell	Commercial Lobster Fisherman	18E
Wayne Campbell	Large Boat Operators	18E
Diane Windham	NOAA Fisheries	18F, 19B
Chris Voss	Commercial Lobster Fisherman	18E, 20
Daniel Mello	Mello Lobster Fishing	18E
Rodger Healy	CA Lobster & Trap Association	18E
Robert Williams	San Diego County Varmint Callers	20
Cheri Jacobs Aspenleiter	Restore Access to Many People (R.A.M.P.)	20
Michelle Clemente	OCMPAC	20
John Leek	Friends of the Children's Pool	20
Mike McCorkle	So. CA Trawlers Association (SCTA)	20
Jim Drost	Concerned Citizen	20
David Johnson	Restore Access to Many People (R.A.M.P.)	20

President Sutton introduced members of the Commission, its staff, Department of Fish and Wildlife 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. CONSIDERATION AND POSSIBLE ADOPTION OF COMMISSION'S 2014 RULEMAKING CALENDAR

Executive Director Mastrup provided a PowerPoint presentation of the proposed rulemaking calendar. Received public testimony.

MOVED BY R. ROGERS, SECONDED BY J. KELLOGG, THAT THE FISH AND GAME COMMISSION HEREBY ADOPTS THE PROPOSED RULEMAKING CALENDAR FOR 2014.

A YES: J. HOSTLER-CARMESIN, J. KELLOGG, R. ROGERS, M. SUTTON.

ABSENT: J. BAYLIS.

MOTION PASSED.

2. DISCUSSION OF PROPOSED CHANGES TO DEPARTMENT LANDS REGULATIONS (SECTIONS 550, 550.5, 551, 552, 553, 630, AND 703, TITLE 14, CCR)

Received the Department's update from Eric Loft. Received public testimony.

3. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND MAMMAL HUNTING REGULATIONS (SECTIONS 360, 361, 362, 363, AND 364, TITLE 14, CCR)

Received the Department's review of the mammal hunting proposals from Eric Loft. 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 THE MAMMAL HUNTING REGULATIONS IN SECTIONS 360, 361, 362, 363 AND 364, TITLE 14, CCR. AYES: J. HOSTLER-CARMESIN, J. KELLOGG, R. ROGERS, M. SUTTON. ABSENT: J. BAYLIS. MOTION PASSED.

4. DISCUSSION OF PROPOSED CHANGES TO COMMERCIAL MARKET SQUID TWO-TON INCIDENTAL TAKE FISHING REGULATIONS (SECTION 149 AND SUBSECTION 149.1(a), TITLE 14, CCR)

Received the Department's PowerPoint presentation from Briana Brady. Marine Regional Manager Shuman provided additional information. Received public testimony.

5. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND KLAMATH RIVER SALMON FISHING REGULATIONS (SUBSECTION 7.50(b)(91.1), TITLE 14, CCR)

Received the Department's PowerPoint presentation from Stafford Lehr. Received public testimony.

MOVED BY R. ROGERS, SECONDED BY M. SUTTON, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES STAFF TO PUBLISH NOTICE OF ITS INTENT TO AMEND THE KLAMATH/TRINITY RIVER SPORT FISHING REGULATIONS AS PROPOSED BY THE DEPARTMENT WITH THE ADDITION OF THE FOLLOWING TWO OPTIONS: A YEAR ROUND CLOSURE OF THE SPIT AND CLOSURE OF THE SPIT WHEN 15 PERCENT OF THE LOWER KLAMATH RIVER QUOTA HAS BEEN TAKEN AS PRESENTED BY MR. HUBER.

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

ABSENT: J. BAYLIS.

MOTION PASSED.

6. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND OCEAN SALMON SPORT FISHING REGULATIONS (SECTION 27.80, TITLE 14, CCR)

- (A) APRIL 2014 AND OCEAN SALMON POSSESSION LIMIT CHANGE (SUBSECTIONS 27.80(c) AND (e), TITLE 14, CCR)

Received the Department's PowerPoint presentation from Barry Miller. No public testimony.

- (B) MAY-NOVEMBER 2014 (SUBSECTION 27.80(d), TITLE 14, CCR)
Received the Department's PowerPoint presentation from Barry Miller.
No public testimony.

MOVED BY J. KELLOGG, SECONDED BY R. ROGERS, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES STAFF TO PUBLISH NOTICES OF ITS INTENT TO AMEND THE OCEAN SALMON SPORT FISHING REGULATIONS.

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

ABSENT: J. BAYLIS.

MOTION PASSED.

7. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO ESTABLISH PACIFIC HALIBUT AUTO-CONFORMANCE REGULATIONS (SECTION 28.20, TITLE 14, CCR)
Received the Department's PowerPoint presentation from Marci Yaremko.
No public testimony.

MOVED BY R. ROGERS, SECONDED BY M. SUTTON, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES STAFF TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 28.20, TITLE 14, CCR, REGARDING THE RECREATIONAL PACIFIC HALIBUT FISHERY AUTOCONFORMANCE REGULATIONS.

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

ABSENT: J. BAYLIS.

MOTION PASSED.

8. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND MARINE PROTECTED AREAS REGULATIONS – CLEAN-UP PACKAGE (SECTION 632, TITLE 14, CCR)
Received the Department's PowerPoint presentation on proposed amendments and the Master Plan from Tom Mason. Craig Shuman explained that there had been some concerns regarding the Elkhorn Slough SMR changes at Kirby Park and indicated that the item could be withdrawn from the package. Received public testimony.

MOVED BY R. ROGERS, SECONDED BY J. KELLOGG, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES STAFF TO PUBLISH NOTICE OF ITS INTENT TO AMEND THE MARINE PROTECTED AREAS REGULATIONS AS PRESENTED BY THE DEPARTMENT INCLUDING THE DISCUSSED CHANGES AS FOLLOWS: WITHDRAW THE REQUEST TO ADJUST THE NORTHERN BOUNDARY OF ELKHORN SLOUGH SMR TO ALLOW SHORE FISHING AT KIRBY PARK AND TO ADD CLARIFYING LANGUAGE FOR TRANSITTING THROUGH MPAS WITH SPEAR FISHING GEAR.

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

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

MOTION PASSED.

CONSENT ITEMS

9. POSSIBLE ADOPTION OF PROPOSED CHANGES TO PRIVATE LANDS MANAGEMENT REGULATIONS (SECTION 601 AND SUBSECTION 702(a), TITLE 14, CCR) AND CONSIDERATION OF CALIFORNIA ENVIRONMENTAL QUALITY ACT ADDENDUM
10. APPROVAL OF THE DEPARTMENT'S REQUEST TO ACQUIRE IN FEE TITLE PROPERTIES TO ADD TO LAKE EARL WILDLIFE AREA
11. ADOPTION OF THE REVISED ARIZONA-CALIFORNIA INTERSTATE AGREEMENT
12. RECEIPT OF ANNUAL ACCOUNTING FOR THE NEARSHORE FISHERY PERMIT FUND
13. ADOPTION/RATIFICATION OF COMMISSION FINDINGS REGARDING ACCEPTANCE OF THE PETITION TO LIST THE TOWNSEND'S BIG-EARED BAT (*Corynorhinus townsendii*) AS A THREATENED OR ENDANGERED SPECIES (PURSUANT TO SECTION 2074.2 OF THE FISH AND GAME CODE)
14. ADOPTION/RATIFICATION OF COMMISSION FINDINGS REGARDING THE REJECTION OF THE PETITION TO LIST THE AMERICAN PIKA (*Ochotona princeps*) AS A THREATENED OR ENDANGERED SPECIES (PURSUANT TO SECTION 2074.2 OF THE FISH AND GAME CODE)

MOVED BY R. ROGERS, SECONDED BY M. SUTTON, THAT THE FISH AND GAME COMMISSION HEREBY ADOPTS THE CONSENT CALENDAR, ITEMS 9-14.

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

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

MOTION PASSED.

15. (A) ADOPTION/RATIFICATION OF COMMISSION FINDINGS REGARDING THE ACCEPTANCE OF THE PETITION TO LIST THE NORTHERN SPOTTED OWL (*Strix occidentalis caurina*) AS A THREATENED OR ENDANGERED SPECIES (PURSUANT TO SECTION 2074.2 OF THE FISH AND GAME CODE)
Executive Director Mastrup provided a review of the issue. Received public testimony.

MOVED BY R. ROGERS, SECONDED BY M. SUTTON, THAT THE FISH AND GAME COMMISSION HEREBY ADOPTS FINDINGS REGARDING DECISION ADDING NORTHERN SPOTTED OWL TO THE LIST OF CANDIDATE SPECIES UNDER CESA.

AYES: J. HOSTLER-CARMESIN, R. ROGERS, M. SUTTON.
NOES: J. KELLOGG.
ABSENT: J. BAYLIS.
MOTION PASSED.

- (B) CONSIDERATION AND POSSIBLE ACTION ON REQUEST BY CALIFORNIA FORESTRY ASSOCIATION FOR COMMISSION ADOPTION OF EMERGENCY REGULATION AUTHORIZING INCIDENTAL TAKE OF THE NORTHERN SPOTTED OWL (*Strix occidentalis caurina*) DURING CANDIDACY PERIOD (PURSUANT TO SECTIONS 240 AND 2084 OF THE FISH AND GAME CODE)
Executive Director Mastrup provided a review of the issue. Received public testimony. CA Forestry Association verbally retracted their petition at the meeting.

No further action required by the Commission.

16. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION
Senior Assistant Attorney General Ames reported there was nothing to report. No public testimony.
17. COMMISSION STAFF REPORT FOR CONSIDERATION AND POSSIBLE ACTION
- (A) RECOMMENDATIONS ON ITEMS OF INTEREST FROM PRIOR MEETINGS
There were no recommendations.
- (B) PREVIEW OF FUTURE AGENDA ITEMS AND MEETING LOGISTICS
Executive Director Mastrup reported on the following items to be scheduled for the February meeting. No public testimony.
- **Election of President and Vice President**
 - **Committee Elections**
 - **Receipt of White Shark status report**
 - **Receipt of Gray Wolf Status Report**
 - **Tribal Consultation Informational rollout**
- (C) WILDLIFE RESOURCES COMMITTEE
- I. REVIEW AND DISCUSSION OF DRAFT AGENDA
Executive Director Mastrup reported that the Wildlife Resources Committee meeting was scheduled on January 15, 2014, at Van Nuys State Office Building Auditorium, in Van Nuys. Commission approved the draft agenda as proposed. No public testimony.
- (D) NEW BUSINESS
There was no new business. No public testimony.

18. DEPARTMENT INFORMATIONAL ITEMS

(A) DIRECTOR'S REPORT

Director Bonham reported on the following issues: Strategic Vision recommendations, highlighted the Department's progress of information management and technology, Science Symposium, appointment of a tribal liaison within the Office of the General Counsel, and process of advertising for a full time attorney assigned to the Fish and Game Commission Office. No public testimony.

(B) UPDATE ON CA LAW REVISION PROCESS

Executive Director Mastrup reported that the California Law Revision office would provide an update at the February 5, 2014, Commission meeting. No public testimony.

(C) WILDLIFE AND FISHERIES DIVISION AND ECOSYSTEM CONSERVATION DIVISION

Deputy Director Yparraguirre reported that Bill Clark, a retired Department employee had recently passed away.

I. CALIFORNIA HATCHERY SCIENTIFIC REVIEW PANEL MEETING

Received an update from Stafford Lehr. He reported that a workshop had been scheduled for February 4, 2014, at the Department of Consumer Affairs Building in Sacramento. No public testimony.

(D) LAW ENFORCEMENT DIVISION

Lt. Mike Ference reported on the local fishing and hunting seasons and success rates and two significant cases involving failure to complete log books and a commercial fisherman operating with a revoked license. No public testimony.

(E) MARINE

I. RECOMMENDATIONS FROM THE LOBSTER ADVISORY COMMITTEE REGARDING THE LOBSTER FISHERY MANAGEMENT PLAN

Received the Department's PowerPoint update from Kristine Barsky. Received public testimony.

II. UPDATE ON DUNGENESS CRAB PETITION

Received the Department's update from Craig Shuman. He reported a task force meeting was scheduled for April 2014. Received public testimony.

(F) ANNOUNCEMENT OF PUBLIC COMMENT PERIOD FOR PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT – MARINE AQUACULTURE

Received the Department's update from Randy Lovell. No public testimony.

- (G) OTHER
There was no report. No public testimony.

19. OTHER INFORMATIONAL ITEMS

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

- (B) FEDERAL AGENCIES

- I. RECEIPT OF PACIFIC FISHERY MANAGEMENT COUNCIL
NOVEMBER 2013 DECISION SUMMARY DOCUMENT

Diane Windham provided information regarding the merger of regions, reorganization updates, and that someone would be designated to attend Commission meetings. No public testimony.

20. PUBLIC FORUM

Received public testimony from the following individuals: Robert Williams, Volker Hoehne, David Pierce, Chris Voss, Cheri Jacobs Aspenleiter, Josh Chatten-Brown, Paul Weakland, Michelle Clemente, Ray Heimstra, John Leek, Mike McCorkle, Jim Drost, and David Johnson.

THE FISH AND GAME COMMISSION HEREBY DEFERS THE FOLLOWING REQUESTS TO THE DEPARTMENT FOR ANALYSIS IN THE NEXT SPORT FISH REGULATORY PACKAGE: ADD THE REQUEST FOR DOUBLE DAILY TAKE FOR FRESHWATER SALMON, REQUEST TO PUNCH CARDS FOR RECREATIONAL TAKE OF DUNGENESS CRAB AND CHINOOK.

THE FISH AND GAME COMMISSIN ALSO REQUESTED TO FOLLOW UP ON THE SCULPIN NEARSHORE BYCATCH PERMIT ISSUE AND CHILDREN'S POOL.

**2014 FISH AND GAME COMMISSION
MEETING SCHEDULE**

www.fgc.ca.gov

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
Jan. 15 (Wed.)		Wildlife Resources – Van Nuys State Office Building Auditorium 6150 Van Nuys Boulevard Van Nuys, CA 91401
Feb. 5 (Wed.)	State of California Resources Building 1416 Ninth Street First Floor Auditorium	

	Sacramento, CA 95814	
Mar. 19 (Wed.)		Marine Resources – Santa Rosa
Apr. 16 (Wed.)	Ventura	
May 7 (Wed.)		Wildlife Resources – San Francisco/Bay Area
Jun. 4 (Wed.)	Eureka	
Jul. 16 (Wed.)		Marine Resources – Monterey
Aug. 6 (Wed.)	San Diego	
Sep. 17 (Wed.)		Wildlife Resources – Sacramento
Oct. 8 (Wed.) Oct. 9	Yreka <i>Joint meeting with Oregon DFW</i>	
Nov. 5 (Wed.)		Marine Resources – Los Alamitos
Dec. 3 (Wed.)	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. STAFF PERFORMANCE AND COMPENSATION
- D. RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS

There being no further business, the Fish and Game Commission meeting adjourned at 4:35 p.m.