

**Commissioners**

**Michael Sutton**, President  
Monterey

**Jack Baylis**, Vice President  
Los Angeles

**Jim Kellogg**, Member  
Discovery Bay

**Richard Rogers**, Member  
Santa Barbara

**Jacque Hostler-Carmesin**, Member  
McKinleyville

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

**Fish and Game Commission**



**Sonke Mastrup, Executive Director**  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814  
(916) 653-4899  
(916) 653-5040 Fax  
www.fgc.ca.gov

**STAFF SUMMARY, MEETING OF DECEMBER 3, 2014**

This summary of the speakers and actions made at the meeting is prepared by staff. Staff is not responsible for the accuracy of any information provided by the public. A recording of the meeting – the official minutes – may be obtained from [www.cal-span.org](http://www.cal-span.org).

Pursuant to the call of the President, the California Fish and Game Commission (Commission) met at the Airtel Plaza Hotel, 7277 Valjean Avenue, Van Nuys, California on December 3, 2014. The meeting was called to order at 8:00 a.m. by President Mike Sutton.

**FISH AND GAME COMMISSION**

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

**COMMISSION STAFF**

Sonke Mastrup	Executive Director
Melissa Miller-Henson	Program Manager
Susan Ashcraft	Marine Advisor
Mary Brittain	Administrative Assistant
Sherrie Fonbuena	Analyst
Caren Woodson	Analyst

**OFFICE OF THE ATTORNEY GENERAL**

Helen Arens                      Deputy Attorney General

**CALIFORNIA NATURAL RESOURCES AGENCY**

Catherine Kuhlman              Deputy Secretary for Ocean and Coastal Policy

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

Charlton Bonham	Director
Wendy Bogdan	Acting General Counsel
Mike Carion	Deputy Director and Chief, Law Enforcement Division

Dan Yparraguirre	Deputy Director, Wildlife and Fisheries Division
David Bess	Assistant Chief, Law Enforcement Division
Clark Blanchard	Assistant Deputy Director, Office of Communication, Education and Outreach
Craig Shuman	Regional Manager, Marine Region
Stafford Lehr	Chief, Fisheries Branch
Eric Loft	Chief, Wildlife Branch
Craig Martz	Manager, Regulations Unit
Randall Lovell	Aquaculture Coordinator
David Kiene	Sr. Staff Counsel, Office of the General Counsel
Iliia Banks	Warden, Law Enforcement Division
Kory Collins	Warden, Law Enforcement Division
Jon Healy	Warden, Law Enforcement Division
Mike Stefanak	Captain, Law Enforcement Division
Martin Wall	Lieutenant, Law Enforcement Division
Cindy Wood	Captain, Law Enforcement Division
Joanna Grebel	Sr. Environmental Scientist, Marine Region
Mandy Lewis	Marine/Fisheries Biologist, Marine Region
Barry Miller	Environmental Scientist, Marine Region
Marci Yaremko	Environmental Program Manager, Marine Region

The following persons were present and heard (in order of agenda item number):

<u>Name</u>	<u>Organization</u>	<u>Agenda Item</u>
Greg Helms	Ocean Conservancy	1B
Paul Weakland	Concerned citizen	1, 3, 4, 36
Dale Glantz	Natural Sciences, LLC	1
Kathy Lynch	Animal Pest Management Services, National Shooting Sports Foundation, Lynch & Associates	2, 15, 16, 36
Janet Hoben	National Wolf Watcher Coalition	5
Ahna Christenson	Concerned citizen	5
Randi Feilich	Project Coyote	5, 14
Lynn Edelman	Concerned citizen	5
Ed Simpson	Project Coyote	5
Naomi Heiman	Concerned citizen	5
Wiley Drake	Congressional Prayer Conference of Washington DC	5
Marcia Hanscom	Ballona Institute, Sierra Club Angeles Chapter	5, 36
Ron Stephens	Concerned citizen	5
Havilah Abrego	One Planet One Chance	5
Keli Hendricks	Project Coyote Advisory Board	5
Grant McComb	Project Coyote, One Planet One Chance	5
Kim Boester	Concerned citizen	5, 14
Camilla Fox	Project Coyote	5
Sharon Ponsford	California Council of Wildlife Rehabilitators, Project Coyote	5, 14
Dennis Fox	Concerned citizen	5, 6, 15, 36
Fauna Tomlinson	California Council of Wildlife Rehabilitators, Project Coyote, Bird Alley X	5, 6, 14, 15
Miriam Seger	Concerned citizen	5, 14
Robert Roy Van de Hoek	Ballona Institute	5, 6, 14, 15

Jennifer Selzer	Concerned citizen	5
Beth Katte	Project Wildsong	5
Hillary Pickles	Lush Fresh Handmade Cosmetics	5
Kelsey Eberly	Animal Legal Defense Fund	5
Lisa Belenky	Center for Biological Diversity	5, 6
Noelle Cremers	California Farm Bureau Federation	5, 6
Janet Carper	Citizens for Los Angeles Wildlife	5, 14
Alison Simard	Citizens for Los Angeles Wildlife	5, 14
Matthew Duncan	Wildlife photographer	5, 14
Randall Massaro	Union Members for the Preservation of Wildlife	5, 14
Wayne Raupe	California Bowmen Hunters/State Archery Association	5, 13, 15
Bill Gaines	California Houndsmen for Conservation, Rocky Mountain Elk Foundation, California Bowmen Hunters/State Archery Association	5, 13, 15
Tom O'Key	Concerned citizen	5, 14
Pamela Flick	Defenders of Wildlife	6, 15
Juan Altamirano	Audubon California	6, 15
Paul Sousa	Western United Dairymen	6
Joe Exline	Oceanside Anglers Club	9, 16
Mindy Natt	Yurok Tribal Councilmember	11
Dave Hillemeier	Yurok Tribe	11
Roman Porter	California Deer Association	13
Mercer Lawing	California Trappers Association	14
Steve Bardwell	Concerned citizen	14
Tom Maloney	Concerned citizen	14
Karen Tracy	Project Bobcat	14
Brendan Cummings	Center for Biological Diversity	14
Valeree Woodard	Concerned citizen	14
Caitlin Weirt	Union Members for the Preservation of Wildlife	14
Patricia McPherson	Grassroots Coalition, Sierra Club	14, 15, 36
Ed Worley	National Rifle Association	15, 16
Tom Pedersen	California Rifle and Pistol Association	15, 16
Caroline Brown	Concerned citizen	21
Rick LeFlore	California State Parks, Off-Highway Motor Vehicle Recreation Division	22
Garratt Aitchison	Ocotillo Wells State Vehicular Recreation Area	22
Tina Robinson	Ocotillo Wells State Vehicular Recreation Area	22
Steven Chaney	Friends of Ocotillo Wells, San Diego Off-Road Coalition	22
Jay Corey Wheelan	Representing Geir Nilsen	24
Mark Scheer	Young deNormandie, representing Dennis Sturgell	27
Bernard Friedman	Santa Barbara Mariculture Company	29
Mike McCorkle	Commercial Fishermen of Santa Barbara	29
George Osborn	California Sportfishing League, Coastside Fishing Club	31
Lisa Chiapero	Sunrise Seafoods	32
Mary Fairbanks	Commercial fisherman	32
Dan Yoakum	Commercial fisherman	32
Tom Durr	Commercial squid brail fisherman	36
Archie Ponds	Commercial fisherman & live fish buyer, Port San Luis	36
Forrest Ponds	Port San Luis commercial fisherman	36
Alan Serio	Port San Luis commercial fisherman	36

Butch Powers	Port San Luis Commercial Fishermen’s Association, Port of Morro Bay deep nearshore fishermen	36
Walter Lamb	Ballona Wetlands Land Trust	36
Kathy Knight	Ballona Ecosystem Education Project	36
Steve Santen	Marina Del Ray Anglers	36
Lia Protopapadakis	The Bay Foundation	36

Mike Sutton introduced members of the Commission and its staff, California Department of Fish and Wildlife (Department) directorate and Helen Arens of the Attorney General’s Office, and welcomed elected officials.

**The Commission took agenda items 27, 32 and 35 out of order, but they are shown in numerical order in this summary.**

1. RECEIPT, DISCUSSION, AND POSSIBLE ACTION FOR ITEMS PREVIOUSLY REFERRED TO THE MARINE RESOURCES COMMITTEE

- (A) NOVEMBER MEETING SUMMARY
- (B) RECOMMENDATIONS FROM NOVEMBER MEETING

**Susan Ashcraft provided a summary of committee recommendations. Received public testimony.**

**Moved by J. Baylis and seconded by R. Rogers that the Commission approves Marine Resources Committee recommendations 1 – 3.**

***Ayes: J. Baylis, J. Hostler-Carmesin, J. Kellogg, R. Rogers, M. Sutton  
Motion passed.***

2. RECEIPT, DISCUSSION, AND POSSIBLE ACTION FOR ITEMS PREVIOUSLY REFERRED TO THE WILDLIFE RESOURCES COMMITTEE

- (A) POTENTIAL JANUARY 2015 MEETING TOPICS

**Sonke Mastrup provided an update and summary. Received public testimony.**

**Moved by J. Kellogg and seconded by R. Rogers that the Commission accepts the recommended topics for evaluation at the next WRC meeting.**

***Ayes: J. Baylis, J. Hostler-Carmesin, J. Kellogg, R. Rogers, M. Sutton  
Motion passed.***

3. DISCUSSION AND POSSIBLE ACTION FOR ITEMS PREVIOUSLY REFERRED TO THE TRIBAL COMMITTEE

**Sonke Mastrup provided a summary and update about the Governor’s tribal liaison’s working group request for all state agencies to complete and adopt a tribal consultation policy. Jacque Hostler-Carmesin, co-chair of the**

**Commission's Tribal Committee, provided an update on the effort to plan the annual meeting referenced in the draft tribal policy. Received public testimony.**

**Moved by R. Rogers and seconded by J. Kellogg that the Commission accepts the staff recommendation to place the draft tribal consultation policy on the agenda for the Feb. 11-12, 2015 meeting in Sacramento for discussion and public comment.**

***Ayes: J. Baylis, J. Hostler-Carmesin, J. Kellogg, R. Rogers, M. Sutton  
Motion passed.***

4. POSSIBLE ADOPTION OF PROPOSED CHANGES TO SPORT FISHING REGULATIONS FOR 2015 (SECTION 1.45 ET AL., TITLE 14, CCR)

**Stafford Lehr made a presentation summarizing the proposed regulation changes. Received public testimony.**

**Moved by J. Baylis and seconded by J. Kellogg that the Commission certifies the negative declaration, adopts the proposed project, and adopts proposed changes to sport fishing regulations for the 2015-2016 season.**

***Ayes: J. Baylis, J. Hostler-Carmesin, J. Kellogg, R. Rogers, M. Sutton  
Motion passed.***

5. POSSIBLE ADOPTION OF REGULATIONS TO PROHIBIT INDUCEMENTS FOR NONGAME MAMMAL AND FURBEARER HUNTING CONTESTS (SECTIONS 465 AND 472, TITLE 14, CCR)

**Caren Woodson summarized the proposed regulation changes. Received public testimony.**

**Moved by J. Baylis and seconded by R. Rogers that the Commission adopts the proposed changes to clarify proper interpretation of statute prohibiting prizes or inducements for the take of furbearers and nongame mammals.**

***Ayes: J. Baylis, J. Kellogg, R. Rogers, M. Sutton  
Noes: J. Hostler-Carmesin  
Motion passed.***

6. TRICOLORED BLACKBIRD

(A) RECEIPT OF PETITION FROM THE CENTER FOR BIOLOGICAL DIVERSITY TO LIST THE TRICOLORED BLACKBIRD (*Agelaius tricolor*) AS AN ENDANGERED SPECIES UNDER THE CALIFORNIA ENDANGERED SPECIES ACT (PURSUANT TO SECTION 2073.3, FISH AND GAME CODE)

(B) POSSIBLE ADOPTION OF EMERGENCY REGULATION TO ADD TRICOLORED BLACKBIRD (*Agelaius tricolor*) TO THE LIST OF ENDANGERED SPECIES (PURSUANT TO SECTION 2076.5, FISH AND GAME CODE)

**Received summary from Sonke Mastrup, who provided clarification about**

the different standard for adopting emergency regulations under the California Endangered Species Act versus the Administrative Procedure Act. Charlton Bonham provided input from the Department. Received public testimony.

Moved by J. Kellogg and seconded by J. Hostler-Carmesin that the Commission, pursuant to Section 2076.5 of the Fish and Game Code, finds that the petition and other information before the Commission to list the tricolored blackbird on an emergency basis as an endangered species does not provide sufficient information to warrant an emergency listing, but does initiate the 90-day petition evaluation period.

*Ayes: J. Hostler-Carmesin, J. Kellogg*

*Noes: J. Baylis, R. Rogers, M. Sutton*

*Motion failed.*

Moved by R. Rogers and seconded by J. Baylis that the Commission, pursuant to Section 2076.5 of the Fish and Game Code, finds that the petitioned action to list the tricolored blackbird as an endangered species on an emergency basis is warranted based on the information before the Commission and therefore amends Section 670.5, Title 14, California Code of Regulations, to add the tricolored blackbird as an endangered species.

*Ayes: J. Baylis, R. Rogers, M. Sutton*

*Noes: J. Hostler-Carmesin, J. Kellogg*

*Motion passed.*

7. POSSIBLE ADOPTION OF PROPOSED CHANGES TO RECREATIONAL GROUND FISH REGULATIONS FOR 2015 FOR CONSISTENCY WITH FEDERAL RULES (SECTION 1.91 ET AL., TITLE 14, CCR)

Joanna Grebel made a presentation on recent actions taken at the Pacific Fishery Management Council (PMFC) and recommendations from the Department. No public testimony.

Moved by R. Rogers and seconded by M. Sutton that the Commission authorizes publication of a continuation notice of its intent to amend recreational groundfish regulations for 2015-2016 as recommended by the Department.

*Ayes: J. Baylis, J. Hostler-Carmesin, J. Kellogg, R. Rogers, M. Sutton*

*Motion passed.*

8. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO AMEND PACIFIC HALIBUT SPORT FISHING REGULATIONS FOR 2015 FOR CONSISTENCY WITH FEDERAL RULES (SECTION 28.20, TITLE 14, CCR)

Received Department's presentation from Marci Yaremko. No public testimony.

Moved by R. Rogers and seconded by J. Baylis that the Commission authorizes publication of a notice of its intent to amend sections 28.20 and 28.95, Title 14,

**California Code of Regulations, related to Pacific halibut sport fishing, as presented by the Department.**

***Ayes: J. Baylis, J. Hostler-Carmesin, J. Kellogg, R. Rogers, M. Sutton  
Motion passed.***

9. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO AMEND REGULATIONS REGARDING SPORT FISHING BAG AND POSSESSION LIMITS FOR BLUEFIN TUNA FOR CONSISTENCY WITH FEDERAL RULES IN 2015 (SECTIONS 27.65 AND 28.38, TITLE 14, CCR)

**Mandi Lewis made a presentation on recent actions taken at PFMC and recommendations from the Department. Received public testimony.**

**Moved by R. Rogers and seconded by J. Baylis that the Commission authorizes publication of a notice of its intent to amend sections 27.65 and 28.38, Title 14, California Code of Regulations, related to tuna sport fishing as discussed today (possible addition of an option to exempt skipjack from the proposed fillet regulations).**

***Ayes: J. Baylis, J. Hostler-Carmesin, J. Kellogg, R. Rogers, M. Sutton  
Motion passed.***

**Added item: Special presentation for Mike Carion who is retiring as chief of the Department's Law Enforcement Division. Ken Franke, president of the Sportfishing Association of California, made a special presentation from his board of directors. Sonke Mastrup read into the record and presented a Commission resolution honoring Mike Carion.**

10. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO AMEND GENERAL AND OCEAN SALMON SPORT FISHING REGULATIONS
- (A) SEASON DATES, SIZE LIMITS AND DAILY BAG LIMITS FOR APRIL 2015, RECOVERING CODED-WIRE TAG FROM SALMON HEADS, AND OCEAN SALMON FISHERY CLOSURES AROUND RIVER MOUTHS (SECTIONS 1.73 AND 27.75 AND SUBSECTION 27.80(c), TITLE 14, CCR)
- (B) SEASON DATES, SIZE LIMITS AND DAILY BAG LIMITS FOR MAY-NOVEMBER 2015 (SUBSECTION 27.80(d), TITLE 14, CCR)

**Barry Miller made a presentation about Department recommendations. No public testimony.**

**Moved by R. Rogers and seconded by J. Baylis that the Commission authorizes publication of two notices of its intent to amend sections 1.73, 27.75 and 27.80 related to ocean salmon sport fishing.**

***Ayes: J. Baylis, J. Hostler-Carmesin, J. Kellogg, R. Rogers, M. Sutton  
Motion passed.***

11. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO AMEND KLAMATH RIVER SALMON SPORT FISHING REGULATIONS (SUBSECTIONS 7.50(b)(91.1) AND (b)(195), TITLE 14, CCR)

**Charlton Bonham provided background information regarding recommendations made by the Yurok Tribe. Stafford Lehr made a presentation about Department recommendations and recommendations from the Yurok Tribe. Received public testimony.**

**Moved by R. Rogers and seconded by J. Hostler-Carmesin that the Commission authorizes publication of a notice of its intent to amend Section 7.50 related to Klamath River Basin sport fishing, as recommended by the Department, and including the retention of foul-hooked fish at the spit and a conservation closure at the confluence and immediately downstream of Blue Creek pursuant to the Yurok Tribe's recommendation.**

***Ayes: J. Baylis, J. Hostler-Carmesin, J. Kellogg, R. Rogers, M. Sutton  
Motion passed.***

12. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO AMEND CENTRAL VALLEY RIVER SALMON SPORT FISHING REGULATIONS (SUBSECTIONS 7.50(b)(5), (68) AND (156.5), TITLE 14, CCR)

**Stafford Lehr made a presentation about Department recommendations. No public testimony.**

**Moved by R. Rogers and seconded by J. Baylis that the Commission authorizes publication of a notice of its intent to amend subsections 7.50(b)(5), (68) and (156.5) as recommended by the Department.**

***Ayes: J. Baylis, J. Hostler-Carmesin, J. Kellogg, R. Rogers, M. Sutton  
Motion passed.***

13. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO AMEND MAMMAL HUNTING REGULATIONS (SECTIONS 360, 361, 362, 363, 364, 364.1, 702, 708.5, 708.11, 708.18 AND 713, TITLE 14, CCR)

**Eric Loft made a presentation about Department recommendations. Received public testimony.**

**Moved by J. Kellogg and seconded by J. Baylis that the Commission authorizes publication of a notice of its intent to amend sections 360, 361, 362, et al., related to mammal hunting, as proposed by the Department.**

***Ayes: J. Baylis, J. Hostler-Carmesin, J. Kellogg, R. Rogers, M. Sutton  
Motion passed.***

14. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO AMEND BOBCAT TRAPPING REGULATIONS (PURSUANT TO SECTION 4155, FISH AND GAME CODE)

**Craig Martz made a presentation that described alternatives considered and summarized a recommended approach from the Department. Received public testimony.**

**Moved by R. Rogers and seconded by J. Baylis that the Commission authorizes publication of a notice of its intent to amend Section 478, Title 14, California Code of Regulations, based on the Department’s proposed regulations, with the addition of an option for a statewide bobcat trapping prohibition.**

**Ayes: J. Baylis, R. Rogers, M. Sutton  
Noes: J. Kellogg, J. Hostler-Carmesin  
Motion passed.**

15. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO AMEND REGULATIONS REGARDING AUTHORIZED METHODS OF TAKE FOR WILDLIFE USING LEAD AMMUNITION – PHASING OUT THE USE OF LEAD AMMUNITION (PURSUANT TO SECTION 3004.5, FISH AND GAME CODE)

**Dan Yparraguirre made a presentation with recommendations from the Department, and also presented a summary of a long-awaited research study from Texas related to steel versus lead shot that only recently became available. Received public testimony.**

**Moved by J. Kellogg and seconded by J. Baylis that the Commission authorizes publication of a notice of its intent to amend sections 311, 353, 464, et al.; repeal Section 355, and add Section 250.1 related to the use of non-lead ammunition for the take of all wildlife by 2019 as proposed by the Department today.**

**Ayes: J. Baylis, J. Hostler-Carmesin, J. Kellogg, R. Rogers  
Abstain: M. Sutton  
Motion passed.**

16. DISCUSSION OF PROPOSED REGULATIONS FOR PETITIONING THE COMMISSION TO CHANGE REGULATIONS (ADD SECTION 662, TITLE 14, CCR)

**Received public testimony.**

<b>CONSENT ITEMS</b>	
17.	ADOPTION OF 2015 REGULATORY CALENDAR
18.	APPROVAL OF AMENDMENT TO COMMISSION DESIGNATED WILD TROUT WATERS POLICY
19.	RATIFICATION OF FINDINGS TO LIST CLEAR LAKE HITCH ( <i>Lavinia exilicauda chi</i> ) AS A THREATENED SPECIES UNDER THE CALIFORNIA

ENDANGERED SPECIES ACT (PURSUANT TO SECTION 2075.5, FISH AND GAME CODE)

20. APPROVAL OF THE DEPARTMENT'S REQUEST FOR A SIX MONTH EXTENSION TO COMPLETE THE STATUS REPORT AND PEER REVIEW PROCESS FOR THE PETITION TO LIST THE NORTHERN SPOTTED OWL (*Strix occidentalis caurina*) AS A THREATENED OR ENDANGERED SPECIES UNDER THE CALIFORNIA ENDANGERED SPECIES ACT (PURSUANT TO SECTION 2074.6, FISH AND GAME CODE)
21. APPROVAL OF THE DEPARTMENT'S REQUEST FOR A SIX MONTH EXTENSION TO COMPLETE THE STATUS REPORT AND PEER REVIEW PROCESS FOR THE PETITION TO LIST THE TOWNSEND'S BIG-EARED BAT (*Corynorhinus townsendii*) AS A THREATENED OR ENDANGERED SPECIES UNDER THE CALIFORNIA ENDANGERED SPECIES ACT (PURSUANT TO SECTION 2074.6, FISH AND GAME CODE)
22. RECEIPT OF THE DEPARTMENT'S EVALUATION OF THE PETITION TO LIST THE FLAT-TAILED HORNED LIZARD (*Phrynosoma mcallii*) AS ENDANGERED UNDER THE CALIFORNIA ENDANGERED SPECIES ACT (PURSUANT TO SECTION 2073.5, FISH AND GAME CODE)
23. RECEIPT OF NATURAL SCIENCES, LLC APPLICATION TO LEASE KELP BEDS 102, 103, 107, AND 108 AT SAN CLEMENTE AND SAN NICOLAS ISLANDS, AND HARVEST PLAN TO MECHANICALLY HARVEST IN LEASED AND OPEN BEDS IN SOUTHERN CALIFORNIA
24. APPROVAL OF APPLICATION FROM MR. GEIR NILSEN TO TRANSFER HALIBUT BOTTOM TRAWL VESSEL PERMIT (BT0023) UPON THE SALE OF THE F/V SEA BIRD (FG12744)
25. PERMANENT REVOCATION OF SPORT FISHING PRIVILEGES FOR LANH THI NGUYEN TRAN, ELK GROVE
26. APPROVAL OF REQUEST FROM CHRISTINE ALLEN (EXECUTOR OF THE ESTATE OF THOMAS L. PTAK) TO EXTEND THE TIME TO TRANSFER MR. THOMAS L. PTAK'S TRANSFERABLE NEARSHORE FISHERY PERMIT AND NEARSHORE FISHERY TRAP ENDORSEMENT UNTIL DECEMBER 15, 2015

**Items 21, 22, and 24 received public testimony prior to the Commission taking action on the consent calendar.**

**Moved by J. Kellogg and seconded by J. Baylis that the Commission hereby adopts consent calendar items 17-26.**

**Ayes: J. Baylis, J. Hostler-Carmesin, J. Kellogg, R. Rogers, M. Sutton  
Motion passed.**

27. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION

**Prior to convening in executive session, received public testimony from Mark Scheer, representing Dennis Sturgell, and David Kiene, representing the Department.**

**Sonke Mastrup reported that the Commission adopted the administrative law judges' proposed decisions to revoke the sport fishing privileges of Tam Van Tran and to revoke the Dungeness crab vessel permit of Dennis Sturgell. The Commission took no other action.**

**Received public testimony.**

28. RECEIPT AND POSSIBLE APPROVAL OF KELP HARVESTING PLANS REQUIRED FOR MECHANICAL HARVEST OF KELP (PURSUANT TO SECTION 165(A)(6), TITLE 14, CCR):

(A) THE ABALONE FARM, INC

(B) THE CULTURED ABALONE FARM, LLC

**Sonke Mastrup introduced the item. Susan Ashcraft provided details about why there is a need for action prior to January and until approval, to be scheduled for February 2015. No public testimony.**

**Moved by J. Baylis and seconded by R. Rogers, the Commission authorizes The Abalone Farm, Inc., and the Cultured Abalone Farm, LLC, to continue mechanical harvest of kelp, through February 12, 2015.**

***Ayes: J. Baylis, J. Kellogg, R. Rogers, M. Sutton***

***Absent: J. Hostler-Carmesin***

***Motion passed.***

29. RECEIPT AND POSSIBLE ACTION ON DEPARTMENT REQUEST TO AMEND SANTA BARBARA MARICULTURE STATE WATER BOTTOM LEASE #M-653-02 IN SANTA BARBARA, TO CORRECT BOUNDARIES AND EXTEND LEASE PERIOD FOR ONE YEAR

**Randy Lovell made a presentation with an overview of the request. Received public testimony.**

**Moved by R. Rogers and seconded by J. Kellogg that the Commission approves the request for a one year extension of the lease period for Santa Barbara Mariculture State Water Bottom Lease M-653-02, and amends the lease boundary description to conform to the location of lease operations.**

***Ayes: J. Baylis, J. Kellogg, R. Rogers, M. Sutton***

***Absent: J. Hostler-Carmesin***

***Motion passed.***

30. RECEIPT AND POSSIBLE ACTION ON REQUEST BY COVE MUSSEL COMPANY TO SUBLEASE A PORTION OF STATE WATER BOTTOM LEASE #M-430-06 IN TOMALES BAY TO CHRISTOPHER STARBIRD

**Received summary from Sonke Mastrup, including the request to defer this item to the February business meeting due to a legal question. No public testimony.**

31. PRESENTATION AND POTENTIAL ENDORSEMENT OF THE OCEAN PROTECTION COUNCIL'S MARINE PROTECTED AREAS PARTNERSHIP PLAN

**Catherine Kuhlman indicated that the plan was adopted yesterday by the California Ocean Protection Council with an errata sheet, described the purpose and some elements of the plan, and named the partners who worked to create the plan. Received public testimony.**

**Moved by R. Rogers and seconded by J. Kellogg that the Commission endorses *The California Collaborative Approach: Marine Protected Areas Partnership Plan*, as amended with the errata sheet, and its application in supporting broad participation in managing the state's marine protected area network.**

***Ayes: J. Baylis, J. Kellogg, R. Rogers, M. Sutton***  
***Absent: J. Hostler-Carmesin***  
***Motion passed.***

32. NEW BUSINESS

- (A) DISCUSSION OF IDEAS TO CLARIFY POSSESSION LIMITS WHEN LAWFULLY PROCESSING GAME BIRDS AND GAME MAMMALS INTO FOOD (SECTION 3080, FISH AND GAME CODE)

**Sonke Mastrup provided an update on staff efforts to work with the Department and affected parties on regulations to implement SB 392 of the Fish and Game Code.**

- (B) New items

- I. **Jacque Hostler-Carmesin requested approval to travel on behalf of the Fish and Game Commission to the International Pacific Halibut Commission meeting in January. Received public testimony.**

**Moved by J. Kellogg and seconded by J. Baylis that the Commission authorizes Commissioner Hostler-Carmesin to attend the International Pacific Halibut Commission meeting.**

***Ayes: J. Baylis, J. Hostler-Carmesin, J. Kellogg, R. Rogers, M. Sutton***  
***Motion passed.***

- II. **Sonke Mastrup provided an update on staff efforts to work with the Department and affected parties to implement Section 3080 of the Fish and Game Code.**

**III. Sonke Mastrup provided an update on the legal interpretation that experimental market squid permits, described in Section 149.3 of Title 14, have expired. A request was received for a Marine Resources Committee discussion in March 2015 regarding market squid experimental permits; the Marine Resources Committee co-chairs will discuss whether to recommend adding this item for discussion for the March committee meeting.**

**33. ITEMS OF INTEREST FROM PREVIOUS MEETINGS**

**(A) POSSIBLE ACTION ON PETITIONS FOR REGULATORY CHANGE RECEIVED AT THE OCTOBER 2014 MEETING [See attached tables for actions taken on petitions.]**

**(B) POSSIBLE ACTION ON NON-REGULATORY REQUESTS RECEIVED AT THE OCTOBER 2014 MEETING [See attached tables for actions taken on requests.]**

**No public testimony.**

**Moved by R. Rogers and seconded by J. Kellogg that the Commission accepts staff recommendations for actions on regulatory and non-regulatory requests as described in the published tables.**

***Ayes: J. Baylis, J. Kellogg, R. Rogers, M. Sutton***

***Absent: J. Hostler-Carmesin***

***Motion passed.***

**34. DISCUSSION AND POSSIBLE ACTION ON FUTURE MEETING ITEMS**

**(A) NEXT MEETING – FEBRUARY 11-12, 2015, IN SACRAMENTO**

**No public testimony.**

**The Commission directed staff to move the October business and Tribal Committee meetings to Van Nuys.**

**35. DEPARTMENT INFORMATIONAL ITEMS**

**(A) DIRECTOR'S REPORT**

**Charlton Bonham reported that David Bess begins as the new chief of the Department's Law Enforcement Division on December 5.**

**(B) WILDLIFE AND FISHERIES DIVISION, AND ECOSYSTEM CONSERVATION DIVISION**

**There was no report. No public testimony.**

(C) LAW ENFORCEMENT DIVISION

**There was no report. No public testimony.**

(D) MARINE

**Craig Shuman provided updates during previous agenda items. No public testimony.**

(E) OTHER

**There was no report. No public testimony.**

36. PUBLIC FORUM

**Received public testimony. [See attached tables for a summary of all items received before or at the meeting for public forum.]**

---

**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 (COHO LISTING, SOUTH OF SAN FRANCISCO)
  - II. JAMES BUNN AND JOHN GIBBS vs. CALIFORNIA FISH AND GAME COMMISSION (SQUID PERMITS)
  - III. CENTER FOR BIOLOGICAL DIVERSITY AND EARTH ISLAND INSTITUTE vs. CALIFORNIA FISH AND GAME COMMISSION (BLACK-BACKED WOODPECKER)
- (B) POSSIBLE LITIGATION INVOLVING THE COMMISSION
- (C) STAFF PERFORMANCE AND COMPENSATION
- (D) RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS
- I. MR. TAM VAN TRAN - REVOKE SPORT FISHING PRIVILEGES
  - II. MR. DENNIS STURGELL – REVOKE DUNGENESS CRAB VESSEL PERMIT (CT0544-T1)

**2015 FISH AND GAME COMMISSION  
MEETING SCHEDULE**

[www.fgc.ca.gov](http://www.fgc.ca.gov)

MEETING DATE	COMMISSION MEETING	COMMITTEE MEETING
Jan. 14		<b>Wildlife Resources</b> Sacramento-San Joaquin Delta Conservancy 1450 Halyard Drive, Suite 6 West Sacramento, CA 95691
Feb. 11-12	Resources Building 1416 Ninth Street First Floor Auditorium Sacramento, CA 95814	
Mar. 4		<b>Marine Resources</b> Monterey County Library Marina Branch 190 Seaside Circle Marina, CA 93933
Mar. 16	<b>Special Meeting (teleconference)</b> <i>Location and Time TBD</i>	
Apr. 7		<b>Tribal Committee</b> Santa Rosa
Apr. 8-9	Santa Rosa	
Apr. 17	<b>Special Meeting (teleconference)</b> <i>Location and Time TBD</i>	
May 6		<b>Wildlife Resources</b> Department of Transportation (CalTrans) Conference Room 01.037 100 South Main Street Los Angeles, CA 90012
Jun. 9		<b>Tribal Committee</b> Mammoth Lakes
Jun. 10-11	Mammoth Lakes	
Jul. 8		<b>Marine Resources</b> North Coast
Aug. 4-5	Fortuna	

<b>MEETING DATE</b>	<b>COMMISSION MEETING</b>	<b>COMMITTEE MEETING</b>
Sep. 9		<b>Wildlife Resources</b> Central California
Oct. 6		<b>Tribal Committee</b> Van Nuys
Oct. 7-8	Van Nuys	
Nov. 4		<b>Marine Resources</b> Southern California
Dec. 9-10	San Diego	

### **OTHER MEETINGS OF INTEREST**

#### **Western Association of Fish and Wildlife Agencies**

- January 8-11, Las Vegas, NV
- July 16-22, Reno, NV

#### **Pacific Fishery Management Council**

- March 7-12, Vancouver, WA
- April 11-16, Rohnert Park, CA
- June 12-17, Spokane, WA
- September 11-16, Sacramento, CA
- November 14-19, Garden Grove, CA

**Wildlife Conservation Board** – Dates unknown at this time

#### **Pacific Flyway Council**

- March 10, Omaha, NE
- July 24, TBD

**There being no further business, the Commission meeting adjourned at 6:14 p.m.**

**CALIFORNIA FISH AND GAME COMMISSION**  
**ACTIONS TAKEN DECEMBER 3, 2014 ON REQUESTS FOR REGULATORY ACTION**  
**Revised 12-18-2014**

**FGC** - California Fish and Game Commission **DFW** - California Department of Fish and Wildlife **WRC** - Wildlife Resources Committee **MRC** - Marine Resources Committee

Date Received	Name of Petitioner	Subject of Request	Code or Title 14 Section Number	Short Description	FGC Decision	DFW/FGC Staff Response	Final Action, Other Outcomes
8/28/2014 - LTR 9/17/2014 - Oral	Mercer Lawing Kathy Lynch (California Trappers Association)	Bobcat Protection Act (AB1213)	FGC 4155	Request that regulation clarify section 4155(d) concerning definition of "any trap" and "any land".	Referred to bobcat rulemaking 12/3/2014		
8/11/2014	Guy Kilburn	Squid and salmon fishing in Bodega Bay		Request for regulation to separate squid boats from salmon boats in small areas, like Bodega Bay.	Rejected 12/3/2014; boating safety is under the authority of the U.S. Coast Guard.		
8/10/2014	Elaine Livesey-Fassel	Importation of bullfrogs		Request to ban importation of bullfrogs intended for live meat market.	Rejected 12/3/2014; previously rejected and no new information submitted.		
8/23/2014	Sam Craig	Mammal regulations		Request for changes in B zones for black-tailed deer.	Referred to mammal hunting rulemaking for 2016-17 season 12/3/2014		
9/1/2014	Dennis Haussler	Freshwater spearfishing		Request that freshwater spearfishing regulations mirror freshwater bow and arrow regulations.	Refer to sport fish rulemaking for 2016-17 season. 12/3/2014		
9/11/2014	City of Hermosa Beach	Pier Fishing		Request for changes to pier fishing regulations and schedule for MRC discussion.	Referred to MRC 12/3/2014		
9/14/2014	Thomas Bolender, Oceanside Senior Anglers	Rockfish lines and lingcod limits		Request to increase rockfish fishing depths to 60 fathoms, and to increase lingcod limit to three.	Referred to groundfish rulemaking. 12/3/2014		
9/8/2014	Bill James, representing Port San Luis Commercial Fishermen's Association	Nearshore Fishery Management Plan		Request for changes to the Deeper Nearshore Fishery Permit (DNFP) and for topic to be added to an upcoming meeting agenda.	Previously referred to DFW 12/3/2014; DNFP subject already referred to DFW on 10/8/2014 for review and recommendation.		
8/21/2014	William Heinselman	Striped bass		Request to lower the limit and require any striper to be a minimum of 18 inches.	Referred to sport fish rulemaking for 2016-17 season 12/3/2014		
9/11/2014	Holly Gallagher, Colusa County Fish and Game Advisory Commission	Clams		Request to lower clam limits in Humboldt County, which are higher than the rest of the state.	Rejected 12/3/2014; no biological rationale to support change.		

Date Received	Name of Petitioner	Subject of Request	Code or Title 14 Section Number	Short Description	FGC Decision	DFW/FGC Staff Response	Final Action, Other Outcomes
8/5/2014	Jim Lambert	Long leader line snagging		Request to limit leader lines to no more than 72 inches in length from the weight (exceeding 1/2 ounce or more) to the hook.	Referred to DFW's snagging workgroup 12/3/2014		
9/8/2014	Dennis Fox	Ammunition		Request to ban copper clad steel bullets on state forests and wildlife areas.	Rejected 12/3/2014; steel bullets are already illegal.		
9/22/2014	Kevin Miu	Canary rockfish		Request to change the rules concerning canary rockfish to permit take size and possession limits.	Rejected 12/3/2014; rockfish are under the authority of the Pacific Fishery Management Council.		
6/13/2014	Michel & Associates	Commission procedures and rules	Title 14, Chapter 5	Request two changes regarding transparency and financial disclosure requirements.	Petition accepted 12/3/2014; refer to FGC staff for evaluation and recommendation.		
10/2/2014	Joe and Joan Becker	Dogs for hunting		Request no more restrictions on the use of dogs for taking wildlife.	Rejected 12/3/2014; this subject is not currently under consideration by FGC.		
10/8/2014	Mack Demachi, Tradewind Seafood	Sea urchin dive permits		Request for a delay in a decision on the CA Sea Urchin Commission's request to decrease the number of permits from 300 to 150 to allow discussion with buyers/processors.	Petition accepted with modification 12/3/2014; refer to staff for consideration in rulemaking.		
10/1/2014	Colusa County Fish and Game Advisory Commission	Elk hunts		Request to increase elk hunting in Stonyford to control growing size of herd.	Referred to mammal hunting rulemaking for 2015-16 season 12/3/2014		

**CALIFORNIA FISH AND GAME COMMISSION**  
**ACTIONS TAKEN DECEMBER 3, 2014 ON REQUESTS FOR NON-REGULATORY ACTION**  
**Revised 12-18-2014**

**FGC** - California Fish and Game Commission **DFW** - California Department of Fish and Wildlife **WRC** - Wildlife Resources Committee **MRC** - Marine Resources Committee

Date Received	Name of Petitioner	Subject of Request	Short Description	FGC Decision	DFW/FGC Staff Response	Final Action, Other Outcomes
8/30/2014	Eric Hartman	Pier Fishing - Manhattan Beach	Request for assistance to restore pier fishing opportunities at Manhattan Beach	<b>Referred to MRC</b> on 12/3/2014 for review and recommendation.		
8/4/2014	Lee Rudin	Live Animal Food Markets	Request to place the live animal food markets on an upcoming meeting agenda	Rejected 12/3/2014; previously considered by FGC and no new information provided.		
8/4/2014	Lee Rudin	Public Forum	Request to move public forum to the first item on the agenda	Rejected 12/3/2014; priority of the business meeting is pending business and public forum info can be submitted anytime.		
8/1/2014	Charles Bucaria, Northern CA Council of International Fly Fishers	Salmon Policy	Requests 15 minutes to address FGC on salmon policy at October meeting and work together to develop anadromous fishery management plans	<b>Petition accepted</b> 12/3/2014 with modification; consider at future discussion of salmon policy.		
9/19/2014	Katie Alling	Commission Policy	Request FGC make all policy regarding species population management based on peer-reviewed science and data	Rejected 12/3/2014; Fish and Game Code already provides guidance.		
8/25/2014	Darren Gertler	Shore Fishing (king salmon)	Requests FGC assistance with a recent ban on shore fishing for king salmon in Santa Cruz Harbor	Rejected 12/3/2014; fishing in harbor not under FGC authority.		
9/23/2014	Beverly Kreuer	Urban Coyote	Request assistance with managing growing problem of aggressive urban coyotes	Rejected 12/3/2014; beyond the authority of FGC. For more information visit <a href="http://www.dfg.ca.gov/keepmewild/coyote.html">www.dfg.ca.gov/keepmewild/coyote.html</a> .		
9/15/2014	Coyote Watch	Urban Coyote	Request assistance with managing growing problem of urban coyote attacks	Rejected 12/3/2014; beyond the authority of FGC. For more information visit <a href="http://www.dfg.ca.gov/keepmewild/coyote.html">www.dfg.ca.gov/keepmewild/coyote.html</a> .		
8/5/2014	Ashlee Titus, representing National Shooting Sports Foundation	President Sutton	Request President Sutton recuse himself from drafting non-lead implementation regulations	<b>Referred to FGC legal counsel</b> 12/3/2014		

Date Received	Name of Petitioner	Subject of Request	Short Description	FGC Decision	DFW/FGC Staff Response	Final Action, Other Outcomes
8/15/2014	Robert Byington	Harbor Data Monitoring	Request to require harbor data monitoring programs to help minimize fish kills	Rejected 12/3/2014; water quality monitoring is under the authority of the state and regional water boards.		
10/3/2014	Concerned taxpayers (multiple)	Ballona Wetlands	Postcard requesting FGC to go on record opposing the Ballona Wetlands interpretive center	<b>Peition accepted</b> 12/3/2014; Petition already accepted 8/6/2014; hearing to be scheduled upon receipt of EIR and proposed regulations.		
10/8/2014	Dennis Fox	Quagga Mussels	Request that all boats and kayaks be inspected for quagga mussels prior to entrance on refuges	Rejected 12/3/2014; existing law already restricts possession of quagga mussels (Fish and Game Code Section 2301)		
10/8/2014	Dennis Fox	Commission	FGC should have nine members, instead of only five	Rejected 12/3/2014; requires change to state constitution.		

**CALIFORNIA FISH AND GAME COMMISSION**  
**RECEIPT LIST FOR REGULATORY REQUESTS: RECEIVED FOR / AT DECEMBER 3, 2014 BUSINESS MEETING**  
**Revised 12-11-2014**

**FGC** - California Fish and Game Commission **DFW** - California Department of Fish and Wildlife **WRC** - Wildlife Resources Committee **MRC** - Marine Resources Committee

Date Received	Name of Petitioner	Subject of Request	Code or Title 14 Section Number	Short Description	FGC Decision	DFW/FGC Staff Response	Final Action, Other Outcomes
11/10/2014	Callie Totaro	Hedgehogs		Request to permit hedgehogs as pets.	Action scheduled 2/11/2015		
11/6/2014	Carol Reed	Gooseneck barnacles		Request to permit harvest of gooseneck barnacles (leaf barnacles).	Action scheduled 2/11/2015		
11/7/2014	Jerry Hong	Gooseneck barnacles		Request to permit harvest of gooseneck barnacles (leaf barnacles).	Action scheduled 2/11/2015		
11/3/2014	Alastair Bland	California halibut		Request to reduce daily bag limit to 1 fish, increase size limit to 26 inches, impose 2 fish possession limit, prohibit use of SCUBA in spawning areas, and season and limits for commercial boats.	Action scheduled 2/11/2015		
10/17/2014	Joseph Kleitman	ALDS		Request to reduce the difficulty with disabled hunter license delivery system and enforcement ID verification process.	Action scheduled 2/11/2015		
11/20/2014	Mary Fairbanks	Experimental market squid vessel permit		Requests change to fishery management plan and regulations to allow experimental market squid vessel permit.	Action scheduled 2/11/2015		
10/6/2014	Lucas Murgia	Mammal hunting		Requests temporary ban on deer hunting in zone D-7.	Action scheduled 2/11/2015		
11/6/2014	Steve Park	Mammal hunting		Requests changes to bear hunting regs to control growing population; increase number of tags, extend the hunting season, create a spring season, drop the tag price, increase bag/possession limit, and easier depredation take permits.	Action scheduled 2/11/2015		
10/6/2014	Jim Newton	Fillet regulations		Requests change to permit non-resident sport anglers to fillet salmon.	Action scheduled 2/11/2015		

Date Received	Name of Petitioner	Subject of Request	Code or Title 14 Section Number	Short Description	FGC Decision	DFW/FGC Staff Response	Final Action, Other Outcomes
11/4/2014	Dan Fox, Animal Pest Management Services	Trapping regulations		Requests change to permit licensed commercial animal pest control operators conducting business under pest control contract to place traps within 150 yards of a structure.	Action scheduled 2/11/2015		
11/24/2014	Eileen O'Farrell and Reid Borgwardt	Gooseneck barnacles		Request to permit harvest of gooseneck barnacles.	Action scheduled 2/11/2015		

**CALIFORNIA FISH AND GAME COMMISSION**  
**RECEIPT LIST FOR NON-REGULATORY REQUESTS: RECEIVED FOR / AT DECEMBER 3, 2014 BUSINESS MEETING**  
**Revised 12-11-2014**

**FGC** - California Fish and Game Commission **DFW** - California Department of Fish and Wildlife **WRC** - Wildlife Resources Committee **MRC** - Marine Resources Committee

Date Received	Name of Petitioner	Subject of Request	Short Description	FGC Decision	DFW/FGC Staff Response	Final Action, Other Outcomes
10/6/2014	Ronald Oshima	Pilgrim Creek Ecological Reserve (PCER)	Concered CDFW is in violation of FGC policies and procedures by not providing erosion control on the slopes of the PCER.	Action scheduled 2/11/2014		
10/3/2014	Sean Brady, Michel & Associates, representing National Rifle Association	Incompatible Activities Statement	Requests adoption and signing of the updated Incompatible Activities Statement from the Governor's office (Section 19990, Government Code)	Action scheduled 2/11/2014		
10/8/2014	Lawrence Keane, National Shooting Sports Foundation	Incompatible Activities Statement	Requests Commissioner Sutton recuse himself on implementation of nonlead mandate, and clarification about why all commissioners have yet to sign the updated Incompatible Activites Statement from the Governor's office.	Action scheduled 2/11/2014		
10/10/2014	David Dickerson, California Sportfishing League	Pier and Jetty Fishing	Requests Commission take appropriate action to prevent municipalities from enacting rules and ordinances that restrict public fishing activies on piers.	Action scheduled 2/11/2014		
11/21/2014	Supervisor Doreen Farr, County of Santa Barbara	Cachuma Lake trout stocking	Requests Commission allow the county to continue stocking trout using triploids until the courts render a decision.	Action scheduled 2/11/2014		