

STAFF SUMMARY FOR AUGUST 4-5, 2015

1. PUBLIC FORUM**Today's Item****Information** **Action**

Receipt of public comments and requests for regulatory and non-regulatory actions.

Summary of Previous/Future Actions

- **Today's receipt of requests and comments** **Aug 4-5, 2015; Fortuna**
- Direction to grant, deny, or refer requests **Oct 7-8, 2015; Los Angeles**

Background

FGC generally receives three types of correspondence: Requests for regulatory action, requests for non-regulatory action, and informational only. The Administrative Procedure Act (APA) requires action on regulatory requests to be either denied or granted and notice made of that determination (last year we used the terms "accept" or "reject"; for 2015 we are using the terminology directly from APA). At the end of public forum a motion may be made to provide direction to staff on any items for which FGC wishes to receive additional information or take immediate action. Otherwise, FGC will determine the fate of the regulatory and non-regulatory requests at the next commission meeting to allow staff time to evaluate requests.

Significant Public Comments

1. See regulatory requests in Exhibit 1
2. See non-regulatory requests in Exhibit 2

Recommendation (N/A)**Exhibits**

1. Table containing a summary of new petitions for regulation change received by Jul 23 at 5:00 p.m., the comment deadline for the meeting binder.
2. Table containing a summary of new non-regulatory requests received by Jul 23 at 5:00 p.m., the comment deadline for the meeting binder.
- 3-21. Individual, new petitions and requests that are summarized in the tables.
- 22-27. Informational-only items; staff will not take any action on these unless otherwise directed by FGC.

Motion/Direction (N/A)

CALIFORNIA FISH AND GAME COMMISSION
RECEIPT LIST FOR REGULATORY REQUESTS: UP TO 5PM ON JULY 23
Revised 7-24-2015

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

Grant (previously Accept): FGC is *willing to consider* the petition through a process
Refer: FGC *needs more information* before deciding whether to grant or deny the petition

Deny (previously Reject): FGC is *not willing to consider* the petition

 **Green cells:** Referrals to DFW for more information
 **Lavender cells:** Accepted and moved to a rulemaking

 **Blue cells:** Referrals to FGC staff or committee for more information
 **Yellow cells:** Current action items

| 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 |
|---|---|--|---------------------------------|---|------------------------------|------------------------|------------------------------|
| 6/5/2015 7/8/2015 | Michel & Associates, on behalf of the National Rifle Association of America and the California Rifle and Pistol Association | Correspondence | | Requests regulation to require all (1) FGC and (2) DFW staff conduct correspondence concerning official business via government issued email addresses. | Action scheduled 10/7-8/2015 | | |
| 6/24/2015 6/24/2015 7/1/2015 7/6/2015 7/13/2015 | Joan Jones Holz Dave Master Georganne Wakler Elisabeth Lamar Erica Stanojevic | Crab fishing nets and traps in coastal waters | | Requests ban on all crab fishing nets and traps in coastal waters. | Action scheduled 10/7-8/2015 | | |
| 6/24/2015 | Chip Warren | Commerical fishing and crabbing | | Requests ban on commerical fishing and crabbing equipment that threatens marine life. | Action scheduled 10/7-8/2015 | | |
| 6/24/2015 | Robin Wallace | Crab lines | | Requests limitation on where crab lines may be placed during whale migrations. | Action scheduled 10/7-8/2015 | | |
| 6/29/2015 | Mia O'Dell | Sugar gliders | | Leglaize possession of sugar gliders. | Action scheduled 10/7-8/2015 | | |
| 6/30/2015 | Eric Mills | Commission by-laws, public forum | | Requests the Commission adopt formal by-laws to require a unanimous vote when only three commissioenrs are present, and to add public forum to the beginning and end of each meeting day. | Action scheduled 10/7-8/2015 | | |
| 7/15/2015 | Dennis Fox | Salmon restoration, take of predators in San Joaquin River | | Requests a review of the salmon restoration program and liberalized take of salmon predators in the San Joaquin River. | Action scheduled 10/7-8/2015 | | |
| 7/12/2015 | Terr Jelcick | Shark feeding | | Requests ban on shark feeding and baiting within the Monterey Bay National Marine Sanctuary and west coast. | Action scheduled 10/7-8/2015 | | |

| 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 |
|---------------|--|---|---------------------------------|--|------------------------------|------------------------|------------------------------|
| 7/13/2015 | Trent Donohue, Wild Fish, et al. | Emergency fishing regulations | | Requests implementation of emergency fishing closures when rivers exceed 18°C. | Action scheduled 10/7-8/2015 | | |
| 7/14/2015 | Fred Darlington | Preference points | | Requests to amend the hunting preference point system to permit opportunity. | Action scheduled 10/7-8/2015 | | |
| 7/4/2015 | Jason Robinson | Rock crab permit transfer process | | Requests discussion of the rock crab permit transfer process at next Commission meeting. | Action scheduled 10/7-8/2015 | | |

CALIFORNIA FISH AND GAME COMMISSION
RECEIPT LIST FOR NON-REGULATORY REQUESTS: UP TO 5PM ON JULY 23
 Revised 7-24-2015

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

Grant (previously Accept): FGC is *willing to consider* the petition through a process **Deny (previously Reject):** FGC is *not willing to consider* the petition
Refer: FGC *needs more information* before deciding whether to grant or deny the petition

 **Green cells:** Referrals to DFW for more information
 **Lavender cells:** Accepted and moved to a rulemaking

 **Blue cells:** Referrals to FGC staff or committee for more information
 **Yellow cells:** Current action items

| Date Received | Name of Petitioner | Subject of Request | Short Description | FGC Decision | DFW/FGC Staff Response | Final Action, Other Outcomes |
|---------------|------------------------------|--|--|------------------------------|------------------------|------------------------------|
| 7/21/2015 | Dan Yoakum | HEOK experimental permit | Requests re-consideration of his experimental gear proposal. | Action scheduled 10/7-8/2015 | | |
| 7/21/2015 | Amie Akridge | LA-DWP impacts on native and migratory birds | Requests oversight of LA-DWP's management impacts on native and migratory bird habitat in and around the Chatsworth Nature Preserve. | Action scheduled 10/7-8/2015 | | |

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June 5, 2015

California Fish and Game Commission
c/o Executive Director Sonke Mastrup
P.O. Box 944209
Sacramento, CA 94244-2090

VIA ELECTRONIC MAIL: fgc@fgc.ca.gov

**Re: Petition for the Adoption of a Regulation Requiring Correspondence About
Official Fish & Game Commission Matters to Be Conducted Via
Government Issued Means**

Mr. Mastrup:

This Petition is submitted on behalf of our clients, the National Rifle Association of America ("NRA") and California Rifle and Pistol Association ("CRPA") pursuant to Government Code sections 11340.6 and 11340.7.

I. REQUESTED ACTION

The Petitioners hereby request that the California Fish and Game Commission ("FGC") propose and adopt regulations requiring Department of Fish & Wildlife ("FWD") personnel, FGC Commissioners, and the staffers, agents, employees, and others assisting them with official Commission business, to conduct all government business in a way that maximizes public transparency and discourages the exclusion of any stakeholder group from being fully informed about the regulatory process. Toward this end, the FGC should mandate that all electronic correspondence concerning official Commission matters be conducted through government issued electronic-mail (i.e., e-mail) accounts that are stored on government owned servers, cloud data networks, or other electronic data storage mechanisms.

Use of personal email accounts for transmitting communications relating to any government business should be prohibited. The use of text messaging and other technologies that don't create a record should also be prohibited or discouraged.

Alternatively, should the FGC not wish to adopt this measure as a regulation, Petitioners request that FGC nevertheless adopt it as official policy of the Commission.

II. STANDING OF PETITIONERS

Petitioner NRA is an Internal Revenue Code § 501(c)(4) nonprofit corporation, incorporated in the State of New York in 1871, with principal offices and place of business in Fairfax, Virginia. NRA has approximately five million members, including hundreds of thousands of members who reside in California.

The founders of NRA desired to create an organization dedicated to marksmanship, or, in the parlance of the time, to "promote and encourage rifle shooting on a scientific basis." NRA's bylaws, at Article II, Section 5, state that one of the purposes of NRA is "[t]o promote hunter safety, and to promote and to defend hunting as a shooting sport and as a viable and necessary method of fostering the propagation, growth, conservation, and wise use of our renewable wildlife resources."

Petitioner CRPA is a nonprofit membership organization classified under section 501(c)(4) of the Internal Revenue Code and incorporated under the laws of California, with headquarters in Fullerton, California. Founded in 1875, the CRPA works to preserve the constitutional and statutory rights of gun ownership for its members, including the right to hunt. CRPA regularly participates in Fish and Game Commission matters on behalf of its tens of thousands of California resident members.

Based on the foregoing, the petitioners have standing to make the requested regulatory changes.

III. JUSTIFICATION FOR REQUESTED ACTION

a. **The Commission Should Establish a Regulation Governing Communications of Official Matters that Promotes Government Transparency and Accountability**

The California Constitution provides that "[t]he people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and *the writings of public officials and agencies shall be open to public scrutiny.*" (Cal. Const., art. I, § 3(b)(1).)¹ Current law, however, does not specifically address the propriety of FGC Commissioners using their personal communications technologies means, such as e-mails, texts, and servers, to conduct public business.

A regulation prohibiting Commissioners and their employees and agents from conducting public business via private or secret or non-public means is necessary to optimally provide transparency, open-government access, and accountability to facilitate CPRA requests, and to promote public understanding, participation, and confidence in the FGC and in its practices and procedures in matters deserving of public review.

¹The California Public Records Act (Gov. Code, § 6250 et seq.) ("CPRA") provides that "public records" include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." (Gov. Code, § 6252(e).)

Such a regulation also furthers the principles articulated in Fish and Game Code section 107 that the FGC is legally obligated to adhere to. Relevant here are subdivisions: (b) stating "the commissioner shall conduct his or her affairs in the public's best interest;" (c) stating the "commissioner shall conduct his or her affairs in an open, objective, and impartial manner, free of undue influence, and the abuse of power and authority;" (d) stating FGC's programs "require public awareness, understanding, and support of, and participation and confidence in, the commission and its practices and procedures;" and (e) stating "the commissioner shall preserve the public's welfare and the integrity of the commission, and act to maintain the public's trust in the commission and the implementation of its regulations and policies."

With the public's increased and increasing skepticism of government officials who are using none traceable technologies and private e-mail accounts, the appearance of a conflict of interest that this creates, the distrust in government that these practices encourage, the diversity of views stakeholders the FGC should take all steps available to show by its actions and regulations that it is dedicated to being transparent beyond what current statutory law requires. This is especially critical for a body like the FGC whose actions directly and significantly impact stakeholders with a large diversity of views. Adoption of the proposed regulation is a small but significant step towards achieving just that.

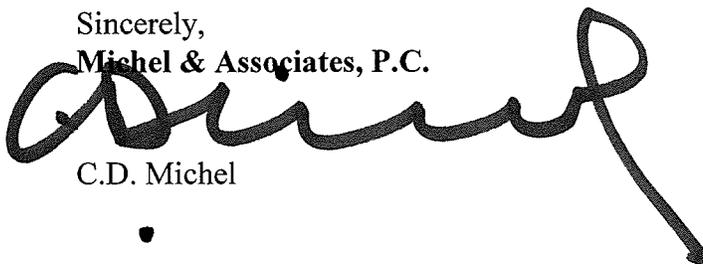
IV. THE COMMISSION HAS THE LEGAL AUTHORITY TO TAKE THE REQUESTED ACTION

Pursuant to section 108 of the California Fish and Game Code, the FGC must "adopt rules to govern the business practices and processes" of the FGC. Further, as discussed above, section 107 requires that the Commission maintain the public trust in implementing its regulations and policies. Thus, the regulation Petitioners propose is clearly within the FGC's regulatory authority.

V. CONCLUSION

For the above stated reasons, the FGC should accept this Petition and open the rulemaking process for a regulations that require electronic correspondence by Commissioners or their agents or employee about any official Commission matter to be conducted through government issued electronic-mail accounts that are hosted on government owned servers and that discourages the adoption or use of any technology or practice that serves to avoid creating a record that can be viewed by the public. Alternatively, the FGC should adopt this as an official policy, if not a regulation. Either way, this should be the standard operating procedure for the FGC.

Sincerely,
Michel & Associates, P.C.



C.D. Michel

CDM/sab

From: [REDACTED]
To: [FGC](#)
Subject: Protect Marine Mammals
Date: Wednesday, June 24, 2015 10:16:45 AM

To: Mr. Jack Baylis, President of the California Fish and Game Commission
Fr: Joan Jones Holtz
Re; Banning crab fishing nets and trips in CA waters

Dear Mr. Baylis,

Please order the California Department of Fish and Wildlife to ban all crab fishing nets and traps in CA coastal waters.

I am a frequent visitor to the waters near the Channel Islands National Park and have noticed many of the crab lines within Marine Sanctuary waters.

Our rich marine eco system along the California coast should be treasured and preserved. We cannot risk the loss of whales and other marine mammals who become entrapped in these nets.

Sincerely,

Joan Jones HOLTz

From: [Chip Warren](#)
To: [FGC](#)
Subject: Crabs and Whales
Date: Wednesday, June 24, 2015 10:32:01 AM

Dear Mr Baylis,

Thank you for your service to our state and the unwieldy task of managing some of our natural and economic resources.

I wanted to offer my voice as one who supports banning commercial fishing and crabbing equipment that unintentionally threatens the well-being of other marine life. As a former commercial fisherman, I've seen what can happen when these unintended consequences are allowed to persist, even after we've collectively become aware of them. I believe we are an innovative species that can engineer solutions that do not increase the dramatic impact we have on our environment for the sake of our wants. I love crab, but I don't want to unintentionally harm other marine life in order to meet that desire.

Thank you,

Chip Warren
Malibu, CA

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Chip Warren


From: [Robin Wallace](#)
To: [FGC](#)
Subject: CFGC / Crab Lines
Date: Wednesday, June 24, 2015 3:50:08 PM

Dear Mr. Baylis:

It has come to my attention that the use of crab lines during the humpback whale migration in the SB Channel is detrimental to the whales' survival.

Is it possible to somehow limit where the crab lines are placed? Or to reduce or prevent their use during certain times?

I am sure you have given this some thought and was wondering if there are any restrictions in place.

Thanks in advance for your attention to this.

Yours,

Robin Wallace
Camarillo, CA

From: [Dave Master](#)
To: [FGC](#)
Subject: Please Order the Dept. of Fish and Wildlife to BAN ALL CRAB FISHING NETS AND TRAPS in CA Coastal Waters
Date: Wednesday, June 24, 2015 9:25:07 PM

Hon. Jack Bayliss,

A week ago I witnessed both the positives and negatives of human intervention in the lives and deaths of the earth's most magnificent sea creatures. I was on a four-day Sierra Club naturalist excursion to the Channel Islands and witnessed personally evidence that measures taken in recent years to "save the whales" have helped to bolster the Blue Whale and Humpback whale populations worldwide, and especially in the coastal waters off Santa Barbara and Ventura. The initial measures taken have made a significant difference, yet, while this is cause to feel a little optimistic, the whale populations are still small enough that we must remain both concerned and vigilant.

Observing Blue and Humpback whales in the channel was incredibly exhilarating, to say the least, yet it was alarming at the same time to count over 80 buoys signifying placement of crab fishing nets and traps. Research has shown that such nets ensnare countless sea mammals (Blue and Humpback whales, sea lions, harbor seals, etc.) and their proliferation in the channel is endangering one of the globe's most biologically rich habitats.

It is time that we protect this incredibly diverse and important habitat from needless destruction. Please do the right thing and order the CA Dept. of Fish and Wildlife to BAN ALL CRAB FISHING NETS AND TRAPS in CA coastal waters asap.

Mr. Bayliss, you have the power to make a huge and historical difference. You can be a strong and brave voice for the voiceless whales and sea mammals that cannot vote; cannot speak at hearings; and, cannot write you letters. Please become the courageous human voice for the voiceless and defenseless sea creatures that still exist. Our grandchildren and future generations, long after you and I have passed, need to experience the exhilaration I felt this past weekend when I observed and felt the magnificence of the largest, and one of the oldest creatures ever to have graced this planet.

The whales have survived a millennia before man's careless interventions. They have been temporarily pulled back from sure extinction, but they are still endangered and represent only a small fraction of the populations that once graced the seas. We are fortunate to have off our coasts one third of the world's surviving Blue Whale population and are the home of one of the most important habitats supporting humpback whale survival. Your actions can insure they have a fighting chance to survive a millennia more. Your courageous actions on the behalf of these magnificent creatures would be a legacy of colossal and historical significance.

Please have the courage to not only make a difference, but to make history. Sincerely, Dave Master

From: [Mia O'Dell](#)
To: [FGC](#)
Subject: Sugar Gliders
Date: Monday, June 29, 2015 7:31:49 AM

Hi, my name is Mia Anna O'Dell and I am ten years old.(No, I am not playing a joke on you.) I would like to have sugar gliders legalized in California. I have lots of evidence to back up why sugar gliders would NOT harm the environment.

First, sugar gliders are VERY loyal, and will never leave your side unless you are very bad to them.

Second, if they DID run away, sugar gliders only breed once or twice a year, and their litters consist of one or two babies per litter.

Third, sugar gliders *would* have lots of food, since they eat blossoms, sap, seeds, and insects, but there are also lots of predators, which are snakes, feral cats, owls, and foxes. Also, sugar gliders only eat 11 grams per 24 hours.

Sugar Gliders would also give a lot of people that can't look after their pets a lot company because they are low-maintenance pets. Sugar gliders would be perfect pets for college students, people with full-time jobs, and the elderly. I also have a lot of friends who would LOVE a sugar glider as a pet. I'm sure that they would make a lot of people happy.

But, sugar gliders are very social, energetic animals and in the case of busy people, they won't be able to socialize with their pets much. So I would like them to be put up for adoption in groups of two, in large cages so they can jump around and play. They actually need a cage in the first few weeks, when they are bonding to their new owners. Then they can be let free in the house to romp and roam, since they are such loyal pets. They also don't need to "do their business" a lot like rabbits do(believe me, rabbits are poop factories), sugar gliders only need to do a few drops of pee and a few pieces of poo over a sink each day.

In conclusion, sugar gliders would not harm the environment and would make a lot of people happy so they should be legalized.

Thank you for taking the time to read my e-mail and please consider my proposal.

Sincerely,

Mia Anna O'Dell

From: [REDACTED]
To: [Mastrup Sonke@](mailto:Mastrup.Sonke@FGC)
Cc: FGC; [Miller-Henson Melissa@](mailto:Miller-Henson.Melissa@FGC); [Fonbuena Sherrie@](mailto:Fonbuena.Sherrie@FGC)
Subject: Re: Commission Bylaws
Date: Tuesday, June 30, 2015 5:41:36 PM

June 30, 2015

Dear Sonke:

So am I to understand that there are NO official bylaws for the Commission?

Specific recommendations, you ask?

Indeed. See my original inquiry. Here are two:

I'm of the opinion that, if only three of the five commissioners are present, any issue on the agenda should be required to receive a 3:0 vote for passage. A 2:1 or 2:0 margin shouldn't be allowed to decide such issues. (Case in point: the recent failure of Endangered Status for the tri-colored blackbird.)

And this: As you know, the Commission recently put Public Forum back first-thing on the agenda, where it belongs. You might consider adding a Public Forum to the tail-end of each day's meeting, too, as a "public friendly" service.

Thoughts?

Cheers,

Eric Mills, coordinator
ACTION FOR ANIMALS
Oakland

----- Original Message -----

From: "Mastrup Sonke@FGC" [REDACTED]

To: [REDACTED]

Cc: "FGC" <FGC@fgc.ca.gov>, "Miller-Henson Melissa@FGC" <[REDACTED]>, "Fonbuena Sherrie@FGC" <[REDACTED]>

Sent: Tue, 30 Jun 2015 15:12:15 +0000

Subject: Commission Bylaws

Hi Eric,

The Commission generally follows Robert's Rules of Order and strictly adheres to the Bagley-Keene Open Meeting Act. As you know, we have been working on adopting additional regulations that will govern the operations of the Commission. If you have any specific recommendations, please don't hesitate to share them with us.

From: [Georganne Walker](#)
To: [FGC](#)
Subject: Fishing nets
Date: Wednesday, July 01, 2015 8:30:01 AM

Dear Mr. Baylis,

Please ban all crab and fishing nets in the California coastal waters. We were privileged enough to enjoy the rich seascape afforded us in California during a trip we took to the Channel Islands last month. A huge part of this trip was spent watching the amazing sea life (i.e. 3 kinds of dolphins, two kinds of whales) frolicking and enjoying themselves around us. To think that these hapless creatures can lose their lives by becoming entangled in fishing nets designed for crabs and similar creatures is unthinkable and inhumane.

Thank you for your time,

Georganne Walker

From: [elisabeth.lamar](#)
To: [FGC](#)
Subject: ban all crab fishing nets and traps
Date: Monday, July 06, 2015 3:07:32 PM

Ban all crab fishing nets and traps in CA coastal waters, including the waters of the biologically rich Santa Barbara Channel to prevent the death of whales and other marine mammals.



NATIONAL SHOOTING SPORTS FOUNDATION, INC.

400 N. Capitol Street NW, Suite 490 • Washington, D.C. 20001 • Tel (202) 220-1340 x205 • Fax (202) 220-1349
Headquarters: 11 Mile Hill Road • Newtown, CT 06470-2359 • Tel (203) 426-1320 • Fax (203) 426-1087
E-mail tsantos@nssf.org • nssf.org

TREVOR SANTOS
MANAGER, GOVERNMENT
RELATIONS/STATE AFFAIRS

July 8, 2015

California Fish and Game Commission
c/o Executive Director Sonke Mastrup
P.O. Box 944209
Sacramento, CA 94244-2090

Re: Petitions for the Adoption of a Regulation Requiring Correspondence About Official Fish & Game Commission Matters to be Conducted Via Government Issued Means

Dear Mr. Mastrup:

On behalf of the National Shooting Sports Foundation, I write to you today to express our support for the petition submitted on behalf of the National Rifle Association (“NRA”) and California Rifle and Pistol Association (“CRPA”) on June 5, 2015. The petition submitted on behalf of the NRA and CRPA “request(s) that the California Fish and Game Commission (“FGC”) propose and adopt regulations requiring Department of Fish & Wildlife (“DFW”) personnel, FGC Commissioners, and staffers, agents, employees, and others assisting them with official Commission business, to conduct all government business in a way that maximizes public transparency and discourages the exclusion of any stakeholder group from being fully informed about the regulatory process.”

As the trade association for America's firearms, ammunition, hunting, and recreational shooting sports industry, the National Shooting Sports Foundation (“NSSF”) seeks to promote, protect, and preserve hunting and the shooting sports. NSSF has a membership of nearly 13,000 manufacturers, distributors, firearms retailers, shooting ranges, and sportsmen's organizations. Our manufacturer members make the firearms used by law-abiding California sportsmen, the U.S. military and law enforcement agencies throughout the state.

The view of the NSSF follows that of the NRA and CRPA in that the use of personal email, personal cell phones, or any other personal device used for sending or receiving official government communications or business should be strictly prohibited or highly discouraged. When conducting business funded by tax-payers, the ultimate goal of the FGC and FWD should be complete transparency. Like the NRA and CRPA, the NSSF would respectfully request the FGC and DFW adopt a regulation, or official policy, requiring all business communications be conducted via government issued technology and stored on government servers, cloud-based databases, etc.

In closing, the National Shooting Sports Foundation strongly supports and would respectfully request that you move forward with the petition submitted on behalf of the NRA and the CRPA, and adopt regulations, or official policy, requiring all correspondence regarding official Fish & Game Commission matters be conducted through government issued means.

Sincerely,



Trevor W. Santos
Manager of Government Relations – State Affairs
National Shooting Sports Foundation

cc: California Fish and Game Commissioners
Mr. Charlton Bonham, Director, California Department of Fish and Wildlife
Governor Edmund G. Brown, Jr.
National Shooting Sports Foundation

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION

2015 JUL 15 AM 7:39

MLS

California Fish and Wildlife Commission
1416 Ninth Street, Room 1320
Sacramento, CA 95814

Subject: San Joaquin River Restoration

Chairman Baylis, Commission Members and Staff

I would like to bring up a topic for your meeting in Fresno: it is a brief review of the salmon restoration program and the liberalization of take for salmon predators including bass for the local reach of the San Joaquin River.

The Restoration Program gave a grant to Fresno State which concluded that the program was in danger of failing from the bass predating on salmon smolts which have habitat in sand and gravel mining operations legacy ponds adjacent to the river. The University concluded that filling in the ponds was necessary. This is impractical and your relaxing of take and seasons in this reach may be in order.

I would stress in your considerations that this area is isolated from all other areas and would not impact any other streams or their populations.

I also see this as a reason that you may do some oversight of the program.

Sincerely,



Dennis Fox

[REDACTED]
Bakersfield Ca 93306

[REDACTED]

Becky Victorine, Bureau of Reclamation
San Joaquin River Restoration Program
2800 Cottage Way MP 170
Sacramento, CA 95825-1898

Subject: Bypass and Reach 2B

Dear Ms Victorine:

I do have questions as would the Bard for the necessity for a bypass a sort of 2B or not 2B as the question:

- Would not the salmon be imprinted on the main stem if from a local hatchery or redd?
- Could the local structure at Memdota, termed a weir, have an extended ladder system which would allow salmon passage but would deter predators?
- The vegetation necessary for shading has not been grown
- The weeds that infest the mains stem and tributaries have not been removed
- If any streambed is to be constructed it should best be of a C\$ Rosgen classification with allowance for the pool riffle system
- There should be some woody debris in place also to keep down the poached salmon syndrome.
- Subsidence will cause some areas to be sloughs, rather than free flowing.

I mention the use of mini fish ladders as a result of the Fresno State study that the sand and gravel mining operations have left some ponds adjacent to the upper valley reach and they are prime habitat for predators of salmon smolts. The conclusion that the ponds should be filled in is not practical for where would you get materiel to fill the ponds in and at what cost. As this upper reach is not connected with the rest of California's aquatic areas, liberal regulations regarding predator take in this isolated area would seem most efficient. As the program does not see this as being possible to bring to the Fish and Wildlife Commission for two years, the major hindrance to salmon restoration in the San Joaquin is now highlighted.

Sincerely,

Dennis Fox

[REDACTED]
Bakersfield, Ca 93306
[REDACTED]

From: [Art4Money](#)
To: [FGC](#)
Subject: Shark feeding
Date: Sunday, July 12, 2015 2:23:54 PM

How can law be enacted to eliminate shark feeding and baiting within the Monterey Bay National Marine Sanctuary and the west coast?

The ongoing feeding and baiting is increasing, for the sake of filming, documentary filming, financial gain and under the guise of "research".

These actions, by humans, are basically "training" sharks to associate food with humans. Subsequent generations of sharks will increase the interaction between sharks and humans as a direct result of current practices, much like the feeding of bears has done in our State Parks and elsewhere.

The Monterey Aquarium regularly captures sharks, such as Great Whites and displays them for public viewing.

These sharks, captured in the wild, are housed and fed regularly. Water for the tanks in which they are kept, is pumped in from the waters of the Monterey Bay. The water current patterns within the bay insure biomass particulates which includes particulates from the entire bay, in one degree or another, depending upon the severity of the current patterns as dictated by weather conditions.

A young Great White residing at the Monterey Bay Aquarium is fed a carefully regulated diet, within an unthreatened environment, all while existing within a pleasurable Monterey Bay aquatic environment.

After the Aquarium consults deem that certain animals be returned to "the wild", those sharks are returned to "the wild".

If, in fact, sharks can detect miniscule particulates in waters miles from its location, doesn't it make sense that sharks captured and kept, and fed regularly, on a diet of prime cuisine a la Monterey Bay, return to the area in seek of the pleasurable experiences while in captivity??

California F&G Laws regarding to "DO NOT FEED THE ANIMALS" should apply to ALL.

Terr Jelcick
Soquel, CA

From: [Trent Donohue](#)
To: [REDACTED]; [FGC](#)
Subject: Extreme Water Temps & Low Flows - Request for Fishery Restrictions & Closures
Date: Monday, July 13, 2015 3:36:07 PM
Attachments: [Sign-on Letter Water Temp Crisis Fishery Restrictions & Closures final.pdf](#)
[2015 Temperature and Flow Conditions of Pacific Northwest Rivers Full Report final.pdf](#)

Dear Commissioners,

Please find the enclosed sign-on letter requesting that the states of Washington, Oregon, and California immediately implement emergency measures that would close all river reaches to all fishing, both recreational and commercial, that exceed 18°C (64.4°F), until water temperatures and flows return to more normal conditions.

In the Pacific Northwest, recent weather abnormalities have caused record-breaking high temperatures and low stream flows (NOAA 2015). As a result, water temperatures within rivers, streams, and lakes have increased dramatically above seasonal averages.

A report released today by Wild Fish Conservancy (attached) indicates that current water temperatures in almost all salmon and trout bearing rivers and streams analyzed in Washington, Oregon, and California have exceeded thresholds which result in biological stress, indirect mortality, and reduced spawning success. Furthermore, lethal conditions were detected in 39 of 54 of the rivers and streams.

Please let me know if you have any questions or if you would like to discuss the request.

Thank you for help with this important matter.

Kind Regards,

Trent Donohue

--

Trent Donohue
Outreach & Development Director
Wild Fish Conservancy

[REDACTED]



Wild Fish Conservancy

N O R T H W E S T

S C I E N C E E D U C A T I O N A D V O C A C Y

July 13, 2015

Jay Inslee
WA, Governor

Jim Unsworth,
WDFW, Director

WA Fish & Game
Commission

Will Stelle,
Administrator, NOAA

Kate Brown
OR, Governor

Curt Melcher
ODFW, Director

OR Fish & Game
Commission

Jerry Brown
CA, Governor

Charlton H. Bonham
CDFW, Director

CA Fish & Game
Commission

Re: Pacific NW Water Temperature Crisis & the Need for Fishery Restrictions & Closures

Dear Governors, Directors, Commission Members, and NOAA Fisheries,

We are writing on behalf of the members of our organizations to urge the states of Washington, Oregon, and California to immediately implement emergency measures that would close all river reaches that exceed 18°C (64.4°F) to recreational and commercial fishing until water temperatures and flows return to more normal conditions.

Salmon and trout require cool water as juveniles and adults to grow, survive, and reproduce. In the Pacific Northwest, recent weather abnormalities have caused record-breaking high temperatures and low stream flows (NOAA 2015). As a result, water temperatures within rivers, streams, and lakes have increased dramatically above seasonal averages. Concerned about warming waters around the region, Wild Fish Conservancy analyzed the most recent continuous water temperature data—measured at 54 separate functional water quality monitoring stations from June 29th through July 5th, 2015—in salmon and trout bearing rivers and streams of Washington, Oregon, and California. All data was obtained from public databases made available by the U.S Geological Survey and the Washington State Department of Ecology (2015). The results indicate that current water temperatures in almost all salmon and trout bearing rivers and streams analyzed have exceeded thresholds which result in biological stress, indirect mortality, and reduced spawning success. Furthermore, lethal conditions were detected in the majority of the rivers and streams analyzed. Considering that the National Weather Service (2015) does not expect our hot and dry weather to go away any time soon, stream flows will remain low and temperatures are likely to increase throughout the coming summer months. This puts a lot of pressure on the region's threatened and endangered wild salmon and steelhead.

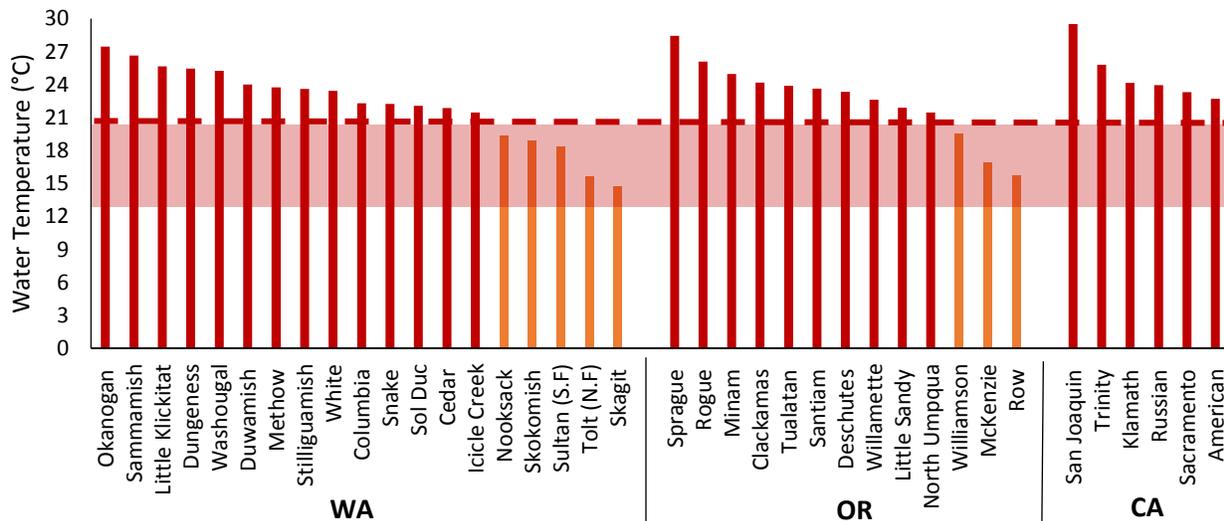


Figure 1. The 7 day average of maximum daily water temperature is shown for a selection of Pacific Northwest Rivers. The dotted red line indicates the lethal threshold (21°C) (Hicks 2000). The shaded area indicates the EPA (2003) designated temperature range for physiological impairment during spawning and incubation (13°C), juvenile rearing (16°C), and adult migration (18°C). Rivers shown in red have reached lethal temperatures; rivers in orange have reached temperatures that result in physiological impairment and potential indirect mortality.

Table 1. Percentages of the 54 salmon and trout bearing rivers and streams analyzed from WA, OR, and CA with functional water quality monitoring stations that exceeded 7-day average maximum daily water temperature criteria defined by the EPA (2003) and Hicks (2000).

| Station Location | Detrimental to Spawning/Incubation (>13°C) | Detrimental to Juvenile Rearing (>16°C) | Impeding Adult Migration (>18°C) | Lethal - (>21°C) |
|------------------|--|---|----------------------------------|------------------|
| Washington | 100% | 88% | 81% | 69% |
| Oregon | 95% | 91% | 77% | 68% |
| California | 100% | 100% | 100% | 100% |
| All Stations | 98% | 91% | 81% | 72% |

Although many freshwater rearing juveniles and resident trout populations will suffer through the hot and dry weather if left alone, there are ways that we can reduce human related pressures on wild fish to minimize the adverse impacts of high temperatures and low stream flows. However, it is the responsibility of our fisheries managers to take measures to compensate for current adverse environmental conditions. Four limiting factors to wild salmon and trout recovery have been widely recognized by scientists and resource managers alike: harvest, hatcheries, habitat, and dams (Federal Caucus 1999). In the face of our current seasonal heat crisis, pressure on wild populations must be reduced *now*. At this point in time, the only means of achieving this is through a reduction in harvest (fishing).

All commercial and recreational fishing gears are known to inflict damage to salmon and trout that are caught and released or drop out of nets; especially when water and air temperatures are high (Davis 2002). Injury and biological stress commonly result from wounding, scale loss, crushing, air exposure, confinement, and changes in pressure and light conditions (Davis 2002). Fishing encounters also cause fish to increase production of lactic acid and stress hormones that are difficult for fish to eliminate through normal metabolic processes when temperatures are high (Wilkie et al. 1996). While many fishes may appear unaffected by a fishing method, after release, they often suffer delayed mortality as a result of stress or physical damage inflicted by a gear-type or handling procedure (Donaldson et al. 2012). As water and air temperatures rise, it is essential that we refrain from putting further pressure on biologically stressed salmon and trout populations through fishing.

Most importantly, however, recreational and commercial fishing reduces the abundance of adult fish on the spawning grounds. With substantial losses of rearing juvenile salmon and resident fishes expected to occur this season from high water temperatures in our region's rivers and streams, it is crucial that we insure that the stressed wild salmon and steelhead returning to our region have the greatest opportunity of passing unimpaired to their spawning habitats. While spawning success and egg survival will likely be reduced due to flow and temperature conditions, we need to give wild fish the best chance possible to give rise to a new generation for long-term recovery.

Clearly the 2015 drought crisis will have a devastating effect to the next several generations of wild salmon and steelhead across the Northwest. To help prevent additional harm during this unprecedented drought, we, the undersigned, are asking the states of Washington, Oregon, and California to immediately implement emergency measures that would close all river reaches that exceed 18°C (64.4°F) to recreational and commercial fishing until water temperatures and flows return to more normal conditions. Furthermore, it is highly recommended that a NOAA approved coast-wide drought management plan is developed for the future protection of ESA-listed wild salmon and trout populations.

Sincerely,

Kurt Beardslee
Executive Director
Wild Fish Conservancy

Erica Stock
Executive Director
Native Fish Society

Pete Soverel
Executive Director
The Conservation Angler

Norm Ploss
International Federation of Fly Fishers
Steelhead Committee

Douglas C Schaad, PhD
Executive Director
Whitewater Creek Conservation Association

Douglas C Schaad, PhD
Co-Chair Conservation Committee
Washington Fly Fishing Club

Jonathan Stumpf
Board of Directors
Wild Steelhead Coalition

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2015 Temperature and Flow Conditions of Pacific Northwest Rivers:

A Water Quality and Quantity Crisis and the Need for Fishery Closures and the Development of a NOAA Approved Drought Management Plan for the Protection of ESA-listed Salmonids

Wild Fish Conservancy

ABSTRACT. Wild salmon and steelhead populations have evolved over thousands of years to maximize their fitness given the prevailing selection pressures of their environment. As a result, physiological processes and life-history strategies are fine-tuned to the hydrology of natal watersheds. Within the U.S Pacific Northwest, recent weather abnormalities have produced record-breaking high temperatures and drought. Stream flows have dramatically declined below monthly mean levels and freshwater temperatures have increased. Wild Fish Conservancy (WFC) analyzed the most recent water temperature data in rivers and streams of Washington, Oregon, and California to determine risks to salmon and steelhead at various life-history stages. The results indicate that current water temperatures in almost all salmon and trout bearing freshwater systems of the region have exceeded thresholds which result in physiological impairment and indirect mortality. Furthermore, lethal conditions were detected in the majority of the freshwater systems analyzed. To help prevent substantial reductions in the abundance and productivity of multiple fish generations, WFC and partners propose increased restriction or closure of 2015 recreational and commercial salmon and trout fisheries which face 7-day average daily maximum temperature conditions exceeding 18°C. In doing so, pressure on physiologically stressed and threatened stocks will be reduced to enable conservation and recovery.

INTRODUCTION

At all freshwater life-history stages, temperature and flow parameters have substantial direct and indirect effects on the survival and reproductive success of salmon and trout populations (Quinn 2005; Richter and Kolmes 2005). Utilizing decades of scientific research, the EPA (2003) developed a temperature limit criteria based upon the upper optimal physiological temperature preferences known to support the biological processes of each salmonid life-history stage. Holding all other water quality parameters constant, physiological processes of salmon and steelhead remain unimpaired when temperatures are below the thresholds defined by the EPA in 2003 (Table 1). As a result of thousands of years of evolution, incubation, juvenile rearing, smoltification, adult migration, and spawning success are more or less maximized below these temperature-limit criteria (Richter and Kolmes 2005). However, when temperature exceeds the defined thresholds, salmonids demonstrate avoidance behaviors, excessive metabolic activity, and lethargy; all signs of physiological impairment. If adverse conditions prevail, indirect mortality may result due to diminished growth, disease, predation, or fatigue (Quinn 2005). Further increases in temperature may cause protein and cellular denaturation; ultimately, this can result in death when daily maximum temperatures exceed approximately 21°C (Hicks 2000).

Beyond the embryonic life-history stage, salmonids have the capability to migrate and seek more suitable water quality conditions. Nevertheless, refuge habitats are limited and competition for these habitats may be high. Direct or indirect mortality are likely to result if refuge is not found in a timely manner (Quinn 2005).

Table 1. EPA (2003) upper optimal temperature-limit criteria for salmonid life-history stages. This criteria is based upon the upper optimal physiological temperature preferences known to support the biological processes of each life-history stage. Lethal temperatures are reached for most salmonids around 21°C (Hicks 2000).

| Life Stage | 7-DAM | Weekly Mean |
|-------------------------|--------------|--------------------|
| Spawning and Incubation | 13°C | 10°C |
| Juvenile Rearing | 16°C | 15°C |
| Adult Migration | 18°C | 16°C |

Flow, air temperature, solar radiation, and groundwater influence temperature within the freshwater environment (Quinn 2005). In the Pacific Northwest, low precipitation, record-breaking high temperatures, and increased anthropogenic water-use have resulted in low flows, high water temperatures, and reduced groundwater inputs to rivers, lakes, and streams (NOAA 2015). These adverse water quality and flow conditions may compromise the survival and recovery of ESA-listed salmon and steelhead populations across the region. If current weather conditions prevail as expected by the National Weather Service (2015), rearing salmonid juveniles and resident trout populations may experience substantial physiological impairment causing both indirect and direct mortality. Additionally, adult migration will be impeded by instream thermal or physical barriers. If upstream migration is delayed and energy is expended in holding for too long, high levels of pre-spawn mortality may occur (Gilhousen 1990). Furthermore, those that manage to spawn will experience water quality conditions which limit access to preferred habitats and reduce reproductive success and embryonic survival (Quinn 2005; Richter and Kolmes 2005).

In order to determine the water quality risks associated with record-breaking temperature and drought conditions of the Pacific Northwest, water temperatures and flow conditions were analyzed from Washington, Oregon, and California. Specifically, objectives were to evaluate existing water quality conditions relative to EPA water quality criteria for all salmonid life-history stages and project the damages that are likely to occur to rearing juveniles, resident populations, and returning adult spawners. It was hypothesized that current temperature conditions would exceed salmonid upper temperature-limit criteria defined by the EPA (2003).

METHODS

Utilizing continuous water quality data available to the public through the United States Geological Survey (USGS) and the Washington State Department of Ecology (WSDOE), the most recent river and stream water temperatures were analyzed at 54 functional water quality

monitoring stations from the states of Washington, Oregon, and California. For comparison to EPA temperature criteria for salmon and steelhead, the weekly mean water temperature and 7-day average of daily maximum water temperature (7-DAM) were calculated for the dates of June 29th through July 5th, 2015 at each functional monitoring station located in the most downstream location of each basin. The weekly mean water temperature and the 7-DAM for each basin were then compared to EPA (2003) upper temperature-limit criteria for salmonids at all life-history stages. Extended weather projections and climate data were utilized to project physiological effects on salmonids throughout 2015.

RESULTS

Comparing the 7-DAM of each functional water quality monitoring station to EPA (2003) upper temperature-limit criteria, over 98% of the basins analyzed exhibited conditions adverse to successful spawning and incubation, 91% were detrimental to juvenile growth and rearing, 81% impeded adult migration, and 72% demonstrated lethal conditions to most salmon and steelhead. Assessing the weekly mean water temperatures from each water quality station, the results were similar. Over 98% exhibited conditions adverse to successful spawning and incubation, 83% were detrimental to juvenile growth and rearing, 81% impeded adult migration, and 54% demonstrated lethal conditions to most salmon and steelhead. Nevertheless, this represents a sub-sample of the total freshwater systems in the region.

Table 2. Percentages of the 54 salmon and trout bearing rivers and streams analyzed from WA, OR, and CA with functional water quality monitoring stations that exceeded 7-day average maximum daily water temperature criteria defined by the EPA (2003) and Hicks (2000).

| Station Location | Detrimental to Spawning/Incubation (>13°C) | Detrimental to Juvenile Rearing (>16°C) | Impeding Adult Migration (>18°C) | Lethal - (>21°C) |
|-------------------------|--|---|--|----------------------------|
| Washington | 100% | 88% | 81% | 69% |
| Oregon | 95% | 91% | 77% | 68% |
| California | 100% | 100% | 100% | 100% |
| All Stations | 98% | 91% | 81% | 72% |

Table 3. Percentages of the 54 salmon and trout bearing rivers and streams analyzed from WA, OR, and CA with functional water quality monitoring stations that exceeded weekly mean water temperature criteria defined by the EPA (2003) and Hicks (2000).

| Station Location | Detrimental to Spawning/Incubation (>13°C) | Detrimental to Juvenile Rearing (>16°C) | Impeding Adult Migration (>18°C) | Lethal - (>21°C) |
|-------------------------|--|---|--|----------------------------|
| Washington | 100% | 77% | 77% | 46% |
| Oregon | 95% | 86% | 82% | 55% |
| California | 100% | 100% | 100% | 83% |
| All Stations | 98% | 83% | 81% | 54% |

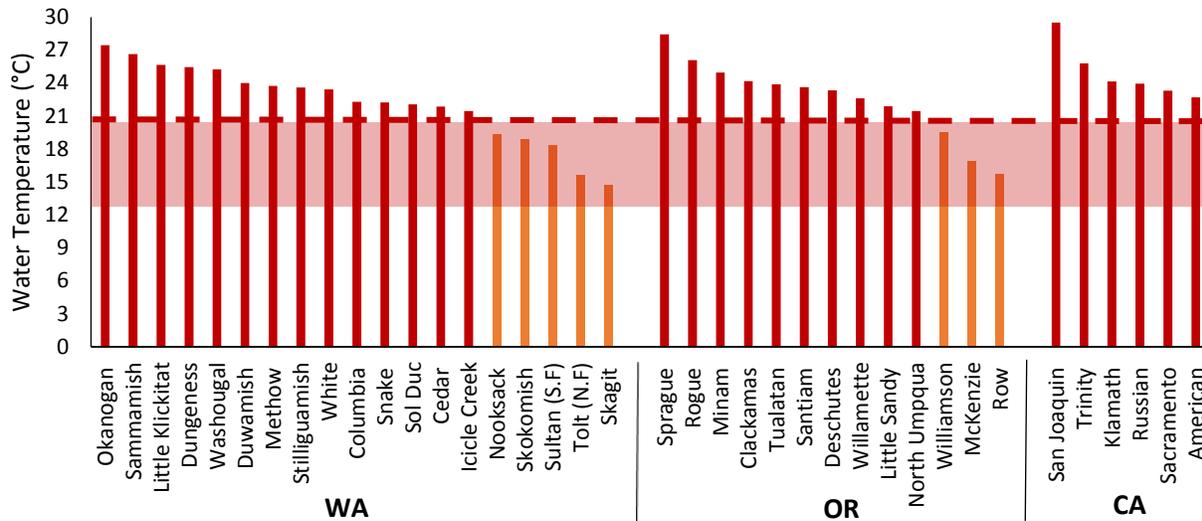


Figure 1. The 7-day average of maximum daily water temperature is shown for a selection of Pacific Northwest Rivers. The dotted red line indicates the lethal threshold (21°C) (Hicks 2000). The shaded area indicates the EPA (2003) designated temperature range for physiological impairment during spawning and incubation (13°C), juvenile rearing (16°C), and adult migration (18°C). Rivers shown in red have reached lethal temperatures; rivers in orange have reached temperatures that result in physiological impairment and potential indirect mortality.

DISCUSSION

The most recent available water temperature data for functional USGS and WSDOE water quality monitoring stations confirms our hypothesis; almost all rivers and streams of the Pacific Northwest have reached temperatures which cause physiological impairment and indirect mortality of salmonids (Richter and Kolmes 2005). Furthermore, the great majority of the basins assessed have already reached temperatures commonly regarded as lethal to most salmonids (Hicks 2000). Although this only represents a sub-sample of the total freshwater systems in the region, these results are of great concern considering that even normal climate patterns for July through September produce high temperatures and low precipitation (NOAA 2015). Likely, flows will only decrease and air temperatures will remain high resulting in even greater water temperatures throughout the summer of 2015.

Recently, anecdotal evidence has suggested that salmon populations are already showing signs of distress at various life-history stages including juvenile fish die-offs and impeded migrations of returning adult spawners. The continuous temperature data analyzed in this study supports the anecdotal evidence. With stream flows expected to fall and water temperatures further rising throughout the summer, indirect and direct mortality due to the current water quality crisis will only increase. The abundance of rearing juveniles and residents will be reduced, and reproductive success and embryonic survival will decrease. Ultimately, multiple generations of salmonids will suffer the consequences.

Considering the deteriorating status of Pacific Northwest salmonid populations and our moral obligation to future generations, fisheries managers must take measures to compensate for current environmental conditions (Lichatowich 1999; Partridge 1980). Four limiting factors to salmonid recovery have been widely recognized by scientists and resource managers alike: harvest, hatcheries, habitat, and dams (Federal Caucus 1999). In the face of our current water quality crisis, pressure on wild salmon populations must be reduced immediately. At this point in time, the only means of achieving this is through a reduction in harvest.

Commercial and recreational fishing are known to inflict serious physiological damage to salmonids that are caught and released; especially when water and air temperatures are high (Davis 2002). All gear-types inflict some level of damage to harvested fish, impairing the ways in which they carry out physical and chemical functions. These injuries result from wounding, scale loss, crushing, hydrostatic effects, anoxia, air exposure, confinement, stress, and changes in pressure and light conditions (Davis 2002). Struggling to escape when caught on hook and line or when ensnared in commercial nets also causes fish to increase production of lactic acid and stress hormones that not only can rise to lethal levels during an encounter with fishing gear, but are very difficult for fish to eliminate through normal metabolic processes when temperatures are high (Wilkie et al. 1996). While many salmonids may appear unaffected by a harvest method, released fish often suffer delayed mortality or fail to reach spawning grounds due to physical damage or secondary causes including heightened disease susceptibility and predation (Donaldson et al 2012; Davis 2002).

Although temperature criteria preventing the capture of salmonids for scientific purposes has been established by resource management agencies at 18°C, no temperature criteria has been set to protect physiologically stressed salmonid populations from commercial, recreational, and tribal harvest in the Pacific Northwest (NOAA 2000). Presently, harvest is being conducted as normal without consideration of current environmental conditions which threaten the productivity of multiple fish generations. Juvenile and resident freshwater populations are bound to be inflicted with high rates of indirect and direct mortality due to compounded effects of environmental stress and harvest. Returning adults that are concentrated in holding (due to thermal or physical instream flow barriers to migration), are more likely to be overharvested and physiologically impaired when released into conditions which exceed their biological capacities. As water and air temperatures rise, it is essential that we refrain from putting further pressure on biologically stressed salmon and trout populations through fishing.

Most importantly, however, all fishing reduces the abundance of adult fish on the spawning grounds. With substantial losses of rearing juvenile salmon and resident fishes expected to occur this season from high water temperatures and low flows in Pacific Northwest rivers and streams, it is crucial that fisheries managers insure that the stressed wild salmon and steelhead returning to the region have the greatest opportunity of passing unimpaired to their spawning habitats. While spawning success and egg survival will likely be reduced due to flow and temperature conditions, wild fish must be given the best chance possible to give rise to a new generation for long-term recovery.

Clearly the 2015 drought crisis will have a devastating effect to the next several generations of wild salmon and steelhead across the Northwest. To help prevent additional harm during this unprecedented drought, it is recommended that the states of Washington, Oregon, and California immediately implement emergency measures that would close all river reaches that exceed 18°C (64.4°F) to recreational and commercial fishing until water temperatures and flows return to more normal conditions. Furthermore, each state should develop a NOAA approved drought management plan to meet the needs of all ESA-listed fish.

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From: [Erica Stanojevic](#)
To: [FGC](#)
Date: Monday, July 13, 2015 10:40:22 PM

Please ban all crab fishing nets and traps in CA coastal waters, including the waters of the biologically rich Santa Barbara Channel, to prevent the death of whales and other marine mammals.

Blessings,
Erica Stanojevic
Santa Cruz

From: [Fred Darlington](#)
To: [FGC](#)
Subject: Preference points
Date: Tuesday, July 14, 2015 10:10:26 AM

Dear commission members,

I write this letter requesting and urging you to amend preference point policy that seems unfair at best and an injustice at worst. I put in for a special hunt this year with great expectations that my six points gave me a reasonable chance at success. Imagine my horror when I checked and found out my points had been stolen.....and by none other than the fiduciary custodian.

For years, when I had a good job and ample vacation my son and I applied for points and actually got the opportunity to hunt X zones twice. Now after waiting 6 years, 2 grandchildren, 3 jobs and medical issues later I am finally able to take the time to hunt near 200 miles from home. Unfortunately, it looks like it will be another 3 or 4 years before that is possible.

I have purchased a CA hunting license every year since 1983. To me, that should be the criteria for retaining your points. This is the first year I remember seeing the 5 yr stipulation in the big game guide.

These are trying times for us all. Many people are juggling multiple jobs and changing jobs in an effort to get ahead and dealing with life. Rewarding one's self with a special hunt after sacrificing for years to benefit family is a great feeling.

I implore you to remove this undue and illegitimate burden on hunters. (CF&W still knew I had 6pts) Purchasing a hunting license should be sufficient to at least retain the points they have.

On behalf of myself and the many other hunters I thank you for your consideration and correction of this oversight.

Sincerely,
Fred Darlington

From: [Jason Robinson](#)
To: [FGC](#)
Subject: Agenda Item Request for Rock Crab Transfer Process
Date: Saturday, July 04, 2015 4:07:25 PM

Dear Commissioners,

I would like to address the transfer process of the south coast rock crab permit. The current process allows five permits to be transferred each year, if more than five applications have been submitted the license and revenue branch conducts a manual closed door lottery. I have been participating in the process for four consecutive years and have been unsuccessful in getting the permit I have already paid for transferred. My concerns and possible solutions are as follows:

The DFW has created a process which an individual applicant may never be successful in transferring his or her permit.

The current process allows for first time applicants to be successful while applicants that have been applying for years to remain unsuccessful. This is not fair.

The uncertainty of the current process makes it logistically impossible for a business to plan for the future.

The non-transparency of the lottery creates skepticism; every applicant that I've spoken with has concerns about the legitimacy of the lottery. I have requested to be a witness and was denied.

A simple solution that would gain the support of participants and could be accomplished easily would be to transfer permits on a first come first serve basis. For example, if I were applicant number 12 I would know my permit would transfer on year three. With that knowledge I could prepare my business accordingly. Traps would be ready to go in the water, I would be able to secure my markets and have a much better chance of being successful.

A back up solution could be to give applicants that have been attempting for consecutive years more points in the lottery as is the case with the Sea Urchin lottery.

This is my formal request to make this issue an agenda item at Septembers Commission meeting. Please feel free to contact me at any time. I look forward to discussing this matter further.

Sincerely,
Jason Robinson

From: [dan_yoakum](#)
To: [FGC](#)
Subject: I Dan Yoakum Request to resubmit attached doc. for august commission meeting or as soon as possible as violation is in appellate court till jan. 2016 and further
Date: Tuesday, July 21, 2015 4:42:37 PM
Attachments: [Dan Yoakum HEOK 04082014.doc](#)

I Dan Yoakum am requesting to resubmit experimental proposal to be heard as soon as possible probably august meeting

Dan Yoakum – San Francisco Bay HEOK advisor



RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION

2015 JUL -8 AM 8:08

MCS

California Fish and Game Commission
Attn: Sonke Mastrup – Executive Director
P.O. Box 944209
Sacramento, CA 94244-2090
Phone: (916) 653-4899
Fax: (916) 653-5040
Email: sonke.mastrup@fgc.ca.gov

Tuesday, April 08, 2014

Dear Mr. Mastrup and California Fish and Game Commissioners:

As per our recent phone conversation, I am writing this proposal to renew my HEOK Experimental Seal Exclusion Net permit for the 2014-15 HEOK season as well as to include the following provisions:

1. To experimentally reduce net mesh size to 6-8 inches.
2. To experimentally utilize federal NOAA rules for seal exclusion.
3. To experimentally allow HEOK fishing in all areas of Richardson Bay without being tied to a permanent structure and/or including Belvedere Cove.

1. The History of Experimental Seal Exclusion Net:

After years of increasing seal harassment, and a failing market due to too thin egg coverage, torn-up product, and failure of spawning due to seals thrashing through the suspended kelp, I conceived the idea to suspend a net that fenced the seals out, but let the herring in. It took me two years to jump through all of the “hoops” to finally be awarded an experimental permit. When I eventually received the permit, my market for selling HEOK had collapsed. The broker had advised not to go fishing because the selling price was less than the cost of production, and San Francisco had lost significant market credibility. A few years later the fishery had problems in Canada and Alaska, resulting in some renewed market interest in S.F. HEOK.

I resubmitted for the Experimental permit, asking for it to be revised to 6 to 8 inch mesh instead of 10 inch. Unfortunately, this request was not granted and I was restricted to only the 10 inch or bigger grid size. It only took me four days to build the net after waiting four years to implement my plan.

When I looked at what I had constructed, I immediately felt the grid size was too big and hazardous to the seals, and therefore could not be deployed at that time. I could not, in good conscience, even put it in the water, thinking that it might harm seals without even excluding them from the pen. I did not need to risk killing or injuring a seal in order to request having the mesh size reduced to 6-8 inches. Standing there, looking at harbor seals, California sea lions and the net at the same time, I deemed the net too hazardous to use. All of this has taken a ridiculous

amount of time.

In order to fish HEOK with success there has to be a seal deterrent of at least one kind or multiple kinds at once. The only time the seals are not harassing the kelp pens is when the gill-netters are close by and the seals are plucking fish from the nets continuously, getting full and not expending much energy. Seal exclusion will have to be part of an FMP or there is no fishery. Experimenting now, in order to choose the proper methods, is the right thing to do.

2. NOAA has experimented for years with seal deterrents and has developed rules and methods that are somewhat, but not completely, effective. I have discussed this with them at length NOAA representatives have told me that salmon farms in Canada use a two-net system; one to contain the fish and one to exclude seals. The seal net is 6 inch mesh size, strong and held taught by railroad ties. Additionally hydrophones are used which are effective but do not disrupt the salmon. These nets are cleaned periodically by divers as growth will form on them. NOAA guidelines have been refined and proven over considerable time and experimentation.

3. Richardson Bay has been the premiere spawning area on record for decades in the San Francisco Bay. The slowed current and natural substrate in the middle of the bay, are ideal for HEOK fishing. Unfortunately, current rules keep the fishery tied to permanent structures in the marina (Liberty Ship Marina in particular). The herring come to Liberty Ship Marina occasionally, but primarily, the herring spawn in the eel grass and other seaweeds in the middle of Richardson Bay. Tied to the dock at the marina, many times we get only partial coverage, the product of which does not market well and which practice has continued to lead the fishery down a "doomed path" for many years without any change. I believe the limitation of being tied to a permanent structure needs to be superseded by an experimental permit now, in order to explore the viability of these outlying areas as I will recommend in an upcoming Fisheries Management Plan proposal.

There are over one hundred vessels currently anchored in the Richardson Bay anchorage. This historic anchorage has been in place for over a century. In order to keep the HEOK market sustainable, I need to produce quality product on a regular basis. The lack of change and evolution over the years has taken its toll on the HEOK fishery. Two more years at the soonest for an FMP to be adopted is not expedient enough to keep the infrastructure of the fishery in place.

In Conclusion: For these reasons I am requesting these experimental provisions be included, either in combination or separately to be granted for the 2014-15 San Francisco HEOK season. I look forward to hearing back from you. Thank you for your consideration in this matter.

Sincerely,

Dan Yoakum
San Francisco Bay HEOK Advisor

From: [Amie Akridge](#)
Subject: Chatsworth Nature Preserve Native and Migratory Bird water source wiped out by LA DWP - please take action
Date: Tuesday, July 21, 2015 10:04:49 AM
Attachments: [City Ordinance 1994.pdf](#)

Los Angeles DWP has caused massive devastation to wildlife in the Chatsworth Nature Preserve by not providing adequate water for the wildlife who depend on it. The Property was handed off to LA DWP to protect as a nature preserve for migratory and native birds as well as wildlife living in the preserve and traveling through nearby wildlife corridors. This was provided for by City Ordinance from the City of Los Angeles in 1994. The LA DWP has neglected this property for years and has now completely wiped out the eco-system of the only water source in the preserve, causing mass extinction to the eco-system, flora, and fauna, and native and protected migratory birds that have depended on it for decades.

The tactics DWP has used to abandon their responsibility for the nature preserve and its wildlife is despicable. Our community of Chatsworth, West Hills, and Chatsworth Lake Manor have made every reasonable attempt to encourage the LA DWP to keep it's commitment and manage the only water source in the preserve, but they have neglected it to the point that nearly all animals using it have either perished or moved on.

I ask you, beg you, to step in and provide oversight to the DWP. They clearly do not understand the environmental impact of their neglect. Mind you, the cutback in water to the year round ecology pond was a unilateral decision by the DWP and not part of the state cutbacks of 16% or even 25%. They cut back water to the Nature Preserve 100%, and are now trucking in not nearly enough gray water to sustain life in the neglected water pond that birds and animals have survived and thrived on for years. Its disgusting and cruel. The LA DWP needs oversight to manage this property and It should be re-assigned to a new entity that understands and appreciates environmental impact. The sudden extinguishment of the only watering hole for miles around in the only nature preserve in the City of Los Angeles is devastating to the wildlife that were living there up until June 2015.

I implore you to take action immediately and mitigate the damage to remaining wildlife in the area. DWP should be subject to stiff penalties for their willful neglect and abuse of the wildlife in their care. If a citizen treated an animal as neglectfully as the DWP has treated by locking them up behind a fence and not providing adequate water, we would be put in jail and charged with felony animal cruelty. DWP has wiped out a significant portion of the wildlife depending on this water

source and are solely responsible for its maintenance. As a fair and unbiased State authority to protect wildlife, I expect you to act accordingly.

See the links below to videos showing before and after impact of the DWP's neglect and mass devastation to the wildlife living in Chatsworth Nature Preserve.

<https://www.youtube.com/watch?v=AO6AouVAq9U>

<https://www.youtube.com/watch?v=wxuZHCWFS4E>

More information about the Chatsworth Nature Preserve:

https://en.wikipedia.org/wiki/Chatsworth_Nature_Preserve

Citizen and Taxpayer and DWP rate payer

Amie Akridge

Chatsworth CA

--

Amie Akridge



From: susanne_jayne
To: FGC
Subject: Fwd:
Date: Tuesday, June 09, 2015 12:48:12 PM

----- Forwarded message -----

From: **susanne jayne** <[REDACTED]>
Date: Thu, May 28, 2015 at 9:49 AM
Subject:
To: fgc@fgc.co.gov

My husband was recently deployed to Iraq. Our son is 3yrs. old and misses his father very much. Before his dad left, we agreed to try to help our son by getting him a new puppy. He loved the little puppy and named him after his father..Billy. About 3 weeks after his dad left our sons puppy "Billy" was killed by a coyote in our front yard. The coyote ran up grabbed the puppy and ran off with it in his jaws. The puppy was killed and eaten. My son is now afraid that the same thing is going to happen to his dad. My son is traumatized and cries for his puppy to come back. This is the result of the over population of these animals that attack pets, humans, and other wildlife. People have no idea how it is where we live and have to deal with the killings. My child is unsafe and we no longer have pets for him because there are too many predators. I will hold you responsible if my child is attacked.



Bird Ally X

P.O. Box 1020 Arcata CA 95518
www.birdallyx.net info@birdallyx.net
tel. 1-888-975-8188 or 707-822-8839

Mendocino County Board Of Supervisors
501 Low Gap Rd Room 1010
Ukiah California 95482

re: Contract with USDA Wildlife Services

Dear Supervisors;

By way of introduction, my name is Monte Merrick. I am one of the co-directors of Bird Ally X and our wildlife hospital in Bayside, Humboldt Wildlife Care Center. Our facility, which treats well over 1000 injured and orphaned wild animals each year, serves Northern Mendocino, Humboldt, Del Norte and Trinity counties.

We have been closely following the effort to introduce an environmentally responsible and morally acceptable alternative to Mendocino County's contract with the USDA's notorious "Killing Agency," Wildlife Services.

The history of Wildlife Services, its controversial practices, and the recent attention it has received because of its agents (county trappers, etc) is widely available – the covered-up kills of non-targeted animals (including family pets and endangered species), the irresponsible use of poisons and traps, the opacity of its programs. That its agents employ and happily promote a moral code of "shoot, shovel, and shut up" is enough, one would think, to give elected officials pause before entering into any contract with them.

The broad actions of a federal agency may seem remote from the responsibilities of county Supervisors, but the actions of Wildlife Services are at the heart of this issue. The misdeeds of federal trappers occur in real communities. When a

family pet is killed, when an endangered species is killed, when a wild family is disrupted and orphans are left to die, it happens somewhere. It happens on the ground in real time, in a real place, with real repercussions and ramifications. Mendocino is one of these places.

I am sure you have been made aware of the notorious cases of wrongdoing on the part of Wildlife Services agents – including the cases of agents who have, in some cases intentionally, killed family dogs. This happens right in Mendocino.

The Wildlife Services employee in Mendocino is known by residents as “Dead Dog” due to the number of dogs he is believed to have killed. Yet people are not willing to challenge him for fear of being targeted as well. Last year, when I was promoting the petition that I’d started to bring accountability and transparency to this agency (so far over 173,000 signatures), I spoke with many Northern Mendocino residents about “Dead Dog.” When I asked if any of them would be willing to make a public statement to their Board of Supervisors, I was told “it would never happen. He knows where we live.” Other residents have said they just try to get along with him, and avoid provocations.

Besides Dead Dog’s personal traits, we know that his contracted actions, which are the same actions as the Wildlife Services trapper in Humboldt or Sacramento or anywhere – are cruel and ineffective.

Trapping so-called nuisance wildlife doesn’t solve the problem. I am sure you have been presented with plenty of evidence that supports this. As a wildlife rehabilitator, I can tell you that trapping and killing raccoons, skunks, opossums, foxes, coyotes, bear and more (forgetting for the moment the non-targeted victims), does not eliminate the problem. Unless the cause of the problem is removed, the human behavior that has drawn wildlife into conflict, lethal solutions only provide another animal with the opportunity to exploit a niche – such as a cat food on the porch niche, or an open passageway to crawlspace niche, or unsupervised livestock niche.

Also, trapping and killing wild animals disrupts the stability of their social structures which has been shown to cause more problems with livestock predation, property loss and population balance – certainly this is true in the case of coyotes.

Trapping a mother raccoon and killing her and leaving her babies to starve to death under someone's house is immoral, inhumane and a potential public health hazard.

Additionally, trapping and killing is immoral because there are proven nonlethal solutions. Mendocino county is already partially served by Humboldt Wildlife Care Center on this score and Southern Mendocino is served by Sonoma County Wildlife Rescue. Both organizations provide nonlethal human solutions that are effective because they strike at the problem not the symptom.

Frankly the reasons to terminate the contract are obvious and easily explored. The contract is not in the interest of the community you were elected to serve. Your constituency is perhaps broader than your predecessors who entered into this contract may have understood. The ecological systems, the people who live and work within them, our wild neighbors all have a right to peaceful co-existence and transparency when, for public safety reasons, lethal options must be used.

Your responsibility to all who call our region home demands that you sever the contract with the agency that Oregon congressman Pete DeFazio has called the most "opaque and obstinate."

I trust that you will do the right thing and end this contract.

Thank you
Monte Merrick
co-director Bird Ally X

From: [George Osborn](#)
To: [FGC](#)
Cc: [Mastrup, Sonke@FGC](mailto:Mastrup_Sonke@FGC)
Subject: Good news for sustainability
Date: Saturday, June 20, 2015 6:30:06 AM

Please distribute to Commissioners:

Good news on ground fish from the Institute for Fisheries Resources:

"20:11/04. TWO MAJOR WEST COAST GROUND FISH STOCKS REBUILT: The Canary rockfish and petrale sole stocks along the west coast have reportedly been rebuilt to a sustainable level, after having nearly been overfished. The Pacific Fishery Management Council

announced 15 June that the two stocks were rebuilt ahead of schedule, having been constrained for over a decade. Rockfish were not expected to rebound to target levels until 2057, but the Council is reporting six times more canary rockfish than in 2000, when the stock was declared overfished. Petrale sole was declared overfished in 2010 and has surpassed its target rebound level as well. In addition to being restricted from catching petrale sole and canary rockfish, fishermen have been restricted from catching multiple other fish species that sole and rockfish rely on as

well, including Dover sole and black cod. Some rockfish conservation efforts have even closed sections of the ocean from fishing. Five other west coast fish stocks are currently being rebuilt. NMFS must sign off on PFMC's recommendation to declare the stocks rebuilt. If approved, new harvest specifications and regulations informed by these assessments would be put in place beginning in 2017. "

Thank you.

--

George L. Osborn

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [Mastrup, Sonke@FGC](mailto:Mastrup.Sonke@FGC)
To: [FGC](#)
Subject: FW: Tribal Blue Creek closure
Date: Thursday, June 25, 2015 3:24:43 PM

fyi

From: Nathan Voegeli [REDACTED]
Sent: Thursday, June 25, 2015 3:22 PM
To: Ingram, Steven@Wildlife; Mastrup, Sonke@FGC
Subject: Tribal Blue Creek closure

Sonke, Steve,

As I believe you are already aware, the Tribal Council has been going through the process of adopting a revised fishing ordinance for its members. This can be a lengthy process as the Council works through various issues. It has not yet adopted a revised ordinance. Recognizing the time this can take, the Council today adopted the Blue Creek closure provision by separate action. The closure that Council adopted reads:

“Fishing is prohibited from 500 feet upstream to one-half mile downstream from the upstream bedrock cliff at the mouth of Blue Creek from June 15 through November 30 to protect the thermal refugia and to protect fish returning to Blue Creek and staging at its mouth. The boundary limits and timing of closure may be altered or specified by an adjustment.”

If you have any questions, please don't hesitate to contact me.

Best,
Nathan

--

Nathan Voegeli, Senior Attorney
Yurok Tribe Office of the Tribal Attorney

[REDACTED]
[REDACTED]
[REDACTED]

From: [Rick Starr](#)
To: [Richard Starr](#); [Dean Wendt](#); [Jono Wilson](#)
Subject: OPC funded project to use MPAs in fisheries management
Date: Friday, April 17, 2015 11:37:38 AM
Attachments: [CCFRP White Paper.pdf](#)
[CCFRP Intro.pdf](#)

In 2006, Rick Starr of California Sea Grant and Moss Landing Marine Labs and Dean Wendt of Cal Poly San Luis Obispo created the California Collaborative Fisheries Research Program (see <https://seagrant.mlml.calstate.edu/research/ccfrp/>) to monitor marine protected areas and gather information useful information for fisheries management. In 2014 we completed our 8th year of MPA monitoring in Central California. We recently published a paper that describes the MPA monitoring results (see <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0118502>).

The main messages of the MPA monitoring paper were:

- The data derived from science-based collaborative fishing projects are sufficiently robust to detect significant changes in fish abundance and sizes.
- At time of implementation, most MPAs contained more and larger fishes than associated reference sites, likely due to differences in habitat quality.
- The differences between MPAs and reference sites did not greatly change for many species over the seven years of our study.
- Fishes inside the Point Lobos Reserve, which has been closed to fishing since 1973, were significantly more abundant and larger than those in associated reference sites.
- Stringent fishery regulations in California in the last decade have resulted in fishing levels outside of MPAs that were probably too low to cause a decline in density of fishes in reference sites relative to the new MPAs in central CA.
- Taken together, the data suggest that reserve benefits will be slow to accumulate in Central California.

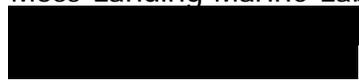
As part of a California Ocean Protection Council/California Sea Grant funded project, our analytical group, headed by Jono Wilson of the Nature Conservancy, evaluated the potential to use collaborative fisheries research data as a means to assess and manage species within the nearshore finfish complex on the coast of California. Our results, which are currently under peer review, suggest that data limited fishery models, fueled by MPA monitoring data, can be effective tools for managing fisheries.

Please take a look at the attached documents that describe our work and our recommendations for future directions. We are interested in getting your feedback on how to move California forward as a leader in developing novel, effective, approaches to using MPA monitoring for fisheries management.

Sincerely,

Rick Starr, California Sea Grant, Moss Landing Marine Labs: [REDACTED]
Dean Wendt, Cal Poly San Luis Obispo: [REDACTED]
Jono Wilson, The Nature Conservancy: [REDACTED]

Dr. Richard M. Starr
California Sea Grant Extension Program
Moss Landing Marine Labs



<http://www-csgc.ucsd.edu/>

<http://seagrant.mlml.calstate.edu/rick-starr/>

From: [REDACTED]
To: [FGC; gov@ca.gov](mailto:FGC@gov.ca.gov); [REDACTED]
Subject: OUR Fish & Game Commission NOT performing, not attending meetings.
Date: Friday, July 03, 2015 8:42:21 PM

Mr. Mastrup:

Since big media gives us nothing useful, we read other sources. Recently we found that huge decisions are being allowed to rest on the decisions of as little as 3 people in California. This seems horrifically backward. This is not 1870. I am speaking of OUR Fish & Game Commission and their recent meeting with only 3 commissioners present at which they neglected to fully consider our vanishing tricolored blackbirds and other ecosystem problems.

How are we to believe that this Commission of ours is to be viewed meaningfully or intelligently. We are well aware of the political-crony appointments instead of qualified citizens, so this message is being forwarded to our governor.

We and all aspects of our State deserve better. Please do everything you can to make it better starting with OUR Fish and Game Commission. Changing the name to something more appropriate might help too.

Janet and Gerry Fiore Holcomb