

Commissioners
Jim Kellogg, President
Discovery Bay
Michael Sutton, Vice President
Monterey
Daniel W. Richards, Member
Upland
Richard Rogers, Member
Santa Barbara
Jack Baylis, Member
Los Angeles

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

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

Fish and Game Commission



Meeting of
October 3, 2012 (Wednesday)
9:30 a.m.²

Resources Building
First Floor Auditorium¹
1416 Ninth Street
Sacramento

AGENDA³

ALL MEETINGS OPEN TO THE PUBLIC

Note: Items may be heard in any order pursuant to the determination of the Commission President

1. **PUBLIC FORUM**– Any member of the public may address the Commission regarding the implementation of its policies or any other matter within the jurisdiction of the Commission. The issue to be discussed should not be related to any item on the current agenda. As a general rule, action cannot be taken on issues not listed on the agenda. At the discretion of the Commission, staff may be requested to follow up on such items. Submittal of written comments is encouraged to ensure that all comments will be included in the record before the Commission. Please be prepared to summarize your comments to the time allocated by the President.
2. **DISCUSSION AND RECEIPT OF PUBLIC RECOMMENDATIONS ON POSSIBLE 2014 FALCONRY REGULATION CHANGES, SECTION 670, TITLE 14, CCR.**
3. **RECEIPT AND POSSIBLE ACTION ON COMMISSION BUSINESS.**
 - (A) **SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.**
 - I. **MARINE RESOURCES COMMITTEE.**
 - a. **DISCUSSION OF DRAFT POLICY ON FORAGE SPECIES.** (Possible adoption of the policy is tentatively scheduled for the November 2012 Commission meeting).
 - (B) **NEW BUSINESS/COMMISSION FOLLOW-UP AND STAFF DIRECTION.**
4. **RECEIPT OF DEPARTMENT OF FISH AND GAME DIRECTOR'S REPORT.**

¹ These facilities are accessible to persons with disabilities. To request reasonable accommodations for a disability, please contact California Relay Service at 1 (800) 735-2929 (TT) or 1 (800) 735-2922 (Voice) and ask them to contact the California Fish and Game Commission at (916) 653-4899.

² The Commission may break for lunch at approximately 12:00 noon.

³ The public is encouraged to comment on any item on the agenda. In order for the Commission to adequately consider public comments, the public is requested to submit written comments no later than ten days prior to the meeting. Written comments received fewer than ten days preceding the meeting will be submitted to the Commission at the meeting; however, materials received within two business days of a meeting outside of Sacramento will not be delivered to the meeting.

If you decide to speak at the Commission meeting, please begin by giving your name and affiliation (if any) and the number of people represented by your organization. Then tell the Commission your concerns in three minutes or less. Time allotted for each agenda item depends upon the number of speakers for each item and the length of the agenda. The Commission is interested in your views; don't worry about how to say them. If several people have spoken, try not to be repetitious. If there are several with the same concerns, please try to appoint a spokesperson. The Commission is particularly interested in the specific reasons you are for or against a proposal because the Commission's decision needs to be based on specific reasons.

If you would like to present handouts/written material to the Commission at the meeting, please provide eleven (11) copies.

5. CONSIDERATION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTIONS 163 AND 164, TITLE 14, CCR, RE: HARVEST OF HERRING AND HERRING EGGS.
6. RECEIPT OF PUBLIC RECOMMENDATIONS, DEPARTMENT UPDATE, AND POSSIBLE ACTION ON DEPARTMENT REQUEST TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 27.25 ET AL., TITLE 14, CCR, RE: 2013-2014 RECREATIONAL GROUND FISH FISHING.
 - (A) UPDATE ON PFMC 2012 INSEASON ACTION
 - (B) GROUND FISH PROPOSAL
7. CONSIDERATION AND ADOPTION OF MEETING DATES AND LOCATIONS FOR 2013.

**2013 FISH AND GAME COMMISSION
MEETING SCHEDULE**

www.fgc.ca.gov

February 6 (Wed.) February 7 (Thurs.)	Sacramento
March 6 (Wed.) March 7 (Thurs.)	Mt. Shasta Medford, OR (Joint meeting with Oregon Fish and Wildlife Commission)
April 17 (Wed.) April 18 (Thurs.)	Santa Rosa
May 22 (Wed.) May 23 (Thurs.)	San Luis Obispo
June 26 (Wed.) June 27 (Thurs.)	Truckee
August 7 (Wed.) August 8 (Thurs.)	Long Beach
September 4 (Wed.) September 5 (Thurs.)	Mariposa
October 2 (Wed.) October 3 (Thurs.)	Ventura
November 6 (Wed.) November 7 (Thurs.)	Bishop
December 11 (Wed.) December 12 (Thurs.)	San Diego

Winter WAFWA Meeting, January 3-6, Tucson, AZ
 Pacific Fishery Management Council Meeting, March 6-11, Tacoma, WA
 Pacific Fishery Management Council Meeting, April 6-11, Portland, OR
 Pacific Flyway Meeting, March/July
 Summer WAFWA Meeting, July, Omaha, NE

CONSENT ITEMS

8. POSSIBLE APPROVAL OF LEASE RATE INCREASE FOR STATE WATER BOTTOM LEASES:
 - (A) TOMALES BAY SHELLFISH FARMS, MARIN COUNTY, STATE WATER BOTTOM LEASE NO. M-430-05.
 - (B) COVE MUSSEL COMPANY, MARIN COUNTY, STATE WATER BOTTOM LEASE NO. M-430-06.
 - (C) HOG ISLAND OYSTER COMPANY, MARIN COUNTY, STATE WATER BOTTOM LEASE NO. M-430-10.
 - (D) NEUSHUL MARICULTURE, INC., SANTA BARBARA COUNTY, STATE WATER BOTTOM LEASE NO. M-654-03.
9. RECEIPT OF PETITION FROM OCEANA, THE CENTER FOR BIOLOGICAL DIVERSITY, AND SHARK STEWARDS TO LIST THE WHITE SHARK (*Carcharodon carcharias*) AS THREATENED OR ENDANGERED UNDER THE CALIFORNIA ENDANGERED SPECIES ACT.
10. RECEIPT OF PETITION FROM ENVIRONMENTAL PROTECTION INFORMATION CENTER (EPIC) TO LIST THE NORTHERN SPOTTED OWL (*Strix occidentalis caurina*) AS THREATENED OR ENDANGERED UNDER THE CALIFORNIA ENDANGERED SPECIES ACT.
11. APPROVAL OF REQUEST TO TRANSFER TITLE OF TOMALES BAY SHELLFISH FARMS, INC., STATE WATER BOTTOM LEASE M-430-05 TO MR. CHARLES FRIEND, TOMALES BAY OYSTER COMPANY, LLC.
12. APPROVAL OF REQUEST TO TRANSFER TITLE OF TOMALES BAY SHELLFISH FARMS, INC., STATE WATER BOTTOM LEASE M-614-01, PARCEL 2, MORRO BAY, TO MR. NEIL MALONEY, MORRO BAY OYSTER COMPANY, LLC.
13. APPROVAL OF REQUEST BY MR. OLEN F. STUCKEY, JR., TO REINSTATE THE SALMON VESSEL PERMIT FOR F/V *Half Moon Bay Live* (FG42889).
14. APPROVAL OF REQUEST BY MR. CHRISTOPHER CALVI TO REINSTATE THE SALMON VESSEL PERMIT FOR F/V *Magdalena Bay* (FG23574).

15. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.
16. PURSUANT TO SECTION 2074.2 OF THE FISH AND GAME CODE, CONSIDERATION OF THE DEPARTMENT'S INITIAL EVALUATION AND RECOMMENDATION, AND POSSIBLE DECISION AS TO WHETHER OR NOT LISTING THE GRAY WOLF (*Canis lupus*) AS ENDANGERED UNDER THE CALIFORNIA ENDANGERED SPECIES ACT MAY BE WARRANTED.

17. ANNOUNCEMENT OF FUTURE MEETINGS.

**2012 FISH AND GAME COMMISSION
MEETING SCHEDULE**
www.fgc.ca.gov

November 7 (Wed.) November 8 (Thurs.)	Radisson Hotel at Los Angeles Airport Laguna Room 6225 West Century Boulevard Los Angeles
December 12 (Wed.)	Hilton San Diego Mission Valley 901 Camino del Rio South San Diego

EXECUTIVE SESSION
(NOT OPEN TO PUBLIC)

PURSUANT TO THE AUTHORITY OF GOVERNMENT CODE SECTION 11126(a)(1) AND (e)(1), AND SECTION 309 OF THE FISH AND GAME CODE, THE COMMISSION WILL MEET IN CLOSED EXECUTIVE SESSION. THE PURPOSE OF THIS EXECUTIVE SESSION IS TO CONSIDER:

A. PENDING LITIGATION TO WHICH THE COMMISSION IS A PARTY.

- I. BIG CREEK LUMBER COMPANY AND CENTRAL COAST FOREST ASSOC. vs. CALIFORNIA FISH AND GAME COMMISSION RE: COHO LISTING, SOUTH OF SAN FRANCISCO.
- II. JAMES BUNN AND JOHN GIBBS vs. CALIFORNIA FISH AND GAME COMMISSION RE: SQUID PERMITS.
- III. KERN COUNTY WATER AGENCY vs. CALIFORNIA FISH AND GAME COMMISSION, DEPARTMENT OF FISH AND GAME, DEPARTMENT OF WATER RESOURCES RE: STATE WATER PROJECT AND CALIFORNIA ENDANGERED SPECIES ACT.
- IV. CENTER FOR BIOLOGICAL DIVERSITY vs. CALIFORNIA FISH AND GAME COMMISSION AND DEPARTMENT OF FISH AND GAME RE: PACIFIC FISHER.
- V. UNITED ANGLERS OF SOUTHERN CALIFORNIA; COASTSIDE FISHING CLUB; AND ROBERT C. FLETCHER vs. CALIFORNIA FISH AND GAME COMMISSION RE: SOUTH COAST STUDY REGION AND NORTH CENTRAL COAST STUDY REGION MARINE PROTECTED AREAS UNDER THE MARINE PROTECTION ACT.

B. POSSIBLE LITIGATION INVOLVING THE COMMISSION.

C. STAFF PERFORMANCE AND COMPENSATION.

D. RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS.

- I. MR. RANDY MILLER – REQUEST FOR 2011 RESTRICTED SPECIES PERMIT AMENDMENT.
 - II. MR. ANTHONY CHARLES MAKUL – PERMANENT REVOCATION OF COMMERCIAL FISHING LICENSE.
 - III. MR. MICHAEL IPPOLITI – DENIAL OF 2012 GUIDE LICENSE.
-