

State of California  
FISH AND GAME COMMISSION

MINUTES, MEETING OF APRIL 4-5, 1991

<u>ITEM</u>	<u>PAGE</u>
1. READING AND APPROVAL OF MINUTES OF MAY 17-18, 1990, MEETING.....	3
2. PUBLIC FORUM.....	3
3. REQUEST OF COLUSA COUNTY FOR EMERGENCY ACTION TO CLOSE THE SACRAMENTO RIVER FROM GRIMES LANDING TO THE PRINCETON FERRY TO NIGHT FISHING (10:00 P.M. TO 6:00 A.M.) FROM MAY 1 THROUGH JUNE 15 TO PROTECT STRIPED BASS SPAWNING.....	4
4. REQUEST OF AMERICAN RIVER STEELHEAD CONSERVATIONISTS FOR EMERGENCY ACTION TO CLOSE THE LOWER AMERICAN RIVER TO SPORT FISHING TO PROTECT STEELHEAD SPAWNING.....	7
5. REQUEST OF REX HENSLEY, SUTTER, FOR AUTHORIZATION TO MAINTAIN POSSESSION OF A COYOTE.....	9
6. REQUEST OF DAVID E. NORRIS, VALLEJO, FOR AUTHORIZATION TO MAINTAIN POSSESSION OF A MONKEY.....	10
7. ANNUAL REPORT FROM BIGHORN INSTITUTE, PALM DESERT, REGARDING 1990 MEMORANDUM OF UNDERSTANDING (MOU) AND REQUEST TO RENEW MOU FOR 1991.....	11
8. CONSIDERATION OF REAUTHORIZATION OF ELEVEN EXPERIMENTAL HALIBUT TRAWL PERMITS FOR THE ALTERNATIVE GEAR DEVELOPMENT PROGRAM.....	13
9. REQUEST OF SERGEI E. TAVASIEFF, SAN FRANCISCO, FOR AN EXPERIMENTAL GEAR PERMIT REGARDING USE OF A MULTIPLE HOOK LINE ON ROD AND REEL TO COMMERCIALY HARVEST HALIBUT INSIDE SAN FRANCISCO BAY.....	15
10. CONSIDERATION OF REAUTHORIZATION OF SIX EXPERIMENTAL GEAR PERMITS REGARDING USE OF DRIFT LONGLINES TO HARVEST SHORTFIN MAKO SHARKS AND BLUE SHARKS.....	19
11. REQUEST OF STEVEN J. VOLASKI, VENTURA, AND DONALD WOOD,	

OXNARD, TO APPEAL DENIAL OF THE RENEWAL OF THEIR  
EXPERIMENTAL GEAR PERMITS REGARDING USE OF DRIFT  
LONGLINES TO HARVEST SHORTFIN MAKO SHARKS AND  
BLUE SHARKS.....21

<u>ITEM</u>	<u>PAGE</u>
12. REQUEST OF WILLIAM B. PHILLIPS, CALIFORNIA DOMESTIC FERRET ASSOCIATION, HEALDSBURG, FOR REVIEW OF CURRENT LAWS AND REGULATIONS REGARDING PROHIBITION OF FERRETS IN CALIFORNIA.....	27
13. REQUESTS FOR WAIVERS OF 1990-91 COMMERCIAL ABALONE LANDING REQUIREMENTS: MARK TISSERAND.....	28
14. REQUEST OF JAMES C. MCCLELLAND, OXNARD, FOR REINSTATEMENT OF HIS EXPIRED COMMERCIAL ABALONE DIVING PERMIT AND A WAIVER OF THE 1989 LANDING REQUIREMENTS.....	29
15. REQUEST OF PHILLIP P. HARPER, STOCKTON, FOR REINSTATEMENT OF HIS EXPERIMENTAL GEAR PERMIT REGARDING USE OF POWER TRAWL TO HARVEST THREADFIN SHAD FOR BAIT PURPOSES.....	32
16. REQUEST OF DOUGLAS DAYKIN, SANTA CRUZ, FOR WAIVER OF LANDING REQUIREMENTS FOR HIS DRIFT GILL NET SHARK AND SWORDFISH PERMIT.....	34
17. REQUEST OF TIM FLANNERY, PACIFIC GROVE, TO APPEAL DEPARTMENT DENIAL REGARDING TRANSFER OF COMMERCIAL SALMON VESSEL PERMIT FROM HIS OLD SEVENTEEN-FOOT VESSEL TO A NEW SIXTEEN-FOOT VESSEL.....	36
18. REQUESTS OF JOE PIERINI, FORESTVILLE, AND TOM TIMMER, CRESCENT CITY, FOR REINSTATEMENT OF THEIR COMMERCIAL SALMON VESSEL PERMITS.....	37
19. REQUEST OF WARREN KEVIN SEARS, CARPINTERIA, FOR REINSTATEMENT OF HIS COMMERCIAL ABALONE AND SEA URCHIN DIVING PERMITS.....	40
20. REQUEST OF HANI ANTON NIJMEH, SANTA CLARA, FOR REINSTATEMENT OF HIS SPORT FISHING PRIVILEGES.....	43
21. REQUEST OF JESSE H. ADKINS, PETALUMA, FOR REINSTATEMENT OF HIS GUIDE LICENSE PRIVILEGES.....	44
22. FURTHER REVOCATION OF COMMERCIAL SALMON FISHING PRIVILEGES OF DAVID D. GREENBERGER, MOSS LANDING.....	45
23. SUSPENSION OF PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE OF GENERAL RICHARD D. HEARNEY, HEARNEY RANCH, MENDOCINO COUNTY.....	47

24. SUSPENSION OF COMMERCIAL LOBSTER PERMIT OF ROMOLO  
ROBERTO GHIO, SAN DIEGO.....48

<u>ITEM</u>	<u>PAGE</u>
25. CONSIDERATION OF ACCEPTANCE OF A STIPULATED COMPROMISE SETTLEMENT AGREEMENT OR THE SUSPENSION OF COMMERCIAL SALMON FISHING PRIVILEGES OF ROBERT ALEXANDER GORDON, MT. VIEW.....	49
26. SUSPENSION OF COMMERCIAL SEA URCHIN DIVING PERMITS OF DARIUSZ TED ANTOSZCZUK, FORT BRAGG, AND TERRENCE LANE HERZIK, REDONDO BEACH.....	50
27. SUSPENSION OF COMMERCIAL FISH BUSINESS LICENSE OF KURT RUSSELL KELTY, SAN FRANCISCO.....	52
28. SUSPENSION OF PRIMARY FISH RECEIVER'S LICENSE #1 AND FISH PROCESSOR'S LICENSE OF JOHN ALEXANDER CORGIAT, EL GRANADA.....	53
28A. REQUEST OF KENT SCHELLIN FOR WAIVER OF HIS COMMERCIAL SEA URCHIN LANDING REQUIREMENTS.....	54
29. LEGISLATIVE UPDATE.....	54
30. RECEIPT OF DEPARTMENT INFORMATIONAL ITEMS.....	55
31. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.....	55
32. DISCUSSION OF PROPOSALS FOR THE 1991-92 MAMMAL HUNTING AND TRAPPING REGULATIONS.....	58
33. REQUEST OF JOHN MCMULLEN, PRESIDENT, AB LAB, PORT HUENEME, TO LEASE KELP BEDS 17 AND 111, LOS ANGELES, VENTURA AND SANTA BARBARA COUNTIES.....	62
34. DEPARTMENT STATUS REPORT REGARDING MANAGEMENT PLAN FOR COLLINS LAKE (DOUGHERTY HILL) WILDLIFE AREA.....	63
35. DEPARTMENT STATUS REPORT REGARDING MANAGEMENT PLAN FOR MCGOWEN RANCH.....	64
36. ADOPTION OF SECTION 7.50(b) (115.5) AND (199.5), TITLE 14, CCR, REGARDING ANGLING CLOSURES ON HEADWATERS OF UPPER TRUCKEE RIVER AND MEISS LAKE, EL DORADO AND ALPINE COUNTIES, FOR RESTORATION OF LAHONTAN CUTTHROAT TROUT.....	65
37. AMENDMENT OF SECTION 550, TITLE 14, CCR, REGARDING ADDITION OF HALLELUJAH JUNCTION WILDLIFE AREA, LASSEN AND SIERRA COUNTIES; COLLINS LAKE WILDLIFE AREA, YUBA	

COUNTY; AND WARNER VALLEY WILDLIFE AREA, PLUMAS COUNTY....66

38. AMENDMENT OF SECTION 630, TITLE 14, CCR, REGARDING  
ADDITION OF FARALLON ISLANDS ECOLOGICAL RESERVE.....67

ITEM

PAGE

39. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF  
COMMISSION INTENT TO AMEND SECTION 27.65, TITLE 14, CCR,  
REGARDING HALIBUT FILLETS.....67

40. RECEIPT OF DEPARTMENT'S 1990 ANNUAL REPORT ON THE STATUS  
OF CALIFORNIA'S STATE LISTED THREATENED AND ENDANGERED  
PLANTS AND ANIMALS.....67

40a. REQUEST OF JAMES deROGUE, CLAYTON, FOR A RECREATIONAL  
CAPTIVE RAPTOR BREEDING PERMIT.....68

41. ANNOUNCEMENT OF FUTURE MEETINGS.....68

State of California  
FISH AND GAME COMMISSION

Minutes, Meeting of April 4-5, 1991

Pursuant to the call of the President, the Commission met in the Auditorium, Resources Building, 1416 Ninth Street, Sacramento, California, on April 4, 1991. The meeting was called to order at 10:00 a.m. by President McCracken.

Persons Present:

FISH AND GAME COMMISSION

E. M. McCracken, Jr.	President
Benjamin F. Biaggini	Vice President
Albert C. Taucher	Member

COMMISSION STAFF

Robert R. Treanor	Executive Director
Ronald J. Pelzman	Assistant Executive Director

ATTORNEY GENERAL'S OFFICE

Peter Van der Naillen	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

Pete Bontadelli	Director
Paul Jensen	Deputy Director
Spike Naylor	Deputy Director
Robert Rawstron	Chief, Inland Fisheries Div. (IFD)
Red Hunt	Chief, Wildlife Mgmt. Div. (WMD)
DeWayne Johnston	Chief, Wildlife Protection Division (WPD)
Terry Mansfield	Wildlife Management Division
Rob Collins	Marine Resources Division
Ken Mayer	Wildlife Management Division
Gene Fleming	Marine Resources Division
Almo Cordone	Inland Fisheries Division
Steve Taylor	Inland Fisheries Division
John Duffy	Marine Resources Division
T. R. Pagel	Inland Fisheries Division

The following persons were also present and heard:

Senator Don Rodgers	State Senator, District #17
Assemblyman Phillip Wyman	Assemblyman, District #34
Richard Wiggin	Wiggin's Trading Post
Mike Maier	So. Cal. Ducks & Duck Clubs
Richard May	CalTrout
Dave Studeman	CalTrout
David Kalfsbeek	Colusa Co. Fish & Game Comm.
Jack S. Parriott	Colusa Co. Fish & Game Comm.
Dennis Fusaro	Colusa County
John Beuttler	United Anglers
James A. Holland	United Anglers
J. R. Harmacek	American River Steelhead Cons.
Dan Bacher	United Anglers
Rex Hensley	Exotic Pet Owner
David Norris	Exotic Pet Owner
Ilson New	Attorney Representing Calif. Driftline Association
Zeke Grader	Pacific Coast Federation of Fishermen's Association
Sandy Winston	Halibut Trawl Permittee
Art Haseltine	Biologist
Nicholas Naccari	Santa Cruz Fish & Game Adv. Commission
Norman Burns	Monterey Bay United Anglers
Leslie Bowker	Cal Poly
Paul Turnbull	Central Calif. Council of Diving Clubs
Steven J. Volaski	Commercial Fisherman
Donald Wood	Commercial Fisherman
William B. Phillips	Calif. Domestic Ferret Association
H. David Michener	Calif. Domestic Ferret Association
Daryl Dyke	Veterinarian
Larry Barrett	Department of Health Services
Lew Davis	Dept. of Food and Agriculture
James P. McClelland	Commercial Sea Urchin Diver
James C. McClelland	Commercial Abalone Diver
Joe Pierini	Commercial Salmon Fisherman
Marguerite Dodge	Commercial Salmon Review Board
Robert Miller	For Kevin Sears
Warren Kevin Sears	Commercial Fisherman
Jesse H. Adkins	Hunting & Fishing Guide
Col. Jack Garcia	Agent of Gen. Richard D. Hearney
Terrence Lane Herzik	Commercial Sea Urchin Diver
Kent Schellin	Commercial Sea Urchin Diver

President McCracken introduced members of the Commission, its staff, Peter van der Naillen of the Attorney General's Office, Director Bontadelli, Deputy Directors Paul Jensen and Spike Naylor.

1. READING AND APPROVAL OF MINUTES OF MAY 17-18, 1990, MEETING.

Summary of Issue

Copies of the minutes of the May 17-18, 1990, meeting have been distributed to members of the Commission. Your staff knows of no errors or omissions therein and suggests that they be approved in their present form.

Action

It was then:

MOVED BY MR. BIAGGINI, SECONDED BY MR. TAUCHER, THAT INASMUCH AS THE MINUTES OF MAY 17-18, 1990, MEETING HAVE BEEN DISTRIBUTED TO MEMBERS OF THE COMMISSION AND THERE ARE NO KNOWN ERRORS OR OMISSIONS THEREIN, READING BE DISPENSED WITH AND THEY BE APPROVED AS DISTRIBUTED.

PASSED UNANIMOUSLY.

2. PUBLIC FORUM.

Summary of Issue

This item is scheduled to afford any member of the public an opportunity to address and/or ask questions of the Commission relating to the implementation of its policies or to any related matter within the jurisdiction of the Commission. That issue need not be related to any item on the current agenda.

The agenda contains a letter from Assemblyman Phillip D. Wyman requesting an appearance before the Commission to discuss the Mohave Ground Squirrel situation in southern California. Assemblyman Wyman has been informed that the Commission will consider his comments under the public forum agenda item; and when he and Senator Don Rogers arrive at 11:00 a.m. on April 4, the Commission would suspend its meeting at that time to allow him and Senator Rogers to make their presentation to the Commission.

Additionally, the agenda contains a copy of a letter from Richard and Shirley Wiggin regarding Frenchman Reservoir.

Mr. Wiggin will be present to submit a petition to the Commission in support of the Department's chemical treatment of Frenchman Reservoir to eradicate northern pike. The petition also will request that the Department restock Frenchman Reservoir with rainbow and brown trout.

## Action

Richard Wiggin submitted a petition supporting the chemical treatment of Frenchman Reservoir, Plumas County.

Mike Maier explained the regulations regarding the use of live ducks as decoys in Southern California.

Richard May and Dave Studeman recommended the Department prepare a management plan and the Commission take emergency action to close Spicer Meadows Reservoir tributaries from the last Saturday in April to June 30. IFD Chief Rawstron concurred with the development of a management plan but opposed the emergency closure.

Assemblyman Phillip Wyman explained his Resolution, ACR 35, regarding delisting the Mohave ground squirrel. Senator Don Rodgers supported ACR 35. Director Bontadelli stated that a study would be necessary before delisting could occur and that the Department didn't have any money to dedicate towards a study. He pointed out that the Department would be happy to complete such a study, if the Legislature appropriated the necessary money.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION HEREBY SUPPORTS ACR 35, REGARDING THE POSSIBLE DELISTING OF THE MOHAVE GROUND SQUIRREL.

PASSED UNANIMOUSLY.

3. REQUEST OF COLUSA COUNTY FOR EMERGENCY ACTION TO CLOSE THE SACRAMENTO RIVER FROM GRIMES LANDING TO THE PRINCETON FERRY TO NIGHT FISHING (10:00 P.M. TO 6:00 A.M.) FROM MAY 1 THROUGH JUNE 15 TO PROTECT STRIPED BASS SPAWNING.

## Summary of Issue

Jack Parriott of the Colusa County Fish and Game Commission appeared at the Commission's February 28, 1991, meeting in Redding to express Colusa County's concern with the steady decline in the striped bass population. At that time, he requested a night closure to fishing to provide an opportunity

for the striped bass to spawn in the Sacramento River unharassed. The Commission, at that time, directed its staff to schedule an agenda item to discuss this matter at its April 4, 1991, meeting in Sacramento. David G. Womble, Chairman, Colusa County Board of Supervisors, sent the following letter dated February 26, 1991, requesting Commission action on this matter:

"Our Board of Supervisors was recently informed of a very serious situation threatening our fish population and the economic livelihood so connected.

"The Colusa County Fish and Game Commission, after many discussions with fishermen, marina owners, and local and state Fish and Game personnel, believe our striped bass fishery is in deep trouble.

"There has been an apparent steady decline in its population since the late seventies. If we truly believe we are able to sustain or increase our current population of striped bass, drastic measures must be considered. It is the feeling of our county commission, local game wardens and biologists that a night closure would be the least felt by fishermen, but a great opportunity for the striped bass to spawn unharassed.

"The closure would be from May 1 - June 15, from 10:00 p.m. to 6:00 a.m., for all fishing on the Sacramento River from the Grimes Landing to the Princeton Ferry."

#### Department Recommendation

"The Colusa County Fish and Game Commission is concerned about the continued decline of striped bass. Their representative, Mr. Jack S. Parriott, testified on this issue at the February 28, 1991, Fish and Game Commission meeting. To prevent further losses, he recommended that night fishing be outlawed on the Sacramento River where striped bass commonly spawn each spring. Support came from the Colusa County Board of Supervisors. In his February 26 letter, Mr. David G. Womble, Chairman of the Board, recommended that the Sacramento River from Grimes Landing to Princeton Ferry be closed to all fishing between the hours of 10:00 p.m. and 6:00 a.m. from May 1 to June 15. The purpose is to prevent anglers from harassing stripers when the fish are spawning.

"We understand that the California Striped Bass Association (CSBA) favors the closure.

"Although the area proposed for the total night fishing closure may be the center of the striped bass spawning grounds, bass spawn elsewhere in the Sacramento-San Joaquin river system. Other sites include the Sacramento River both above and below the proposed closed area, portions of the lower San Joaquin River, and the lower Feather and American Rivers. Nevertheless, the night closure would protect an unknown number of striped bass. However, there is no evidence that present angler harvest is detrimental to the striped bass population. Under existing regulations, anglers harvest only 15% to 25% of the adult population annually, which is within safe limits for this species. We have no direct information regarding the impact of harassment on striped bass reproduction. However, indirect evidence from egg and larval surveys suggests that spawning success is high.

"The Department of Fish and Game is not convinced that most of the anglers that fish the area in question support the proposed closure, and we see no biological basis for an emergency closure. We will, however, consider the proposal later this year when angling regulation change proposals are reviewed."

#### Action

David Kalfsbeek, Jack Parriott, and Dennis Fusaro, Colusa County, requested closure of a section of the Sacramento River from Grimes Landing to Princeton Ferry to night fishing from May 1 to June 15 to protect striped bass spawning.

John Beuttler and James Holland, United Anglers, opposed the closure.

IFD Chief Rawstron explained the Department's recommendation for denial and its commitment to evaluate the proposal for the normal review of angling regulations.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT  
THE FISH AND GAME COMMISSION HEREBY APPROVES THE

REQUEST OF COLUSA COUNTY FOR AN EMERGENCY CLOSURE FROM  
MAY 1 THROUGH JUNE 15, FROM 10:00 P.M. TO 6:00 A.M.,  
TO ALL FISHING ON THE SACRAMENTO RIVER FROM GRIMES  
LANDING TO THE PRINCETON FERRY.

PASSED UNANIMOUSLY.

4. REQUEST OF AMERICAN RIVER STEELHEAD CONSERVATIONISTS FOR EMERGENCY ACTION TO CLOSE THE LOWER AMERICAN RIVER TO SPORT FISHING TO PROTECT STEELHEAD SPAWNING.

Summary of Issue

J. R. Harmacek, Secretary, American River Steelhead Conservationists, Rancho Cordova, submitted a petition dated January 26, 1991, requesting the Commission to take emergency action to close the American River to sport fishing to protect steelhead spawning. The American River Steelhead Conservationists have expressed their concerns with the decline in the lower American River's wild steelhead population for the past several years. Representatives from this organization appeared at the Commission's August 30, 1989, meeting in Sacramento to discuss this matter. The Department informed the Commission, at that time, that emergency action was not necessary. After five years of drought, steelhead runs throughout the state have declined. The declines are not due to over harvest, but to environmental conditions.

The record contains a copy of the American River Steelhead Conservationists' petition, dated January 26, 1991, which includes additional background information and letters to the Commission sent in 1989. The record also contains a letter from Bob Baiocchi, California Sportfishing Protection Alliance, supporting the American River Steelhead Conservationists' request, as well as a letter from John Beuttler, United Anglers, also supporting this request. In addition, Mr. Beuttler's letter contains copies of letters sent to Director Bontadelli and Mr. Lawrence Hancock of the Bureau of Reclamation concerning this matter.

In addition, Commission staff met with interested parties on March 18, 1991, at the Bureau of Reclamation's office in Sacramento. At the conclusion of that meeting, the Department of Fish and Game indicated that it would establish an action committee to assist in developing a long-term management plan for the American River steelhead population. It appears, at this point, that all parties were agreeable to mutually working together to restore the steelhead run on the lower American River.

Department Recommendation

"We are opposed to subject emergency angling closure on the American River. It was recommended by Mr. John Beuttler, Executive Director of United Anglers of California (letter of February 15, 1991), in support of the American River Steelhead Conservationists. Our arguments are summarized below:

1. The American River steelhead fishery is supported by hatchery-produced fish. Wild steelhead stocks are almost non-existent.
2. Summer water temperatures are too high, and the physical habitat is too limited for wild steelhead. This summer, for example, temperatures are expected to be lethal for salmonids.
3. Very few American River adult steelhead are repeat spawners, probably fewer than 10%. Anglers should be allowed to utilize steelhead that would otherwise be lost to natural causes.
4. Angler use is presently very light. However, recreational fishing opportunities, including those who fish the lower American River for warmwater game fishes, should not be denied unless a serious resource issue is involved. We don't believe it is.

"Other recommendations contained in Mr. Beuttler's letter are not of an emergency nature and should be considered during the normal period with other regulation change proposals. These include a proposal to reduce the steelhead daily bag limit from two to one and to establish a system of rotating closures for the lower American River. Also recommended is the creation of a special committee to investigate actions and policies to restore the American River's steelhead fishery."

#### Action

J. R. Harmacek and Dan Bacher recommended closure of the Lower American River to sport fishing to protect steelhead spawning. John Beuttler agreed with the Department's recommendation that the matter be handled as part of the normal sport fishing regulatory process.

It was then:

MOVED BY MR. BIAGGINI, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF AMERICAN RIVER STEELHEAD CONSERVATIONISTS FOR EMERGENCY ACTION TO CLOSE THE LOWER AMERICAN RIVER TO SPORT FISHING TO PROTECT STEELHEAD SPAWNING. FURTHER, THE COMMISSION WILL ADDRESS THE MATTER DURING ITS REGULAR REVIEW OF ANGLING REGULATIONS.

PASSED UNANIMOUSLY.

5. REQUEST OF REX HENSLEY, SUTTER, FOR AUTHORIZATION TO MAINTAIN POSSESSION OF A COYOTE.

#### Summary of Issue

Rex Hensley, Sutter, requests authorization to maintain possession of a coyote. Mr. and Mrs. Hensley provide the following information in a letter dated December 11, 1990:

"My husband, Rex Hensley, and I wish to request permission from you to keep one coyote, "Trixie". She has had all shots, has a safe and clean house and pen and exercise area.

"My husband found her when she was only a few days old. I fed her goat's milk from a bottle to start with. She is brought in the house every day, especially if the weather is bad and we can't take her into the big yard which is all fenced."

The record contains a letter from Laurabelle Lynn, and Earl and Betty Young, in support of the Hensley's maintaining possession of the coyote. The record also contains a copy of the veterinarian record for the coyote.

#### Department Recommendation

"The Department of Fish and Game recommends denial of Mr. Hensley's request for authorization to possess a coyote as a pet.

"Pursuant to Fish and Game Commission policy, permits are not issued for coyotes as pets in California. The

Department is willing, however, to assist Mr. Hensley in locating a legal home for the animal."

Action

Rex Hensley explained how he found the coyote and maintains the animal. WPD Chief Johnston stated that the Department recommended that Ms. Hensley's request be denied as it was contrary to the Commission's policy.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF REX HENSLEY, SUTTER, FOR AUTHORIZATION TO MAINTAIN POSSESSION OF A COYOTE, SUBJECT TO HAVING THE ANIMAL NEUTERED AND COMPLIANCE WITH THE CAGING REGULATIONS.

PASSED UNANIMOUSLY.

6. REQUEST OF DAVID E. NORRIS, VALLEJO, FOR AUTHORIZATION TO MAINTAIN POSSESSION OF A MONKEY.

Summary of Issue

David E. Norris, Vallejo, requests authorization to maintain possession of a monkey. Mr. Norris provides the following information in a letter dated March 1, 1991:

"Let me introduce myself to you. My name is David Norris and I am from Vallejo, California. I have a monkey. He was given to me 2-1/2 years ago. At that time, I tried to get a permit to have him, from Solano County. I was told not to worry about having the animal.

"I am not sure how Fish and Game was called on this matter; but it seems I am on the right track for getting a permit or finding a zoo that will take care of this monkey.

"For the last 2-1/2 years since I have had this monkey, he means a lot to me. He is very happy and has a large home and plenty of love and care. I take the best care of all my animals.

"I would appreciate your help in keeping this monkey; if not, finding him a good home with other monkeys. Your Fish

and Game worker has been to my home, took pictures, and told me his home is very nice.

"I would appreciate any help you could extend. Thank you for your help."

#### Department Recommendation

"The Department of Fish and Game recommends denial of Mr. Norris' request to possess a monkey for pet purposes. Mr. Norris has had the monkey in question, without benefit of a permit, for over 2-1/2 years. This should not be rewarded by issuance of a permit after the fact.

"Further, pursuant to past Fish and Game Commission rulings, it is generally known that primates do not make good pets. Among other considerations, a monkey reaches maturity at approximately three to four years of age. At that point, their temperament changes considerably; and they become very difficult to handle.

"Therefore, provided Mr. Norris can provide the Department with the following information, we would be happy to assist him in relocating the monkey to a currently permitted facility.

1. Scientific and common species name
2. Age
3. Gender
4. Has the animal been neutered? Is it otherwise intact?
5. Origin of the monkey"

#### Action

David Norris explained how he acquired the monkey two and one-half years ago. He stated that he has provided a good home to the monkey. Mr. Norris requested a permit to keep the monkey. WPD Chief Johnston stated the Department recommended denial of the monkey for pet purposes.

It was then:

MOVED BY MR. BIAGGINI, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF DAVID E. NORRIS, VALLEJO, FOR AUTHORIZATION TO MAINTAIN POSSESSION OF A MONKEY FOR ONE YEAR DURING

WHICH OTHER OPTIONS WILL BE PURSUED. FURTHER, AT THE END OF ONE YEAR THE MATTER WILL COME BACK TO THE COMMISSION FOR FURTHER ACTION.

PASSED UNANIMOUSLY.

7. ANNUAL REPORT FROM BIGHORN INSTITUTE, PALM DESERT, REGARDING 1990 MEMORANDUM OF UNDERSTANDING (MOU) AND REQUEST TO RENEW MOU FOR 1991.

#### Summary of Issue

This item was scheduled for the Commission's January 7, 1991, meeting in Palm Springs. At that time, the Commission received a request from Marvin G. Burns of De Castro, West, Chodorow & Burns, Inc., attorneys for Altamira Venture (Big Horn Ventures), who are neighbors of the Bighorn Institute, that this item be postponed until the Commission's following meeting to allow sufficient time for them to prepare and make a presentation to the Commission regarding the Memorandum of Understanding (MOU) with the Bighorn Institute. All parties agreed to postponing the matter until the Commission's January 31, 1991, meeting in Long Beach.

At the Commission's January 31, 1991, meeting, the Commission received additional written material from the law firm of De Castro, West, Chodorow & Burns, as well as the attorneys for the Bighorn Institute (Allen, Matkins, Leck, Gamble & Mallory). The Commission also received oral testimony concerning this matter at the meeting. To allow sufficient time to review that information, Commission staff and the Deputy Attorney General suggested that the Commission postpone action on this matter until the February 28, 1991, Commission meeting in Redding, and that any further written responses to the testimony presented at the January 31 meeting would need to arrive in the Commission office by 5:00 p.m. on February 11.

The Commission was provided with copies of the information submitted by both parties in response to the testimony taken at the Commission's January 31 meeting.

The record contains a copy of a letter signed jointly by Mr. J. Craig Williams, Attorney for Bighorn Institute, and Mr. Richard S. Zeilenga, Attorney for Big Horn Ventures, which requested the Commission's postponement of its action at the

February 28, 1991, meeting until the Commission's April 4 meeting in Sacramento. The record also contains a copy of the 1990 Memorandum of Understanding issued to Bighorn Institute by the Department, and a copy of a newspaper article appearing in the Press Enterprise, Riverside County.

One of the issues raised by the law firm of De Castro, West, Chodorow and Burns, Inc. is that the Department and Commission must prepare an environmental document for the issuance of the MOU to the Bighorn Institute.

#### Action

Executive Director Treanor reported that the Department had prepared a Categorical Exemption on the matter, which had been distributed to the Commission.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE CATEGORICAL EXEMPTION PREPARED BY THE DEPARTMENT IN THE MATTER OF THE 1991 MEMORANDUM OF UNDERSTANDING WITH THE BIGHORN INSTITUTE, PALM DESERT.

PASSED UNANIMOUSLY.

It was then:

MOVED BY MR. BIAGGINI, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF THE BIGHORN INSTITUTE, PALM DESERT, FOR RENEWAL OF ITS MEMORANDUM OF UNDERSTANDING FOR 1991, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

8. CONSIDERATION OF REAUTHORIZATION OF ELEVEN EXPERIMENTAL HALIBUT TRAWL PERMITS FOR THE ALTERNATIVE GEAR DEVELOPMENT PROGRAM.

#### Summary of Issue

The Commission, at its January 31, 1991, meeting, received the Department's report relating to its review and

recommendation for the Alternative Gear Development Program and for consideration of reauthorization of twelve experimental halibut trawl permits. At that time, the Department summarized their report and indicated that only eleven experimental gear permittees had requested renewal of the permits.

As the Commission may recall, it considered this matter at its February and March 1990 meetings, it considered this matter and, at that time, denied the renewal of the experimental halibut trawl permits pursuant to Section 8606 of the Fish and Game Code (the statute providing the Commission authority to issue experimental gear permits). Subsequent to that action, the Commission was sued by the commercial fishermen who had previously held the experimental halibut trawl permits. A San Francisco court found in favor of the commercial fishermen and ordered the Commission to renew the experimental halibut trawl permits pursuant to Section 8614 of the Fish and Game Code (the statutes establishing the Alternative Gear Development Program).

Therefore, in August 1990, the Commission renewed the experimental halibut trawl permits for San Francisco Bay and Monterey Bay and, in October 1990, permits for Morro Bay, pursuant to that court order. The Department has proposed legislation, which would be introduced during the current legislative year, to broaden the Commission's authority in this matter. The Commission, at its January 31, 1991, meeting, was requested to continue this matter until its February 28, 1991, meeting in Redding. The Commission granted that request.

The record contains a copy of the Department's February 25, 1991, memo updating its previous staff recommendation, as well as a copy of the Department's memo, dated January 24, 1991, summarizing its report and recommendation. The record also contains a copy of a November 26, 1990, letter from John Beuttler, United Anglers, regarding the issuance of the eleven experimental gear permits, as well as a memo from Peter Van der Naillen, Deputy Attorney General, dated November 30, 1990, to the Commission in response to Mr. Beuttler's November 26, 1990, letter; a letter from John Beuttler dated February 12, 1991; letters from Mr. Ken Kukuda; information submitted to the Department by Mr. Daniel Frumkes; a copy of the 1990 experimental gear permit; copies of Sections 8606 and 8614 of the Fish and Game Code; a March 11, 1991, letter from Senator Henry Mello; and a copy of the judge's order dated September 10, 1990.

The Commission has been previously provided, under separate

cover, a copy of the Department's report regarding the 1990 fishery; a letter from Mr. Ilson New dated March 5, 1991; a February 28, 1991, letter from Mr. Paul Turnbull, Coordinator, The Halibut Coalition; a letter from Scott Hennessy, Chairman, Ventana Chapter, Sierra Club; a letter from Dr. Gregory Silber, Scientific and Executive Director, Friends of the Sea Otter; and a letter from Zeke Grader, Executive Director, Pacific Coast Federation of Fishermen's Association. At its February 28 meeting, the Commission was again asked to postpone action on this item until its April 4 meeting. The Commission has a memo from the Department dated March 29, 1991; a letter of March 12 from Mark Holrus; March 14, 1991, letter from Commissioner Nicholas Naccari from the Santa Cruz Fish and Game Advisory Commission; and a proposal from Peter Van der Naillen, Deputy Attorney General.

### Action

Deputy Attorney General Van der Naillen explained the background of this issue and submitted a draft motion and findings outlining the approach the Commission should take if it agreed that it was obliged to comply with CEQA, notwithstanding the Court Order.

Ilson New, attorney for the permittees, urged issuance of the permits in compliance with the Court Order and Fish and Game Code Section 8614. Zeke Grader and Sandy Winston also favored issuing the permits.

The following persons recommended against issuing the permits: Art Haseltine, John Beuttler, Nicholas Naccari, and Paul Turnbull. Norman Burns and Leslie Bowker recommended restrictions on the permits.

It was then:

MOVED BY MR. BIAGGINI, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY ANNOUNCES ITS INTENTION TO REAUTHORIZE ELEVEN EXPERIMENTAL HALIBUT TRAWL PERMITS FOR OCEAN WATERS OFF CENTRAL CALIFORNIA, PURSUANT TO SAN FRANCISCO SUPERIOR COURT ORDER NO. 919628, AT ITS APRIL 25 MEETING IN SACRAMENTO, SUBJECT TO THE TERMS AND CONDITIONS TO BE RECOMMENDED BY THE DEPARTMENT.

PASSED UNANIMOUSLY.

9. REQUEST OF SERGEI E. TAVASIEFF, SAN FRANCISCO, FOR AN EXPERIMENTAL GEAR PERMIT REGARDING USE OF A MULTIPLE HOOK LINE ON ROD AND REEL TO COMMERCIALY HARVEST HALIBUT INSIDE SAN FRANCISCO BAY.

Summary of Issue

Sergei Tavasieff, San Francisco, requests authorization for an experimental gear permit to use a multiple hook line on a rod and reel to commercially harvest halibut inside San Francisco Bay. As the Commission may recall, Mr. Tavasieff had originally made his request to appear at the Commission's November 9, 1990, meeting in Newport Beach; however, Mr. Tavasieff was made aware of some opposition to his request and asked that the item be postponed until he was able to meet with the concerned organizations. It was subsequently requested that the matter be rescheduled for the Commission's April 4, 1991, meeting in Sacramento. Mr. Tavasieff submitted the following letter dated September 9, 1990:

"I would like to ask you for an experimental gear permit to commercially fish for halibut inside of the San Francisco Bay. Currently the area inside of the Bay in District 11 is restricted to the use of two hooks for all species, as is stated in the Commercial Digest issued by the Department.

"I would like to propose that I be able to use a maximum of 15 hooks in the waters bounded by the Golden Gate Bridge, San Mateo Bridge and the San Rafael Bridge.

"Fishing would be during daylight hours only and not be on the weekends.

"I believe that a viable commercial halibut fishery exists inside the bay during the months of February to November; and I would like to explore the possibility of developing grounds for the harvest of that fishery.

"Specifically, I am interested in the areas of the Presidio Shoal, the Alcatraz Shoal, the shallows between Candlestick Park and Coyote Point, the area around the Berkeley Pier, Point Knox Shoal, and the area included between Peninsula Point to Point Cavallo; and all these areas to be fished in waters not more than 100 feet in depth and in waters not

less than 10 feet in depth.

"Specifically, the gear I propose will consist of a rod and reel equipped with wire line (not to exceed 90 pound test), a lead weight (not to exceed three pounds in weight), and a leader made of 120 pound test monofilament with no more than 15 hooks with hoochies (a plastic artificial lure that resembles a squid and comes in a multitude of colors) separated approximately 9 feet apart. Hooks will be single not to exceed 8/0.

"This gear will be trolled by my 22 foot, 3 inch Boston Whaler CF#0649 ER at approximately two to three knots. The gear will be fished just above the bottom to allow the halibut to see the lures and take them voluntarily.

"This gear has proven in the past to be very selective for halibut and is in no way injurious to the bottom or to wildlife. Any non-target species that may be caught can be released unharmed since I will be holding the rod constantly and will know immediately when a fish is on the hook. There is no time that passes for a non-target species to go unattended and cause the fish undue stress since I reel up the fish and release it immediately.

"If an area proves to be threatened or otherwise harmed by my gear type, I will leave that area.

"Enclosed is a chart of the areas (map will be provided at meeting) that I feel are probably productive. Since to my knowledge there has been no halibut fishery inside the Bay in the past, I would like the option to explore other areas.

"I would like to offer my fishing time to any research that might be conducted by the Department on halibut in any of the areas that I fish. I primarily fish for halibut during the months of February to November or as availability of fish dictates. I have been doing so for more than ten years."

The record contains a copy of a letter dated October 31, 1990, from Mel Zell, Marin Rod and Gun Club, and a November 2, 1990, letter from John Beuttler, United Anglers.

Department Recommendation

The following is a copy of the Department's recommendation dated October 29, 1990:

"Existing Law (Fish and Game Code Section 9025) authorizes the use of troll lines, with not more than two hooks, in Fish and Game Districts 11, 12 and 13, which includes waters within San Francisco Bay and north into San Pablo Bay. However, troll lines with more than two hooks, such as that being requested by the applicant, may presently be used in ocean waters outside of San Francisco Bay.

"The applicant has requested the use of subject gear, in several areas of San Francisco Bay (near the Presidio, Angel Island and Treasure Island), South San Francisco Bay (south of Hunter's Point), Richardson Bay, and Belvedere Cove, based on the applicant's letter to the Commission and a navigation chart he submitted with shaded areas denoting desired fishing areas. The applicant indicates his fishing would be restricted to depths ranging from not less than 10 feet to not more than 100 feet. However, the depth restrictions proposed by the applicant and existing prohibitions regarding commercial fishing within most of Richardson Bay would preclude Richardson Bay and Belvedere Cove from his proposed fishing area.

"The applicant's proposed gear type apparently is the same type of commercial wire line troll gear used by fishermen seeking California halibut outside of San Francisco Bay (in nearshore waters on the open coasts of Marin and San Francisco counties). The wire line troll fishery has landed an average of 16,000 pounds of California halibut at San Francisco area ports during the period from 1979 through 1989 (11 years); apparently most, if not all, of that from outside of San Francisco Bay. The average annual wire line catch for 1979 through 1989 represents about 6 percent of the commercial harvest of California halibut by all gear types landed in the San Francisco area during years 1979 through 1989.

"By comparison, recreational anglers aboard commercial passenger fishing vessels (CPFVs) reported an average of about 1,530 California halibut caught each year from 1979 through 1988 in the San Francisco area, with approximately 40 to 60 percent of those fish reportedly taken inside

San Francisco and San Pablo Bays (numbers of halibut taken by private boat anglers in the Bay are unavailable at this time). If an average weight of four pounds per fish (equivalent to a 22-inch legal size California halibut) is assumed for the CPFV catch, then the average annual CPFV catch for 1979 through 1988 would equal about 6,120 pounds, or approximately 38 percent of commercial wire line catch and 2 percent of the total commercial catch of California halibut reported landed in the San Francisco area.

"The applicant's proposal does not appear to represent a resource issue, given the relatively low poundages of California halibut taken in past years by wire line gear; the fact that the proposal would limit the 15 hooks to one troll line; and given the extensive prohibitions upon gill and trammel nets used to take California halibut off the central California coast in recent years. However, we suspect that the prospect of introducing a commercial wire line troll fishery, using more than two hooks, into San Francisco Bay may raise concerns on the part of recreational fishermen for the allocation of California halibut within the Bay between recreational and commercial fishermen.

"Also, Wildlife Protection Division has expressed some concern for the potential take of striped bass, salmon and sturgeon by a commercial troll fishery. Apparently these concerns are based on the take of striped bass by experimental gear permittees formerly fishing for sharks in San Francisco Bay. Wildlife Protection may also provide additional information regarding this application at the Commission meeting.

"The Commission needs to be aware that the Department is not prepared (staffed or funded) to undertake onboard observations of the experimental gear operations. Therefore, the Department would be unable to meet the Commission policy of 25 percent observer coverage.

"However, if the Commission should decide to authorize an experimental gear permit for the use of a troll line with up to 15 hooks, terms and conditions of permit issuance should include those conditions specified by the applicant in addition to a requirement that the permittee keep accurate records of the experimental fishing operations.

These records should include the area and time of each fishing trip, the number and species of fish caught and landed, and copies of fish receipts for landed fish. Also, a minimum number of fishing trips under authority of the permit should be required each month in order that the Department has sufficient information at the end of the first year of fishing with which to evaluate the experimental fishing."

The following is the Department's updated recommendation dated March 13, 1991, regarding Mr. Tavasieff's request:

"This is a follow-up to our October 29, 1990, memo to the Fish and Game Commission regarding subject request. In a memo dated October 31, 1990, to the Chief of the Department of Fish and Game's Marine Resources Division, the Chief of the Department's Inland Fisheries Division (IFD) recommended against the granting of subject experimental gear permit to Mr. Tavasieff.

"The IFD Chief pointed out the following potential resource problems:

1. Striped bass are at low population levels, and they frequent the bay during the proposed fishing season (February-November). A Department representative should observe fishing operations in order to assess the impact to the striped bass population. In this regard, the Department is unable to fund an observer for Mr. Tavasieff's request.
2. Other nontarget species, such as sturgeon and possibly winter-run chinook salmon, could be caught. Again, an on-board Department observer should be required.

"Also, we believe that, if the gear proved effective in capturing California halibut, we could expect a good deal of additional interest in using this gear type on the part of other commercial fishermen. This in turn could increase user group concerns for allocation of California halibut within the San Francisco Bay area, and elevate the ongoing debate and concern over the status of the California halibut in the San Francisco Bay area."

Action

Executive Director Treanor summarized Mr. Tavasieff's request and reported on the opposition and the Department's recommendation for denial.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF SERGEI E. TAVASIEFF, SAN FRANCISCO, FOR AN EXPERIMENTAL GEAR PERMIT TO USE A MULTIPLE HOOK LINE ON A ROD AND REEL TO COMMERCIALLY HARVEST HALIBUT INSIDE SAN FRANCISCO BAY.

PASSED UNANIMOUSLY.

10. CONSIDERATION OF REAUTHORIZATION OF SIX EXPERIMENTAL GEAR PERMITS REGARDING USE OF DRIFT LONGLINES TO HARVEST SHORTFIN MAKO SHARKS AND BLUE SHARKS.

#### Summary of Issue

This item is scheduled for Commission consideration of reauthorization of six experimental gear permits to utilize drift longlines to harvest shortfin mako sharks and blue sharks for commercial purposes. As background, the Commission, at its March 1, 1990, meeting, reauthorized the issuance of experimental gear permits for the use of drift longline gear to take shortfin mako sharks and blue sharks off southern California. The Commission limited the number of permittees to six; limited the open season (May 1 to September 20); established time/area closures; and set restrictions on the length and construction of the gear. Also, the Commission reduced the catch quota for shortfin mako sharks from the 240,000 pounds authorized in 1989 to 175,000 pounds in 1990. Other permit conditions were that the permittees must land at least 40,000 pounds of blue shark for human consumption and tag at least 600 shortfin mako sharks.

The record contains a copy of the Department's report entitled "1990 Experimental Drift Longline Shark Fishery".

#### Department Recommendation

"The Commission first authorized the issuance of ten

experimental gear permits to use drift longlines to take shortfin mako sharks and blue sharks during 1988. The Commission reauthorized the issuance of the ten permits during 1989 but imposed a condition limiting the take of shortfin mako sharks to 240,000 pounds.

"For 1990, the Commission authorized the issuance of six experimental gear permits, further reduced the quota for shortfin mako sharks to 175,000 pounds, and also required the permittees to land at least 40,000 pounds of blue sharks for human consumption and to tag at least 600 shortfin mako sharks. Other continuing permit conditions included a restricted open season (May 1 to September 20), time/area closures, and restrictions on the length and construction of the gear.

"At the last (February 28 - March 2, 1991) Commission meeting, the Department submitted its report concerning the 1990 Experimental Drift Longline Shark Fishery. As noted in the report, the six permittees landed 172,876 pounds of shortfin mako shark and 42,818 pounds of blue shark, and tagged 601 shortfin mako sharks during the 1990 season.

"In the report, the Department also pointed out that the information collected during 1990 indicated that there were no major changes in the indices (catch-per-unit-of-effort) of relative abundance for shortfin mako sharks from previous years; the average size of shortfin mako sharks landed was nearly identical to 1989; and the age composition of the catch was also similar to previous seasons.

"However, given the low reproductive potential, slow growth and the lack of a total population estimate for the shortfin mako shark resources, a conservative management approach should be maintained. Therefore, should the Commission reauthorize a fishery for 1991, the Department recommends that the 1990 permit conditions and restrictions be continued."

### Action

Ilson New recommended issuance of seven permits, instead of six, by adding Frank Cronin, one of the original permittees.

Gene Fleming, MRD, expressed the Department's concern about increasing the take of shortfin mako sharks and recommended against adding more permittees.

It was then:

MOVED BY MR. BIAGGINI, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REAUTHORIZATION OF THE SIX EXPERIMENTAL GEAR PERMITS REGARDING USE OF DRIFT LONGLINES TO HARVEST SHORTFIN MAKO SHARKS AND BLUE SHARKS OFF SOUTHERN CALIFORNIA, SUBJECT TO THE TERMS AND CONDITIONS IMPOSED LAST YEAR, PLUS THE ADDITIONAL TERMS THAT THE SEASON AND INSHORE CLOSURE BE EXTENDED TO DECEMBER 31 OR WHEN THE QUOTA IS MET, WHICHEVER COMES FIRST, DELETING THE REQUIREMENT FOR CATCHING 40,000 POUNDS OF BLUE SHARK, AND THAT THE REQUEST OF FRANK CRONIN FOR REAUTHORIZATION OF HIS ORIGINAL PERMIT BE DENIED.

PASSED UNANIMOUSLY.

11. REQUEST OF STEVEN J. VOLASKI, VENTURA, AND DONALD WOOD, OXNARD, TO APPEAL DENIAL OF THE RENEWAL OF THEIR EXPERIMENTAL GEAR PERMITS REGARDING USE OF DRIFT LONGLINES TO HARVEST SHORTFIN MAKO SHARKS AND BLUE SHARKS.

#### Summary of Issue

The Commission, at its March 1, 1990, meeting in San Diego, authorized the Department to issue six experimental gear permits for the continued use of drift longlines to harvest shortfin mako sharks and blue sharks for commercial purposes. Subsequent to that action, the Commission office received requests from Steven Volaski, Ventura, and Donald Wood, Oxnard, for similar permits which they had held the previous year, but did not request renewal of those permits at the March 1, 1990, meeting.

As a reminder, the Commission issued ten drift longline experimental gear permits in 1989; but as indicated in the above Item number 10, the Commission reduced the quota as well as the number of permits reauthorized. The Commission, at its May 17, 1990, meeting in San Luis Obispo, heard the requests from Messrs. Volaski and Wood for reinstatement of their permits. At that time, the Commission denied those requests. Messrs.

Volaski and Wood now appeal that denial of the renewal of their experimental gear permits regarding the use of drift longlines to harvest shortfin mako sharks and blue sharks for commercial purposes.

A. Steven Volaski, Ventura

In a letter dated February 25, 1991, Steven J. Volaski provides the following information:

"This letter is to request renewal of my experimental gear permit for longline mako sharks.

"I was denied use of said permit for the 1990 season due to a lack of a letter such as this. I was assured, at that time, that I would be eligible for renewal in 1991.

"I would also like to be on the agenda for the April 4-5 meeting in Sacramento for mako permittees."

In a letter dated March 19, 1990, Steven J. Volaski requested renewal of his experimental gear permit which authorized the use of drift longlines to harvest shortfin mako sharks and blue sharks for commercial purposes. That letter reads as follows:

"In response to our recent conversation of March 15, I am writing to you outlining the process that happened while attempting to renew my experimental gear permit for mako sharks.

"During the season of 1989, I contacted Mr. Bedford who was, I believe, the head biologist for the fishery that year. We spoke regarding the permittees' retention of an attorney to fight on their behalf for the continuation of this fishery. I recall the conversation ending on the note of - if the permits were reissued, it would not be because of anything the attorney could do, and that it was not necessary for me to retain an attorney for my permit to be renewed, that it would be a waste of my money which I could not afford.

"Since I did not retain the attorney and some of the other longliners did, I was not privy to the communications that happened between the Commission and said attorney. I did receive correspondence from the Commission advising me of

meeting dates. I did attend all of those meetings with the exception of the last one in San Diego for reasons I will outline later.

"During the season and after it ended, I contacted the Long Beach Department of Fish and Game (the same office I contacted upon return or departure). After repeated transfers, I spoke to someone regarding permits for the 1990 season. I was informed that the renewal process was automatic (just as my other permits are automatically up for renewal and sent to me in the mail). This was further evidenced when I received communications from the Department regarding permit meeting dates and times at which reapplication for permits was never discussed. In prior years for this fishery, I did not fill out any kind of renewal application and was not aware that one was needed.

"Before the experimental fishery for mako sharks was begun, I sent a letter to the Commission requesting a permit to attempt this new fishery. I have also checked (since the final meeting) on an application and was told by the Long Beach office of the Department of Fish and Game that no such application existed and it was an automatic renewal process.

"At the meeting I attended at approximately the end of January, various members of the Department discussed what we, the fishermen, were up against for the renewal of the permits. They spoke about what would go on at the Commission meeting. At the end of the meeting, it was suggested that, because of what had happened at the last meeting in San Diego (there was a loud argument between longliners and sport fishermen), it might not be a good idea for all ten permittees to attend the meeting. I am sure it was not stated that everyone not represented by an attorney should attend.

"I did not know there were considered to be two separate groups of permittees; those represented by an attorney and those not. I considered the permittees one group.

"I left the San Diego meeting with the understanding that quite a few of my fellow permittees would be attending the next meeting representing all of us.

"When the next meeting took place in San Diego, I waited to hear the outcome from the Commission. I happened to hear from another gill net fisherman that, because I did not attend the meeting, I would not be issued a permit.

"After discovering that I had been denied a permit, my wife started making calls to Mr. Sunada, Mr. Bedford and you.

"It is our understanding that, because I did not reapply and/or did not attend that final meeting, I am not to be issued a permit.

"I have invested a great deal of time and money in gear and outfitting my vessel for this fishery. I have also invested both in the biologist program. I feel I have carried the biologists more often and with better relations than any other of the permittees during the last two seasons."

#### Department Recommendation

"The Commission first authorized the issuance of ten experimental gear permits to use drift longlines to take shortfin mako sharks and blue sharks during 1988 and subsequently authorized the reissuance of the ten permits for 1989. Mr. Volaski was issued a permit during 1988 and 1989.

"At the Commission's March 1-2, 1990, meeting, only six of the previous ten permittees requested renewal of their experimental gear permits. Mr. Volaski and Mr. Wood, along with two other permittees, did not apply to the Commission.

Subsequently, the Commission authorized the issuance of the six experimental gear permit requests for the use of drift longline gear to take shortfin mako sharks and blue sharks. In addition, the catch quota for shortfin mako sharks was reduced from 240,000 pounds (for 1989) to 175,000 pounds (for 1990).

"Subsequently, at the Commission's May 17-18, 1990, meeting, Mr. Volaski requested renewal of his permit for 1990 but the Commission denied his request.

"In a separate memorandum concerning the reauthorization of

six permits for the experimental drift longline shark fishery for 1991, the Department recommended, should the Commission reauthorize the fishery, that the 1990 permit conditions and restrictions be continued. Based on this recommendation and the fact that the existing six permittees were able to nearly harvest the 175,000 pound quota for shortfin mako sharks in 1990, the Department recommends denial of the request by Mr. Volaski."

Action

Ilson New spoke on behalf of Mr. Volaski and Mr. Wood. He explained that the two individuals were original permittees and had a substantial investment in the fishery. The Commission decided to postpone this item until April 5 so that the tape of the prior meeting could be reviewed.

Commission Taucher explained that based on review of the prior meeting tape, he was making a motion to deny Messrs. Volaski's and Wood's requests.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF STEVEN J. VOLASKI, VENTURA, FOR RENEWAL OF HIS EXPIRED EXPERIMENTAL GEAR PERMIT TO USE DRIFT LONGLINES TO HARVEST SHORTFIN MAKO SHARKS AND BLUE SHARKS FOR COMMERCIAL PURPOSES.

PASSED UNANIMOUSLY.

B. Donald Wood, Oxnard

In a letter dated February 28, 1991, Mr. Wood provides the following information:

"I would like to receive consideration for a mako drift line permit at the April 4, 1991, Commission meeting for this coming year. I was a previous permit holder in 1989 and 1988. I was one of the first six permit holders. My boat has been surveyed by the Fish and Game and was said to be safe and ready to go. I have invested a great deal of time and money in all of my gear (well over \$10,000). When I attended a Commission meeting last spring, I was denied my permit because the Commission stated that I should have attended the Commission meeting prior to when the quota was set. I don't feel it is necessary to hire a lawyer to obtain this permit."

Mr. Wood provided the following information in a letter dated April 9, 1990, requesting renewal of his experimental gear permit at that time:

"I am Donald Wood, one of the ten mako drift longline permit holders. I understand that there were only six permits issued at the San Diego Commission meeting. I was uninformed of this meeting. As one of the permit holders, I believe I should have received a letter stating when and where the meeting was to take place. When April 1 rolled around and I received no information about it, I asked other permit holders about it. They had hired a lawyer. I do not believe a lawyer is necessary for renewing my permit. I followed all rules and regulations and feel I have the same rights as the other permit holders. I would like to be placed on the May 18 agenda, if necessary."

Department Recommendation

"The Commission first authorized the issuance of ten experimental gear permits to use drift longlines to take shortfin mako sharks and blue sharks during 1988 and subsequently authorized the reissuance of the ten permits for 1989. Mr. Wood was issued a permit during 1988 and 1989.

"At the Commission's March 1-2, 1990, meeting, only six of the previous ten permittees requested renewal of their experimental gear permits. Mr. Volaski and Mr. Wood, along with two other permittees, did not apply to the Commission. Subsequently, the Commission authorized the issuance of the six experimental gear permit requests for the use of drift longline gear to take shortfin mako sharks and blue sharks. In addition, the catch quota for shortfin mako sharks was reduced from 240,000 pounds (for 1989) to 175,000 pounds (for 1990).

Subsequently, at the Commission's May 17-18, 1990, meeting, Mr. Wood requested renewal of his permit for 1990 but the Commission denied his request.

"In a separate memorandum concerning the reauthorization of six permits for the experimental drift longline shark fishery for 1991, the Department recommended, should the Commission reauthorize the fishery, that the 1990 permit conditions and restrictions be continued. Based on this recommendation and the fact that the existing six permittees were able to nearly harvest the 175,000 pound quota for shortfin mako sharks in 1990, the Department recommends denial of the request by Mr. Wood."

Action

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF DONALD WOOD, OXNARD, FOR RENEWAL OF HIS EXPIRED EXPERIMENTAL GEAR PERMIT TO USE DRIFT LONGLINES TO HARVEST SHORTFIN MAKO SHARKS AND BLUE SHARKS FOR COMMERCIAL PURPOSES.

PASSED UNANIMOUSLY.

12. REQUEST OF WILLIAM B. PHILLIPS, CALIFORNIA DOMESTIC FERRET ASSOCIATION, HEALDSBURG, FOR REVIEW OF CURRENT LAWS AND REGULATIONS REGARDING PROHIBITION OF FERRETS IN CALIFORNIA.

Summary of Issue

William B. Phillips, Executive Director, California Domestic Ferret Association, requests an opportunity to appear before the Commission to discuss the current laws and regulations regarding prohibition of ferrets in California. In a letter dated January 29, 1991, Mr. Phillips provides the following information:

"I have been directed by Al Taucher to request that you formally place a presentation by my organization on your agenda for the April 4, 1991, meeting in Sacramento.

"I have been instructed to prepare a presentation, somewhere between twenty and twenty-five minutes in length, with its stated goal of convincing the Fish and Game Commission to seriously review the existing data concerning domestic ferrets and the present policy of the Department which bans them in California.

"Thank you for your anticipated cooperation and assistance in this matter. I look forward to hearing from you at your earliest convenience."

Under separate cover, the Commission has already been provided with copies of background material submitted by Mr. Phillips, including "A Business of Ferrets", a rebuttal to the California Department of Health Services report of 1988, and then the California Domestic Ferret Association's "1990 Public Information Manual". Copies of these reports will also be available at the April 4 meeting; if any Commissioner desires additional copies of this information, please contact the Commission office.

Action

William B. Phillips gave a slide presentation and explained why he believed ferrets should be legalized in California. He provided copies of his organization's rebuttal to Department of Health Service's publication regarding ferrets. He also requested the Commission schedule a future hearing to amending

the current regulations prohibiting ferrets.

H. David Michener and Daryl Dyke supported allowing possession of ferrets.

Larry Barrett and Lew Davis opposed allowing possession of ferrets. They indicated that ferrets were a public health threat and a threat to agricultural interests.

WPD Chief Johnston restated the Department's position opposing legalizing possession of ferrets as they were a threat to native wildlife.

No action was taken by the Commission.

13. REQUESTS FOR WAIVERS OF 1990-91 COMMERCIAL ABALONE LANDING REQUIREMENTS: MARK TISSERAND.

Summary of Issue

This item is scheduled to afford an opportunity for commercial abalone divers to seek a waiver from the Commission regarding the required 1990-91 commercial abalone landings. Previously, the Fish and Game Code required that such divers land at least 6,000 pounds of abalone during the proceeding season, April 1, 1990, through March 31, 1991, or make 20 landings of at least two dozen abalone each. However, new legislation was enacted January 1, 1991, which modifies the commercial abalone landing requirements to include lands of 1,200 pounds or 320 abalones. The record includes a copy of the new legislation (Section 8306.2).

Department Recommendation

"Mr. Tisserand was unable to meet the minimum abalone landing requirements pursuant to Title 14, CCR, Section 100, in 1989-90 because of hospitalization and subsequent physical therapy after having been bitten by a shark. Mr. Tisserand does not state in his letter whether he has recovered sufficiently to be able to resume abalone diving in 1990-91.

"The Department recommends Mr. Tisserand be granted a waiver from the landing requirements for 1989-90 provided he submits a letter from his doctor which indicates the

date Mr. Tisserand was authorized to resume activities as an abalone diver. The letter should be submitted to the Department's Wildlife Protection Division.

"If the doctor has not released Mr. Tisserand for abalone diving, we recommend Mr. Tisserand's request be held in abeyance until such time as he receives a release from his doctor. If Mr. Tisserand is unable to return to the fishery this year, he will be required to pay the appropriate license fees for the year(s) the Department held his permit in abeyance."

#### Action

WPD Chief Johnston stated that the Department recommended approval of Mark Tisserand's request.

It was then:

MOVED BY MR. BIAGGINI, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES A WAIVER OF THE 1990-91 COMMERCIAL ABALONE LANDING REQUIREMENTS OF MARK TISSERAND.

PASSED UNANIMOUSLY.

14. REQUEST OF JAMES C. MCCLELLAND, OXNARD, FOR REINSTATEMENT OF HIS EXPIRED COMMERCIAL ABALONE DIVING PERMIT AND A WAIVER OF THE 1989 LANDING REQUIREMENTS.

#### Summary of Issue

James C. McClelland requests an opportunity to appear before the Commission to request reinstatement of his expired commercial abalone diving permit and a waiver of the 1989-90 landing requirements. In letters dated February 25 and February 27, 1991, Mr. McClelland provides the following information:

February 25, 1991:

"I have appeared twice before the Fish and Game Commission to ask for an abalone landing waiver. I was cautioned by the Commission to not come back unless I had the required 20 landings. I was unable to secure the 20 landings and

did not return or attempt to renew my 1990 abalone permit.

"I did attempt numerous times to dive abalone, but there are NO abalone in the areas in which I have dived. I licensed two diving boats, secured two commercial licenses and three abalone tender permits, in addition to my own license. Finally, after a ten day trip down the coast to Point Dume, Catalina Island, Dana Point and return with a catch of only EIGHT (8) abalone, my son, who accompanied me, said "Dad,

give it up or you'll kill yourself. There are no abalone!

We can't make any money in abalone any more; we have to start diving sea urchins." My son went sea urchin diving on another boat.

"Recently, I learned that the abalone landing requirement has been dropped and the abalone permit is transferable. The landing requirement was ill conceived, creating hardship and burden. This change in the law was long overdue. In 1983, I wrote to Fish and Game recommending this.

"Mr. Treanor, I would like you to ask the Commission to put themselves in my shoes for a moment. I have been an abalone diver for 29 years. I also served 3 years in the U.S. Army just before becoming an abalone diver in 1960. Abalone diving was my sole occupation until 1980, when with a declining abalone population, I added sea urchin diving and marine salvage to my occupation. My two sons tended for me from their earliest years, and one son is at present a licensed sea urchin diver. I have participated with John McMullen's Abalone Lab in two abalone transplants and provided him with abalone from abalone scientific collector permit. Abalone have commanded a very prominent place in my life, being from one of the oldest commercial fishing families operating from Channel Islands Harbor in Oxnard for 30 years.

"In a few days I will be 55 years old. I have no health insurance nor do I have any pension plan. I have only my ability to earn a living from the sea.

"It has always been my hope to pass my abalone permit to my son. I trust that my 25 plus years of commercial abalone diving has earned me that right.

"Thank you for your time in this very delicate matter."

February 27, 1991:

"I would like to appear before the California Fish and Game Commission in April of this year. I will be asking the Fish and Game Commission to restore my commercial abalone permit.

"Any assistance you may give me in this matter would be greatly appreciated."

The record contains a letter from Mr. J. P. McClelland, son of Mr. James C. McClelland, a letter from Senator Gary Hart, as well as additional background information provided by Mr. McClelland relating to his request.

#### Department Recommendation

"Prior to January 1, 1991, all commercial abalone diving permitholders were required to meet the annual minimum landing requirements of 20 landings of 2 dozen each or 6,000 pounds total (Fish and Game Code Section 8306.2), and there was no provision for transfer of the permit. As a result of AB 3705, the minimum landing requirements were reduced to 320 abalone or 1,200 pounds annually, and the permits became transferable on a 2-for-1 basis (two permits must be surrendered for the transferee to obtain one).

"Mr. McClelland (#L-10892) has not met the minimum landing requirements since 1986-87. He was granted a waiver for 1987-88 on the basis of back problems, and was granted a waiver for 1988-89 because of eye problems. Department records show he did not meet the minimum landing requirements in 1989-90, nor did he apply for a commercial abalone diving permit for 1990-91. It appears his health problems and his own statement regarding the lack of abalone where he dives prevent him from being able to successfully participate in this fishery.

"The requests for reinstatement of Mr. James C. McClelland's permit imply that the senior Mr. McClelland could meet the reduced minimum landing requirements, and if he could not (or did not), that he could transfer the permit to his son or derive income by transferring/selling the permit to someone else.

"Based on the information available to the Department, an abalone diving permit sells for up to \$20,000. The Legislature has set a goal of no more than 70 commercial abalone diving permits to be issued annually; 118 permits were issued for the 1990-91 season (69% more than desired).

"On the basis of Mr. McClelland's record, and the intent of the Legislature to reduce the pressure on the resource by limiting the number of permits issued, the Department recommends against reinstatement of Mr. James C. McClelland's commercial abalone diving permit. While we sympathize with his financial situation, we believe it would be counterproductive for protection of the resource, and unfair to other fishermen who have been denied reentry into this fishery, to issue additional permits at this time."

#### Action

James P. McClelland requested reinstatement of his father's commercial abalone diving permit. James C. McClelland explained that he had been a long time abalone diver and why he failed to meet the landing requirement. He referred the Commissioners to his two letters.

WPD Chief Johnston recommended denial of Mr. McClelland's request.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF JAMES C. MCCLELLAND, OXNARD, FOR REINSTATEMENT OF HIS EXPIRED COMMERCIAL ABALONE DIVING PERMIT AND A WAIVER OF THE 1989-90 LANDING REQUIREMENTS.

PASSED UNANIMOUSLY.

15. REQUEST OF PHILLIP P. HARPER, STOCKTON, FOR REINSTATEMENT OF HIS EXPERIMENTAL GEAR PERMIT REGARDING USE OF POWER TRAWL TO HARVEST THREADFIN SHAD FOR BAIT PURPOSES.

#### Summary of Issue

Phillip P. Harper, Stockton, requests reinstatement of his experimental gear permit to use a power trawl to harvest threadfin shad for bait purposes. In a letter dated March 10, 1991, Mr. Harper provides the following information:

"I would like to ask that my shad permit be reinstated. It's been one (1) year since I have had my permit and I'm having trouble supporting myself, and am about to lose everything. Now this fishery will be closed four (4) months of the year, in which my trouble started. Trying to get enough bait through those four (4) months. Plus I could pay my fine instead of going to jail, for I have no money. With the changes they have made I will have no problems obeying all laws in this fishery. Barbara Bania said she has held my permit open for me. If not reinstated, at least allowed to work as a deck hand. Please contact Barbara Bania with information, so when I contact her she can give me the information I need."

#### Department Recommendation

"Mr. Harper had his threadfin shad permit suspended in early 1990 for violating the conditions of his permit (fishing in an area closed to the take of threadfin shad while using experimental gear). In mid-January this year, Mr. Harper pled guilty, was required to do ten days community service and pay a \$750 fine, and was placed on a three year probation. He was convicted of the same

violation in 1985.

"Mr. Harper has held an experimental gear permit to take Delta threadfin shad since inception of the permit in 1984.

Every year each permitholder is required to sign and return a copy of the permit stating 'I hereby certify that I have read the foregoing permit and that I understand and agree to be bound by the terms of the said permit'. The boundaries of the closed area have not changed since inception of the permit.

"In November 1990, Mr. Harper was found working on the boat of another threadfin shad permitholder while Mr. Harper's permit was suspended. This, too, is a violation of the terms and conditions of a threadfin shad permit.

"Mr. Harper alleges that he misunderstood the condition prohibiting a suspended permitholder from working for another permitholder. He believed he was no longer a permitholder because it was his 1989-90 permit that was seized and he did not attempt to renew his permit for the 1990-91 permit year; therefore, he was eligible to work for another permitholder.

"Based on Mr. Harper's violation record, and the fact that he was working on another permitholder's boat while his permit was suspended, the Department recommends that Mr. Harper not be allowed to renew his permit until November 1991 (one year from the date of his most recent violation)."

#### Action

Executive Director Treanor reported that the Department recommended denial of Mr. Harper's request. He asked if Mr. Harper was present, and there was no response.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF PHILLIP P. HARPER, STOCKTON, FOR REINSTATEMENT OF HIS EXPERIMENTAL GEAR PERMIT TO USE A POWER TRAWL TO HARVEST THREADFIN SHAD FOR BAIT PURPOSES UNTIL HE APPEARS BEFORE THE COMMISSION.

PASSED UNANIMOUSLY.

16. REQUEST OF DOUGLAS DAYKIN, SANTA CRUZ, FOR WAIVER OF LANDING REQUIREMENTS FOR HIS DRIFT GILL NET SHARK AND SWORDFISH PERMIT.

Summary of Issue

Douglas Daykin, Santa Cruz, requests a waiver of the landing requirements for his drift gill net shark and swordfish permit. In a letter dated February 7, 1991, Mr. Daykin provides the following information:

"This is to notify the Department that for the 1989-90 season I wasn't able to make any swordfish landings as the boat I was going to lease was sold at the last minute; and I didn't find a replacement vessel. This season 1990-91 I was unable to fish because of recurring physical problems, although I did have a vessel to use for the season. Please accept this letter and the adjoining doctor's letter as proof of my medical problems."

The record contains a copy of a letter from Kim A. Wieburg, Doctor of Chiropracty regarding Mr. Daykin's medical condition.

Department Recommendation

"In Mr. Daykin's letter to the Fish and Game Commission, Mr. Daykin requested a waiver of the landings required to renew his Drift Gill Net Shark and Swordfish Permit. According to our records, Mr. Daykin has never held this permit but he has held an Experimental Drift Gill Net Shark and Swordfish Permit for many years.

"While many of the requirements are the same for both the drift gill net and experimental drift gill net permits, the Drift Gill Net Shark and Swordfish Permit is transferable and the Experimental Drift Gill Net Shark and Swordfish Permit is not. Therefore, it is extremely important to make the distinction between the two permits and not accidently authorize Mr. Daykin to obtain a permit to which he is not entitled.

"As required by Fish and Game Code (Fish and Game Code) Section 8586.2(c), permitholders are required to meet the minimum landing requirements during one of the two

immediately preceding years to be eligible to renew an Experimental Drift Gill Net permit. They must also identify the vessel on which the permit will be used (Fish and Game Code) Section 8585.9).

"In April 1989, Mr. Daykin (#L-34081) contacted our office in Monterey regarding a vessel transfer since the vessel he previously used might be sold. He was told there would be no problem transferring his permit to another vessel if he needed to do so.

"In February 1991, Mr. Daykin advised us that he was unable to make the required landings in 1989-90 because the boat he had been using was sold and he could not find a replacement vessel. He stated that he had a vessel to fish from for 1990-91 but was advised by his doctor in August 1990 to refrain from fishing for an indefinite period of time due to back and shoulder problems.

"Under the circumstances, the Department recommends Mr. Daykin be allowed to renew his Experimental Drift Gill Net Shark and Swordfish Permit, with the understanding that he will be able to fish and meet the minimum landing requirements during the 1991-92 season."

#### Action

Executive Director Treanor reported that the Department recommended approval of Mr. Daykin's request.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF DOUGLAS DAYKIN, SANTA CRUZ, FOR A WAIVER OF LANDING REQUIREMENTS FOR HIS DRIFT GILL NET SHARK AND SWORDFISH PERMIT.

PASSED UNANIMOUSLY.

17. REQUEST OF TIM FLANNERY, PACIFIC GROVE, TO APPEAL DEPARTMENT DENIAL REGARDING TRANSFER OF COMMERCIAL SALMON VESSEL PERMIT FROM HIS OLD SEVENTEEN-FOOT VESSEL TO A NEW SIXTEEN-FOOT VESSEL.

Summary of Issue

Tim Flannery requests an opportunity to appear before the Commission to appeal the Department's denial to transfer his commercial salmon vessel permit from his old 17-foot vessel (CF-9261CU) to a new 16-foot vessel (CF-7584GA). In a letter dated February 25, 1991, Mr. Flannery provides the following information:

"I was just informed that the Fish and Game Review Board turned down my request to have the salmon permit transferred from my old boat, a 17-foot Glaspar (CF9261CU) to my new boat, a 16-foot Silverline (CF7584GA), which is one foot shorter than the old boat. The reason they turned it down was because I took the old boat (CF9261CU) to the landfill to be junked on January 25, 1991.

"Two days before, as I was coming in from fishing, I hit a submerged object that split the hull two feet long which was unrepairable. It was definitely not seaworthy anymore. My first reaction was to get another boat (which I did). I then had to get that boat licensed for the remaining two months, so I could fish commercial cod. I totally depend on both my salmon and cod licenses to support my wife and two children. I had no idea that, if I junked the boat first, they would not transfer my salmon permit to another boat. I could not let the boat sit on my property any length of time. If I knew, I would have stored the boat until the salmon permit was transferred to the other boat.

"My wife and I will be going to the next meeting in April to explain to the board, in hopes that we still might be able to get the boats transferred."

Action

This matter was handled administratively by the Department.

18. REQUESTS OF JOE PIERINI, FORESTVILLE, AND TOM TIMMER, CRESCENT CITY, FOR REINSTATEMENT OF THEIR COMMERCIAL SALMON VESSEL PERMITS.

Summary of Issue

Joe Pierini, Forestville, and Tom Timmer, Crescent City, request reinstatement of their commercial salmon vessel permits.

A. Joe Pierini, Forestville

In a letter dated March 1, 1991, Mr. Pierini provides the following information:

"I am the lien holder of the above boat. It is in my possession. Up to now, I was unaware that the salmon license was not renewed.

"This boat was in storage since September 1989. I have tried to contact the owner many times.

"I've been to my local D.M.V. and have all the necessary papers.

"I have been in commercial fishing for many years and then went into semi-retirement.

"I now need to return to commercial fishing again with the salmon license to supplement my fixed income. Therefore, I am requesting a renewal of this salmon license.

"I would appreciate knowing the date the next hearing for license and permits will be taking place. We plan to attend."

Department Recommendation

"According to Fish and Game Code Section 8246.7 (a) 'The Commission shall...order the permit renewed...if...' (2) 'A lienholder of a permitted vessel, if the vessel is the property of the lienholder as a result of foreclosure, surrender, or litigation, can show loss due to the nonrenewal of a permit by the permittee, and the nonrenewal occurred without the knowledge of the lienholder.

"The Department of Fish and Game recommends that, if the Commission determines that the Fish and Game Code section as stated above applies, Mr. Pierini should have the permit reinstated for vessel no. F&G 26062 provided he pay the back fees for all licenses that would have been paid to keep the commercial salmon vessel permit current."

Action

Mr. Pierini explained his health problems and the reasons the commercial salmon permit was not renewed.

Deputy Attorney General Van der Naillen stated that Mr. Pierini was not the actual lienholder under Section 8246.7(a) of the Fish and Game Code; therefore, there was no basis to reinstate the permit.

Marguerite Dodge stated that one must be a lienholder during the time the boat had a valid permit. She indicated that purchase of a boat at a lien sale after the permit had lapsed, did not entitle one to a permit.

T. T. Pagel explained that the permit expired March 31, 1990. Mr. Pierini responded that he had possession of the boat since August, 1989. Mr. Van der Naillen stated that possession did not constitute lienholder status. He indicated that he would need to know the exact sequence of events.

Deputy Director Jensen indicated that because Mr. Pierini was not the lienholder, the Commission did not have the authority to reinstate the permit. Mr. Van der Naillen stated that the original owner still had the right of redemption.

It was then:

MOVED BY MR. BIAGGINI, SECONDED BY MR. TAUCHER, THAT  
THE FISH AND GAME COMMISSION HEREBY DENIES, WITHOUT  
PREJUDICE, THE REQUEST OF JOE PIERINI, FORESTVILLE,  
FOR REINSTATEMENT OF A COMMERCIAL SALMON VESSEL  
PERMIT.

PASSED UNANIMOUSLY.

B. Tom Timmer, Crescent City

In a letter dated January 29, 1991, Mr. and Mrs. Timmer provides the following information:

"My name is Ann Timmer. I am the owner of the fishing vessel "Donita", #37038. I am writing to request the reinstatement of the expired salmon vessel permit for the "Donita".

"The "Donita" was seized by the United States Customs Service in September of 1988 and was at moorage in Charleston, Oregon, until it was returned to me on November 21, 1990. I paid all taxes and licensing fees for 1989 and 1990, only to find out later that the government should have been responsible for the upkeep of permits, etc. Apparently they did nothing along these lines. In 1990, I renewed the vessel registration but not the salmon vessel permit. At the time, I was very distraught and was not certain as to whether or not the boat would be returned to me. I didn't pay for the salmon vessel permit as I was, by then, advised that the government would take care of it.

"Realizing in January 1991 that renewal notices would be arriving soon, I thought it best to check up on this issue myself. After I discovered that nothing had in fact been done to reinstate the permit, I contacted the U.S. Customs Service in Portland, Oregon. They claimed to have no knowledge of my ever owning a California Salmon Vessel Permit. Enclosed is a letter from my attorney to Ms. Patricia Profit outlining the permit issue. This letter is dated September 28, 1990. Please take note of paragraphs five and six. Also enclosed is a letter to Mr. Ray Nulf, surveyor, dated September 28, 1990. Please note paragraphs three and four.

"As the vessel in question was not even in my possession for two years, I respectfully request that the permit be reissued at this time. I understand that you have hearings related to permit issuance; and if necessary, I will make arrangements to attend."

The record contains two letters dated September 28, 1990, from Michael J. Treman, Attorney at Law for the Timmers, to the office of the FBI and to Mr. Raymond O. Nulf. Copies of these letters were transmitted by Mrs. Timmer. (The quality of the copies were not in a very readable condition when received;

therefore, the letters in the exhibit may be hard to read.)

Department Recommendation

"The commercial Salmon Review Board, an advisory board to the Department, offer the opinion that, while there may be duress experienced when a vessel is seized by U.S. Customs, Mr. Timmer chose to not renew the commercial salmon vessel permit and that there is no provision in the law for reinstatement of the permit.

"According to Fish and Game Code Section 8246.7 (a) 'The commission shall...order the permit renewed...if...' (1) 'The permittee failed to submit an application and pay the fees for renewal on or before April 30...and the failure to renew a permit until after the expiration date was due to death, physical illness, mental incapacity...and the person was not reasonable able to have an agent renew the permit.

"The Department recommends that, if the Commission determines that this Fish and Game Code section applies, Mr. Timmer should have the permit reinstated for vessel no. F&G 37038 provided he pay the back fees for all licenses that would have been paid to keep the commercial salmon vessel permit current."

Action

Executive Director Treanor reported that Mr. and Mrs. Timmer were not able to attend the meeting.

It was then:

MOVED BY MR. BIAGGINI, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY DENIES, WITHOUT PREJUDICE, THE REQUEST OF TOM TIMMER, CRESCENT CITY, FOR REINSTATEMENT OF HIS COMMERCIAL SALMON VESSEL PERMIT UNTIL HE APPEARS BEFORE THE COMMISSION.

PASSED UNANIMOUSLY.

19. REQUEST OF WARREN KEVIN SEARS, CARPINTERIA, FOR REINSTATEMENT OF HIS COMMERCIAL ABALONE AND SEA URCHIN DIVING PERMITS.

### Summary of Issue

Warren Kevin Sears, Carpinteria, requests reinstatement of his commercial abalone and sea urchin diving permits. In letters dated January 22, 1991, Mr. Sears provides the following information:

"I am writing for a chance to be heard before the Sea Urchin Committee Board in regard to a sea urchin permit I've had since the beginning of the urchin industry in the 70's, until 1987-88. I've lost the permit due to incarceration in the state penal system of fire fighting labor camps. I believe this predicament should have bearing for my permit eligibility, considering the circumstances were beyond my control and would clearly explain my inability to fulfill the new requirements for renewal.

"Now this nightmare is over, I'm humbly asking to be requisitioned a permit.

"I've paid dearly for my mistake by being thrust into an environment that I wasn't sure to survive. Now my debt is paid to society, and I'm starting over again. I desperately need my diving career granted back to me, as I might once again be a self-supportive contributing member of society in these difficult times of recession. I've also become an active member of A.A. correcting the problem that landed me in this mess.

"Please inform me as to whether my plea is accepted, and at what date I might be able to present myself before the board.

"I am writing for a chance to be heard before the commission board in regard to the abalone diving permit I've had for 18 years. I've lost the permit due to incarceration in the state's penal system of fire fighting labor camps. I believe this predicament would be a circumstance beyond my control (F & G Code #8306.2 a.) for maintaining a permittee. It also explains my inability to fulfill any current requirements for renewal.

"I've held a permit from 1971 (#99T) to 1988 (#07171). For

the latter years, 87-88, I was granted a waiver due to my situation; but the stipulations only pertained to two years when my sentence was three.

"Now this nightmare is over, I'm humbly asking to be requisitioned a permit.

"I've paid dearly for my mistake by being thrust into an environment that I wasn't sure to survive. Now my debt is paid to society, and I'm starting over again. I desperately need my diving career granted back to me, as I might once again be a self-supportive, contributing member of society in these difficult times of recession.

"I've also become an active member of A.A. correcting the problem that landed me in this mess.

"Please inform me as to whether my plea is accepted, and at what date I might be able to present myself before the board."

#### Department Recommendation

"Mr. Sears indicates, and Department records agree, that he held a sea urchin diving permit in 1987-88. Also, Mr. Sears says he was unable to renew his permit for 1988-89, 1989-90 or 1990-91 because he was incarcerated.

"The Department recommends that the Commission determine whether or not Mr. Sears' incarceration should have a bearing on his permit eligibility. We would note, however, that he could have purchased his commercial fishing license and sea urchin diving permits even while he was incarcerated; and presuming that he was released from prison when he wrote to the Commission on January 22, 1991, he would have had 68 days in which to meet the minimum landing requirements for his 1991-92 permit renewal.

"Should the Commission grant Mr. Sears' request, we recommend that, to be consistent with our policy, he be required to pay for the past years (1988-89, 1989-90 and 1990-91) sea urchin permits and commercial fishing license. Also, he would not have to meet the minimum landing requirements for 1991-92. However, he would have to purchase the permit and his commercial fishing license

prior to June 30, 1991, and meet the minimum landing requirements for his 1992-93 permit renewal."

Action

Robert Miller presented evidence of Mr. Sears' rehabilitation efforts. Mr. Warren Sears plead with the Commission for reinstatement of his permits.

**Abalone:**

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF WARREN KEVIN SEARS, CARPINTERIA, FOR REINSTATEMENT OF HIS COMMERCIAL ABALONE DIVING PERMIT.

PASSED UNANIMOUSLY.

**Sea Urchin:**

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF WARREN KEVIN SEARS, CARPINTERIA, FOR REINSTATEMENT OF HIS COMMERCIAL SEA URCHIN DIVING PERMIT WITH THE PROVISION THAT HE PAY ALL BACK FEES.

PASSED UNANIMOUSLY.

20. REQUEST OF HANI ANTON NIJMEH, SANTA CLARA, FOR  
REINSTATEMENT OF HIS SPORT FISHING PRIVILEGES.

Summary of Issue

Hani Anton Nijmeh, Santa Clara, requests an opportunity to appear before the Commission to show cause why his sport fishing privileges should be reinstated. On February 25, 1991, Mr. Nijmeh was sent a letter from the Commission office informing him that his sport fishing privileges had been revoked until September 5, 1993. That action was predicated upon the following information:

On September 5, 1990, in the Monterey Municipal Court, Mr. Hani Anton Nijmeh was convicted of a violation of Section 27.80(c), Title 14, CCR, possession of an overlimit of salmon.

That conviction was his third violation in a five year period. Department records indicate his prior convictions were as follows:

Date: May 19, 1990 -- Violation: Section 27.80(a)(2), Title 14, CCR, unlawful method of take for salmon.

Date: March 15, 1990 -- Violation: Section 8604 of the Fish and Game Code, unlawful injury or disturbance of net or trap.

Pursuant to Section 12155.5 of the Fish and Game Code, Mr. Nijmeh requests an opportunity to show mitigating circumstances which might warrant the reinstatement of his sport fishing privileges at an earlier date. Mr. Nijmeh will be in attendance at the April 4 meeting. Commissioners were provided with a copy of the Commission's February 25, 1991, letter to Mr. Nijmeh as well as copies of the citation and court records regarding this matter.

Action

Executive Director Treanor asked if Mr. Nijmeh was present, and there was no response.

It was then:

MOVED BY MR. BIAGGINI, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF HANI ANTON NIJMEH, SANTA CLARA, FOR REINSTATEMENT OF HIS SPORT FISHING PRIVILEGES; HOWEVER, HE COULD RETURN TO THE COMMISSION ONE YEAR FROM APRIL 4, 1991.

PASSED UNANIMOUSLY.

21. REQUEST OF JESSE H. ADKINS, PETALUMA, FOR REINSTATEMENT OF HIS GUIDE LICENSE PRIVILEGES.

#### Summary of Issue

Jesse H. Adkins, Petaluma, requests an opportunity to appear before the Commission to show cause why his guide license privileges should be reinstated. In a letter dated January 23, 1990, Mr. Adkins provides the following information:

"Re: Request of Jesse H. Adkins to appeal Department denial of guide license for guiding goose pit hunts. Two months of year am bonded. Home phone 707-765-6201, 837 Liberty Rd., Petaluma, California 94952, date requested: April 4, 10:00 a.m. or 4-5-91 in Sacramento, Resources Building, Auditorium."

#### Department Recommendation

"The Department of Fish and Game recommends that the Commission uphold the denial of Mr. Adkins' licensed guide privileges because of the extensive history of fish and game violations. Mr. Adkins applied for a guide license, which was received by the Department on March 14, 1991, and was notified that his application was being denied because of his history of fish and game violations on March 26, 1991.

"Mr. Adkins, has been convicted of the following violations:

"November 29, 1983	Hunting trespass, hunting without a valid hunting license and hunting after legal shooting hours.
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"March 26, 1987 Fishing in a closed zone on Walker Creek.

"October 5, 1987 Hunting trespass and hunting dove without a valid hunting licenses in possession.

"June 27, 1989 Unlawful method of take, to wit., fishing with a treble hook on Hat Creek.

"The Department does not believe that Mr. Adkins reflects the necessary level of responsibility expected of our licensed guides. The Department recommends that the Commission deny Mr. Adkins' request for a guide license for a period of three years from the date of the last conviction or until June 27, 1992."

#### Action

Jessie Howard Adkins requested reinstatement of his guide privileges. He explained the circumstances regarding his citations. WPD Chief Johnston reported that the Department recommended denial of Mr. Adkins' request.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF JESSE H. ADKINS, PETALUMA, FOR REINSTATEMENT OF HIS GUIDE LICENSE PRIVILEGES.

PASSED UNANIMOUSLY.

22. FURTHER REVOCATION OF COMMERCIAL SALMON FISHING PRIVILEGES OF DAVID D. GREENBERGER, MOSS LANDING.

#### Summary of Issue

The Department requests that the Commission further revoke the commercial salmon fishing privileges of David D. Greenberger, Moss Landing. The Department predicates that request upon the fact that, on November 2, 1990, in the Monterey Municipal Court, Mr. David D. Greenberger plead guilty to a violation of Section 182(b), Title 14, CCR, using barbed hooks

while commercial salmon fishing. A certified letter has been sent to Mr. David D. Greenberger notifying him of the possible action which could be taken by the Commission.

As background, on June 20, 1990, Mr. Greenberger's vessel, "Jeanette", was boarded and it was found that 16 out of 32 hooks being used were found to be barbed, which is in violation of Section 182(b), Title 14, CCR. Mr. Greenberger plead guilty, was placed on two-years probation and fined \$230. As a reminder, on November 1, 1989, Mr. Greenberger plead guilty to a similar violation (using barbed hooks while commercial salmon fishing). He was fined \$822.50, was instructed to pay \$1,400 in restitution to the Department, and was placed on 18-months probation. Based on that conviction, the Commission, at its August 2, 1990, meeting in Monterey, suspended his commercial salmon fishing privileges for one year or until August 3, 1991. The record contains copies of the Department's request dated December 17, 1990; the citation; the warden's report and court records concerning Mr. Greenberger's two violations.

This item was originally scheduled for the Commission's February 28, 1991, meeting in Redding; however, Mr. Greenberger provided the following information in a letter dated February 22, 1991, and requested that the matter be put over until the Commission's April 4 meeting in Sacramento:

"Due to financial difficulties and recent personal events, it would present an extreme hardship to attend the upcoming February 28 meeting.

"In my recent telephone conversation with Mr. Treanor, we agreed it might be possible to appear at the next meeting scheduled for the 4th of April, to be held in Sacramento.

"Should this be acceptable, it would be much to my convenience and greatly appreciated. I look forward to hearing from you, and thank you in advance for your prompt attention to this matter."

#### Department Recommendation

"Pursuant to Section 8246 of the Fish and Game Code, the Department consulted with the Commercial Salmon Review Board regarding the case of Mr. David D. Greenberger.

"The members of the Review Board, at their January 24, 1991, meeting, concurred with the recommended action of Wildlife Protection Division to revoke the salmon fishing privileges of Mr. David D. Greenberger."

Action

Executive Director Treanor summarized the matter and asked if Mr. Greenberger was present, and there was no response. WPD Chief Johnston reported that the Department recommended that Mr. Greenberger's permit be suspended for an additional year.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION HEREBY FURTHER SUSPENDS THE COMMERCIAL SALMON FISHING PRIVILEGES OF DAVID D. GREENBERGER, MOSS LANDING, FOR AN ADDITIONAL YEAR OR FROM AUGUST 3, 1991, UNTIL AUGUST 3, 1992.

PASSED UNANIMOUSLY.

23. SUSPENSION OF PRIVATE LANDS WILDLIFE MANAGEMENT AREA  
LICENSE OF GENERAL RICHARD D. HEARNEY, HEARNEY RANCH,  
MENDOCINO COUNTY.

Summary of Issue

Jack Garcia, Alameda, agent of General Richard D. Hearney, requests an opportunity to appear before the Commission to show cause why the Private Lands Wildlife Management Area License of General Richard D. Hearney, Hearney Ranch, Mendocino County, should not be suspended. On February 11, 1991, General Hearney was sent a letter, in care of Mr. Jack Garcia, from the Commission office informing him that the Commission intended to consider suspending his Private Lands Wildlife Management Area License for a period of one year (for the 1991-92 season). That action was predicated upon the fact that Mr. Jack Garcia, who is acting as General Hearney's representative for the program, was found guilty on November 27, 1990, in the Ukiah Municipal Court, Sanhedrin Judicial District, of a violation of Section 601(c) (1) and 601(c) (2), Title 14, CCR, failure to fill out deer tags and failure to tag the deer. The record contains a copy of the Commission's February 11, 1991, letter to Mr. Garcia; the Department's request dated December 3, 1990; copies of the citation issued to Mr. Garcia; the arrest report; Section 601 of Title 14; the court record; as well as a letter from Mr. Woody Elliott, certified wildlife biologist, dated March 3, 1991.

Action

Col. Jack Garcia explained the extenuating circumstances surrounding his citation. He requested that the Hearney Ranch PLM permit not be suspended for a year.

WPD Chief Johnston reported that the Department recommended suspension of the Hearney Ranch PLM permit for the 1991-92 permit year.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT  
THE FISH AND GAME COMMISSION HEREBY CONTINUES THE PRIVATE  
LANDS WILDLIFE MANAGEMENT AREA LICENSE OF GENERAL RICHARD  
D. HEARNEY, HEARNEY RANCH, MENDOCINO COUNTY, WITH THE  
CONDITION THAT HUNTING ONLY BE ALLOWED DURING THE A-ZONE

SEASON, AND THAT NO HUNTING BE PERMITTED DURING THE LATE  
SEASON AND THAT THE HABITAT ENHANCEMENT WORK BE CONTINUED.

PASSED UNANIMOUSLY.

24. SUSPENSION OF COMMERCIAL LOBSTER PERMIT OF ROMOLO ROBERTO GHIO, SAN DIEGO.

Summary of Issue

The Department requests that the Commission suspend the commercial lobster permit of Romolo Roberto Ghio, San Diego, for a period of two weeks from October 2, 1991, through October 16, 1991. That request is predicated upon the fact that, on November 8, 1990, in the San Diego Municipal Court, Mr. Romolo Roberto Ghio was found guilty of a violation of Section 122(1)(1), Title 14, CCR, unlawful setting of lobster traps within 750 feet of a publicly owned pier. A certified letter was sent to Mr. Romolo Robert Ghio notifying him of the possible action which could be taken by the Commission. Also, as additional background, Mr. Ghio was found guilty on April 15, 1988, of violations of sections 8254, 8251, 8252 and 8603 of the Fish and Game Code, possess lobsters without a valid permit; take of lobster during closed season; possess lobster less than legal size and illegal method of take. He was fined \$375 and placed on three-years probation. The record contains a copy of the Commission's February 25, 1991, letter to Mr. Romolo Robert Ghio; the citation; the arrest report; and the court record.

Action

Executive Director Treanor explained the Department's request. He asked if Mr. Ghio was present, and there was no response. WPD Chief Johnston stated that the Department recommended that the Commission suspend Mr. Ghio's commercial lobster permit for the first two weeks of the 1991/92 season.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE COMMERCIAL LOBSTER PERMIT OF ROMOLO ROBERTO GHIO, SAN DIEGO, UNTIL HE APPEARS BEFORE THE COMMISSION TO SHOW CAUSE WHY HIS PERMIT SHOULD BE REINSTATED.

PASSED UNANIMOUSLY.

25. CONSIDERATION OF ACCEPTANCE OF A STIPULATED COMPROMISE SETTLEMENT AGREEMENT OR THE SUSPENSION OF COMMERCIAL SALMON FISHING PRIVILEGES OF ROBERT ALEXANDER GORDON, MT. VIEW.

Summary of Issue

The Department requests that the Commission suspend the commercial salmon fishing privileges of Robert Alexander Gordon, Mountain View. The Department predicates its request upon the fact that, on December 4, 1990, in the Santa Cruz Municipal Court, Robert Alexander Gordon pled guilty to a violation of Section 182.1(b), Title 14, CCR, using barbed hooks while commercial salmon fishing. A certified letter was sent to Mr. Robert Alexander Gordon notifying him of the possible action which could be taken by the Commission. In addition, Mr. Gordon was provided with an opportunity to enter into a stipulated compromise settlement agreement, pursuant to Section 167, Title 14, CCR.

The record contains a copy of the Commission's February 20, 1991, memo to Mr. Gordon; a copy of the stipulated compromise settlement agreement requesting that \$100 be paid in lieu of a possible suspension of his commercial salmon fishing privileges; a copy of the Department's request dated January 10, 1991; a copy of the citation; the Department's arrest report; and the court record.

Action

Executive Director Treanor summarized the Department's request and asked if Mr. Gordon was present, and there was no response. Mr. Treanor stated that Mr. Gordon had not returned the Stipulated Compromise Settlement Agreement.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE COMMERCIAL SALMON FISHING PRIVILEGES OF ROBERT ALEXANDER GORDON, MOUNTAIN VIEW, UNTIL HE EXECUTES THE STIPULATED COMPROMISE SETTLEMENT AGREEMENT OR APPEARS BEFORE THE COMMISSION.

PASSED UNANIMOUSLY.

26. SUSPENSION OF COMMERCIAL SEA URCHIN DIVING PERMITS OF DARIUSZ TED ANTOSZCZUK, FORT BRAGG, AND TERRENCE LANE HERZIK, REDONDO BEACH.

Summary of Issue

The Department requests that the Commission suspend the commercial sea urchin diving permits of Dariusz Ted Antoszczuk, Fort Bragg, and Terrence Lane Herzik, Redondo Beach. Certified letters have been sent to Messrs. Antoszczuk and Herzik notifying them of the possible action which could be taken by the Commission.

A. Dariusz Ted Antoszczuk, Fort Bragg

The Department recommends that Mr. Antoszczuk's commercial sea urchin diving permit be suspended for a period of two months from April 5, 1991, to June 1, 1991. That request was predicated upon the fact that, on December 3, 1990, Dariusz Ted Antoszczuk was found guilty in the Ten Mile Justice Court of a violation of Section 120.7(p), Title 14, CCR, unlawful take of undersized sea urchins. As background, on November 4, 1990, while harvesting sea urchins commercially, Mr. Antoszczuk took more than the allowable 30 sea urchins measuring less than 3-1/2 inches. Approximately 20 percent of his 1,383 pound catch was undersized. The Commission's authority to take this action is pursuant to Section 120.7(k), Title 14, CCR. Mr. Antoszczuk was fined \$425.

The record contains a copy of the Commission's February 11, 1991, letter to Mr. Dariusz Ted Antoszczuk; a copy of the citation; the Department's arrest report; and the court record.

Action

Executive Director Treanor reported that Mr. Antoszczuk contacted the Commission office and said he couldn't appear at the Commission meeting because of medical problems.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE COMMERCIAL SEA URCHIN DIVING PERMIT OF DARIUSZ TED ANTOSZCZUK, FORT BRAGG, UNTIL HE APPEARS BEFORE THE COMMISSION TO SHOW CAUSE

WHY HIS PERMIT SHOULD BE REINSTATED.

PASSED UNANIMOUSLY.

B. Terrence Lane Herzik, Redondo Beach

The Department recommends that the Commission suspend Mr. Terrence Lane Herzik's commercial sea urchin diving permit for a period of 15 days, from April 15, 1991, to April 30, 1991.

That request was predicated upon the fact that, on October 26, 1990, in the Catalina Justice Court, Mr. Terrence Lane Herzik was found guilty of a violation of Section 120.7(j)(1), Title 14, CCR, take or possess abalone aboard a boat used to take sea urchins on a day when sea urchins were taken. As background, on September 19, 1990, Terrence Lane Herzik was found to be in possession of three abalone aboard a vessel engaged in taking sea urchins commercially. Mr. Herzik was fined \$235.

The record contains a copy of the Commission's February 27, 1991, letter to Mr. Terrence Lane Herzik; a copy of the citation; the Department's arrest report; and the court record.

Action

Terrence Herzik stated that he only took the abalone for personal use. He explained that he knew better, but needed them to help sustain his family.

WPD Chief Johnston recommended a two-week suspension.

It was then:

MOVED BY MR. BIAGGINI, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE COMMERCIAL SEA URCHIN DIVING PERMIT OF TERRENCE LANE HERZIK, REDONDO BEACH, FOR A PERIOD OF 14 DAYS, COMPOSED OF THE WEEK OF APRIL 5 THROUGH 11 AND ONE WEEK IN MAY, NOT DURING THE CLOSURE TO BE DETERMINED BY THE COMMISSION'S EXECUTIVE DIRECTOR.

PASSED UNANIMOUSLY.

27. SUSPENSION OF COMMERCIAL FISH BUSINESS LICENSE OF  
KURT RUSSELL KELTY, SAN FRANCISCO.

Summary of Issue

The Department requests that the Commission suspend the commercial fish business license of Mr. Kurt Russell Kelty, San Francisco, for a period of three years from April 5, 1991, to April 4, 1994. The Department predicates its request upon the fact that, on November 27, 1990, in the San Francisco Municipal Court, Mr. Kurt Russell Kelty pled nolo contendere to a violation of Section 8043 of the Fish and Game Code, failure to issue fish landing receipts. A certified letter was sent to Mr. Kurt Russell Kelty notifying him of the possible action which could be taken by the Commission.

As background, Mr. Kelty purchased unlawfully taken and undersized abalone in partnership with Gregory Kelisky, Anchor Shellfish. Mr. Kelty's company, Cal-Nesia Trading Company, failed to issue required fish landing receipts in order to avoid paying fish privilege taxes to the Department of Fish and Game.

Mr. Kelty plead nolo contendere, was placed on three-years probation, fined \$10,000 restitution to the Department of Fish and Game, spent 15 days in jail, and his fish business license was suspended for three years. The Commission's authority to take this action is pursuant to Section 8025 of the Fish and Game Code.

The record contains a copy of the Commission's memo dated February 27, 1991, to Mr. Kurt Russell Kelty; the Department's request dated January 29, 1991; the citation; the Department's arrest report; and the court record.

Action

Executive Director Treanor summarized Mr. Kelty's case and asked if Mr. Kelty was present, and there was no response.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE COMMERCIAL FISH BUSINESS LICENSE OF KURT RUSSELL KELTY, SAN FRANCISCO, UNTIL HE APPEARS BEFORE THE COMMISSION TO SHOW CAUSE WHY HIS PERMIT SHOULD BE REINSTATED.

PASSED UNANIMOUSLY.

28. SUSPENSION OF PRIMARY FISH RECEIVER'S LICENSE #1 AND FISH PROCESSOR'S LICENSE OF JOHN ALEXANDER CORGIAT, EL GRANADA.

Summary of Issue

The Department requests that the Commission suspend the primary fish receiver's license #1 and fish processor's license of John Alexander Corgiat, El Granada, for a period of three years from April 5, 1991, to April 4, 1994. The Department predicates its request upon the fact that, on October 30, 1990, in San Mateo Municipal Court, Mr. John Alexander Corgiat plead nolo contendere to a violation of Section 8043 of the Fish and Game Code, failure to keep required fish business records. A certified letter was sent to Mr. John Alexander Corgiat notifying him of the possible action to be taken by the Commission.

As background, John A. Corgiat did sell, to covert wardens, 36 red abalone. The abalone were sold when Corgiat did not possess a commercial fish business license. He also did not fill out the proper invoices, as required by law. Mr. Corgiat does not have a valid commercial fishing license, at this time, nor does he have any permits. He did have a commercial fish trap permit and an abalone crew member permit in 1989-90. Mr. Corgiat was placed on two-years probation; fined \$584 in restitution to the Department of Fish and Game; and was to serve eight hours of public service. The Commission's authority to take this action is pursuant to Section 8025 of the Fish and Game Code.

The record contains a copy of the Commission's letter dated February 27, 1991, to Mr. John Alexander Corgiat; the Department's request; the citation; the Department's arrest report; as well as the court record.

Action

Executive Director Treanor summarized the Department's request and asked if Mr. Corgiat was present, and there was no response.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT  
THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE PRIMARY

FISH RECEIVER'S LICENSE #1 AND FISH PROCESSOR'S LICENSE OF JOHN ALEXANDER CORGIAT, EL GRANADA, UNTIL HE APPEARS BEFORE THE COMMISSION TO SHOW CAUSE WHY PERMITS SHOULD BE REINSTATED.

PASSED UNANIMOUSLY.

28A. REQUEST OF KENT SCHELLIN FOR WAIVER OF HIS COMMERCIAL SEA URCHIN LANDING REQUIREMENTS.

Action

Executive Director Treanor reported that Mr. Schellin submitted a letter requesting a waiver of his 1990-91 landing requirements for sea urchin fishery.

Gene Fleming, MRD, recommended denial until Mr. Schellin provided further justification of his health problems.

Kent Schellin explained his health problems which prevented him from making the required landings.

It was then:

MOVED BY MR. BIAGGINI, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE DEPARTMENT TO WAIVE THE LANDING REQUIREMENTS FOR KENT SCHELLIN PENDING RECEIPT OF SATISFACTORY VERIFICATION THAT HIS HEALTH PROBLEMS HAD PREVENTED HIM FROM MEETING THOSE REQUIREMENTS.

PASSED UNANIMOUSLY.

29. LEGISLATIVE UPDATE.

Summary of Issue

This item is scheduled to afford the Commission an opportunity to receive a status report concerning the Department's proposed legislation for 1991 or any legislation affecting the Department or Commission which has been introduced in the Legislature. In addition, if the Commissioners have specific questions regarding legislative issues, these can be brought to the attention of the Department or Commission staff at this time.

Action

There was no discussion regarding legislative matters.

30. RECEIPT OF DEPARTMENT INFORMATIONAL ITEMS.

Summary of Issue

This item is set aside to afford the Department an opportunity to present the Commission with informational items. The Director or his representative will be prepared to make a presentation to the Commission on April 4, 1991. The record contains a memorandum dated March 13, 1991, from DeWayne Johnston, Wildlife Protection Division, to all Regional Patrol Chiefs regarding bear citations involving the use of dogs, and a copy of a March 11, 1991, memo from the Department regarding drought induced emergency changes in trout stream opening date.

Action

Director Bontadelli reported on the rewatering of the Owens River. He also reported on the salmon season.

31. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.

Summary of Issue

This item is scheduled for the Commission to receive informational items from its staff and to afford the Commission the opportunity to discuss items with the Department.

Action

There were no Commission informational items.

President McCracken recessed the meeting at 5:00 p.m. until April 5 at 8:30 a.m.

EXECUTIVE SESSION

April 5, 1991

The Commission met in closed Executive Session at 8:00 a.m., pursuant to the authority of Government Code Section 11126(q) to consider the following items:

1. POSSIBLE LITIGATION REGARDING:

- a. Unauthorized county and city firearm ordinances.
- b. Unauthorized county trapping ordinances.

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

Fund for Animals, et al., vs. Fish and Game Commission, et al., regarding bear hunting, Sacramento Superior Court.

3. POTENTIAL LITIGATION TO WHICH THE COMMISSION MAY BE A PARTY:

1991-92 Mammal Hunting and Trapping Regulations.

Persons Present:

FISH AND GAME COMMISSION

E. M. McCracken, Jr.	President
Benjamin F. Biaggini	Vice President
Albert C. Taucher	Member

COMMISSION STAFF

Robert R. Treanor	Executive Director
Ronald J. Pelzman	Assistant Executive Director

ATTORNEY GENERAL'S OFFICE

Bill Cunningham	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

Pete Bontadelli	Director
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The Executive Session adjourned at 8:30 a.m.

State of California  
FISH AND GAME COMMISSION

Minutes, Meeting of April 4-5, 1991

Pursuant to the call of the President, the Commission met in the Auditorium, Resources Building, 1416 Ninth Street, Sacramento, California, on April 5, 1991. The meeting was called to order at 8:30 a.m. by President McCracken.

Persons present:

FISH AND GAME COMMISSION

E. M. McCracken, Jr.	President
Benjamin F. Biaggini	Vice President
Albert C. Taucher	Member

COMMISSION STAFF

Robert R. Treanor	Executive Director
Ronald J. Pelzman	Assistant Executive Director

ATTORNEY GENERAL'S OFFICE

Bill Cunningham	Deputy Attorney General
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PRIVATE ATTORNEYS

Janet Robinson	McDonough, Holland & Allen
Mike Brady	McDonough, Holland & Allen

DEPARTMENT OF FISH AND GAME

Paul Jensen	Deputy Director
Spike Naylor	Deputy Director
Terry Mansfield	Wildlife Management Division
Ken Mayer	Wildlife Management Division
Doug Updike	Wildlife Management Division

The following persons were also present and heard:

Jim Wiegand	Concerned Citizen
Bob Tanner	Hunter and Packer

Albert L. Potter	Sierra County Fish & Game Comm.
Elwood Davis	Alpine County Fish & Game Comm.
Tony Andrade, Jr.	Tulare Co. Sportsman Council
Joe Wylie	California Bowmen Hunters
Dick Vermillion	California Bowman Hunters
Joe Becker	CA. Bowhunter Education Prog.
Daniel C. Heal	United Fund for Outdoorsmen
Mickey Bernstein	California Sportsman's Lobby
Dan Chapin	California Waterfowl Association
Jack Hanson	California Cattlemen's Association
George Gambel	California Trappers Association
Walter Howard	Concerned Citizen
Gladys Sargeant	Pets and Pals
Leonard Christensen	Concerned Citizen
Virginia Handley	Fund for Animals
John Goodman	Outdoor Sportsmen's Coalition
Bud Hemman	Trapper
Gary West	California Houndsmen for Conserv.
L. Boddicker	National Trappers Association
Reid Aiton	California Trappers Association
Spencer Thomas	Trapper
Sheilla Massey	California Cattlemen's Association
Mike Wingo	Modesto Houndsmen
Gerald Upholt	The Wildlife Federation
Mike Rose	Central Valley Sportsmen
Alan Parker	Tule River Houndsmen
Eldon Allison	Houndsmen

President McCracken introduced members of the Commission, its staff, Deputy Directors Jensen and Naylor and William Cunningham of the Attorney General's office.

### 32. DISCUSSION OF PROPOSALS FOR THE 1991-92 MAMMAL HUNTING AND TRAPPING REGULATIONS.

#### Summary of Issue

This is the third public hearing held to consider proposed changes in the 1991-92 Mammal Hunting and Trapping Regulations.

A copy of the proposed regulations, as announced at the Commission's March 1, 1991, meeting in Redding, is included in the record. Copies of the Department's environmental documents and responses to all written and oral recommendations have been previously provided to the Commission.

All correspondence received since the March 1 meeting, which is either in support of or in opposition to any of the proposals received to date, has been summarized; and a copy of that summary is included in the record. Copies of the correspondence will be available to the Commission upon request.

No individual action is necessary in discussing these sections unless there is a desire to modify the sections announced at the Commission's March 1 meeting. Where the Commission has elected to provide more than one alternative, it should decide which of those alternatives it chooses to adopt as a final regulation.

Following consideration of the Commission's announced proposed regulations, it is customary to allow public testimony on any other recommendations submitted at the February 1 meeting, but not adopted by the Commission as a proposed regulation.

If the Commission desires to adopt any additional public recommendations, a motion to that effect is necessary. Your staff, as usual, will request authorization to make technical and non-substantive changes in the form of the final order working in conjunction with the Department's staff and with the advice of the Attorney General's Office. This request is to ensure clarity and consistency. The Department is also requesting that sections 360, deer; 361, deer archery hunting; 363, pronghorn antelope; 364, elk; 364.5, tule elk; 365, bear; and 371, procedures for application and distribution of deer tags and permits, if approved, be made effective as soon as possible after filing with the Secretary of State. This will permit the Department to provide for the sale of deer tags and provide for applications for antelope, elk and bighorn sheep hunts during the month of June to allow individuals the opportunity to apply for quota deer hunts and still participate in archery deer season in Zone A. Hunters need time to read the new regulations and file applications prior to the final filing dates. The Department must, therefore, have these applications available prior to July 1, 1991, when the majority of the regulations become effective.

The Commission will again meet on April 25, 1991, in Sacramento, to consider adoption of the 1991-92 Mammal Hunting and Trapping Regulation changes. Prior to that action, the

Commission will also certify and make findings regarding any potential environmental impacts relating to these regulation changes. All of the mammal hunting and trapping regulations, as identified in the public notice, not modified by the Commission on April 25, will remain unchanged.

Environmental Cumulative Impacts:

The Commission has announced and properly noticed the fact that it will receive public comment concerning the issue of cumulative adverse impacts on any of the species impacted by these regulation changes. Those comments are to be received in the Commission office, in writing, no later than 5:00 p.m. on April 15, 1991. Oral comments on these findings will also be received at the April 5 meeting. Your staff will provide you with a summary of those comments as well as the Department's proposed cumulative environmental impact findings for Commission approval at its April 25 meeting in Sacramento.

Action

The following people provided comments and recommendations regarding the proposed deer regulations (Section 360): Jim Wiegand, Bob Tanner, Albert Potter, Elwood Davis, and Tony Andrade, Jr.

Joe Wylie asked for a two-week expansion of the deer season in S-1.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION INSTRUCTS THE DEPARTMENT TO EVALUATE THIS PROPOSAL AND, IF IT IS COVERED IN THE ENVIRONMENTAL DOCUMENT, TO CONSIDER IT AS ALTERNATIVE B ON APRIL 25.

PASSED UNANIMOUSLY.

It was then:

MOVED BY MR. BIAGGINI, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY ADOPTS THE PROPOSED DEER QUOTAS AND ANNOUNCES ITS INTENTION TO ADOPT THEM AT THE COMMISSION'S APRIL 25 MEETING.

PASSED UNANIMOUSLY.

Dick Vermillion, Joe Wylie, Joe Becker, and Daniel Heal supported the use of archery equipment for hunting (Section 361) and asked for a traditional share of the tags for archery antelope (Section 363).

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION HEREBY DIRECTS THE DEPARTMENT TO EVALUATE THIS PROPOSAL AND TREAT IT AS ALTERNATIVE B ON APRIL 25 IF IT IS SUPPORTED BY THE ENVIRONMENTAL DOCUMENT.

PASSED UNANIMOUSLY.

Mickey Bernstein commented on threatened and endangered species protection for the trapping regulations (Section 465.5).

Dan Chapin, Jack Hanson, George Gambel, Walter E. Howard, Gladys Sargeant, Daniel Heal, Leonard Christensen, Virginia Handley, John Goodman, Bud Hemman, Gary West, L. Boddicker, Reid Aiton, Joe Wylie, Spencer Thomas, Tony Andrade, Jr., and Sheilla Massey commented on the proposed trapping regulations (Section 465.5).

Bud Hemman, Mike Wingo, Gerald Upholt, Mike Rose, Alan Parker, Mickey Bernstein, Dan Heal, John Goodman, Gary West, and Eldon Allison commented on the dog training season (Section 265).

Bud Hemman requested changing Section 265(c) to conform with Section 354(h), allowing possession of a firearm, except when training dogs in the field.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION DIRECTS THE DEPARTMENT TO EVALUATE WAYS OF AMENDING SECTION 265(c)(2)(b) TO CONFORM WITH SECTION 354(h) ALLOWING THE POSSESSION OF FIREARMS IN CAMP OR CAR, BUT NOT IN THE FIELD, AND TO SEND IT OUT FOR 45-DAY PUBLIC REVIEW, WITH THE ADOPTION HEARING TO BE SCHEDULED FOR A FUTURE MEETING AFTER THE 45-DAY PUBLIC REVIEW.

PASSED UNANIMOUSLY.

Spencer Thomas recommended expanding the northeastern bobcat season from December 1 until February 1, and in the rest of the state it should coincide with the grey fox and badger seasons (Section 478).

It was then:

MOVED BY MR. BIAGGINI, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION DIRECTS THE DEPARTMENT TO PROVIDE THE RECOMMENDATION ON BOBCAT SEASON AS ALTERNATIVE B FOR CONSIDERATION ON APRIL 25.

PASSED UNANIMOUSLY.

Bob Tanner explained that bear season should coincide with the deer season in Zone D-7 (Section 365).

It was then:

MOVED BY MR. BIAGGINI, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION DIRECTS THE DEPARTMENT TO EVALUATE THE BEAR SEASON COINCIDING WITH THE DEER SEASON IN ZONE D-7 AND REPORT BACK WITH A RECOMMENDATION ON APRIL 25.

PASSED UNANIMOUSLY.

Gladys Sargeant opposed the use of dogs for hunting as well as archery equipment, particularly for small fur-bearing animals.

It was then:

MOVED BY MR. BIAGGINI, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION PURSUANT TO THE AUTHORITY VESTED BY SECTIONS 200, 202, 203, 219, 308, 331, 332, 333, 355, 1050, 2005, 3000, 3003.5, 3005.5, 3005.7, 3080, 3081, 3201, 3214, 3800, 4009.5, 4150, 4181, 4181.5, 4188, 4189, 4751, 4756, 4902, 10500, 10501 AND 10502 OF THE FISH AND GAME CODE AND TO IMPLEMENT AND MAKE SPECIFIC SECTIONS 200-203.1, 207, 211-222, 331, 355, 356, 713, 1050, 1801, 2005, 3800, 3950, 4150, 4332, 4751, 4756, 4800-4805, 4902, 10500 AND 10502 OF SAID CODE HEREBY PROPOSES TO CONSIDER THE ADOPTION, AMENDMENT OR REPEAL OF THE FOLLOWING REGULATIONS IN TITLE 14, CCR, PERTAINING TO THE TAKE OF MAMMALS AT ITS APRIL 25 MEETING. (NOTE: THE REGULATORY LANGUAGE WILL BE INCLUDED AS AN APPENDIX IN THE COMMISSION OFFICE MASTER MINUTES.)

PASSED UNANIMOUSLY.

33. REQUEST OF JOHN MCMULLEN, PRESIDENT, AB LAB, PORT HUENEME, TO LEASE KELP BEDS 17 AND 111, LOS ANGELES, VENTURA AND SANTA BARBARA COUNTIES.

Summary of Issue

Mr. John McMullen, President of Ab Lab, Port Hueneme, requests authorization to lease kelp beds number 17 and 111, Los Angeles, Ventura and Santa Barbara Counties. The record contains letters dated January 1 and March 13, 1991, from Mr. McMullen; a copy of the March 13, 1991, letter sent by the Department to all licensed kelp harvesters; as well as a copy of the notice placed in the newspapers in Los Angeles, Ventura and Santa Barbara Counties.

Department Recommendation

"Ab Lab has submitted a bid of \$1.90 per wet ton for kelp harvested from Kelp Bed No. 17 (Point Dume, 0.62 square mile), and a bid of \$2.25 per wet ton for kelp harvested from Kelp Bed No. 111 (Santa Cruz Island, 0.61 square mile). A minimum bid of \$1.90 per wet ton is specified by Section 165.5, Title 14, CCR. Ab Lab has also submitted the deposit, development plan and financial statement as

required by Section 165.5, Title 14, CCR. The harvested kelp is proposed to be utilized as forage for abalone cultured at Ab Lab's Port Hueneme and Oxnard aquaculture facilities. The use of kelp as abalone forage has been judged beneficial to the State by the Commission in past actions.

"Previously, Ab Lab has relied on kelp harvested from open beds to meet its needs for abalone forage. A recent expansion in the production of abalone has increased Ab Lab's demand for kelp, and they are now seeking to secure an assured source of kelp for abalone forage. Ab Lab has projected a 1,000 percent increase in its requirements for kelp to feed its abalone during the next five year.

"The Department has reviewed the information provided by Ab Lab and in its judgment, Ab Lab possesses the capability to harvest and utilize the kelp from the requested beds for the proposed use.

"Therefore, the Department recommends that the Commission approve this request."

#### Action

Executive Director Treanor reported on Mr. McMullen's request and stated that the Department recommended approval. He indicated that there were no competing bids.

It was then:

MOVED BY MR. BIAGGINI, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF JOHN MCMULLEN, PRESIDENT, AB LAB, PORT HUENEME, TO LEASE KELP BEDS NOS. 17 AND 111, LOS ANGELES, VENTURA AND SANTA BARBARA COUNTIES, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

34. DEPARTMENT STATUS REPORT REGARDING MANAGEMENT PLAN FOR COLLINS LAKE (DOUGHERTY HILL) WILDLIFE AREA.

#### Summary of Issue

This item is scheduled to afford the Department the opportunity to provide a status report to the Commission regarding development of a management plan for the Collins Lake Wildlife Area. The Department will be prepared at the April 5 meeting to make its report and answer any questions the Commission may have regarding this matter.

Action

Red Hunt presented the Department's status report on the Dougherty Hill Wildlife Area.

35. DEPARTMENT STATUS REPORT REGARDING MANAGEMENT PLAN FOR MCGOWEN RANCH.

Summary of Issue

This item is scheduled to afford the Department the opportunity to provide a status report to the Commission regarding development of a management plan for McGowen Ranch. The Department will be prepared, at the April 5 meeting, to make its report and answer any questions the Commission may have regarding this matter.

Action

Red Hunt presented the Department's status report on preparation of a management plan for the McGowen Ranch.

**CONSENT CALENDAR**

Items 36 through 40a have been placed on the Commission's consent calendar. Your staff knows of no opposition to these proposals at this time other than as specified in the analysis. The Department has provided a recommendation on each of these items which either calls for approval or modified approval by the Commission. One overall motion is appropriate for approval of these items.

Action

The Department recommended that Item No. 38 be removed from the Consent Calendar.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT  
THE FISH AND GAME COMMISSION HEREBY APPROVES ITS  
APRIL 5, 1991, CONSENT CALENDAR ITEMS 36, 37, AND 39  
THROUGH 40a.

PASSED UNANIMOUSLY.

36. ADOPTION OF SECTION 7.50(b) (115.5) AND (199.5), TITLE 14, CCR, REGARDING ANGLING CLOSURES ON HEADWATERS OF UPPER TRUCKEE RIVER AND MEISS LAKE, EL DORADO AND ALPINE COUNTIES, FOR RESTORATION OF LAHONTAN CUTTHROAT TROUT.

Summary of Issue

The Commission, at its February 1, 1991, meeting in Long Beach, authorized its staff to publish notice of its intent to add sections 7.50(b) (115.5) and (199.5), Title 14, CCR, regarding angling closures on head waters of Upper Truckee River and

Meiss Lake, El Dorado and Alpine Counties, for restoration of Lahontan cutthroat trout. That legal notice has been published.

The Meiss Lake and the headwaters of the Upper Truckee River, upstream from the confluence of Showers Creek, were chemically treated to remove all brook trout. These waters were then stocked with Lahontan cutthroat trout believed to represent the Truckee River strain of cutthroat. This is one of the measures intended to restore this species, officially designated threatened, by the U.S. Fish and Wildlife Service. To protect the newly stocked fish until they have increased their numbers and obtained the carrying capacity of these waters, the Department recommends that they be closed to angling. The record contains a copy of the Department's pre-publication of notice and pre-adoption statements as well as the text of the regulations in strikeout-underline format.

Action

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION, UNDER THE AUTHORITY VESTED BY SECTIONS 200, 202, 205, 220 AND 315 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET AND MAKE SPECIFIC SECTIONS 200, 205 AND 206 OF SAID CODE, HEREBY ADDS SECTION 7.50(b) (115.5), TITLE 14, CCR, RE: ANGLING CLOSURES ON HEADWATERS OF MEISS LAKE, ALPINE COUNTY FOR RESTORATION OF LAHONTAN CUTTHROAT TROUT AS FOLLOWS:

Section 7.50(b) (115.5), Title 14, CCR is added to read:

(115.5) Meiss Lake (Alpine Co.).     Closed to all fishing

all year

PASSED UNANIMOUSLY.

AND

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION, UNDER THE AUTHORITY VESTED BY SECTIONS 200, 202, 205, 220 AND 315 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET AND MAKE SPECIFIC SECTIONS 200, 205 AND 206 OF SAID CODE, HEREBY ADDS SECTION 7.50(b) (199.5), TITLE 14, CCR, RE: ANGLING CLOSURES ON HEADWATERS OF UPPER TRUCKEE RIVER, ALPINE AND EL DORADO COUNTIES FOR RESTORATION OF LAHONTAN CUTTHROAT TROUT AS FOLLOWS:

Section 7.50(b) (199.5), Title 14, CCR is added to read:

<u>(199.5) Upper Truckee River and tributaries upstream from confluence with Showers Creek (Alpine and El Dorado Cos.).</u>	<u>Closed to all fishing all year</u>
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PASSED UNANIMOUSLY.

37. AMENDMENT OF SECTION 550, TITLE 14, CCR, REGARDING ADDITION OF HALLELUJAH JUNCTION WILDLIFE AREA, LASSEN AND SIERRA COUNTIES; COLLINS LAKE WILDLIFE AREA, YUBA COUNTY; AND WARNER VALLEY WILDLIFE AREA, PLUMAS COUNTY.

#### Summary of Issue

The Commission, at its February 1, 1991, meeting in Long Beach, authorized its staff to publish notice of its intent to amend Section 550, Title 14, CCR, regarding addition of Hallelujah Junction Wildlife Area, Lassen and Sierra Counties, Collins Lake Wildlife Area, Yuba County, and Warner Valley Wildlife Area, Plumas County. That legal notice has been published.

The Department has acquired three parcels of land that are being managed as wildlife areas that have not been incorporated into the existing regulations. The Commission has designated these lands as wildlife areas but has not officially incorporated them into the regulations. This proposed action will provide the legal authority necessary to protect these resources and wildlife values while providing for multiple public uses. The record contains a copy of the Department's pre-publication of notice and pre-adoption statements as well as

the text of the regulations in ~~underline~~ format.

## Action

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BIAGGINI, THAT THE FISH AND GAME COMMISSION, UNDER THE AUTHORITY VESTED BY SECTIONS 355, 713, 1526, 1528, 1530 AND 10504 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET AND MAKE SPECIFIC SECTIONS 355, 711 1055.3, 1526, 1528, 1530, 1585, 1764, 1765 AND 10504 OF SAID CODE, HEREBY AMENDS SECTION 550, TITLE 14, CCR, RE: ADDITION OF HALLELUJAH JUNCTION WILDLIFE AREA, LASSEN AND SIERRA COUNTIES; COLLINS LAKE WILDLIFE AREA, YUBA COUNTY; AND WARNER VALLEY WILDLIFE AREA, PLUMAS COUNTY. (NOTE: THE REGULATORY LANGUAGE WILL BE INCLUDED AS AN APPENDIX IN THE COMMISSION OFFICE MASTER MINUTES.)

PASSED UNANIMOUSLY.

38. AMENDMENT OF SECTION 630, TITLE 14, CCR, REGARDING ADDITION OF FARALLON ISLANDS ECOLOGICAL RESERVE.

The Department withdrew this item.

39. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 27.65, TITLE 14, CCR, REGARDING HALIBUT FILLETS.

## Summary of Issue

The Department is requesting that the Commission authorize its staff to publish notice of its intent to amend Section 27.65, Title 14, CCR, regarding halibut fillets. The record contains a copy of the Department's pre-publication of notice statement and the text of the regulations in strikeout-underline format.

40. RECEIPT OF DEPARTMENT'S 1990 ANNUAL REPORT ON THE STATUS OF CALIFORNIA'S STATE LISTED THREATENED AND ENDANGERED PLANTS AND ANIMALS. (DISCUSSION OF REPORT AT COMMISSION'S MAY 17, 1991, MEETING IN FRESNO.)

## Summary of Issue

This item is scheduled to receive the Department's 1990

Annual Report on the status of California's State Listed Threatened and Endangered Plants and Animals. No action is required at this meeting other than to receive the Department's report. Discussion of this report will occur at the Commission's May 17, 1991, meeting in Fresno. Copies of the Department's report will be made available to the Commissioners for their review prior to the May 17 meeting.

40a. REQUEST OF JAMES deROGUE, CLAYTON, FOR A RECREATIONAL CAPTIVE RAPTOR BREEDING PERMIT.

Summary of Issue

James deRogue, Clayton, requests an opportunity to appear before the Commission to request a Recreational Captive Raptor Breeding Permit. In a letter, dated February 18, 1991, Mr. deRogue provides the following information:

"Enclosed is my proposal for a recreational raptor breeding permit. It has already been approved by Brian Walton, Raptor Conservation Committee, and by the Wildlife Management Division of Fish and Game. Gary Horn has arranged for the inspection of the breeding chambers.

"I am asking if this could be put on the next Commission agenda for approval."

The record contains a copy of Mr. deRogue's application for a Recreational Captive Raptor Breeding Permit, as well as a January 12, 1991, letter from Brian James Walton, Chairman, Director's Raptor Conservation Committee.

Department Recommendation

"Attached is the recreational captive raptor breeding permit proposal as submitted by Mr. James de Roque. Mr. de Roque requests one pair of Peregrine falcons and one pair of Merlins.

"This proposal has been reviewed and approved by the Director's Raptor Advisory Committee and the Department of Fish and Game. We recommend approval of this request."

41. ANNOUNCEMENT OF FUTURE MEETINGS.

<u>Meeting Date</u>	<u>Location</u>
04/25/91 (Thurs. 1:00 p.m.) (Adoption of Mammal Regulations Only -- <u>No Public Testimony</u> )	Auditorium, Resources Bldg. 1416 Ninth Street Sacramento
05/16/91 (Thurs. 10:00 a.m.) 05/17/91 (Fri. 8:30 a.m.)	Assembly Room 1036 State Building 2550 Mariposa Mall <u>Fresno</u>
<u>06/27/91 (Thurs. 10:00 a.m.)</u> 06/28/91 (Fri. 8:30 a.m.)	City Council Chambers 200 North Street <u>Alturas</u>
08/01/91 (Thurs. 10:00 a.m.) <u>08/02/91 (Fri. 8:30 a.m.)</u> <u>08/29/91 (Thurs. 10:00 a.m.)</u> 08/30/91 (Fri. 8:30 a.m.)	Newport Beach  City Council Chambers 333 W. Ocean Blvd. <u>Long Beach</u>
10/03/91 (Thurs. 10:00 a.m.) 10/04/91 (Fri. 8:30 a.m.)	<u>Redding (location not set)</u> City Council Chambers 1313 California Street <u>Redding</u>
<u>10/31/91 (Thurs. 10:00 a.m.)</u> 11/01/91 (Fri. 8:30 a.m.)	Auditorium, Room B-109 State Building 1350 Front Street <u>San Diego</u>
12/05/91 (Thurs. 10:00 a.m.) 12/06/91 (Fri. 8:30 a.m.)	Auditorium, Resources Bldg. 1416 Ninth Street <u>Sacramento</u>
12/26/91 (Thurs. 1:00 p.m.) (Adoption of Sport Fishing Regulations Only -- <u>No Public Testimony</u> )	Auditorium, Resources Bldg. 1416 Ninth Street Sacramento

There being no further business, the Fish and Game Commission meeting was adjourned at 5:00 p.m.

APPROVED:

Not Available for Signature  
E. M. McCracken, Jr., President

ATTEST:

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Robert R. Treanor, Executive Director  
Minutes, April 4-5, 1991