

State of California
FISH AND GAME COMMISSION

Minutes, Meeting of June 29, 1979

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State of California
FISH AND GAME COMMISSION

Pursuant to the call of the President, the Fish and Game Commission met in the Elks Lodge, 151 E. Line Street, Bishop, California, on June 29, 1979. The meeting was called to order at 9 a.m. by Commission President Sherman Chickering.

Persons present:

FISH AND GAME COMMISSION

Sherman Chickering	President
Elizabeth L. Venrick, Ph.D.	Vice President
Berger C. Benson	Member
Abel C. Galletti	Member
Raymond F. Dasmann, Ph.D.	Member

COMMISSION STAFF

Leslie F. Edgerton	Executive Secretary
Harold C. Cribbs	Assistant Executive Secretary

DEPARTMENT OF FISH AND GAME

E. C. Fullerton	Director
James Leiby	Chief of Operations
Ned Dollahite	Chief, Wildlife Protection Branch
Ed Greenhood	Chief, Marine Resources Branch
Harold Harper	Wildlife Management Branch
Si Nathenson	Information Officer, Region 5

The following persons were also present and heard:

Denton Sonke	Bishop Chamber of Commerce
Luther Hinds	Klamath River Basin Task Force
Jerry Miller	California Wildlife Federation
Elwood Davis	Alpine County
Dave Streig	International Shellfish
Henry Nielson	Miner
Murray Crum	Retail Pet Dealer
Bradley Smart	Sportsman

Mr. Chickering introduced the Commission, the Commission staff, the Director of the Department and his staff.

Mr. Chickering stated that on behalf of the Commission and the Department, he wanted to express his appreciation for the past evening's outing, which was sponsored by the Bishop Chamber of Commerce. He said the Commission's visits to the Bishop area were always enjoyable.

Mr. Denton Sonke of the Bishop Chamber of Commerce welcomed the Commission to Bishop and stated that the Chamber and others welcomed the opportunity to have open communication with the Commission under such circumstances. He urged the Commission to come back again.

1. READING AND APPROVAL OF MINUTES OF MARCH 30 AND APRIL 27, 1979 MEETINGS.

Mr. Edgerton stated that minutes of the March 30 and April 27, 1979 meetings have been distributed to members of the Commission and that the Commission staff knew of no errors or omissions therein and suggested that they be approved in their present form. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT INASMUCH AS THE MINUTES OF THE MARCH 30 AND APRIL 27, 1979 MEETINGS 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. CONSIDERATION OF ADDING SECTION 1.18, TITLE 14, CAC, RE POSSESSION OF LEGALLY TAKEN AND LEGALLY MARKED SALMON BY ELIGIBLE INDIANS.

Mr. Edgerton stated that the Commission has authorized publication of notice of its intent to add Section 1.18 to Title 14, CAC, regarding possession of legally taken and legally marked salmon by eligible Hoopa Valley Indians. He said all legal requirements have been met.

Mr. Ned Dollahite, Chief of the Department's Wildlife Protection Branch, stated that the Department of the Interior, Hoopa Valley Indian fishing regulations prohibited the sale of Klamath River fish and that this was in accord with Section 8434 of the Fish and Game Code. He noted that subsistence and ceremonial fish could be taken by eligible Indians and transported in any quantity from the Reservation, subject to specified criteria. He said that violations of those regulations were triable only in the Hoopa Valley Indian Reservation Court of Indian Offenses, and that past experience had demonstrated the ineffectiveness of that court. By adopting Section 1.18, he said these cases could be tried in state court where he felt that justice might more readily be served. He said that the fish that were taken off the Reservation would have to be marked either by an indelible dye or by cutting or clipping off the top half of the tail fin.

Mr. Edgerton stated that a letter had been received in the Commission office from the California Fisheries Restoration Foundation in support of this regulation.

Mr. Luther Hinds, representing the Klamath River Basin Task Force, spoke in support of the proposed regulation changes. He stated that he believed, however, that those fish taken from the reservation should be co-signed to a specific individual. He noted that it was imperative that the definition of "subsistence fishing" be defined and that there should be a prohibition on the selling of any salmon, which were tailless. He also asked for the Commission to support the Klamath River Basin Task Force suit against the Department of the Interior for violation of the National Environmental Protection Act with regard to fishing on the Klamath River.

Director Fullerton noted that the new federal regulations defined "subsistence" and that the Department desired to see how effective they were prior to becoming involved in litigation; however, he said that if they were not effective, litigation might be needed.

Dr. Venrick asked the Director if there was a problem with the question of sale of tailless fish. The Director noted that the Department had tried to get the federal government to limit the movement of fish to only those that were marked; however, they had been ineffective. He said legislation would be needed within the state to bring that about. He noted the Commission's powers with regard to this question were limited.

Mr. Jerry Miller of the California Wildlife Federation spoke in support of the proposal. There being no further discussion of the matter, it was:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT UNDER THE AUTHORITY OF SECTION 307 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SAID SECTION OF SAID CODE, THE FISH AND GAME COMMISSION ADDS SECTION 1.18 TO TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, AS FOLLOWS:

(1) Section 1.18 is added to read:

1.18 Hoopa Indian Salmon Possession Limit. It is unlawful for any person to possess more than one daily bag or possession limit of fish except as follows: Eligible Hoopa Valley Reservation Indians, as defined in Chapter 1, Part 258, Title 25, CFR - Indian Fishing, Hoopa Valley Reservation - Department of the Interior; may possess more than two salmon outside boundaries of the Hoopa Valley Reservation, provided:

(a) Such eligible Indians possess and display upon demand by any officer authorized to enforce this section their Indian Fishers identification card.

(b) All such fish are possessed for subsistence or ceremonial purposes and are clearly marked on the tail by an "X" in indelible dye or by cutting or clipping off the top half of the tail fin.

Note: Authority and Reference: Section 307, Fish and Game Code.

PASSED UNANIMOUSLY.

An environmental statement was prepared.

3. RECEIPT OF RECOMMENDATIONS FOR CHANGES IN THE 1979-80 UPLAND GAME BIRD REGULATIONS.

Mr. Edgerton stated that this meeting was held under the provisions of Section 214 of the Fish and Game Code for the purpose of receiving recommendations from the Commission's own officers or employees, from the Department or other public agencies or organizations, and from private citizens as to what, if any, regulations should be adopted in relation to resident game birds. He noted that the Commission in the past had kept testimony on these regulations to a minimum; however, under special circumstances courtesies had been offered to those who state that they have something to say but feel they could not attend the August 3 meeting concerning this subject. He noted that all written correspondence dated prior to June 29 would also be included in the recommendations. He pointed out that testimony

would be received and the resident game bird regulations adopted at the Commission's August 3 meeting in San Luis Obispo. He said that the Commissioners had before them copies of the Department's recommendations as well as its environmental plans with respect to those proposals.

Director Fullerton stated that as the Commissioners had copies of the proposals before them he would not, unless they so desired, go over each one at this time. He noted that the only changes, except for the date shifts to provide for Saturday openings were (1) an additional section to prohibit the taking of resident game birds and game mammals by the aid of baiting or over any baited area; (2) the addition of a week to the early mountain quail season in the western portion of Alpine County; (3) the addition of one week to the present fall wild turkey season; and (4) the repeal of Section 262 which pertains to hunting in a portion of what is now the Sequoia National Park. At this point Commissioner Chickering asked if there was anyone in the audience who desired to make a recommendation relative to the coming year's resident game bird regulations.

Mr. Elwood Davis of Alpine County recommended that all of Alpine County be included in the early mountain quail season.

Mr. Harold Harper of the Department's Wildlife Management Branch stated the Department saw no biological problems with such a recommendation.

Commissioner Benson recommended that there be a double possession limit for valley quail, mountain quail and chukar partridge.

Mr. Benson then asked Mr. Harper what the proposed federal regulations looked like with regard to doves and pigeons. Mr. Harper replied that the Department had recommended that Alpine County be included in the early northern California pigeon season. He pointed out that in past years, Oregon, Washington and California had reduced the bag limit for band-tailed pigeons from the eight which was in the framework to five, with a five in possession limit. He noted that the present federal framework called for a five-bird limit per day, five in possession. He pointed out that some of the other states had a double possession limit. Mr. Benson asked if it would be appropriate for the Commission to recommend a double possession limit for pigeons to the federal government. Mr. Fullerton pointed out he saw no problem if there was no problem with the resource with regard to such a double possession limit. After further discussion, it was agreeable to the Commission that its staff inform the federal government of its desire to see a five-bird per day, ten-bird possession limit for band-tailed pigeons for the coming year, and that Alpine County be included in the earlier northern California season.

The text of the recommendations from the public and the Department are as follows:

Written Recommendations

Mr. William C. Holmes of Los Angeles recommends that opening dates for the quail and chukar seasons not coincide with the opening dates for waterfowl.

Mr. Jerry Hendricks of the Konocti Rod and Gun Club recommends that the early mountain quail season be opened later than in the past.

Mr. Robert Berryhill of Etna recommends that the quail season in Siskiyou County be extended to the end of January.

Mr. H. G. Hutz III of Lamont recommends that there be an archery chukar season, which would coincide with the existing archery quail season.

Mr. Delbert E. Craig of the Organized Sportsmen of Modoc County recommends there be a closed season for wild turkey in Modoc County until the present turkey population expands to huntable numbers.

The Department of Fish and Game is pleased to submit recommendations for the 1979-80 hunting seasons regulations for taking resident game birds to the Fish and Game Commission for its consideration. In keeping with Commission policy, opening dates have been adjusted to provide for Saturday openings. Only minor changes, as noted, are suggested for taking mountain quail and wild turkeys. Also recommended is a new section prohibiting taking resident game birds and game mammals with the aid of bait or over baited areas.

250-257

No changes recommended

257.5. Prohibition Against Taking Resident Game Birds and Mammals by the Aid of Bait. Except as otherwise provided in these regulations or in the Fish and Game Code, resident game birds and mammals may not be taken within 200 yards of any baited area.

(a) Definition of Baited Area: As used in this regulation, "baited area" shall mean any area where shelled, shucked or unshucked corn, wheat or other grains, salt, or other feed whatsoever capable of luring, attracting, or enticing such birds or mammals is directly or indirectly placed, exposed, deposited, distributed, or scattered, and such area shall remain a baited area for 10 days following complete removal of all such corn, wheat or other grains, salt, or other feed.

(b) Exceptions:

(1) The taking of domestically reared and released game birds on licensed pheasant clubs and other licensed game bird clubs;

(2) The taking of resident game birds and mammals on or over standing crops, flooded standing crops (including aquatics), flooded harvested croplands, grain crops properly shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting;

(3) The taking of resident game birds and mammals on or over any lands where shelled, shucked or unshucked corn, wheat or other grain, salt, or other feed have been distributed or scattered as the result of bona fide agricultural operations or procedures, or as a result of manipulation of a crop or other feed on the land where grown for wildlife management purposes: provided that manipulation for wildlife management purposes does not include the distributing or scattering of grain or other feed once it has been removed from or stored on the field where grown.

258-264.

No changes recommended.

300. Pheasants

Season and Area: November 10, 1979 through December 2, 1979, statewide.

Bag and Possession Limit: No changes recommended.

300.5 Archery Pheasants

Season and Area: December 8, 1979 through December 16, 1979, statewide.

Bag and Possession Limit: No changes recommended.

300.8. Falconry Pheasant

Season and Area: December 8, 1979 through December 31, 1979, statewide.

Bag and Possession Limit: No changes recommended.

301. Quail

(a) Season and Area: September 22, 1979 through January 27, 1980, in the counties of Marin, Napa, Solano, Sonoma, Lake and Mendocino.

Bag and Possession Limit: No changes recommended.

(b) Season and Area: October 20, 1979 through December 30, 1979 in the counties of Del Norte, Humboldt, Lassen, Modoc, and Siskiyou.

Bag and Possession Limit: No changes recommended.

(c) Season and Area: October 20, 1979 through January 27, 1980 in the balance of the state not included in (a) and (b) above.

Bag and Possession Limit: No changes recommended.

(d) Additional Season for Mountain Quail only.

Season and Area: September 15, 1979 through October 19, 1979 in the same counties as 1978 with the addition of that portion of Alpine County lying westerly of the Sierra Nevada Mountain Crest. A 707 statement is attached supporting this recommendation.

Bag and Possession Limit: No change recommended.

301.5. Archery and Falconry Quail

1980 Season and Area: August 9, 1980 through September 1, 1980.

Bag and Possession Limit: No change recommended.

302. Red-legged Partridge (Chukar)

(a) Season and Area: October 20, 1979 through December 30, 1979 in Modoc and Lassen counties.

Bag and Possession Limit: No changes recommended.

- (b) Season and Area: October 20, 1979 through January 27, 1980 in the balance of the state.

Bag and Possession Limit: No change recommended.

303. Sage Grouse (Sage Hens)

- (a) Season and Area: September 8 and 9, 1979 in Inyo, Lassen, Modoc, and Mono counties:

Bag and Possession Limit: No change recommended.

- (b) Season and Area: No open season in the balance of the state.

304. Sierra and Ruffed Grouse

- (a) Season and Area: September 8, 1979 through October 7, 1979 in the same counties as last year.

Bag and Possession Limit: No change recommended.

- (b) Season and Area: No open season in the balance of the state.

304.5 Archery and Falconry Sierra and Ruffed Grouse

1980 Season and Area: August 9, 1980 through September 7, 1980 in the area described in Section 304(a).

Bag and Possession Limit: No changes recommended.

305. Chinese Spotted Doves and Ringed Turtledoves.

To be set with the mourning dove season as established by the Fish and Game Commission.

306. Turkeys

- (a) Season and Area: November 3, 1979 through December 2, 1979.

This adds one week to the present season. A 707 statement is available to support this recommendation.

Bag and Possession Limit: No change recommended.

306.5. Spring Turkey Season

- (a) Season and Area: March 29, 1980 through May 4, 1980.

Bag and Possession Limit: No change recommended.

310.5. Shooting Hours on Resident Game Birds

No changes recommended.

311 through 359.5.

No changes recommended.

4. CONSIDERATION OF REQUEST OF INTERNATIONAL SHELLFISH ENTERPRISES, INC. FOR AN AMENDMENT OF ITS MARICULTURE LEASE TO PERMIT PLANTING AND HARVESTING OF EUROPEAN FLAT AND AMERICAN OYSTERS AND JAPANESE LITTLE-NECK CLAMS, AND TO UTILIZE OFF-BOTTOM CULTURE IN MESH BAGS AND TRAYS.

Mr. Edgerton stated that Mr. Eissinger, Vice President of International Shellfish Enterprises, Inc., had submitted a request to the Commission office, which called for an amendment of its allotment to provide (1) The present allotment description allows for the planting of the native oyster (Ostrea lurida), and the giant Pacific oyster (Crassostrea gigas). Since I.S.E. is a hatchery producer of a variety of shellfish species, and since these additional species are all approved for planting in the waters of the State of California, we request that the Commission allow I.S.E. to additionally plant and harvest the following shellfish species: the European flat oyster (Ostrea edulis); the American oyster (Crassostrea virginica); and the Japanese little-neck clam (Tapes japonica). (2) The present allotment description allows for the culture of oysters on the bottom and on wires and stakes driven into the bottom. Although I.S.E. would like to use these methods on a portion of the allotment, the majority of planting activity will be off-bottom culture. Off-bottom culture is necessary to optimize on the use of the allotment area, to avoid damage to the eel grass areas, and to most effectively plant and harvest single oyster seed. These additional methods of off-bottom culture will include the culture of shellfish seed in mesh bags and trays held on racks and frames. Therefore, I.S.E. requests that the Commission allow, in addition to bottom culture: the off-bottom culture of shellfish in mesh bags and trays held on frames and racks.

Mr. David Streig of International Shellfish was present and stated that he would respond to any question the Commission might have relative to this proposal.

Director Fullerton stated the Department recommended approval of the request with the understanding that the request to utilize little-neck clams on the oyster allotment would necessitate that International Shellfish allot a portion of its present oyster allotment to mariculture, which would then bring this into conformance with statute. He said this would preclude the necessity for International Shellfish to come back for additional discussion of this proposal.

Mr. Streig stated that the proposal to utilize little-neck clams was something that was in the future and that they would meet the legal requirements on this matter at such time as it was appropriate. After additional discussion of the matter, it was:

MOVED BY DR. VEMRICK, SECONDED BY MR. GALLETTI, THAT
THE FISH AND GAME COMMISSION AUTHORIZES THE DEPARTMENT OF
FISH AND GAME TO AMEND MARICULTURE LEASE NO. 430-04 TO
PERMIT INTERNATIONAL SHELLFISH, INC. TO PLANT AND HARVEST

EUROPEAN FLAT OYSTERS (Ostrea edulis), THE AMERICAN OYSTER (Crassostrea virginica): AND THE JAPANESE LITTLE-NECK CLAM (Tapes japonica), SUBJECT TO MEETING ALL OTHER LEGAL REQUIREMENTS.

PASSED UNANIMOUSLY.

5. CONSIDERATION OF REVOCATION OF CAPTIVE RAPTOR BREEDING PERMIT OF TONY ROBERTSON.

Mr. Edgerton stated that the Department had informed Mr. Tony Robertson that his captive raptor breeding permit was being revoked, and that Mr. Robertson had a period of time to appeal this decision to the Commission. He pointed out that Mr. Robertson's attorney had contacted the Commission office asking that this matter be put over. Mr. Edgerton stated that he had informed the attorney that such a request should be submitted in writing, and that no such request was received in the Commission office. In light of this, he recommended that the Commission proceed with the hearing. He asked if Mr. Robertson was in the audience; there was no response.

Mr. Ned Dollahite stated that Mr. Robertson had knowingly and willfully violated two of the regulations of his captive raptor breeding permit in that on March 6, 1979, representatives of the Nevada Fish and Game Department had made an inspection and inventory of the raptor breeding facilities of Mr. Bruce Guimont at 3840 Lisa Drive, Reno, Nevada. He said that at the time of the inspection it was determined that Mr. Guimont was in possession of two Harris' hawks wearing California state falconry bands, numbers 600 and 476. He said that Nevada had checked with the Department in Sacramento and found that these birds belonged to Mr. Robertson and should have been in his breeding facilities in Costa Mesa. He noted that at the request of California Department of Fish and Game, an agent for the U.S. Fish and Wildlife Service had gone to Mr. Guimont's facilities and confiscated the birds, which were transported to Sacramento and turned over to the Department as evidence.

Mr. Dollahite pointed out that by transporting the birds to Reno without first obtaining written permission from the Department, Mr. Robertson had violated two of the conditions of his permit. These included condition No. 4, which states that a permittee shall not transfer ownership of any raptor possessed under his permit without first obtaining written permission from the Department. Raptors placed in temporary or permanent ownership of the permittee for breeding purposes must be accompanied with such authorization. In addition, he had violated condition No. 5 of his permit, which states that all raptors acquired and possessed for breeding research shall be housed in escape-proof pens at his facilities in Costa Mesa, and shall not be removed from that location without prior written approval from the Sacramento headquarters office of the Department. Mr. Dollahite pointed out that in light of the violations, the Department had chosen to revoke Mr. Robertson's captive raptor breeding permit immediately and had given him a thirty-day period in which to appeal such decision to the Commission. He recommended that the Commission concur in this action and deny Mr. Robertson's request.

After additional discussion of the matter, it was:

MOVED BY DR. VENRICK, SECONDED BY DR. DASMANN, THAT
THE FISH AND GAME COMMISSION DENIES THE REQUEST OF MR.
TONY ROBERTSON TO HAVE HIS CAPTIVE RAPTOR BREEDING PERMIT
REINSTATED.

PASSED UNANIMOUSLY.

6. CONSIDERATION OF REQUEST TO RECLASSIFY ONE ACRE OF OYSTER ALLOTMENT NO.
438-01 IN DRAKES ESTERO, MARIN COUNTY, TO MARICULTURE LEASE NO. M-438-02
FOR EXPERIMENTAL SCALLOP USE.

Mr. Edgerton stated the Department was requesting that one acre of oyster allotment No. 438-01, owned by the Johnson Oyster Company and located in Drakes Estero, Marin County, be transferred to a mariculture lease for the purpose of cultivating purple-hinged rock scallops. He noted that the authority for granting an allotment, Section 6516 of the Fish and Game Code, did not allow for the cultivation of shellfish other than oysters. He said that an unspecified area within oyster allotment No. 438-01 would be designated a mariculture lease No. M-438-02, which would allow experimentation with this species to take place. He said the culture methods proposed would be the same as authorized for the oyster cultivation and would include the use of on-bottom culture and on racks and stakes.

Director Fullerton stated that the Johnson Oyster Company had been cooperative with the Department in experimenting with young scallops removed from oysters during the processing operation. He said that young scallops that would have died, had they been discarded with the empty oyster shells, were placed in mesh bags and suspended in the water. He said the young scallops not only survived but grew quite rapidly. He said the Department had an interest in determining if a commercial potential existed for such an operation. He recommended approval of the proposal. It was then:

MOVED BY DR. VENRICK, SECONDED BY DR. DASMANN, THAT
THE FISH AND GAME COMMISSION AUTHORIZES THE DEPARTMENT OF
FISH AND GAME TO TRANSFER ONE ACRE OF OYSTER ALLOTMENT NO. 438-01
TO MARICULTURE LEASE NO. M-438-02 FOR THE CULTIVATION OF ROCK SCALLOPS.

PASSED UNANIMOUSLY.

7. CONSIDERATION OF REQUEST OF R. G. DROLETTE FOR A PERMIT TO IMPORT AND
POSSESS A NEUTERED FEMALE FERRET.

Mr. Edgerton stated that Mr. R. G. Drolette had submitted a letter to the Commission office requesting a permit to import and possess a pen-raised ferret from Kentucky. He said that Mr. Drolette's wife had purchased the ferret from a pet shop in Kentucky and had brought the animal into California. He said that the animal had escaped and was turned over to Department officers. He said that Mr. and Mrs. Drolette were informed that Commission approval would be necessary for them to continue to possess the animal.

Mr. Cribbs stated that he had received a call from Mrs. Drolette asking that this matter be postponed to a later date and to an area closer to San Diego to allow her to attend. He noted that she had indicated a strong desire to continue to possess the animal in the interim. He noted that she had stated when she found out it was illegal for her to possess the animal without a permit.

she had immediately applied for this permit from the Department.

Mr. Dollahite stated there were several inconsistencies in the statements made by Mrs. Drolette and that the Department had recommended that she not be allowed to possess the animal. After additional discussion, it was:

MOVED BY DR. VENRICK, SECONDED BY MR. BENSON, THAT THE FISH AND GAME COMMISSION PUTS OVER CONSIDERATION OF THE REQUEST OF MR. R. G. DROLETTE TO IMPORT AND POSSESS A NEUTERED FEMALE FERRET UNTIL THE COMMISSION'S NOVEMBER 2, 1979 MEETING IN SAN DIEGO.

PASSED UNANIMOUSLY.

8. CONSIDERATION OF REQUEST OF HENRY NIELSEN FOR A PERMIT TO USE EXPLOSIVES TO MOVE BOULDERS IN SOUTH FORK STANISLAUS RIVER RE GOLD DREDGING OPERATION.

Mr. Henry Nielsen, a miner, explained to the Commissioners that he was involved in a suction dredge operation on the South Fork of the Stanislaus River. He noted that the Commissioners had before them information regarding his operation. He said he was a certified powderman and he desired to use Tri-Ex to break the suction the bottom has on large boulders and lift them out of their holes prior to moving them out of the way of the gold dredging operation. He said he had spoken with the district ranger in the area for the U.S. Forest Service and that the Forest Service would not object to the proposal as long as it did not involve any terrestrial areas. He said he was looking for new and efficient ways to carry on his operation and that he tried to run a safe and professional program.

Director Fullerton stated that this was a catchable trout stream and there was also an important species of bass found there. He recommended denial based upon the fact that it would be setting a precedent and as there were some 5,000 suction dredge permits in the state it might lead to proliferation of such actions. In response to a question from Dr. Venrick, the Director stated that while there might not be a deleterious impact from one such operation, the proliferation of such actions could be detrimental to the resources.

Commissional Chickering asked about observers being present on an experiemental basis to determine the impact of such efforts. Director Fullerton stated that he would object to this, in that, as he said before, it would set a precedent.

Mr. Jerry Miller of the California Wildlife Federation came forward and spoke in opposition to the issuance of such a permit. After additional discussion of the matter, it was:

MOVED BY MR. BENSON, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION, UNDER THE AUTHORITY OF SECTION 5500 OF THE FISH AND GAME CODE, DENIES THE REQUEST OF MR. HENRY NIELSON FOR A PERMIT TO USE EXPLOSIVES IN THE SOUTH FORK OF THE STANISLAUS RIVER TO AID IN GOLD DREDGING OPERATIONS.

PASSED UNANIMOUSLY.

9. CONSIDERATION OF REQUEST OF MURRAY CRUM TO IMPORT AND POSSESS MONKEYS FOR COMMERCIAL PURPOSES.

Mr. Edgerton stated that the Commission office received a letter from Mr. Murray Crum requesting a permit to import and possess, for sale, species of monkeys.

Mr. Edgerton stated that the Commission office had received a letter from Mr. Lew Carpenter of the Sportsmen's Council of Central California in opposition to the issuance of a permit to Mr. Crum to import monkeys from Florida.

Mr. Crum came forward and explained his proposal to the Commission. He said his desire was to only import monkeys for scientific and breeding purposes and that such animals would only be sold in pairs to individuals who agreed to return the animals to the country of origin or to other breeding projects. He noted that he was aware of the various lists of endangered species and that none of these species would be involved in the program. He pointed out that his desire was to have a source of monkeys for scientific research or zoological gardens. He noted that in many countries the monkeys were considered pests and therefore would not be deleterious to the existing resource in those countries.

Mr. Dollahite stated that the Department recommended denial of Mr. Crum's request stating that he believed it would just put a further demand on the resource.

Mr. Crum stated that he would be willing to allow the Commission to limit the number of animals that he could import annually.

A discussion followed relevant to the exact purposes for which Mr. Crum desired to bring these in, and based upon this discussion, Dr. Dasmann stated that his concern was that it was not known the species to be imported or the location of where they were coming from and for what purposes they would be used. He noted that there were some species that were over abundant in some other countries; however, that this was not true for all species in all countries.

Director Fullerton suggested because of the apparent confusion as to exactly what Mr. Crum wanted to do and the implications of this, he suggested the matter be put over to allow the Department to speak to Mr. Crum in the interim. It was then:

MOVED BY MR. BENSON, SECONDED BY DR. VENRICK, THAT
THE FISH AND GAME COMMISSION PUTS OVER CONSIDERATION
OF THE REQUEST OF MR. MURRAY CRUM TO IMPORT MONKEYS
FROM FLORIDA INTO CALIFORNIA FOR COMMERCIAL PURPOSES
UNTIL A LATER DATE.

PASSED UNANIMOUSLY.

10. CONSIDERATION OF REQUEST OF CHRIS DALRI TO HAVE HIS DOMESTIC GAME BREEDER'S LICENSE REISSUED.

Mr. Edgerton stated that the Commission office had received a letter from Mr. Gerald Canaday, representing Mr. Chris Dalri, requesting that this matter be put over until a later date. It was then:

MOVED BY DR. DASMANN, SECONDED BY MR. BENSON, THAT THIS ITEM BE PUT OVER TO A FUTURE MEETING.

PASSED UNANIMOUSLY.

11. CONSIDERATION OF REVOCATION OF HUNTING PRIVILEGES OF MARK STRAHORN AND JERRY BAXTER.

Mr. Edgerton stated that certified letters were sent to the above individuals notifying them of the possible action to be taken at the Bishop meeting. He said they were further advised that if they could not attend the meeting they should send a letter in explaining the circumstances.

Mr. Edgerton stated that the Commission office had received a letter from the Sportsmen's Council of Central California stating that the Council's position was that if a court of law had found an individual guilty of game law violations and that the court, as part of the punishment meted out to the guilty parties, was to be a revocation of license privileges, that the Fish and Game Commission should uphold that conviction and punishment. This letter also stated the same for those matters considered under items 12.

Mark Anthony Strahorn was arrested as follows:

1. Cited on October 25, 1975 of violation of Section 2006 of the Fish and Game Code for possession of a loaded rifle in a vehicle. He forfeited \$20 bail plus \$5 penalty assessment in the Gustine Court on November 17, 1975.

2. Cited on January 13, 1977 of violation of Sections 2016 and 3002 of the Fish and Game Code for trespassing for the purpose of hunting and taking game from a vehicle. He was found guilty in the Merced Municipal Court on March 7, 1977 and fined \$50 plus \$15 penalty assessment.

3. Cited on October 22, 1978 of violation of Sections 2016 and 2005 of the Fish and Game Code for trespassing for the purpose of hunting and spotlighting. He was fined \$195 plus \$50 penalty assessment and placed on twelve months probation, a condition of which included no hunting during probation, in the Merced Municipal Court on February 2, 1979.

Mr. Edgerton asked if Mr. Strahorn was present; there was no response. It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION FINDS THAT MARK ANTHONY STRAHORN HAS BEEN CONVICTED OF THREE VIOLATIONS OF THE CALIFORNIA HUNTING LAWS OR REGULATIONS WITHIN A FIVE-YEAR

PERIOD AND HAS BEEN INVITED TO APPEAR BEFORE THIS COMMISSION TO SHOW CAUSE WHY HIS HUNTING PRIVILEGES SHOULD NOT BE REVOKED. BASED UPON ITS FINDINGS, THE FISH AND GAME COMMISSION NOW DECLARES THAT PURSUANT TO SECTION 12155 OF THE FISH AND GAME CODE, THE HUNTING PRIVILEGES OF MARK ANTHONY STRAHORN ARE HEREBY REVOKED, AND ANY HUNTING LICENSE PREVIOUSLY ISSUED TO HIM SHALL BE REVOKED AND CANCELLED AND NO NEW HUNTING LICENSE SHALL BE ISSUED TO HIM UNTIL FEBRUARY 5, 1982.

PASSED UNANIMOUSLY.

Jerry Wayne Baxter was arrested as follows:

1. Cited on February 1, 1976 for violation of Section 2016, Fish and Game Code for trespassing for the purpose of hunting. He pled guilty on March 2, 1976 in the San Jose Municipal Court and was fined \$25 plus \$10 penalty assessment.
2. Cited June 29, 1977 for violation of Section 2016, Fish and Game Code, for trespassing for the purpose of hunting. He pled guilty in the Gilroy Municipal Court on July 19, 1977 and was fined \$250 plus \$65 penalty assessment.
3. Cited January 19, 1979 for violation of Section 2005, Fish and Game Code, for spotlighting from vehicle. He forfeited \$250 bail plus \$35 penalty assessment in the Mariposa Justice Court on January 22, 1979.

Mr. Edgerton asked if Mr. Baxter was present; there was no response. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION FINDS THAT JERRY WAYNE BAXTER HAS BEEN CONVICTED OF THREE VIOLATIONS OF THE CALIFORNIA HUNTING LAWS OR REGULATIONS WITHIN A FIVE-YEAR PERIOD AND HAS BEEN INVITED TO APPEAR BEFORE THIS COMMISSION TO SHOW CAUSE WHY HIS HUNTING PRIVILEGES SHOULD NOT BE REVOKED. BASED UPON ITS FINDINGS, THE FISH AND GAME COMMISSION NOW DECLARES THAT PURSUANT TO SECTION 12155 OF THE FISH AND GAME CODE, THE HUNTING PRIVILEGES OF JERRY WAYNE BAXTER ARE HEREBY REVOKED, AND ANY HUNTING LICENSE PREVIOUSLY ISSUED TO HIM SHALL BE REVOKED AND CANCELLED AND NO NEW HUNTING LICENSE SHALL BE ISSUED TO HIM UNTIL JANUARY 22, 1982.

PASSED UNANIMOUSLY.

12. CONSIDERATION OF REVOCATION OF ANGLING PRIVILEGES OF BRADLEY SMART AND EDDIE HARRIS.

Mr. Edgerton stated that pursuant to the provisions of Section 12154 of the Fish and Game Code, the Department was requesting that the sport fishing privileges of the above individuals be revoked for a period of time to be determined by the Commission. He said certified letters had been sent to each of these individuals notifying them of the possible action to be taken, and that if they could not attend they should send in a letter explaining the circumstances of their convictions.

Bradley Lawrence Smart was arrested as follows:

1. Cited on May 29, 1976 for violation of Section 700, Title 14, CAC, for angling with no license in possession. He pled guilty in the Newhall Municipal Court on July 14, 1976 and was fined \$10 plus \$5 penalty assessment.
2. Cited January 31, 1978 for violation of Section 700, Title 14, CAC, for angling with no license in possession. He pled guilty in the Newhall Municipal Court on April 24, 1978 and was fined \$10 plus \$5 penalty assessment.
3. Cited September 25, 1978 for violation of Section 700, Title 14, CAC for angling with no license in possession. He forfeited \$25 bail plus \$10 penalty assessment in the Malibu Municipal Court on November 30, 1978.

Mr. Edgerton asked if Mr. Smart was present; there was no response.

MOVED BY MR. GALLETTI, SECONDED BY MR. BENSON, THAT THE FISH AND GAME COMMISSION FINDS THAT BRADLEY LAWRENCE SMART HAS BEEN CONVICTED OF THREE VIOLATIONS OF THE CALIFORNIA FISHING LAWS OR REGULATIONS WITHIN A FIVE-YEAR PERIOD AND HAS BEEN INVITED TO APPEAR BEFORE THIS COMMISSION TO SHOW CAUSE WHY HIS FISHING PRIVILEGES SHOULD NOT BE REVOKED. BASED UPON ITS FINDINGS, THE FISH AND GAME COMMISSION NOW DECLARES THAT PURSUANT TO SECTION 12154 OF THE FISH AND GAME CODE, THE FISHING PRIVILEGES OF BRADLEY LAWRENCE SMART ARE HEREBY REVOKED, AND ANY FISHING LICENSE PREVIOUSLY ISSUED TO HIM SHALL BE REVOKED AND CANCELLED AND NO NEW LICENSE SHALL BE ISSUED TO HIM UNTIL NOVEMBER 30, 1981.

PASSED UNANIMOUSLY.

Eddie Harris was arrested as follows:

1. Cited November 9, 1975 for violation of Section 6.15(a), Title 14, CAC, for angling with more than one line. He forfeited \$25 bail plus \$10 penalty assessment in the Pine Valley Justice Court on December 23, 1975.
2. Cited May 22, 1977 for violation of Section 6.15(a), Title 14, CAC, for angling with more than one line. He forfeited \$25 bail plus \$10 penalty assessment in the Desert Municipal Court on June 1, 1977.
3. Cited February 8, 1979 for violation of Section 6.15(a), Title 14, CAC, for angling with more than one line. He forfeited \$35 bail plus \$10 penalty assessment in the Desert Municipal Court on February 28, 1979.

As Mr. Harris came forward, Mr. Edgerton asked if this was a true court record; he replied that it was. Mr. Harris then explained he and his wife had been fishing and that she had left to go to the rest room and that the warden appeared and issued a citation to him for fishing with more than one line. In response to a question from Dr. Venrick, Mr. Harris

stated that he had learned a lesson and that he would not allow this to happen in the future. It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION HEREBY ISSUES A LETTER OF WARNING TO MR. EDDIE HARRIS, INFORMING HIM THAT ANY FURTHER VIOLATIONS WOULD BE DEALT WITH IN A VERY SEVERE MANNER.

PASSED UNANIMOUSLY.

13. CONSIDERATION OF EMERGENCY ACTION TO EXTEND DATE OF CLOSURE OF BROWN PELICAN FLEDGING AREA AS DESIGNATED IN SECTION 630(b)(31)(E), TITLE 14, CAC TO JULY 31, 1979.

Mr. Edgerton stated that on March 30 the Commission had extended the protective nesting area for the brown pelicans on West Anacapa Island by approximately 4,000 feet along the north shore of Portuguese Point east to, but not including, Frenchy's Cove. He said that closure expired on March 31 and that the Department was now asking for an extension of that 4,000 foot closure only area to July 31.

Director Fullerton explained that the closure had been effective in protecting the nesting pelicans and that there had been re-nesting of these birds. He said the additional protection would be needed to protect these birds until they matured. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION, UNDER THE AUTHORITY OF SECTIONS 1580-1584 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SAID SECTIONS OF SAID CODE, AS AN EMERGENCY, AMENDS SECTION 630(b)(31)(E), TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, AS FOLLOWS:

(1) Subsection (b)(31)(E) of Section 630 is amended to read:

(E) A brown pelican fledging area is designated from the mean high tide mark seaward to a water depth of 20 fathoms (120 feet) on the north side of West Anacapa Island between a line extending 345° magnetic off Portuguese Rock to a line extending 345° off the western edge of Frenchy's Cove, a distance of approximately 4,000 feet. No person except as provided in subsection (a)(10), and employees of the National Park Service in the performance of their official duties shall enter this area during the period March 1 to July 31.

Note: Authority and Reference: Sections 1580-1584, Fish and Game Code.

PASSED UNANIMOUSLY.

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK
THE FISH AND GAME COMMISSION AUTHORIZES ITS STAFF TO PUBLISH
NOTICE OF THIS EMERGENCY ACTION AND SET AUGUST 31 IN SAN
FRANCISCO AS THE HEARING DATE.

PASSED UNANIMOUSLY.

14. CONSIDERATION OF ADOPTION OF AMENDMENTS TO SECTION 100, TITLE 14, CAC, RE ESTABLISHING JULY 1 AS DEADLINE TO OBTAIN A COMMERCIAL ABALONE DIVING PERMIT, AND TO PROVIDE FOR A TWO-YEAR LEAVE FROM THE FISHERY.

Mr. Edgerton noted that the Commission, at its April 27 meeting in Sacramento, had authorized its staff to publish notice concerning this matter. That legal notice, he said, had been published and all legal requirements had been met. He also noted that no correspondence had been received in the Commission office on the subject.

Director Fullerton stated the Department recommended adoption of the regulations as presented with one change, which he said dealt with permittees failing to meet the minimum landing requirements during the previous season. He said these individuals would not qualify for permits for the coming year unless the minimum landing requirement had been waived by the Commission. He said he had met with the divers and they concurred in the proposals.

He said the major aspects of the regulations were (1) establishment of a July 1 cutoff date for permittees desiring to obtain a permit for the coming year; and (2) a provision for a two-year leave of absence without losing eligibility in the fishery; and (3) establishment of structured eligibility requirements recognizing fishery experience for those persons applying for annual available abalone diving permits. It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT
THE FISH AND GAME COMMISSION, UNDER THE AUTHORITY OF
SECTIONS 7701, 7708, 8040 AND 8300-8307.6 OF THE FISH
AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE
SPECIFIC SAID SECTIONS OF SAID CODE, AMENDS ITS REGULATIONS
IN SECTION 100, TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, AS
FOLLOWS:

- (1) Section 100 is amended to read:

100. Abalone. Abalone may not be taken for commercial purposes except as hereinafter provided.

(a) Permit Required. Every person who takes, assists in taking, possesses or transports abalone while on any boat, barge or vessel, or who uses, operates, or assists in using or operating any boat or equipment to take abalone must have obtained a valid abalone permit and must be in possession of said permit while engaged in such activities. Every person granted a landing waiver according to subsection 100(b)(1)(B)4 must maintain a valid permit during the entire waiver period. Failure to maintain the permit will result in loss of the landing waiver privileges.

(b) Classes of Permits.

(1) Abalone Diving Permits. The department shall issue not more than 200 abalone diving permits, pursuant to Fish and Game Code Section 8306.3.

(A) An abalone diving permit shall not be issued to any person except pursuant to Section 8306.3, or to any person who did not possess an abalone diving permit during the previous abalone season and who did not land at least 10,000 pounds of abalone or make 20 landings for each of which an official receipt (pink ticket) was received by the department pursuant to Sections 8011 and 8014 of the Fish and Game Code. No abalone diving permit authorized pursuant to this subsection shall be issued by the department following June 30 of each year. Any permittee who fails to meet the minimum landing requirement for the previous season or who has not had this requirement waived by the commission shall not be eligible for a permit or the permit drawing according to subsection 100(b)(1)(B) held during the immediate following season. For the purpose of administering these regulations, an abalone landing shall be defined as delivery to the mainland shore of a minimum of two dozen abalone of any species combined. The person affected by this section may appeal to the commission.

1. Qualifying Receipts.

a. To qualify as a valid official receipt to be included in the required 20 landings in subsection (b)(1)(A), the official receipt form, FG SC 620 (pink ticket) shall be issued by a qualified licensed dealer and shall include the following required entries:

(i) All information required by Section 8011, Fish and Game Code.

(ii) Fishermen as used in this section shall be a current registered abalone diving permittee. Not more than one abalone diver shall be shown on the fish receipt issued pursuant to these regulations. Such receipt shall designate the diver's name and permit number.

(iii) The number of each species of abalone landed or received shall be shown in weight or count on the receipt.

b. All abalone receipts issued on one calendar day, or from one load shall qualify for only one valid official landing. Receipts for abalone below the minimum number of two dozen as provided in this section may be accumulated "chronologically in sequence" to meet qualification requirements and shall then collectively qualify as one official abalone landing.

c. It shall be unlawful for any permittee to enter or furnish for entry any false or incorrect information on any official abalone receipt, or to alter, or deface any official receipt or entries thereon, to evade the provisions of this section.

(i) Any false, incorrect, or incomplete entry shall disqualify the receipt from any credit toward the required qualification count.

d. The official receipt issued pursuant to these regulations shall be delivered to the department, or if mailed, postmarked by the 1st and 16th day of each month.

(B) The total number of abalone diving permits issued to individuals not qualifying under subsection (b)(1)(A) shall be the difference in number of permittees meeting such qualifications, and the total number of abalone diving permits authorized by the commission under subsection (b)(1). To be eligible for such a permit an applicant shall either have:

1. At least three years experience as an abalone diver or crew member with a permit issued in accordance with subsection (b)(1)(B)2; or

2. Successfully passed a proficiency test administered by the department within the past 24-month period. Tests will be given in March and September of each year in department offices at Menlo Park, Long Beach and San Diego. Applicants must contact the appropriate office where the test is to be given for an appointment prior to the first day of the month in which the test is scheduled.

Application for a permit issued pursuant to this subsection shall be submitted in time for it to be received at the Department of Fish and Game office, 350 Golden Shore, Long Beach, California 90802, prior to 5:00 p.m. on March 1. If March 1 falls on a weekend then on the first Monday following March 1.

Permits will be issued first to those applicants who have at least one year of experience in the fishery in the preceding five years. In the event that there are available permits after those individuals qualifying under the experience category have been issued their permits, then those applicants who have successfully passed the proficiency test shall be eligible for permits. In the event that the number of eligible applicants qualifying in either of the above categories exceeds the number of available permits, eligibility will be determined within the category by a drawing.

(2) Crew Member Permits. Those persons who do not qualify for an abalone diving permit may be issued a crew member permit. A crew member permittee is authorized to assist an abalone diving permittee except that a crew member permittee shall not engage in diving while the holder of the abalone diving permit, whom the crew member is assisting, is taking abalone for commercial purposes.

(3) Season. For the purposes of this section the abalone season shall be from April 1 to March 31 of the following year.

(4) Landing Waiver. Abalone diving permittees shall be eligible for a landing waiver for a period not to exceed two years provided they have complied with the minimum landing requirements as specified in subsection (b)(1)(A) of these regulations for a period of not less than five years, inclusive.

Permittees requesting a landing waiver shall submit a letter of intent requesting such waiver for a specific period to the department's Long Beach office three months prior to the effective date. Permittees who have filed such request may withdraw the letter of intent during the 60-day period prior to the effective date.

(c) Limitations and Conditions of Permits. The provisions of the Fish and Game Code relating to abalone shall be a condition of all permits. A permit shall not be assigned or transferred, and any right or privilege granted thereunder may be revoked or cancelled without notice by the commission for a period not to exceed one year, upon violation of any of the terms or conditions of said permits by the holders thereof, their agents, servants, employees, or those acting under their direction and control. A person whose abalone permit has been revoked by the commission, or who has violated the laws or regulations pertaining to the take of abalone may be required to appear before the commission when applying for a permit.

(d) Open Areas. Under permits issued by the department, abalone may be taken for commercial purposes in those portions of District 20 lying on the southerly side of Catalina Island between Southeast Rock and China Point and in Districts 18, 19, and 20A, and in District 10 only in waters south of Point Lobos. Abalone (genus Haliotis) shall not be taken during the months of February and August.

(e) Closed Areas. Abalone may not be taken for commercial purposes in the mainland coastal waters from Palos Verdes Point in Los Angeles County to Dana Point in Orange County, nor in waters less than 20 feet in depth, except that in District 19 within one mile of the shore of San Nicholas, San Miguel and San Clemente Islands when divers and abalone are submerged, abalone may be taken for commercial purposes in waters less than 20 feet in depth, except that the take of abalone is not permitted within 300 yards of shore between Judith Rock and Castle Rock on San Miguel Island.

(f) Black Abalone. Black abalone may not be taken for commercial purposes along the mainland coast, or within one mile of Anacapa and Santa Cruz Islands.

(1) It is unlawful for any person to possess black abalone on any boat within one mile of Anacapa Island except when going to, coming from, or taking refuge from weather in Frenchy's Harbor or at anchorages near Cat Rock and East Fish Camp.

(2) It is unlawful for any person to possess black abalone on any boat within one mile of Santa Cruz Island, except at the southerly side of the island in the area between a line running due south magnetic from Morse Point and a line running due east magnetic from San Pedro Point, or except when going to, coming from, or taking refuge from weather in Prisoners Harbor.

(g) Equipment. Method of Take.

(1) Every abalone diver shall carry an accurate measuring device and shall measure all abalone before detaching the abalone from its place of attachment. If any abalone under the minimum size is detached by a diver, such diver shall immediately replace the abalone at its place of attachment. No abalone diver or crew member shall throw, cast or drop any abalone into the ocean.

(2) A diver shall be equipped with and use underwater diving gear which shall consist of above-surface air pump operated from a boat and at least 100 feet of air hose, two baskets, and a measuring device.

(3) Abalone may be taken only by hand or with abalone irons. For the purpose of this section, an abalone iron is defined as a flat device not more than 36 inches in length and not less than three-fourths inch wide and not less than one-sixteenth inch thick; all edges of the device shall be rounded and smooth; the device may be curved but the radius of the curve shall not be less than eighteen inches.

(4) Vessel Identifications. The permit number of the boat operator shall be displayed in 10" high by 2" wide black Roman alphabet letters and Arabic numerals. Figures shall be black on a white background on both sides of the vessel. Numbers shall be displayed at all times while operating under an abalone permit. All permittees aboard the boat shall be mutually responsible for the proper display of the numbers.

(h) Possession and Transportation.

(1) No abalone the shell of which measured at the greatest diameter is less than: red abalone, 7-3/4 inches; green abalone, 7 inches; pink abalone and white abalone, 6-1/4 inches; black abalone, 5-3/4 inches; all other abalone, 4 inches; may be taken or possessed.

(2) No abalone may be possessed which are not attached to the shell.

(3) No person aboard any boat engaged in taking abalone shall take or possess sea urchins on any day or on any fishing trip when abalone have been taken.

(i) These regulations shall be set forth in all permits. Permits shall only be issued upon the condition contained in the application and signed by the applicant that he has read, understands and agrees to be bound by all the terms of the permit.

Note: Authority and Reference: Sections 7701, 7708, 8040 and 8300-8307.6, Fish and Game Code.

PASSED UNANIMOUSLY.

15. CONSIDERATION OF AMENDMENTS TO SECTION 630(b)(28)(C), TITLE 14, CAC, RE MODIFYING BOATING CLOSURE ON SAN MIGUEL ISLAND ECOLOGICAL RESERVE.

Mr. Edgerton stated that the Commission, at its April 27 meeting in Sacramento, had authorized its staff to publish legal notice regarding this matter. He said all legal requirements had been met and the Department recommended approval. He said a letter had been received from Dr. Charles W. Woodhouse of the Santa Barbara Museum of Natural History in support of the proposal.

Mr. Edgerton explained that the current boating closure at the west end of San Miguel Island was established to protect marine mammals found there and that the area was presently closed to all boating traffic

offshore for a distance of 300 yards. He said under the new regulations the harvest of sea urchins and abalone would be provided for at specific locations during periods of reduced marine mammal activity. He noted that the Department recommended adoption of the regulation. John Colgate of the California Abalone Association called to support this item. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT UNDER THE AUTHORITY VESTED BY SECTIONS 1580-1584 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SAID SECTIONS OF SAID CODE, THE FISH AND GAME COMMISSION AMENDS ITS REGULATIONS IN SECTION 630(b)(28)(c), TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, AS FOLLOWS:

(1) Subsection (b)(28)(c) of Section 630 is amended to read:

(c) Boating is permitted except between Judith Rock and Castle Rock where boats are prohibited closer than 300 yards from shore. Boats may be anchored overnight in the reserve only at Tyler Bight and Cuyler Harbor. Boats traveling within 300 yards of shoreline or anchorages shall operate with a minimum amount of noise and shall not exceed speeds of five miles per hour. Landing is allowed on San Miguel Island by permit only at the designated landing beach in Cuyler Harbor. No person, except as provided in subsection (a)(10) shall have access to all other offshore rocks and islands in the reserve.

(1) Notwithstanding the 300-yard boating closure between Judith Rock and Castle Rock, the following shall apply:

a. Boats may approach no nearer than 100 yards from shore during the period(s) from March 15 through April 30, and October 1 through December 15; and

b. Boats operated by commercial abalone diving permittees and commercial sea urchin boat operators who have been issued permits by the department to take sea urchins from the Point Bennett area of San Miguel Island may enter any waters of the 300-yard area between Judith Rock and Castle Rock for the purpose of fishing abalone and sea urchins during the period(s) March 15 through April 30, and October 1 through December 15.

(2) The department may rescind permission for boats to enter waters within 300 yards between Judith Rock and Castle Rock upon finding that impairment to the island marine mammal resource is eminent. Immediately following such closure, the department will request the commission to hear at its regularly scheduled meeting, presentation of documentation supporting the need for such closure.

Note: Authority and Reference: Sections 1580-1584, Fish and Game Code.

PASSED UNANIMOUSLY.

16. CONSIDERATION OF ADOPTION OF AMENDMENT TO SECTION 550, TITLE 14, CAC, BY ADDING SLINKARD/LITTLE ANTELOPE VALLEY, MONO COUNTY, TO LIST OF STATE WILDLIFE AREAS.

At the Commission's April 27 meeting, it authorized its staff to publish the required notice pertinent to this matter. That legal notice has been published, and all other legal requirements have been met. Mr. Edgerton stated that the Department recommended approval and that the Commission office had received no correspondence on the subject. The proposal calls for the establishment of the Slinkard/Little Antelope Valley Wildlife Area, Mono County, which would consist of approximately 10,800 acres. The prime purpose of the area is for protection of important deer winter range and to provide public recreational use. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION, PURSUANT TO SECTIONS 1526-1530 AND 10504 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SAID SECTIONS OF SAID CODE, AMENDS ITS REGULATIONS IN SECTION 550, TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, AS FOLLOWS:

(1) Subsection (a)(33) is added to Section 550 to read:

(33) Slinkard-Little Antelope Wildlife Area

Note: Authority and Reference: Sections 1526-1530 and 10504 of the Fish and Game Code.

PASSED UNANIMOUSLY.

17. CONSIDERATION OF ADOPTION OF AMENDMENT TO SECTION 630, TITLE 14, CAC, BY ADDING PINE HILL ECOLOGICAL RESERVE, EL DORADO COUNTY.

The Commission, on April 27, authorized its staff to publish notice of its intent to consider the addition of the Pine Hill Ecological Reserve, El Dorado County to Section 630, Title 14, CAC. All legal requirements were met and the Department recommends approval. No correspondence was received on the matter.

The Pine Hill Ecological Reserve consists of 250 acres of surplus Department of Forestry property near the town of Rescue, El Dorado County, which was transferred to the Department of Fish and Game by General Services at no cost. The area is being acquired for the protection of five candidate rare or endangered plant species and their habitat. A management plan will be developed by the Department within one year.

Commissioner Venrick asked the Director if there would be hunting on the Pine Hill Ecological Reserve. The Director replied that it was not proposed at this time; however, when the management plan was developed that consideration would be given to this and should it be appropriate, the Department would come back to the Commission with proposed regulations.

It was then:

MOVED BY DR. VERNICK, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE AUTHORITY VESTED BY SECTIONS 1580-1584 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SAID SECTIONS OF SAID CODE, AMENDS ITS REGULATIONS IN SECTION 630, TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, AS FOLLOWS:

(1) Subsection (b)(34) is added to Section 630 to read:

(34) Pine Hill Ecological Reserve, El Dorado County.

(A) No person, except as provided in subsection (a)(10), shall enter this reserve between sunset and sunrise.

(B) No horses are permitted within the boundaries of the reserve.

Note: Authority and Reference: Section 1580-1584, Fish and Game Code.

PASSED UNANIMOUSLY.

18. CONFIRMATION OF AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO AMEND SECTION 670.2, TITLE 14, CAC, ADDING 28 PLANTS TO LIST OF RARE AND ENDANGERED.

Mr. Edgerton stated that this action was necessary to confirm telephonic approval of three Commissioners giving authorization to its staff to publish notice of the Commission's intent to consider, at its August 3 meeting, the addition of 18 plant species to the list of endangered plants, and 10 plant species to the list of rare plants. As authorized, this legal notice has been published and testimony will be taken on the matter on August 3.

MOVED BY DR. VERNICK, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION CONFIRMS ITS AUTHORIZATION TO ITS STAFF TO PUBLISH NOTICE OF ITS INTENT TO CONSIDER AT ITS AUGUST 3 MEETING THE ADDITION OF 28 PLANT SPECIES TO THE LIST OF ENDANGERED AND RARE PLANTS.

PASSED UNANIMOUSLY.

19. CONFIRMATION OF TEMPORARY EMERGENCY CLOSURE OF FOUR-MILE PORTION OF NORTH FORK FEATHER RIVER.

On May 25, Commissioners Chickering, Venrick and Galletti gave telephonic approval for a temporary closure of a portion of the North Fork of the Feather River. This action was taken when the Department reported that the special closure was needed to protect this year's spawning run, which was blocked by a flood control dam on the North Fork Feather River, which is a tributary to Lake Almanor, Plumas County. The closure involves a four-mile stretch which was vulnerable to anglers if the season opened as scheduled on May 26. This closure went through June 22, at which time the Department felt the fish would have dispersed.

The matter before the Commission was the confirmation of the authorization given on May 25. Mr. Edgerton stated the Department recommended confirmation and that no correspondence had been received from the public on the matter. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK THAT THE FISH AND GAME COMMISSION, UNDER THE AUTHORITY OF SECTION 315 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SAID SECTION OF SAID CODE, CONFIRMS ITS CLOSURE OF A FOUR-MILE PORTION OF THE NORTH FORK OF THE FEATHER RIVER, AS FOLLOWS:

(1) Section 12.50 is amended to read:

12.50 Almanor Lake Tributaries Closure (Lassen, Plumas, and Shasta counties.)

All tributaries of Lake Almanor and their tributaries upstream to the first lake are closed to all fishing from November 16 through the Friday preceding Memorial Day. In addition, that portion of the North Fork of the Feather River from the Highway 36 bridge in Chester upstream to the U.S. Corps of Engineers' Diversion Dam is closed to all fishing from November 16 through Friday, June 22.

Note: Authority and Reference: Section 315, Fish and Game Code.

PASSED UNANIMOUSLY.

20. CONFIRMATION OF AUTHORIZATION TO JOHN P. AND MARY RIEGER TO MONITOR AND BAND CATTLE EGRETS IN BUENA VISTA LAGOON ECOLOGICAL RESERVE.

Mr. Edgerton stated that on May 17, Commissioners Chickering, Venrick and Galletti gave telephonic approval authorizing the Department to issue to John and Mary Rieger a permit to enter the Buena Vista Lagoon Ecological Reserve to conduct a survey of the egret colony and band nestlings. The matter before the Commission, upon which the Department recommended approval, is for confirmation of that earlier emergency action. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION CONFIRMS ITS AUTHORIZATION TO THE DEPARTMENT OF FISH AND GAME TO ISSUE TO JOHN P. AND MARY F. RIEGER A PERMIT TO ENTER THE BUENA VISTA LAGOON ECOLOGICAL RESERVE TO CONDUCT A SURVEY ON THE EGRET COLONY AND TO BAND NESTLINGS.

PASSED UNANIMOUSLY.

21. CONFIRMATION OF AUTHORIZATION TO DEPARTMENT TO ISSUE EXPERIMENTAL GEAR PERMITS TO SHRIMP NETTERS TO USE 1-3/8" NET MESH BETWEEN PIGEON POINT AND PT. CONCEPTION.

On May 14, Commissioners Chickering, Venrick and Benson gave telephonic approval authorizing the Department to issue permits to shrimp trawlers who applied for a permit to use 1-3/8" mesh nets to take shrimp in Permit Area C. This area is located between Pigeon Point and Point Conception.

The matter before the Commission was confirmation of the earlier emergency approval. Mr. Edgerton stated the Department recommended confirmation.

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION CONFIRMS ITS AUTHORIZATION TO THE DEPARTMENT OF FISH AND GAME TO ISSUE EXPERIMENTAL GEAR PERMITS, UNDER SECTION 8606 OF THE FISH AND GAME CODE, FOR SHRIMP FISHERMEN TO USE 1-3/8" MESH TO TAKE SHRIMP IN PERMIT AREA C.

PASSED UNANIMOUSLY.

22. CONFIRMATION OF AUTHORIZATION TO JAMES BENSLEY TO POSSESS 5 MOUFLON SHEEP.

Mr. Edgerton stated that in mid-May, Commissioners Chickering, Venrick and Benson had given telephonic approval authorizing the Department to issue a permit to James Bensley of Cougar Mountain Game Preserve, Yucaipa, San Bernardino County, to possess five mouflon sheep. Mr. Bensley was licensed under U.S.D.A. as a zoo and felt that he was not required to have such permits; however, the Department had advised him that he was required to have these permits, and it recommended that the Commission authorize the required permits.

Mr. Edgerton stated that the Commission office had received a letter from the Sportsmen's Council of Central California stating that care must be taken that such mouflon sheep cannot escape into the wild and by so doing offer the possibility of contamination of native wild sheep populations by interbreeding with that population. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION CONFIRMS ITS AUTHORIZATION TO THE DEPARTMENT OF FISH AND GAME TO ISSUE TO MR. JAMES W. BENSLEY A PERMIT TO POSSESS FIVE MOUFLON SHEEP AT HIS FACILITY IN YUCAIPA.

PASSED UNANIMOUSLY.

23. CONFIRMATION OF AUTHORIZATION TO DOUGLAS SMITH TO IMPORT AND POSSESS A SPIDER MONKEY.

Mr. Edgerton stated that Mr. Smith had sent a letter to the Department stating that he and his wife were moving to San Jose on the first of June; that they were bringing with them a spider monkey, which they had had since August of 1973. He said that the monkey was originally purchased at a pet store in Missouri, and Mr. Smith requested help in making the trip to California a legal one.

Upon the recommendation of the Department, Commissioners Chickering, Venrick and Benson gave telephonic approval authorizing the Department to issue the necessary permit. It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. BENSON, THAT THE FISH AND GAME COMMISSION CONFIRMS ITS EARLIER ACTION AUTHORIZING THE DEPARTMENT OF FISH AND GAME TO ISSUE TO MR. DOUGLAS R. SMITH A PERMIT TO IMPORT AND POSSESS ONE SPIDER MONKEY.

AYES: COMMISSIONERS VENRICK, GALLETTI AND BENSON.

NO: COMMISSIONER DASMANN.

24. CONSIDERATION OF AUTHORIZATION TO BLAYDE PENZA TO IMPORT AND POSSESS TWO MALE SPIDER MONKEYS.

Mr. Edgerton stated Mr. Penza had reported that he was planning to transport two spider monkeys to the Sacramento-Placerville area some time in the period May 22 through May 24. He stated that he had possessed these monkeys for over a year; that both were in excellent physical condition; and had just been checked by a veterinarian in Portland, Oregon. He said the Department recommended that the Commission authorize importation and possession on an emergency basis, which was done by telephone on May 18 and 22 by Commissioners Chickering, Venrick and Benson. He said the matter before the Commission was for confirmation of the earlier emergency action. It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION CONFIRMS ITS AUTHORIZATION TO THE DEPARTMENT OF FISH AND GAME TO ISSUE TO MR. BLAYDE PENZA A PERMIT TO IMPORT AND POSSESS TWO MALE SPIDER MONKEYS.

AYES: COMMISSIONERS VENRICK, BENSON AND GALLETTI.

NO: COMMISSIONER DASMANN.

25. CONSIDERATION OF REQUEST OF SEAHORSE ENTERPRISE, INC. TO AMEND ITS MARICULTURE LEASE TO INCLUDE BLUEFIN TUNA, YELLOWFIN TUNA, SABLEFISH AND JAPANESE SCALLOPS.

Mr. Edgerton stated that Mr. Minoru Tanaka, President of Seahorse Enterprise, Inc. had requested that he be authorized to utilize bluefin tuna, yellowfin tuna and sablefish (black cod) at his mariculture lease off Silver Strand, near San Diego. In addition, Mr. Tanaka asked that he be allowed to hold scallop species on an experimental basis to determine the feasibility of utilizing this species on his mariculture lease.

The Director stated that the Department recommended approval of the request and amendment of the existing lease.

Dr. Venrick stated that she had followed this matter very closely and that they had had many unforeseen obstacles to overcome. She supported the proposal. It was then:

MOVED BY DR. VENRICK, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION AUTHORIZES THE DEPARTMENT OF FISH AND GAME TO AMEND THE SEAHORSE ENTERPRISE, INC. LEASE NO. M-877-01 TO PERMIT THE RAISING OF BLUEFIN AND YELLOWFIN TUNA, SABLEFISH, AND SCALLOPS FROM NORTHERN JAPAN.

PASSED UNANIMOUSLY.

26. CONSIDERATION OF REQUEST TO PUBLISH NOTICE TO CONSIDER AMENDING SECTION 119, TITLE 14, CAC, BY REQUIRING A PERMIT TO HARVEST BAY SHRIMP BY TRAWL, TO DEFINE SOUTHERN BOUNDARY OF DISTRICT 13, AND TO PROVIDE FOR LOSS OF PERMIT FOR FAILURE TO COMPLETE AND SUBMIT LOGS.
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Mr. Edgerton stated that legislation in 1978 had given the Commission the authority to regulate trawl nets and Chinese shrimp nets within the Golden Gate Bridge to take shrimp, oriental gobies, long-jawed mudsuckers and staghorn sculpin. He said in order to legalize the operations going on, the Commission on January 5, had adopted interim regulations as proposed by the Department. He said the proposals now before the Commission were more comprehensive in nature. It would provide for:

(1) That a revocable, nontransferable permit system be implemented for the bay shrimp trawl fishery. Any individual who operates a boat to commercially trawl for bay shrimp must have a permit in his possession.

(2) There is presently some question as to the southern boundary of Fish and Game District 13. We propose that the southern boundary be defined as "the Southern Pacific Railroad Bridge crossing at Coyote Point".

(3) It is proposed that a permittee would lose his eligibility for a shrimp permit if he fails to complete and submit logs as required by these regulations.

Mr. Edgerton stated the matter before the Commission was to authorize its staff to publish notice of its intent to consider this change at the Commission's August 30 meeting in San Francisco. It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION, UNDER THE AUTHORITY OF SECTION 8832 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SAID SECTION OF SAID CODE, AUTHORIZES ITS STAFF TO PUBLISH NOTICE OF ITS INTENT TO AMEND SECTION 119, TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, REGARDING THE BAY SHRIMP TRAWL FISHERY, AT ITS AUGUST 30, 1979 MEETING IN SAN FRANCISCO.

PASSED UNANIMOUSLY.

27. CONSIDERATION OF REQUEST TO PUBLISH NOTICE OF INTENT TO AMEND SECTION 163, TITLE 14, CAC, RE HERRING FISHERY, INCLUDING PROVISION FOR NEW PERMITTEES IN 1981, INCREASED TONNAGE IN SAN FRANCISCO BAY, AND OTHER CHANGES.
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Mr. Edgerton stated the Department had held several meetings with the herring fishermen and also with the Herring Advisory Committee, and that the Commissioners had before them a synopsis of the proposed changes, which would be considered at the Commission's August 30 meeting in San Francisco. He said the matter before the Commission was to authorize publication of the required legal notice pertaining to this matter. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION, UNDER THE AUTHORITY OF SECTIONS 8550-8556 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SAID SECTIONS OF SAID CODE, AUTHORIZES ITS STAFF TO PUBLISH NOTICE OF ITS INTENT TO CONSIDER, AT ITS AUGUST 30 MEETING, AMENDMENTS TO SECTION 163, TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, PERTAINING TO THE COMMERCIAL TAKE OF HERRING.

PASSED UNANIMOUSLY.

28. CONSIDERATION OF REQUEST TO PUBLISH NOTICE OF INTENT TO AMEND SECTIONS 550, 551 AND 552, TITLE 14, CAC, RE WILDLIFE AREAS, HUNTING ON STATE AND FEDERAL AREAS AND ADDING PETALUMA MARSH TO AREAS OF CONTROLLED USE.
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Mr. Edgerton stated that the Department was requesting that the Commission authorize its staff to publish the required legal notice of its intent to amend Section 550, wildlife areas; Section 551, hunting on state and federal areas; and Section 552, Napa Marshes and Lower Sherman Island Wildlife Areas and Clifton Court Forebay Waterfowl Public Shooting Area. He said these matters would be considered at the Commission's August 31 meeting in San Francisco. He noted that they had before them the proposed changes as outlined by the Department. It was then:

MOVED BY DR. VENRICK, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION, UNDER THE AUTHORITY OF SECTIONS 1526-1530 AND 10504 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SAID SECTIONS OF SAID CODE, AUTHORIZES ITS STAFF TO PUBLISH NOTICE OF ITS INTENT TO AMEND SECTIONS 550, 551 AND 552, TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, AT ITS AUGUST 31, 1979 MEETING, REGARDING WILDLIFE AREAS, HUNTING ON STATE AND FEDERAL AREAS, AND ADDING PETALUMA MARSH TO THE AREA OF CONTROLLED USE.

PASSED UNANIMOUSLY.

29. CONSIDERATION OF REQUEST TO PUBLISH NOTICE OF INTENT TO ESTABLISH THE ALKALI SINK ECOLOGICAL RESERVE, FRESNO COUNTY, TO PROTECT THE RARE FRESNO KANGAROO RAT.

Mr. Edgerton stated the Department was requesting that the Commission authorize its staff to publish notice of its intent to adopt regulations governing establishment of the Alkali Sink Ecological Reserve, Fresno County. He said this area was acquired by the Wildlife Conservation Board and consists of approximately 449 acres. He said the habitat was acquired for the protection of the rare Fresno kangaroo rat. It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION, UNDER THE AUTHORITY OF SECTIONS 1580-1584 OF THE FISH AND GAME CODE, AUTHORIZES ITS STAFF TO PUBLISH NOTICE OF THE COMMISSION'S INTENT TO CONSIDER, AT ITS AUGUST 30, 1979 MEETING, THE ADOPTION OF THE ALKALI SINK ECOLOGICAL RESERVE, FRESNO COUNTY, TO PROTECT THE RARE FRESNO KANGAROO RAT.

PASSED UNANIMOUSLY.

30. CONSIDERATION OF REQUEST TO CONSIDER SLIGHT REDUCTION IN SIZE OF PEYTONIA SLOUGH ECOLOGICAL RESERVE, SOLANO COUNTY, AT AUGUST 3 MEETING IN SAN LUIS OBISPO.

Mr. Edgerton stated that the Department had requested the withdrawal of a portion of the Peytonia Slough Ecological Reserve, located in Solano County. He said this would provide for the deletion of a parcel within the existing ecological reserve, which was approximately 100 feet wide by 150 feet long. This area would be used for the development of parking and rest room facilities for both the ecological reserve and a fishing access site to be developed along Suisun Slough.

Mr. Edgerton pointed out that this matter did not require publication of legal notice, but that the Department and Commission would give widespread publicity through the news media so the public could have an opportunity for input at the August 3 meeting in San Luis Obispo. It was then:

MOVED BY DR. DASMAN, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION REQUESTS THE DEPARTMENT OF FISH AND GAME TO PUBLISH IN ITS PRESS RELEASES THE COMMISSION'S INTENT TO CONSIDER, AT ITS AUGUST 3 MEETING IN SAN LUIS OBISPO, AN AMENDMENT TO THE BOUNDARY DESCRIPTION OF PEYTONIA SLOUGH ECOLOGICAL RESERVE, SOLANO COUNTY.

PASSED UNANIMOUSLY.

Mr. Edgerton asked that the Commission suspend its rules to hear additional agenda items. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT
THE COMMISSION SUSPEND ITS RULES TO HEAR ADDITIONAL
AGENDA MATTERS.

PASSED UNANIMOUSLY.

30a. CONSIDERATION OF REQUEST OF GARY E. YOUNG, KERRY L. YOUNG, DANIEL K. MUSETTI, MICHAEL LUHRS, AND WESTERN ZOOLOGICAL SUPPLY, INC. FOR PETITION OF REPEAL OF ADMINISTRATIVE REGULATION, TITLE 14, CAC, SECTIONS 185 AND 651, DIVISION 1.

Mr. Edgerton stated that the Commission office had received a petition dated June 19, 1979 from Mr. Richard A. Brown of Reid, Babbage and Coil, attorneys for Gary E. Young, Kerry L. Young, Daniel K. Musetti, Michael Luhrs and Western Zoological Supply, Inc. He stated that copies of this petition, copies of the minutes of the appropriate meetings, and that material which was referenced in the petition had been mailed to each of the Commissioners on June 21, 1979. He noted that he had discussed this matter with Deputy Attorney General Ray Williamson, and he had stated that pursuant to Section 11427 of the Government Code, the Commission's alternatives were to deny the petition, in writing, indicating why the agency had reached such a decision on the merits of the petition; or schedule the matter for a public hearing pursuant to the appropriate Government Code sections.

After discussion of the petition, as submitted by the petitioners, in which Commissioner Venrick stated that she had read the petition and that in her opinion the matters specified in the petition had been carefully considered by the Commission. It was then:

MOVED BY DR. VENRICK, SECONDED BY DR. DASMANN, THAT
THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST
OF GARY E. YOUNG, KERRY L. YOUNG, DANIEL K. MUSETTI,
MICHAEL LUHRS, AND WESTERN ZOOLOGICAL SUPPLY, INC.,
PETITIONERS, FOR A REPEAL OF SECTIONS 185 AND 651,
TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, AND FURTHER
DIRECTS ITS STAFF TO SO NOTIFY THE PETITIONERS.

PASSED UNANIMOUSLY.

30b. CONSIDERATION OF REQUEST OF THE CITY OF SAN DIEGO FOR AN EMERGENCY CLOSURE OF MURRAY LAKE, SAN DIEGO COUNTY, TO ANGLING DUE TO INFESTATION OF HYDRILLA.

Dr. Venrick stated that the Commissioners had before them a letter from Mr. Ray Blair, City Manager of the City of San Diego, which was requesting the Commission take action to provide for an emergency angling closure of Lake Murray, San Diego County, to help prevent the spread of hydrilla. She noted that the Department's Wildlife Protection personnel are powerless to cite trespassers unless the lake is closed to fishing activities. She recommended that the Department watch the situation closely and that if the hydrilla is controlled come back to the Commission asking for the re-opening of the area. It was then:

MOVED BY DR. VENRICK, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION, PURSUANT TO SECTION 315 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SAID SECTION OF SAID CODE, BY EMERGENCY ACTION, ADDS SECTION 5.09 TO TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, AS FOLLOWS:

- (1) Section 5.07 is renumbered 5.05.
- (2) Section 5.09 is renumbered 5.07.
- (3) Section 5.09 is added to read:

5.09 Murray Lake Closure (San Diego Co.). Murray Lake is closed to all fishing.

Note: Authority and Reference: Section 315, Fish and Game Code.

PASSED UNANIMOUSLY.

MOVED BY DR. VENRICK, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES ITS STAFF TO PUBLISH THE REQUIRED LEGAL NOTICE REGARDING THIS ACTION.

PASSED UNANIMOUSLY.

30c. CONSIDERATION OF DEPARTMENT REQUEST TO EXTEND THE COMMERCIAL CRAB SEASON IN THE SAN FRANCISCO BAY AREA.

Director Fullerton stated that Department biologists had determined that the crab population in the central California area could provide an additional take. He said the season closes on June 30, and he recommended that it be extended until July 31, 1979 in the area from Tomales Point, Marin County, south to Miramontes Point, San Mateo County.

MOVED BY DR. DASMANN, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION, PURSUANT TO SECTION 8277 OF THE FISH AND GAME CODE, ADDS SECTION 132.5 TO TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, AS FOLLOWS:

- (1) Section 132.5 is added to read:

132.5 Crab (Cancer magister) Commercial Season Extension.

(a) Area: From Tomales Point, Marin County, south to Miramontes Point, San Mateo County.

(b) Season: November 14, 1978 through July 31, 1979.

Note: Authority and Reference: Section 8277, Fish and Game Code.

PASSED UNANIMOUSLY.

MOVED BY DR. DASMANN, SECONDED BY MR. GALLETTI, THAT
THE FISH AND GAME COMMISSION HEREBY AUTHORIZES ITS STAFF TO
PUBLISH THE REQUIRED LEGAL NOTICE REGARDING THIS ACTION.

PASSED UNANIMOUSLY.

Dr. Dasmann stated that he was aware that there was a proposal which dealt with the breeding of condors in captivity in which he believed a position should be taken by the Commission. Director Fullerton stated that this was pending and he felt it appropriate for the Commission to be aware of the situation and to take a position on the matter. He recommended that the Department come back to the Commission at its next meeting with a position statement for consideration. This was agreed upon by the Commission.

31. ANNOUNCEMENT OF FUTURE MEETINGS.

August 3, 1979

Supervisors' Chambers, Courthouse Annex,
Palm Street, San Luis Obispo

August 30-31, 1979

Room 1194, State Building, 455 Golden
Gate Avenue, San Francisco

Mr. Chickering suggested that the Commission begin all its meetings in Los Angeles, Sacramento, San Francisco and San Diego at 9 a.m., with other meetings in other locations beginning at 8 a.m., except that for the upcoming San Francisco meeting on the 31st. Because the Commission would be in town, he suggested that they meet at 8 a.m. on that date. This met with the concurrence of the Commissioners.

There being no further discussion, the meeting was adjourned at 10:50 a.m.

(Note: Copies of the environmental reports with respect to items considered by the Commission at this meeting and responses to alternatives proposed by the public are available upon request from the Fish and Game Commission office, 1416 Ninth Street, Sacramento, California 95814.)