

State of California
FISH AND GAME COMMISSION

Jan.
4

Minutes, Meeting of January 4, 1980

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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 City Council Chambers, 305 West Third Street, Oxnard, California, on January 4, 1980. The meeting was called to order by President Chickering at 8:00 a.m.

Persons present:

FISH AND GAME COMMISSION

Sherman Chickering	President
Elizabeth L. Venrick, Ph.D.	Vice President
Abel Galletti	Member
Norman B. Livermore, Jr.	Member

COMMISSION STAFF

Harold C. Cribbs	Executive Secretary
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DEPARTMENT OF FISH AND GAME

E. C. Fullerton	Director
Ned Dollahite	Chief, Wildlife Protection Branch
George McCammon	Chief, Inland Fisheries Branch
Eldridge Hunt	Chief, Wildlife Management Branch
Ed Greenhood	Chief, Marine Resources Branch
Robert Kaneen	Manager, Marine Resources Region
Ralph Young	Information Officer, Region 5
William Tarvin	Warden, Marine Resources Region

ATTORNEY GENERAL'S OFFICE

Dixie Moe	Deputy Attorney General
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Also present:

Dr. Tusjio Kato	Mayor, City of Oxnard
Edwin Carty	Former Fish and Game Commissioner
Robert Young	President, Marina and Recreation Association
Dello Hert	Concessionaire, Rollins Lake
Karen Sheen	Citizen
Peter Gutierrez	Falconer
John William Scanlon, III	Commercial Lobster Fisherman
Michael Edward Lavin	Commercial Lobster Fisherman
Barbara Coleman	Attorney

Commissioner Chickering introduced the members of the Commission, the Commission staff and the Department staff.

Mr. Chickering pointed out that Mr. Norman B. Livermore Jr. had assumed his responsibilities as a Commissioner and then welcomed him to the Commission.

Mr. Chickering recognized the Mayor of the City of Oxnard Dr. Tusjio Kato who welcomed the Commission to the city and urged them to consider meeting in Oxnard again in the future.

Mr. Cribbs recognized the presence of Ms. Dixie Moe, Deputy Attorney General from Los Angeles, who acted in the stead of Deputy Attorney General Denis Smaage, who, he said, was representing the Commission, along with Al Petrovich, in court in San Francisco.

President Chickering also recognized Mr. Edwin Carty, a prior State Fish and Game Commissioner and who now resides in the Oxnard area.

1. READING AND APPROVAL OF MINUTES OF NOVEMBER 2, 1979 MEETING.

Mr. Cribbs stated that the minutes of the November 2, 1979 meeting had been distributed to members of the Commission, and 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 DR. VENRICK, SECONDED BY MR. GALLETTI, THAT
INASMUCH AS THE MINUTES OF THE NOVEMBER 2, 1979 MEETING
HAD BEEN DISTRIBUTED TO MEMBERS OF THE COMMISSION, AND
THERE WERE NO KNOWN ERRORS OR OMISSIONS THEREIN, READING
BE DISPENSED WITH AND THEY BE APPROVED IN THEIR PRESENT FORM.

PASSED UNANIMOUSLY.

2. CONSIDERATION OF REQUEST TO ADD SECTION 678, TITLE 14, CAC, RE CAPTIVE RAPTOR BREEDING PERMITS.

Mr. Cribbs stated that at the Commission's El Centro meeting on May 25, 1979, it had received a request from the California Hawking Club for captive raptor breeding permits for recreational purposes, in other words, falconry. He said after additional discussion of the proposal at the Commission's August 3 meeting in San Luis Obispo and its August 30-31 meeting in San Francisco it had authorized its staff to publish notice of its intent to add Section 678 to its regulations in Title 14, CAC, to provide for the issuance of captive raptor breeding permits. Mr. Cribbs said that legal notice had been published. He noted that the matter had been scheduled for Commission consideration at its November 2 meeting in San Diego; however, at the request of the Department it had been put over until the January 4, 1980 meeting. He pointed out that the Department was suggesting that there be provisions in the regulations for two types of permits: (1) To breed birds for scientific purposes; and (2) To breed birds for recreational purposes. In conclusion, Mr. Cribbs stated that the Department's environmental assessment, its proposed regulations, and its review of the scientific captive raptor breeding program between 1970 and 1978 were before the Commissioners. He also said that they had before them the correspondence which had been received in the Commission office relative to this matter.

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16. CONSIDERATION OF REQUEST OF NEUSHUL MARICULTURE, INC., GOLETA, TO PUBLISH NOTICE OF INTENT TO ALLOT 13 ACRES OF STATE WATER BOTTOMS LOCATED OFF ELLWOOD PIER, SANTA BARBARA COUNTY, FOR MARICULTURE PURPOSES----- 23
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Barbara Coleman, representing the California Hawking Club, stated that her group had met with the Department to review the proposed regulation. She believed that the latest version, which the Commissioners had before them, was at least a start and that the original version had been modified to meet most of their concerns. She said there was still some areas where she believed additional changes might be warranted. There followed a lengthy discussion of these proposals. The items of discussion were as follows:

(1) That the requirement that the Department shall approve the source of all breeding birds was a duplication of other requirements of the regulations. The Director stated that he had no problem with deleting that duplication.

(2) That there should be some provision for the care of eyes, which were being imprinted by the breeder. The Director noted that this type of special provision could be included in the permit itself.

(3) That the banding of the raptor chicks be carried out by the breeder with the Department representative present, rather than the Department representative banding the birds. The Director said he would have no objection to this.

(4) That there be a longer period of time between notification of a dead bird and submission of the band. The Director said he would have no objection to lengthening the period to 30 days.

(5) That the provisions for obtaining a federal permit and all other necessary permits be combined and that the state permit be valid prior to receipt of the federal permit. Director Fullerton stated that he did not object to combining the subsections, however, he would hold fast to the requirement that the breeder obtain the federal permit prior to having the state permit become valid. He noted that those breeders which presently had state permits would be "grandfathered in" under the regulations, and given a reasonable time to apply for and obtain their federal permits.

The Director also stated that he would see what could be done to expedite the federal permit process.

(6) That the Commission be the one to consider the breeder's recommendations, if a permit is revoked, with regard to the disposition of the birds held under that permit; that contraband birds would be seized by the Department but that birds within a project be marked as evidence and retained by the breeder until any revocation proceeding had been completed. The Director stated he had no problem with the breeders coming to the Commission with regard to the disposition of the birds; however, he believed that this would be an undue burden upon the Commission.

(7) That the \$10 transfer fee apply only to the in or out transfer of birds, in other words, a \$10 fee would be charged for any bird transferred between one project and another, from a project to a falconer, or from a falconer back into a project. The Director stated he had no problem with this.

(8) That the application and annual fees be reduced or eliminated. The Director stated that he would object to this request. He noted that this was an administrative cost and that in light of economic cutbacks it was imperative that a portion of the administrative costs of the program be recouped by the Department.

Dr. Venrick asked if the Director saw this as a diminishing fee at a later time. The Director stated that he did not see it diminishing; however, he felt it could stabilize at this level for the present.

Ms. Coleman pointed out that there was a problem with the seamless band in banding some of the raptor chicks and that mortality had occurred as a result of this banding operation. She felt that the Department should look at some modification of the band used for marking these birds. The Director stated that this could be handled under the existing proposal but that the Department would look into it.

Mr. Eldridge Hunt, Chief of the Department's Wildlife Management Branch, discussed some of the Department's concerns with regard to an implementation of the breeding program. He pointed out that it was imperative that the Department keep track of the birds involved in these breeding programs.

The Director suggested that the regulations remain in effect for a period of time and if there were problems that the Department would come back at a later date with any necessary revisions. It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE AUTHORITY VESTED BY SECTIONS 395, 396, 1002, 1050, 3005, AND 3005.5 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SAID SECTIONS OF SAID CODE, ADDS SECTION 678 TO ITS REGULATIONS IN TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, REGARDING CAPTIVE RAPTOR BREEDING PERMITS, AS FOLLOWS:

(1) Section 678 is added to read:

678. Captive Raptor Breeding. With the approval of the commission, revocable permits to propagate raptors for scientific, educational, or recreational purposes shall be issued by the department subject to the following provisions. It shall be a violation of this section to breed any raptor except as authorized by such a permit.

(a) General Permit Requirements:

(1) Applicants shall have suitable experience and knowledge of raptors determined by a personal statement and letters of recommendation from at least three people knowledgeable of applicant's abilities.

(2) Applicants for a scientific captive raptor breeding permit shall be affiliated with a raptor breeding project, educational institution, zoo and/or state or federal agency.

(3) Applicants shall be at least 21 years of age.

(4) Applicants shall submit a suitable captive breeding proposal in a format provided by the department which will supply information regarding the procedures and objectives of the proposed program.

(5) Raptors possessed under authority of a captive breeding permit shall be used only as authorized under the permit.

(6) Prior to issuance of any permit the department shall inspect and approve breeding facilities.

(7) All raptors possessed under a permit issued pursuant to this section shall be housed in accordance with the housing provisions of the falconry regulations in escape-proof pens at a designated location and shall not be removed from this location without prior written approval from the Department of Fish and Game, Wildlife Protection Branch, 1416 Ninth Street, Sacramento 95814. Routine and emergency veterinary treatment are excepted. When raptors are removed for veterinary treatment the local warden shall be notified prior to removal of birds. No birds held under a falconry license shall be maintained in any breeding chamber with a raptor authorized under the breeding permit. Any exceptions to these requirements shall be specifically stated in the permit.

(8) All raptors possessed for breeding purposes, and their progeny, shall be identified by a permanently affixed department band. A seamless band provided by the department shall be placed on the leg of each raptor chick in the presence of a department representative, as specified in the permit, at no time later than three weeks of age, for identification purposes.

(9) The department shall be notified within 48 hours of the death or loss of any raptor possessed for breeding purposes. Removal of a dead raptor for the purpose of necropsy may be authorized by the local warden. All bands from dead birds shall be returned to the department within 30 days from the date of department notification.

(10) Scientific captive raptor breeding permittees may possess any progeny and succeeding generations in addition to the original breeding stock.

Recreational captive raptor breeding permittees may possess progeny until reared to an age suitable for transfer:

- (A) To a person holding a valid falconry license; or
- (B) To an appropriate breeding facility; or
- (C) Released to the wild with department approval.

In no case may progeny be maintained in the project beyond 90 days of age.

(11) The terms and conditions of the permit shall apply to all raptor descendants that may result from an authorized raptor breeding project.

(12) Permittees shall obtain an importation permit before importing raptors into California. A copy of this importation permit shall accompany all raptors imported into this state. Permittees shall not transfer or export

any raptor bred under the permit out of California without prior written approval of the department.

(13) Permittees shall not transfer ownership or possession of any raptor possessed under the permit without first obtaining written permission from the department. Raptors placed in temporary or permanent ownership of permittees shall be accompanied by such written authorization.

(14) Permittees shall allow department employees, at a reasonable time, to inspect any and all raptors and facilities used for breeding.

(15) Scientific captive raptor breeding permittees shall submit annually to the department's wildlife protection branch, 1416 Ninth Street, Sacramento 95814, a written report setting forth the results and scientific knowledge gained from the study. This report is due November 30 each year and shall cover the previous season.

Recreational captive raptor breeding permittees shall submit to the department's wildlife protection branch, 1416 Ninth Street, Sacramento 95814, a written report setting forth the results of the breeding program, including eggs laid, chicks hatched and birds transferred with the names and addresses of recipients. This report is due November 30 each year and shall cover the previous breeding season.

In addition to the above, recreational permittees are encouraged to develop a report comparable to that required of scientific breeders.

All captive raptor breeding permittees shall mail a raptor breeding report card provided by the department to the department's wildlife protection branch, 1416 Ninth St. Sacramento 95814, within 24 hours after the first egg is laid by each female. An additional report card shall be mailed to the department within 24 hours after the first raptor chick is hatched from each adult female each season. Notification of the department's local wildlife protection office as specified in the permit is to be made within 48 hours of the above laying and hatching events.

(16) Permittees shall obtain a federal propagation permit before the state permit becomes valid. Permittees are not relieved of their responsibility to comply with other federal, state or local law or regulation which may apply to the importation and possession of raptors. Raptors raised under the permit may not be sold, bartered or offered for sale.

(17) Hybridization between species shall be permitted only as specifically provided for in the permit.

(18) Permittees may possess no more than two breeding pair unless specifically authorized by the permit.

(19) Applicants shall not have been convicted of a falconry violation, or violation of any regulation made pursuant to Section 1002 of the California Fish and Game Code in the last three years.

(20) The department may require a maximum of 10 percent of the progeny raised from each recreational breeding program for transfer into the scientific raptor breeding program or for release into the wild.

(21) The permittee's conviction of a violation of state or federal falconry laws or regulations, or the failure of a permittee to comply with the terms and conditions of the permit may result in a department request to the commission for revocation of the permit. Upon such revocation the department may dispose of all raptors possessed under the permit.

(b) General Administrative Fees:

(1) Applicants shall submit an application for a scientific or recreational captive raptor breeding permit in the format provided the the department. Completed application proposals shall be submitted to the commission, 1416 Ninth Street, Sacramento 95814. Each application shall be accompanied by a non-refundable fee of \$10 to cover the cost of application review.

(2) Upon approval of the application by the commission a permit will be issued by the department upon receipt of a nonrefundable administrative permit fee. The administrative permit fee for both scientific and recreational captive raptor breeding permits is \$60.

The application for renewal of scientific and recreational raptor breeding permits shall be submitted to the department by December 1 of each year, and shall be accompanied by a \$15 annual renewal fee.

(3) A transfer fee of \$10 will be charged for:

(A) Each transfer of a raptor from a project to a project;

(B) Each transfer of a raptor from a project to a falconry license;

and

(C) Each transfer of a raptor from a falconry licensee to a project;

under both types of captive raptor breeding permits. Transfer permits shall not be issued by the department prior to receipt of the transfer fee. There will be no fee charged for birds transferred into a department approved program to augment the wild bird population.

PASSED UNANIMOUSLY.

3. CONSIDERATION OF EMERGENCY ACTION TO ADD SECTION 696, TITLE 14, CAC, RE FUR DEALER AND FUR AGENT LICENSES.

Mr. Cribbs stated that Assembly Bill 1068, which was enacted by the 1979 Legislature, provided for the issuance of fur dealer and fur agent licenses under Commission regulations. He noted that as the provisions of this bill became effective on January 1, 1980, it was imperative that appropriate regulations implementing the statute be provided for as early in 1980 as possible so that the Department could begin to issue the licenses. He stated that at the Commission's December 7 meeting in Sacramento, the Commission had asked that the Department and the Commission staff publicize the fact that the Commission would take emergency action to adopt Section 696 at its January 4, 1980

meeting to implement the provisions of AB 1068. Mr. Cribbs noted that the proposed emergency action had been publicized, that the Commission office had received no correspondence on the issue, and that the Department recommended the adoption of the emergency regulations which were before the Commissioners. He pointed out that as provided in the Government Code, when the Commission takes emergency action it must, within 120 days, publish notice and hold a hearing to confirm that action if it is to remain in effect. He stated that the Commission had authorized publication of notice on this matter at its December 7 meeting and that the emergency action would be confirmed at the Commission's February 1 meeting in Fresno. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE PROVISIONS OF SECTIONS 4030-4043 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SAID SECTIONS OF SAID CODE, ADDS BY EMERGENCY ACTION SECTION 696 TO TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, TO PROVIDE REGULATIONS GOVERNING FUR DEALER AND FUR AGENT LICENSES, AS FOLLOWS:

(1) Section 696 is added to read:

696. Fur Dealer and Fur Agent Licenses.

(a) Fur Dealer License. Every person engaging in, carrying on, or conducting, wholly or in part, the business of buying, selling, trading or dealing in raw furs of fur-bearing mammals or non-game mammals shall first procure a fur dealer license. No fur dealer license shall be required of a licensed trapper selling raw furs which he has lawfully taken, or a domesticated game breeder selling raw furs of animals which he has raised. A revocable fur dealer license shall be issued to any person upon the payment of a \$50 fee. Such licenses shall be valid for a term of one year from July 1, or if issued after the beginning of such term, for the remainder thereof.

(1) Every licensed fur dealer shall maintain a true and legible record of any transfer of raw furs to show:

- (A) The license number, name and address of seller;
- (B) The signature, name and license number, if applicable, of the buyer;
- (C) The number and species of raw furs transferred, by county of take;
- (D) The price paid or the terms of exchange;
- (E) The date of transfer; and
- (F) Such other information as the department may require.

(2) The record of sale, exchange, barter, or gift shall be available for inspection at any time by the department.

(3) Each licensed fur dealer shall submit, not later than July 1, to the department at 1416 Ninth Street, Sacramento, California 95814, an annual report

on forms provided by the department. No fur dealer license shall be renewed until such report is received.

(b) Fur Agent License. Any person employed by a licensed fur dealer to engage in the business of buying, selling, trading or dealing in raw furs only on behalf of the fur dealer, and not on his own behalf, shall first procure a fur agent license. A fur agent license shall be issued to any person upon the payment of a \$25 fee, providing that the fur dealer employing that person has submitted the annual report required in (a)(3) above. Such licenses shall be valid for a term of one year from July 1, or if issued after the beginning of such term, for the remainder thereof.

(c) It shall be unlawful for any fur dealer or fur agent to purchase the raw fur of any fur-bearing mammal or non-game mammal from any person who does not hold a valid trapping license, fur dealer license, or fur agent license.

(d) The receipts, records, and reports required by these regulations and the information contained therein, shall be confidential, and the records shall not be public records. Any information which is published shall be published in such a manner as to preserve confidentiality of the persons involved.

(Note: Authority and Reference: Sections 4030-4043, Fish and Game Code.)

PASSED UNANIMOUSLY.

4. CONSIDERATION OF REQUEST OF VALSAC GAME BIRD CLUB FOR A WAIVER OF THE PROVISIONS OF SECTION 600.1(c), TITLE 14, CAC, TO PROVIDE FOR A CHANGE IN ITS DESIGNATED HEADQUARTERS.

Mr. Cribbs stated that Dr. Dennis Teegarden of the VALSAC Game Bird Club, Richmond, had submitted a request asking that that club be allowed to move its headquarters from the approved location on the licensed area to the West Betten Duck Club, a distance of approximately $1\frac{1}{2}$ miles on the most direct route of travel and $2\frac{3}{4}$ miles by the only all-weather road. He said in order to provide for this relocation, a variance of the Commission's regulations in Section 600.1(c), relating to licensed pheasant clubs, Zone A, would have to be approved.

Mr. Ned Dollahite Chief of the Department's Wildlife Protection Branch, stated that the Department had reviewed this request and had inspected the area, and concurred with the proposal. It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE PROVISIONS OF SECTIONS 3270-3291 OF THE FISH AND GAME CODE, APPROVES THE REQUEST OF THE VALSAC GAME BIRD CLUB, RICHMOND, FOR A WAIVER OF THE PROVISIONS OF SECTION 600.1(c), TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, TO PROVIDE FOR A CHANGE IN ITS DESIGNATED HEADQUARTERS.

PASSED UNANIMOUSLY.

5. RECEIPT OF DEPARTMENT'S REPORT RE ADHERENCE TO COMMISSION POLICIES.

Director Fullerton stated that the Department had reviewed its operations and that it could report to the Commission that it was adhering to existing Commission policies. He noted that both the deer management policy and the pheasant policy had only recently been amended and that the Commissioners had before them, on this agenda, a request to revise the Commission policy regarding "Stocking Fish in Reservoirs Where Anglers Pay Access Fees".

6. CONSIDERATION OF AMENDMENT OF COMMISSION POLICY RE "STOCKING FISH IN RESERVOIRS WHERE ANGLERS PAY ACCESS FEES".

Mr. Cribbs stated that at the Commission's January 5, 1979 meeting in San Francisco it had amended its policy on "Stocking Fish in Reservoirs Where Anglers Pay Access Fees" to provide for an increase in the daily use fee to \$2 per day per vehicle and 50¢ for walkin visitors. He also noted that at that time the Commission had asked that the Department study the matter and come back to the Commission in January 1980 with a recommendation regarding such fees.

Mr. Cribbs noted that the Department had met with representatives of the Marina and Recreation Association to solicit their thoughts and based upon the Department's evaluation and input from the Marina and Recreation Association, the Commissioners had before them the proposed revisions to the Commission's policy. Mr. Cribbs concluded by stating that the Commission office had received a letter from the California Fish Farmers, Niland, California, asking that the matter be postponed in light of errors found in the Department's stocking reports concerning these reservoirs. He said that they asked that the postponement be in force until these errors are investigated and reported to the Commission.

Mr. Cribbs pointed out that the issue before the Commission for consideration dealt specifically with the fee schedule and did not encompass the matter spoken to by California Fish Farmers.

Mr. George McCammon, Chief of the Department's Inland Fisheries Branch, went over the proposed changes in the policy and the Department's rationale in making the recommended changes. He said under the new policy, the department would not stock fish in reservoirs operated for profit, except that it may stock reservoirs under public jurisdiction which are operated for recreation purposes by a private concessionaire, providing the access fee does not exceed the ceiling set by the Commission in item 2d of the policy. He said this revision would allow the department to stock Collins Lake where access is wholly controlled by a profit-seeking private operator.

Mr. McCammon stated that the new fee schedule took into consideration costs of maintaining sanitary and safety services, roads, parking, gatekeeping, and patrol services, including liability insurance, licenses, and taxes providing all funds are used to provide such services or to purchase fish to supplement the state allotment. He said the Department's proposal called for a 25¢ increase in the fee for cars to \$2.25 per day and an increase of 5¢ in the walkin fee to a total of 55¢. He said under the proposed policy the ceiling

for these fees would be adjusted annually in accordance with the California Consumer Price Index and that increases or decreases would be rounded off to the nearest 25¢ for car access and 5¢ for individuals. He noted that the Department's recommendations for changes in the access fee ceiling could be made at the Commission's January meetings each year.

Director Fullerton stated that there might be a question with regard to the Constitutionality of the proposal before the Commission with regard to the public's right to walkin fishing access. After a lengthy discussion of this issue, it was agreed that should there be a need for a separate policy dealing with walkin access and the public's right to fish in public waters, that the Department would come back at a later date to the Commission with such a proposal.

Mr. Cribbs noted that the proposal which was before the Commission dealt with the user fees. He said the existing policy, which had been in effect for some time, was not being substantially changed. With regard to the question of public access, he stated that he would check with the Attorney General's office with regard to this question and report back to the Commission.

Mr. Dello Hert, a concessionaire at Rollins Lake, read a prepared statement to the Commissioners. In summary, he noted that he believed there was a Constitutional question with regard to the state's fish stocking program as it related to reservoirs with recreational facilities constructed with Davis-Grunsky Act funds. He said that there were several ways in which he and other lake operators were affected by the inequities imposed by the fish stocking program: (1) That it was inequitable for the Fish and Game Department to stock one lake profusely with catchables and another lake with a minimum number uncatchables, and yet dictate equally to both lakes concerning user fees; (2) That a similar fee schedule was imposed by Fish and Game upon lakes that have dissimilar operational procedures, in other words, one reservoir which allowed no water contact sports was thus basically limited to fishing; another lake that had its greater use volume in water contact sports, with facilities geared for those sports and yet the fee schedule of the former prevails over the latter; (3) That similar fee schedules were imposed by Fish and Game upon lakes that have dissimilar recreational facilities and dissimilar use by the public; here, one lake catered mainly to fishermen in its facilities and was stocked accordingly by the Department, while another lake had limited stocking as the minority of users were fishermen, yet the fee schedule was the same; (4) That fee scheduled apply to all lakes regardless of the facilities; (5) That there was the same control of fees on lakes who have fee access only against lakes who have public launching facilities and public fishing facilities; and (6) That launching fees controlled by the Department were the same on all lakes regardless of types of ramps offered.

Mr. Hert stated in conclusion, that Proposition 13 had created new taxes not cost of living increases. He said the state now required all park and recreational areas to have their drinking water tested and treated by a state licensed water plant operator on a daily basis, which was a new expense not a cost of living increase. He maintained the day-use fees should vary lake by lake taking into consideration the following: (1) Was there an active fish planting program in effect or was it only a token plant? (2) Do these fees reflect all the facilities available to the user? (3) How do these fees

affect the profit of the operator? An operator should be allowed to make a reasonable profit. (4) Can fees be obtained legally from nonfishermen? (5) That extra large vehicles utilizing more than one parking space be required to pay more; (6) That the day-use fee should apply to vehicle and driver only; all other occupants should be charged on a per person basis; and (7) Why were launching and day-use fees the same?

Director Fullerton stated that Davis-Grunsky funds were involved at Lake Rollins and that he would speak to Director Robie of the Department of Water Resources about providing for separate fees for these areas; and that he would report back to the Commission at a later date regarding this discussion.

Mr. Robert Young of the Marina and Recreation Association stated that his group had worked closely with the Department in the changes that had been proposed in the policy; that there was no change in the proposal except with regard to the fee schedule; and that his group agreed with the increase even though it still did not meet their cost. It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT
THE FISH AND GAME COMMISSION AMENDS ITS POLICY REGARDING
"STOCKING FISH IN RESERVOIRS WHERE ANGLERS PAY ACCESS FEES"
TO READ AS FOLLOWS:

1. Private Waters. The Department of Fish and Game shall not stock fish in waters covering or abutting privately owned lands unless they are open to public fishing free of charge.

2. Heavily Fished Reservoirs to Which ANY ANGLER MAY GAIN ACCESS by Paying a Reasonable Daily Fee.

Preamble

A tremendous appetite for reasonable good fishing in urban lakes near metropolitan areas has developed and is growing rapidly. The Department of Fish and Game cannot meet the demands for catchable-sized hatchery fish for such waters. However, to the extent possible it should foster this new recreational development, giving full consideration to the growing private fish farming industry.

Waters of this type fall into several categories, on the basis of fee structures and responsibilities for stocking the large amounts of fish which a successful sport fishing program requires. Each category presents unique opportunities and problems, requiring different approaches. Accordingly, they are considered separately, in the sections which follow.

a. Nonprofit Fee Fishing Lakes

The Department will not stock fish in waters where a reasonable daily fee generates enough revenue to finance both essential public services and fish stocking.

b. Fee Fishing Lakes Operated Privately for Profit

The Department will not stock fish in reservoirs operated privately for profit, except that it may stock reservoirs under public jurisdiction which are operated for recreation purposes by private concessionaires, providing the access fee does not exceed the ceiling specified in item 2d of this policy.

c. Lakes With Cooperative Stocking Programs

The best way to finance a more nearly adequate fish stocking program in situations where the approach outlined in paragraph "a" above is infeasible is a matching program in which a city, county, water district or other entity, subsequently referred to as a cooperator, supplements the State allotment by purchasing additional fish. To accomplish this, the cooperator generally charges daily fees greater than those outlined in paragraph "d" below, to finance both essential public service and the purchase of additional fish.

Since the Department by itself cannot finance adequate stocking programs in urban areas with angling license revenues and does not anticipate that it can do so in the foreseeable future, such cooperative stocking programs will help materially to meet the great need for more and better angling near big cities. Accordingly, the Commission encourages the Department to enter into such cooperative stocking programs, provided they conform to the following requirements:

(1) Each proposed cooperative stocking program will be in the form of a Memorandum of Understanding.

(2) Each year the cooperator shall purchase and stock at least as many pounds of fish as the State stocks, and hopefully, considerably more as the program develops and the annual income from fees increases so that reasonably good fishing will prevail at all times.

However, to facilitate starting a new program the cooperator may delay his matching commitment until the second year of the agreement when fee revenue from the first year will become available for purchasing fish.

If any cooperator does not match by weight the fish as stocked by the State in the second year of the cooperative program, no additional State fish shall be delivered until the commitment is met.

(3) In order to generate revenue to finance the cooperator's share of fish, daily fees higher than those required to pay actual costs of necessary sanitary and other services required for fisherman at an urban reservoir stocked by the State may be charged, provided that all resulting revenues in excess of those needed for such necessary services shall be used to purchase fish for stocking in the lake.

(4) The cooperator shall not divert any profits resulting from daily access fees to the support of any other operation. The cooperator shall keep separate financial records for each lake stocked by the State under a matching program in such a manner that costs of sanitation and other necessary services for fishermen and costs of stocked fish can be readily determined. These records shall be made available to the Department upon request.

(5) To the extent of its ability, when requested, the Department will assist any cooperator with advice on technical, procedural, and business policies to help in developing a financially self-sustaining operation.

d. Public Waters Where Anglers Pay Small Fees to Defray Only Costs of Essential Services.

The Department may stock waters under public jurisdiction, such as water supply reservoirs, where a nominal fee is charged to defray the costs of maintaining sanitary and safety services, roads, parking, gatekeeping, and patrol services, including liability insurance, licenses, and taxes, providing all funds are used to provide such services. Access fee funds may be also used to purchase fish to supplement the state allotment, at the discretion of the recreation operator. Said fee shall not exceed \$2.25 per day per car or \$0.55 per day per person. The fee ceiling shall be adjusted annually in accordance with the California Consumer Price Index. Increases or decreases shall be rounded off to the nearest \$0.25 for car access and \$0.05 for individuals. Changes in the access fee ceiling will be made at the January meeting of the Commission.

The amount and quality of fishing at lakes in this category generally fall far below optimum levels because the Department alone cannot plant enough fish to develop the full recreational potential. The Commission recognizes the prerogative of a local entity to operate an urban fishing program in this manner. However, it also recognizes the resulting loss in recreation in urban areas where the need is so great. It therefore directs the Department to encourage local entities presently following this approach to shift to the more nearly adequate stocking programs possible when fish purchased with local fund supplement the state allotment.

e. Davis-Grunsky Waters

The Department will not stock fish in place of those which the local water agency is required to stock by its Davis-Grunsky contract in order to realize the anticipated recreational benefits from the project.

PASSED UNANIMOUSLY.

7. CONSIDERATION OF REQUEST OF PETER GUTIERREZ FOR REINSTATEMENT OF HIS FALCONRY PRIVILEGES.

Mr. Cribbs stated that Mr. Peter Gutierrez had written to the Commission office asking for an opportunity to appear before the Commission to show cause why his falconry privileges should be reinstated. He noted that in December 1978, Mr. Gutierrez had been denied a falconry license by the Department, and at that time Mr. Gutierrez had requested an opportunity to appear before the Commission with regard to the matter and that the item had been scheduled for the Commission's February 1979 meeting; however, Mr. Gutierrez had failed to appear.

Mr. Gutierrez came forward and stated that his privileges had been revoked for some time and that he felt that he had learned his lesson with regard to following the regulations in the future and asked that the Commission reinstate his falconry license.

Mr. Dollahite stated that the Department had no problem with Mr. Gutierrez' request if he could convince the Commission that his future activities would

not be contrary to the laws and regulations pertaining to the practice of falconry. It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION APPROVES THE REQUEST OF MR. PETER GUTIERREZ, WILMINGTON, FOR REINSTATEMENT OF HIS FALCONRY PRIVILEGES.

PASSED UNANIMOUSLY.

8. CONSIDERATION OF REQUEST OF NILIMA SABHARWAL FOR A PERMIT TO IMPORT AND POSSESS A LORIS.

Mr. Cribbs stated that Dr. Nilima Sabharwal of San Diego had submitted a request for a permit to import a slow-moving loris from India. He stated that the monkey was a male and had been obtained approximately three years ago in India.

Mr. Dollahite stated that the Department had no problem with the request and recommended approval. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF DR. NILIMA SABHARWAL, SAN DIEGO, FOR A PERMIT TO IMPORT AND POSSESS A LORIS, UNDER THE TERMS APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

9. CONSIDERATION OF REQUESTS OF KAREN SHEEN AND DICK STAMPS FOR PERMITS TO IMPORT AND POSSESS FEMALE FERRETS.

Mr. Cribbs stated that since the Commission's last meeting, there had been two additional requests for permits to import and possess female ferrets.

Karen Sheen

Ms. Karen Sheen came forward and stated that she had obtained her ferret in Wisconsin and that she would be willing to have the animal neutered and marked. She handed the Commissioners photographs of her ferret for their perusal.

Mr. Chickering stated that the Commission had received considerable input on this matter from the Department and the Department of Food and Agriculture and that it had been the Commission's policy to look very carefully at such requests with the intent of curtailing such imports.

Commissioner Livermore asked Mr. Dollahite why the Department would not recognize a certification from a licensed veterinarian with respect to the spaying of the animal. Dr. Dollahite replied that it could not be ascertained externally whether or not, in fact, a female animal had been neutered and that there was the possibility of exchanging the animals.

After additional discussion, it was:

MOVED BY DR. VENRICK, SECONDED BY MR. LIVERMORE, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF KAREN SHEEN FOR A PERMIT TO IMPORT AND POSSESS A FEMALE FERRET, SUBJECT TO THE ANIMAL BEING SPAYED AND MARKED AND SUCH BEING CERTIFIED BY A LICENSED VETERINARIAN.

PASSED UNANIMOUSLY.

Dick Stamps

Mr. Cribbs stated that the Commissioners had before them a letter from Mr. Stamps requesting a permit to import a female ferret. He then asked if Mr. Stamps were present; there was no response.

Mr. Dollahite stated that the Department recommended denial of this request and further stated that Mr. Stamps had imported his female ferret from Nevada after obtaining a Nevada permit to possess it there. He said apparently Mr. Stamps did not check for permit requirements in California and, in fact, Mr. Stamps was cited by Region 2, Wildlife Protection personnel, and that the ferret had been seized. He said the case had not been fully adjudicated as yet; however, that Mr. Stamps had indicated to the arresting officer that he had had two prior ferrets in California without benefit of permits; one had been stolen and one had died. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF MR. DICK STAMPS FOR A PERMIT TO IMPORT AND POSSESS A NEUTERED FEMALE FERRET.

PASSED UNANIMOUSLY.

10. CONSIDERATION OF REVOCATION OF COMMERCIAL LOBSTER FISHING PERMITS OF RONALD LEE PIATT, ROGER CHARLES CADMAN, JOHN WILLIAM SCANLON, III, MICHAEL EDWARD LAVIN: AND REQUEST TO DENY ISSUANCE OF A COMMERCIAL LOBSTER FISHING PERMIT TO ROY EUGENE TUCK.

Mr. Cribbs stated that the Department was requesting that the Commission take action to revoke the commercial lobster fishing permits of Ronald Lee Piatt, Roger Charles Cadman, John William Scanlon, III, and Michael Edward Lavin for a period of time to be determined by the Commission; and to deny the issuance of a commercial lobster fishing permit to Roy Eugene Tuck. He said certified letters had been sent to each of these individuals notifying them of the possible action to be taken by the Commission. He noted that the certified letter sent to Mr. Cadman had been returned "unclaimed".

Ronald Lee Piatt and Roger Charles Cadman

Mr. Dollahite stated that on October 14, 1979, Mr. Piatt and Mr. Cadman of Avalon were observed taking lobsters and not returning any of them to the water. He said the subjects were observed to separate the legal from the illegal lobsters. The illegal lobsters were then placed in a bag and submerged over the side of the boat where they could be sunk on approach of the wardens, which was what Mr. Cadman began to do; however, he said the wardens had already

retrieved the sack containing 21 undersized lobsters. He noted that the two subjects had been cooperative. He reported that on October 29, 1979, both individuals had pled guilty in the Avalon Justice Court to a violation of Section 8252 of the Fish and Game Code, for possession of undersized lobsters, and had each paid a fine of \$130. After some discussion, it was:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION HEREBY REVOKES THE COMMERCIAL LOBSTER FISHING PRIVILEGES OF RONALD LEE PIATT AND ROGER CHARLES CADMAN FOR A PERIOD OF ONE YEAR, AND FURTHER THAT THEY SHALL APPEAR BEFORE THE COMMISSION BEFORE ANY NEW PERMITS ARE ISSUED TO THEM.

PASSED UNANIMOUSLY.

John William Scanlon, III, Michael Edward Lavin and Roy Eugene Tuck

Mr. Cribbs asked if any of these gentlemen were present. Mr. Scanlon and Mr. Lavin came forward.

Mr. Dollahite noted that Messrs. Scanlon, Lavin and Tuck were observed taking lobsters from traps set too close to a jetty. They were observed to move the lobsters to other traps and that between the lobsters found in the traps in the water and the lobsters found aboard the boat, the individuals had 14 undersized lobsters. He noted that the traps were illegally constructed and in addition, Mr. Scanlon and Mr. Tuck had neither a commercial license nor a lobster permit. He said that Mr. Lavin had previously been issued a commercial lobster fishing permit and that four days after the offense, Mr. Scanlon had obtained a commercial lobster fishing permit.

Mr. Dollahite noted that on November 14, 1979, Messrs. Scanlon and Tuck pled guilty in the North San Diego Municipal Court to violations of Sections 9002 (illegal trap construction), 8252 (possession of undersized lobsters), 8254 (no lobster permit), 8750 (no commercial license), and 122(k), Title 14, CAC, (use of a trap within 750 feet of a jetty). He said Mr. Lavin was found guilty of violation of Sections 9002 and 8252 of the Fish and Game Code, and Section 122(k), Title 14, CAC. He said all three individuals were given three years summary probation and no fine was imposed.

Mr. Scanlon and Mr. Lavin explained the circumstances surrounding their operation. Mr. Lavin pointed out that he had only been a commercial fisherman for approximately a week before being cited by the wardens. He said they had set the traps close to the jetty and were informed that they were set in an illegal area. He said that they picked up the traps, moved them outside the 750 foot area; that their boat had run out of gas and that it had drifted against the breakwater where it was later boarded by the Department wardens and towed into port. He said there was no intention to violate the regulations but they were not aware of them at the time they began to fish. He said Mr. Scanlon had only seven traps and that there was no intent to fish commercially with this number of traps.

Warden William Tarvin of the Department's Marine Resources Region, explained the circumstances surrounding the citations issued to these

gentlemen. He noted that the three had been under observation for some time and that the wardens had found undersized lobsters on board the vessel.

After some additional discussion, it was:

MOVED BY DR. VENRICK, SECONDED BY MR. LIVERMORE, THAT THE FISH AND GAME COMMISSION HEREBY REVOKES THE COMMERCIAL LOBSTER FISHING PRIVILEGES OF JOHN WILLIAM SCANLON, III AND MICHAEL EDWARD LAVIN FOR A PERIOD OF ONE YEAR, AND FURTHER AUTHORIZES THE DEPARTMENT TO DENY ISSUANCE OF A COMMERCIAL LOBSTER FISHING PERMIT TO ROY EUGENE TUCK FOR A PERIOD OF ONE YEAR SHOULD HE SO APPLY.

AYES: COMMISSIONERS VENRICK AND LIVERMORE.

NOES: COMMISSIONER GALLETTI.

11. CONSIDERATION OF REVOCATION OF SPORT FISHING PRIVILEGES OF MARVIN WASHINGTON, MICHAEL WESTON CHEW, TERRY LEE WAGNER, AND HECTOR POZO.

Mr. Cribbs 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 Marvin Washington, Michael Weston Chew, Terry Lee Wagner, and Hector Pozo be revoked for a period of time not to exceed three years from the date of their last convictions. He said certified letters had been sent to each of these individuals notifying them of the possible action to be taken by the Commission. He also noted that they were informed that if they could not appear at the January 4 hearing, they should write a letter to the Commission office explaining the circumstances of their convictions.

Marvin Washington was arrested as follows:

1. Cited March 20, 1976 for violation of Section 2.05, Title 14, CAC, for angling with unattended rod. He forfeited \$25 bail plus \$10 penalty assessment in the Walnut Grove Justice Court on July 14, 1976.

2. Cited October 30, 1976 for violation of Section 2.05, Title 14, CAC, for angling with three rods. He forfeited \$25 bail plus \$10 penalty assessment in the Gilroy Justice Court on November 18, 1976.

3. Cited May 26, 1979 for violation of Sections 2.05 and 22.71, Title 14, CAC, for angling with more than one rod and possession of black bass under 12 inches. He forfeited \$60 bail plus \$15 penalty assessment in the Kelseyville Justice Court on June 21, 1979.

Mr. Cribbs stated that the Commission office had received a letter from Mr. Washington explaining that it was necessary for him to drive a bus to Los Angeles on January 4, and he would be unable to attend the meeting. He asked for an opportunity to appear at a later time to explain the circumstances surrounding his violations.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. LIVERMORE, THAT THE FISH AND GAME COMMISSION FINDS THAT MARVIN WASHINGTON 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 MARVIN WASHINGTON ARE HEREBY REVOKED, AND ANY FISHING LICENSE PREVIOUSLY ISSUED TO HIM SHALL BE REVOKED AND CANCELLED AND NO NEW FISHING LICENSE SHALL BE ISSUED TO HIM UNTIL JUNE 21, 1982 AND FURTHER MR. WASHINGTON SHALL BE PERMITTED TO APPEAR BEFORE THE COMMISSION AT A LATER DATE FOR RECONSIDERATION OF THIS MATTER.

PASSED UNANIMOUSLY.

Michael Weston Chew was arrested as follows:

1. Cited February 24, 1976 for violation of Section 4.85, Title 14, CAC, for possession of an overlimit of trout. He pled guilty in the Crest Forest Justice Court on March 18, 1976 and was fined \$25 plus \$10 penalty assessment.
2. Cited October 10, 1976 for violation of Section 1124 of the Fish and Game Code, for fishing in the Fish Springs Fish Hatchery. He forfeited \$125 bail plus \$35 penalty assessment in the Northern Inyo Justice Court on February 15, 1977.
3. Cited September 13, 1979 for violation of Section 700, Title 14, CAC, for angling without a valid fishing license. He forfeited \$25 bail plus \$10 penalty assessment in the Catalina Justice Court on October 1, 1979.

Mr. Cribbs asked if Mr. Chew were present; there was no response. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION FINDS THAT MICHAEL WESTON CHEW 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 MICHAEL WESTON CHEW ARE HEREBY REVOKED, AND ANY FISHING LICENSE PREVIOUSLY ISSUED TO HIM SHALL BE REVOKED AND CANCELLED AND NO NEW FISHING LICENSE SHALL BE ISSUED TO HIM UNTIL OCTOBER 1, 1982.

PASSED UNANIMOUSLY.

Terry Lee Wagner was arrested as follows:

1. Cited June 5, 1977 for violation of Section 700, Title 14, CAC, for angling without a valid fishing license. He forfeited \$10 bail plus \$5 penalty assessment in the Stockton Municipal Court on August 15, 1977.

2. Cited February 25, 1979 for violation of Section 700, Title 14, CAC, for angling without a valid fishing license. He forfeited \$20 bail plus \$5 penalty assessment in the Patterson Municipal Court on March 23, 1979.

3. Cited May 26, 1979 for violation of Section 18.30, Title 14, CAC, for taking black bass under 12 inches. He forfeited \$50 bail plus \$5 penalty assessment in the Groveland Justice Court on June 28, 1979.

Mr. Chickering stated that the Commission had received a letter from Mr. Wagner, which he then read. After additional discussion of the matter, it was:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION ISSUE A STERN WARNING TO TERRY LEE WAGNER THAT ANY FURTHER VIOLATIONS OF THE LAWS OR REGULATIONS PERTAINING TO ANGLING, BY MR. WAGNER, BE DEALT WITH MOST SEVERELY.

PASSED UNANIMOUSLY.

Hector Pozo was arrested as follows:

1. Cited October 30, 1977 for violation of Section 700, Title 14, CAC, for angling without a valid fishing license. He forfeited \$10 bail plus \$5 penalty assessment in the Delta Municipal Court on November 17, 1977.

2. Cited May 12, 1978 for violation of Section 700, Title 14, CAC, for angling without a valid fishing license. He forfeited \$10 plus \$5 penalty assessment in the Delta Municipal Court on June 1, 1978.

3. Cited July 14, 1979 for violation of Section 700, Title 14, CAC, for angling without a valid fishing license. He forfeited \$25 bail plus \$10 penalty assessment in the Walnut Grove Justice Court on September 6, 1979.

Mr. Cribbs asked if Mr. Pozo were present; there was no response. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION FINDS THAT HECTOR POZO 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 HECTOR POZO ARE HEREBY REVOKED, AND ANY FISHING LICENSE PREVIOUSLY ISSUED TO HIM SHALL BE REVOKED AND CANCELLED AND NO NEW FISHING LICENSE SHALL BE ISSUED TO HIM UNTIL SEPTEMBER 6, 1982.

PASSED UNANIMOUSLY.

12. CONSIDERATION OF REQUEST OF JIMMY LEE WILLIAMS FOR EXPERIMENTAL GEAR PERMIT.

Mr. Cribbs explained that Mr. Jimmy Lee Williams of the Meatball Bait Company, Pier 45, San Francisco, had requested an experimental gear permit to allow him to use a Danish seine to take groundfish, rockfish, and kingfish in the area between Monterey and Pt. Reyes from the beach out to 200 fathoms. He said he proposed to use mesh size of $4\frac{1}{2}$ inches for groundfish and rockfish and $1\frac{1}{2}$ to 2 inch mesh size for kingfish.

Mr. Ed Greenwood, Chief of the Department's Marine Resources Branch, stated there was an existing experimental gear permit issued under the provisions of Section 8606 of the Fish and Game Code, which was held by a Mr. Permar and that this gentleman had indicated that he intended to give up his permit, which expires March 30, 1980. He said the Department would therefore recommend approval of Mr. Williams' request subject to some modifications of his request and pending written notification from Mr. Permar that he was relinquishing his permit.

Mr. Greenwood noted that other than the general provisions of an experimental gear permit, the permit would be subject to the following additional conditions:

- (1) That the permit only be valid within Fish and Game District 10, between Pt. Reyes and Pigeon Point;
- (2) That the use of the Danish seine shall be permitted inside three miles to take white croaker; however, the use of the Danish seine would not be permitted in waters less than 10 fathoms in depth.
- (3) That the length of the net meshes should not be less than 3 inches when fishing inside three miles to take white croaker;
- (4) That when the permittee was fishing inside three miles, no Dungeness crab could be taken or possessed, and not more than 500 pounds of fish, other than white croaker, could be taken or possessed;
- (5) That the permittee must comply with existing regulations regarding the use of trawl nets when using the Danish seine outside three miles. This would include, but would not be limited to, the length of the net meshes, which shall not be less than $4\frac{1}{2}$ inches and not more than 500 pounds of Dungeness crab could be taken or possessed;
- (6) That the permittee notify the Department prior to undertaking fishing operations and that an observer could be provided for to determine the affect of fishing operations upon non-target species; and
- (7) That the permittee maintain an accurate log and submit the completed logs to the Department.

In conclusion, Mr. Greenwood recommended that the Commission grant the permit to Mr. Williams; that it be made effective April 1, 1980, or at such time as the Department receives notification from Mr. Permar that he no longer desires to utilize his permit.

After some additional discussion, it was:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE PROVISIONS OF SECTION 8606 OF THE FISH AND GAME CODE, APPROVES THE REQUEST OF MR. JIMMY LEE WILLIAMS FOR A PERMIT TO USE A DANISH SEINE, UNDER THE TERMS AND CONDITIONS PROPOSED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

13. RECEIPT OF DIRECTOR'S ANNUAL REPORT.

Director Fullerton stated that the annual report to the Commission would be distributed to them shortly and that he would be prepared at the February 1 meeting in Fresno to answer any questions that they might have in regard to the report.

14. CONSIDERATION OF REQUEST TO PUBLISH NOTICE OF INTENT TO AMEND SECTION 123(f), TITLE 14, CAC, RE THE COMMERCIAL TAKE OF TIDAL INVERTEBRATES.

Mr. Cribbs stated that existing Commission regulations provide for the commercial harvest of tidal invertebrates under revocable permits issued by the Department. He said Section 123(f)(1), which lists the species of invertebrates that may be harvested, improperly includes scallops. He said scallops should not be authorized for harvest in the nearshore area as the only two species found there (rock scallops and speckled scallop) are prohibited from commercial harvest or sale by Fish and Game Code Section 8345. He noted that the other two species of scallops found in California waters (weathervane scallop and San Diego scallop) are deepwater forms rarely found in nearshore areas and, therefore, do not require a permit issued under this section for their harvest.

In addition, he pointed out that the creation of the Robert W. Crown Reserve with a prohibition against the harvesting of marine plants or tidal invertebrates required that subsection (f)(2) of Section 123 be amended to include that reserve. He said for these two reasons, the Department was requesting that Section 123(f) be amended appropriately.

In conclusion, he stated that the matter before the Commission was for authorization to the Commission staff to publish notice regarding the Commission's intent to amend Section 123(f) at its meeting on March 7 in Sacramento. It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE PROVISIONS OF SECTION 8500 OF THE FISH AND GAME CODE, AUTHORIZES ITS STAFF TO PUBLISH NOTICE OF ITS INTENT TO AMEND SECTION 123(f)(1) and (2), TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, REGARDING THE COMMERCIAL TAKE OF TIDAL INVERTEBRATES AT ITS MARCH 7 MEETING IN SACRAMENTO.

PASSED UNANIMOUSLY.

15. CONSIDERATION OF REQUEST OF NEUSHUL MARICULTURE, INC. GOLETA, FOR PERMIT TO IMPORT AND POSSESS TWO SPECIES OF RED ALGAE (EUCHEUMA UNGINATUM AND GELIDIUM AMANSII) FOR MARICULTURE PURPOSES.
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Mr. Cribbs noted that this was the first of three requests of the Neushul Mariculture, Inc., Goleta. Their request, he noted, was for authorization to introduce two red algae (Eucheuma uncinatum and Gelidium amansii) into California. He said Mr. Greenwood was prepared to comment on the proposal.

Mr. Greenwood stated that the Department had reviewed the request from Neushul Mariculture, Inc. and that they concurred in the request to introduce Eucheuma uncinatum, which he said occurred naturally in the Gulf of California; however, any such introduction would be for male plants only. He said the Department had also reviewed the request to introduce Gelidium amansii and that they felt it would be inappropriate to approve such an introduction. After additional discussion of the matter, it was:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE PROVISIONS OF SECTION 6486 OF THE FISH AND GAME CODE, APPROVES THE REQUEST OF NEUSHUL MARICULTURE, INC., GOLETA, FOR A PERMIT TO INTRODUCE RED ALGAE, EUCHEUMA UNGINATUM, MALES ONLY, UNDER THE TERMS AND CONDITIONS APPROVED BY THE COMMISSION AND DENIES ITS REQUEST FOR A PERMIT TO IMPORT GELIDIUM AMANSII.

PASSED UNANIMOUSLY.

16. CONSIDERATION OF REQUEST OF NEUSHUL MARICULTURE, INC., GOLETA, TO PUBLISH NOTICE OF INTENT TO ALLOT 13 ACRES OF STATE WATER BOTTOMS LOCATED OFF ELLWOOD PIER, SANTA BARBARA COUNTY, FOR MARICULTURE PURPOSES.
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Mr. Cribbs stated that the second request from Neushul Mariculture, Inc. was for an allotment of approximately 13 acres of state water bottoms located off Ellwood Pier, Santa Barbara County, for mariculture purposes. He said the company intended to culture agar weed (Gelidium spp.), Carageenophyte (Eucheuma spp.), and giant kelp (Macrocystis spp.). He noted in their application that the company intended to use artificial substrates (pipe and line) attached to anchors on the sea floor marked with spar buoys as a farm substrate. He also noted that vegetative and sexual propagation methods would be employed to provide seed stock for the farm. The farm, he said would be depth adjustable and would not be held at the surface for other than servicing and harvesting; consequently, there would be no navigational problems.

He concluded by stating that the Commissioners had before them copies of the application, legal description and map with regard to the proposal and that Neushul Mariculture, Inc. had submitted the required \$50 filing fee. He stated that this matter required 90 days' publication of notice and that the matter would be considered at the Commission's April 25 meeting in Los Angeles. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE AUTHORITY VESTED BY SECTIONS 6480-6504 OF THE FISH AND GAME CODE, AUTHORIZES ITS STAFF TO PUBLISH NOTICE OF THE COMMISSION'S

INTENT TO CONSIDER THE ALLOTMENT OF APPROXIMATELY 13 ACRES OF STATE WATER BOTTOMS LOCATED ADJACENT TO THE ELLWOOD PIER, SANTA BARBARA COUNTY, TO NEUSHUL MARICULTURE, INC., GOLETA, FOR MARICULTURE PURPOSES AT ITS APRIL 25, 1980 MEETING IN LOS ANGELES

PASSED UNANIMOUSLY.

17. CONSIDERATION OF REQUEST OF NEUSHUL MARICULTURE, INC., GOLETA, TO PUBLISH NOTICE OF INTENT TO ALLOT ONE ACRE OF STATE WATER BOTTOMS LOCATED ADJACENT TO ALLOTMENT M-654-2, NEAR GOLETA POINT, SANTA BARBARA COUNTY, FOR MARICULTURE PURPOSES.
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Mr. Cribbs stated that the third and final request from Neushul Mariculture, Inc. pertained to its proposal to lease approximately one acre of state water bottoms located about 800 feet off Goleta Point, as part of an extension of lease M-654-2 for mariculture purposes. He said, as with the previous site, Neushul Mariculture, Inc. intended to culture agar weed (Gelidium spp.), Carrageenophyte (Eucheuma spp.), and giant kelp (Macrocystis spp.) He said that their proposal called for the use of artificial substrates, lines, tires and plastic pipe spars to support the plants to be grown. He noted the farm would be depth adjustable and would be marked with surface spar buoys and thus would not be a navigational hazard. He pointed out that the farm now being operated at Site 1 had been successful and would serve as a prototype for this version. He concluded by saying that the applicant had submitted the required application, legal description and map, as well as the \$50 filing fee. He said this matter would also require 90 days' publication of notice and would be considered by the Commission at its April 25, 1980 meeting in Los Angeles. It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE PROVISIONS OF SECTIONS 6480-6504 OF THE FISH AND GAME CODE, AUTHORIZES ITS STAFF TO PUBLISH NOTICE OF THE COMMISSION'S INTENT TO CONSIDER THE ALLOTMENT OF APPROXIMATELY ONE ACRE OF STATE WATER BOTTOMS LOCATED APPROXIMATELY 800 FEET OFF GOLETA POINT, SANTA BARBARA COUNTY, FOR MARICULTURE PURPOSES TO NEUSHUL MARICULTURE, INC., AT ITS APRIL 25, 1980 MEETING IN LOS ANGELES.

PASSED UNANIMOUSLY.

18. CONSIDERATION OF REQUEST TO PUBLISH OF INTENT TO AMEND SECTION 100, TITLE 14, CAC, RE THE COMMERCIAL TAKE OF ABALONE AND THE ISSUANCE OF ABALONE DIVING PERMITS.
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Mr. Cribbs stated that the Department was requesting that the Commission authorize its staff to publish notice of its intent to amend Section 100, Title 14, CAC, to provide for implementation of new code provisions, which became effective January 1, 1980. He said Assembly Bill 1067 required the Commission to establish the number of abalone diving permits to be issued for each annual season, as necessary to protect the resource and to provide for the issuance of such permits to prior permittees, as defined, and to new

entrants, as defined, He said the bill also authorized the Commission to close and open areas for the commercial take of abalone for up to two years, provided the area was closed or open to sport take of abalone. He said however, that this provision would become effective March 1, 1982.

It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE PROVISIONS OF SECTION 7701, 7708, 8040 AND 8300-8307.6 OF THE FISH AND GAME CODE, AUTHORIZES ITS STAFF TO PUBLISH NOTICE OF ITS INTENT TO CONSIDER, AT ITS MARCH 7, 1980 MEETING IN SACRAMENTO, AN AMENDMENT TO SECTION 100, TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, REGARDING THE COMMERCIAL TAKE OF ABALONE AND ISSUANCE OF ABALONE DIVING PERMITS.

PASSED UNANIMOUSLY.

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

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT THE COMMISSION HEREBY SUSPENDS ITS RULES TO HEAR ADDITIONAL AGENDA ITEMS.

PASSED UNANIMOUSLY.

18a. CONFIRMATION OF EMERGENCY AMENDMENT OF SECTION 163, TITLE 14, CAC, RE A 100 TON LIMITATION ON COMMERCIAL HERRING GILL NET VESSELS.

Mr. Cribbs stated that on December 20, the Commissioners had taken emergency action to amend Section 163(g)(5), Title 14, CAC, to provide for a 100 ton per year limitation on the take of herring by gill net fishermen. He said the matter before the Commission was for confirmation of the telephonic emergency action, and for authorization to publish notice of the Commission's intent to confirm this matter at its March 7 meeting in Sacramento. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE PROVISIONS OF SECTION 8550 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SAID SECTION OF SAID CODE, CONFIRMS ITS TELEPHONIC EMERGENCY ACTION AMENDING SECTION 163(g)(5), TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, SETTING A 100 TON LIMITATION ON COMMERCIAL HERRING GILL NET VESSELS, AND FURTHER AUTHORIZES ITS STAFF TO PUBLISH NOTICE OF ITS INTENT TO HOLD A HEARING AND CONFIRM THIS MATTER AT ITS MARCH 7 MEETING IN SACRAMENTO.

(1) Subsection (g)(5) of Section 163 is amended to read:

(5) No permittees may take or possess more than 40 tons of herring in one load. Permittees may not take more than 100 tons of herring per vessel per season.

PASSED UNANIMOUSLY.

- 18b. CONSIDERATION OF DEPARTMENT REQUEST TO PROVIDE FOR A WAIVER OF SECTION 479, TITLE 14, CAC, TO ALLOW THE TAGGING OF BOBCAT PELTS LEGALLY TAKEN BUT FOR WHICH NO LOWER JAWS ARE AVAILABLE.

Director Fullerton stated that there were many individuals who had in their possession bobcat pelts which had been legally taken during the past year, but for which there were no lower jaws available. He said in order to expedite tagging of these pelts, he requested the Commission waive the requirement that the lower jaw be submitted by individuals requesting bobcat export tags and thus allow the Department to tag these pelts up until January 12, 1980. He noted that the bobcat season had closed on December 29, and that those individuals who desired bobcat export tags for bobcats taken would have to have them tagged by the January 12 date. After additional discussion, it was:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION PROVIDES FOR A WAIVER OF THE REQUIREMENTS OF SECTION 479, TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, TO PERMIT THE DEPARTMENT TO ISSUE, UNTIL JANUARY 12, 1980, BOBCAT EXPORT TAGS FOR PELTS LEGALLY TAKEN BUT FOR WHICH NO LOWER JAW IS AVAILABLE.

PASSED UNANIMOUSLY.

19. ELECTION OF OFFICERS.

Mr. Cribbs stated that at this time the Commission should elect its officers for the coming year. It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. LIVERMORE, THAT THE FISH AND GAME COMMISSION HEREBY ELECTS DR. ELIZABETH L. VENRICK AS PRESIDENT OF THE FISH AND GAME COMMISSION FOR THE COMING YEAR.

PASSED UNANIMOUSLY.

It was also:

MOVED BY DR. VENRICK, SECONDED BY MR. LIVERMORE, THAT THE FISH AND GAME COMMISSION HEREBY ELECTS MR. ABEL C. GALLETTI AS VICE PRESIDENT OF THE FISH AND GAME COMMISSION FOR THE COMING YEAR.

PASSED UNANIMOUSLY.

Mr. Chickering stated that it had been his pleasure to serve as President during the past year and he wanted to thank the Director and the Department for their efforts during his tenure. He said the Director was especially to be commended for his contribution.

20. ANNOUNCEMENT OF FUTURE MEETINGS.

February 1, 1980

Supervisors' Chambers, 2281 Tulare Street,
Fresno

March 7, 1980

Room 1098, 722 Capitol Mall, Sacramento

April 4, 1980

Room 358, County Building, 1600 Pacific
Highway, San Diego

April 25, 1980

Room 1138, State Building, 107 S. Broadway,
Los Angeles.

The meeting was adjourned at 10:35 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.)

FISH AND GAME COMMISSION
MINUTES

Environmental Impact Statements
and Responses
1980