

MINUTES

FISH AND GAME COMMISSION

1979

State of California
FISH AND GAME COMMISSION

Minutes, Meeting of December 6-7, 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 Auditorium of the Resources Building, 1416 Ninth Street, Sacramento, on December 6, 1979. The meeting was called to order at 10:00 a.m. by Commission President Sherman Chickering.

Persons present:

FISH AND GAME COMMISSION

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

COMMISSION STAFF

Harold C. Cribbs	Executive Secretary
A. Petrovich, Jr.	Assistant Executive Secretary

ATTORNEY GENERAL'S OFFICE

Denis Smaage	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

E. C. Fullerton	Director
James Leiby	Chief of Operations
Ed Greenwood	Chief, Marine Resources Branch
Robert Kaneen	Regional Manager, Marine Resources Region
Russell Goodrich	Inspector, Marine Resources Region
Robert Hudson	Captain, Marine Resources Region
Jack Baxter	Senior Marine Biologist, Marine Resources Region
Joe Sheehan	Information Officer, Headquarters

The following persons were also present and heard:

Jonathan Mumby	Photographer
Harry Earl	California Billfish Protective Assoc.
Eldon M. Jamison	California Billfish Protective Assoc.
Herbert Kameon	National Coalition for Marine Conservation
Harry E. Westover	Tuna Club of Avalon
Don Richardson	Long Beach Yacht Club
Ed Gleland	Balboa Angling Club
James Torey	Shark Island Yacht Club
Bill Nott	Sportfishing Association of California
Mike McCorkle	Commercial Fisherman
M. Castagnola	Commercial Fisherman

Tony West	Commercial Fisherman
Chuck Ellis	Commercial Fisherman
David Tibbles	Commercial Fisherman
Myron Etienne	Attorney
John Thorne	Attorney
Carl T. Cardinalli	Attorney
Antone Fahden	Attorney
Samuel A. Carr, Jr.	Herring Fisherman
Jack Daykin	Herring Fisherman
Signe Lindberg	Herring Fisherwoman
Peter Paul Lo Brande	Herring Fisherman
Steven Mazija	Herring Fisherman
John Vella, Jr.	Herring Fisherman
Edward L. Barlow	Herring Fisherman
Arthur R. Billy	Herring Fisherman
Dennis K. Marshall	Herring Fisherman
Leslie J. Nelson	Herring Fisherman
Herbert T. O'Hara	Herring Fisherman
Louis N. Pellegrini	Herring Fisherman
Dirk Visser	Herring Fisherman
Joseph D. Aliotti	Herring Fisherman
Chester H. Cayou, Jr.	Herring Fisherman
Ted Edling	Herring Fisherman
Jeff A. Koetje	Herring Fisherman
Vaughan Melendy	Herring Fisherman
Angelo Mineo	Herring Fisherman
Jack Riso	Herring Fisherman
Ernest Romeo	Herring Fisherman
Michael Tamman	Herring Fisherman
Martin Van Slageren	Herring Fisherman
Frank Trama	Herring Fisherman
Salvatore Aliotti	Herring Fisherman
Riley Starks	Herring Fisherman
John Spataro	Herring Fisherman
Salvatore Balestreri	Herring Fisherman
Cary Duane Bobb	Herring Fisherman

President Chickering introduced the members of the Commission, the Commission staff, Deputy Attorney General Denis Smaage, Director E. C. Fullerton, and Chief of Operations James Leiby.

1. CONSIDERATION OF EMERGENCY ACTION TO AMEND SECTION 107, TITLE 14, CAC, RE PROHIBITING THE POSSESSION OF GILL NETS OR TRAMMEL NETS ABOARD ANY VESSEL OPERATING UNDER A SWORDFISH PERMIT.

Mr. Cribbs stated that the Department was requesting that the Commission take emergency action, to become effective December 15, 1979, to prohibit the possession of gill nets or trammel nets aboard any vessel operating under a swordfish permit. He further stated that the Department indicated that this amendment was necessary in order to discourage the unauthorized use of gill nets by swordfish permittees. Mr. Cribbs said that the Department also had found that during the

past season broadbill swordfish had been taken incidentally in drift nets used by shark fishermen and there were indications that the unauthorized use of gill nets might proliferate if action were not taken.

Mr. Cribbs noted that Section 8394 of the Fish and Game Code provides that swordfish could only be taken under a revocable nontransferrable permit issued by the Department, subject to such regulations as the Commission may prescribe. He said the Commission had adopted Section 107 in Title 14, CAC, to implement the provisions of this legislative authorization, and that this section provided that broadbill swordfish could only be taken either by hand-held hook and line, or by hand-thrusted harpoon. He further noted that therefore the take of swordfish by shark fishermen, utilizing gill nets, would be in violation of this section.

Mr. Cribbs stated that a letter in opposition to the Department's proposal had been received from Mr. Stuart Clinton, a commercial fisherman. He also pointed out that a telegram had been received from the American Cetacean Society in support of the Department's proposal.

The following individuals spoke in support of the Department's proposal: Messrs. Harry Earl and Eldon M. Jamison of the California Billfish Protective Association; Mr. Herbert Kameon of the Los Angeles Billfish Club and the National Coalition for Marine Conservation; Mr. Harry E. Westover, Tuna Club of Avalon; Mr. Donald Richardson, Long Beach Yacht Club; Mr. Ed Gleland, Balboa Angling Club; Mr. James Torey, Shark Island Yacht Club; and Mr. Bill Nott, Sport-fishing Association of California. The key points in their presentations were: (1) Gill nets could deplete the swordfish resource, especially in the limited fishing area available in southern California; (2) Gill nets were not selective and were taking non-target species such as swordfish, marlin and marine mammals; (3) The use of gill nets was proliferating to the detriment of the resource; (4) Gill nets were being lost and that these nets continued to "fish"; (5) That the use of a harpoon was the best way to take swordfish; (6) That a study should be conducted to determine the status of the thresher shark resource off southern California; (7) That there was a lack of biological data on the swordfish resource, and therefore, there should be no additional pressure placed upon the resource until it could be proven that such take would not be detrimental; (8) That the use of gill nets could be detrimental to the sport fishery for marlin and swordfish; (9) That all thresher shark - gill net boats should be registered with the Department; (10) That drift gill nets should be tended and only one net allowed to be used per vessel; and (11) That there should be a prohibition on the use of drift gill nets between August and November to protect marlin.

The following individuals spoke in opposition to the Department's proposal: Mr. Mike McCorkle, Vice President of the Commercial Fishermen of Santa Barbara; Mr. Castagnola, President of the Gill Netters Association; Mr. Tony West, a gill netter; Mr. Chuck Ellis, representing a small group of commercial fishermen who fish for both sharks with drift gill nets and swordfish with plank and harpoon; Mr. David Tibbles of the Southern California Gill Netters Association; Mr. Steve Grayshocko, a commercial fisherman; Mr. Zeke Grader, General Manager, Pacific Coast Federation of Fishermen, Sausalito; and Mr. Rob Ross, representing the California Seafood Institute. The key points in their presentations were as follows: (1) That there should be an allowance made for the incidental take of swordfish in gill nets; (2) That the Department's proposal would work a hardship on fishermen, who not only fish gill nets for other fish species, but also swordfish, using harpoons. (3) That the shark - gill net fishery be operated under a

permit system; (4) That the length of nets utilized be limited; (5) That there be a requirement of a two-year apprenticeship before a fisherman would be eligible for a gill net permit; (6) That the Department should study the incidental catch of swordfish for a season prior to the Commission making a decision; (7) That swordfish were behaving in a different way this year, and that it was probably due to oceanographic conditions; (8) That gill netters were year-round fishermen and make their living from varied fisheries; (9) That the proposed regulations would preclude economy and efficiency, which were top priorities in a successful business; (10) That the present issue had been blown out of proportion; (11) That the number of incidentally-caught swordfish in the shark fishery was not substantive; (12) That the incidental catch of marlin was almost non-existent and should not be a major concern for sport fishermen; (13) That in most years swordfish usually fin on the surface and then travel and feed at deeper depths; however, during this year swordfish were located at sub-surface depths thus, perhaps, accounting for higher incidental catch by gill netters; (14) That the swordfish resource was not being over harvested; (15) That less than 2% of the world's catch of swordfish occurred in southern California waters; (16) That there would not be a proliferation of boats or nets since the high operating expenses would preclude their use; (17) That there was a reluctance on the part of the larger vessels to enter such a fishery when there were highly fluctuating prices for the fish taken; (18) That any net which was lost would tend to roll up and would not pose a problem with regard to "ghost" fishing; (19) That marlin were fundamentally a "blue" water fish, whereas, shark and swordfish were fundamentally "green" water fish; (20) That a study be undertaken to determine the magnitude of the incidental catch of swordfish by gill net fishermen; and (21) That the Fish and Game Code provides for the maintenance of a reasonable sport fishery while allowing for the growth of local commercial fisheries based upon the scientific information.

Director Fullerton pointed out that there was no biological data to indicate that the swordfish resource was in jeopardy and that the illegal take of swordfish was at a low level. He noted that, historically, there had been a wide variability in swordfish landings with a record catch of 3,000,000 pounds landed in 1979. He said there was a growing interest in the commercial swordfish fishery as evidenced by the number of permits issued by the Department from a low of 416 in 1974 to over 1200 in 1979.

The Director stated that some marlin were no doubt taken in gill nets, but not in the same ratio as swordfish, and that this incidental take was not injurious to the marlin resource. He said the Department's proposal would not eliminate the incidental take of swordfish since fishing for thresher shark, with drift gill nets, would still be permitted. He said there were still a number of questions that had to be answered. He noted that in the rockfish fishery there was a conflict between the sport and commercial interests and that these two groups were working together to try to resolve the problem. He suggested that the Commission ask the Department to come back in 60 days with a plan for resolving the swordfish - drift gill net controversy for the coming year. In the interim, he suggested that the Commission adopt the Department's proposal. He said that any new regulations that might be adopted for next season should stipulate that they would only be experimental.

At the request of Dr. Venrick, the Director clarified his proposal, stating that the regulations would preclude the possession of trammel nets or gill nets aboard any swordfish vessel operating under a swordfish permit. Mr. Galletti asked the Director why the Department did not leave the regulations as they were until the Department made its proposal for the coming year. Mr. Fullerton responded that the Department and the Commission were under public scrutiny and that inasmuch as swordfish were being taken illegally in drift gill nets, he believed that there should be an adoption of the regulations to preclude this.

Mr. Chickering noted that it appeared that the proposal of the Department would provide for better enforcement of the regulations.

In response to a question from Dr. Venrick, the Director stated that the Department and other interested parties would have to sit down and try to work out a proposed concept or plan for this type of fishery in the future.

Following additional discussion of the matter, it was:

MOVED BY DR. VENRICK, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION DIRECTS THE DEPARTMENT TO EVALUATE THE SWORDFISH - DRIFT GILL NET PROBLEM AND TO REPORT BACK TO THE COMMISSION AT ITS MARCH 7, 1980 MEETING IN SACRAMENTO, WITH RECOMMENDATIONS TO RESOLVE THE ISSUE; AND FURTHER THAT IN THE INTERIM, PURSUANT TO THE PROVISIONS OF SECTION 8394 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SAID SECTION OF SAID CODE, ADDS, BY EMERGENCY ACTION, SECTION 107.5 TO TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, TO PROVIDE FOR THE LANDING OF ANY INCIDENTALLY TAKEN SWORDFISH BY DRIFT GILL NET FISHERMEN UPON SUITABLE NOTIFICATION TO THE DEPARTMENT.

(1) Section 107.5 is added to read:

107.5 Incidental Take of Swordfish by Gill Nets. Gill net vessels catching swordfish incidental to other species may sell such incidentally taken swordfish upon giving notice to the nearest office of the department prior to landing such swordfish.

At this point, Deputy Attorney General Denis Smaage indicated that Mr. Bill Nott of the Sportfishing Association of California had raised an objection to Mr. Galletti voting on this matter because of a possible conflict of interest.

Mr. Galletti responded that in his opinion no conflict of interest existed and that if one did, he would have disqualified himself. He said he would be more than happy to discuss the matter with Mr. Nott privately later.

PASSED UNANIMOUSLY.

2. ANNOUNCEMENT OF FISH AND GAME COMMISSION'S 1979 PHOTOGRAPHY AWARD WINNERS.

Mr. Cribbs reported that on November 19, the Commission staff had taken this year's photographs to the studios of Friends of Photography in Carmel where they were judged in the appropriate categories. He stated that a list of the winners

was before the Commissioners. He noted that the overall winner this year was Mr. Jonathan Mumby of Hayward, who was present at the meeting to receive his award from President Chickering. He said that in addition to the plaque being presented to Mr. Mumby, a print of his photograph would be placed on the perpetual plaque, which was on display in the State Capitol, where it would remain for the coming year. He noted that the Commission program had received wide publicity during the past year and as a result there were some 289 photographs of excellent quality received. He said that the judges noted that the caliber of the photographs was excellent and in many categories the competition was keen.

At this time, Mr. Mumby came forward and was presented with his award by President Chickering. Mr. Chickering congratulated Mr. Mumby on his accomplishment.

3. CONSIDERATION OF REQUESTS OF 1978-79 COMMERCIAL HERRING PERMITTEES FOR OPPORTUNITY TO APPEAL DEPARTMENT'S DENIAL OF COMMERCIAL HERRING PERMITS FOR THE 1979-80 SEASON.

Mr. Cribbs stated that Section 163, Title 14, CAC, provided for the commercial take of herring under a revocable, nontransferrable permit. He noted that to obtain a permit to take herring, a person shall: (1) be a currently-licensed California commercial fisherman; and be the owner, lessee or operator of a current California registered commercial fishing vessel; and (2) have been a permittee during the previous herring season; and have validated such permit each year as stipulated in the regulations.

He pointed out that this hearing had been scheduled to listen to the appeals of those individuals who held permits in 1978-79; and had been denied a permit by the Department for the coming season for specified reasons. He said Section 163 provided that such individuals shall be given an opportunity to show cause why their permit should not be denied. He indicated that there had been numerous requests for an opportunity to appear before the Commission regarding the issuance of a new herring permit to individuals who did not hold a permit last year. He said at the instruction of the Commission these individuals had been notified that pursuant to the provisions of Section 163, they had no grounds for an appeal.

The following is a summary of the actions taken by the Commission:

Requests for Permits Approved:

Samuel A. Carr, Jr.
Jack Daykin
Signe Lindberg

Peter Paul Lo Grande
Steven Mazija
John Vella, Jr.

Following Fishermen Were Given a Warning:

Edward L. Barlow
Arthur R. Billy
Dennis K. Marshall
Leslie J. Nelson
Herbert T. O'Hara
Louis N. Pellegrini

Ted Edling
Jeff A. Koetje
Vaughan Melendy
Angelo Mineo
Jack Riso
Ernest Romeo

Dirk Visser
Joseph D. Aliotti
Chester H. Cayou, Jr.

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Michael Tamman
Martin Van Slageren
Frank Trama

Denied One Week of Fishing:

Salvatore Aliotti

Denied First Two Weeks of Season:

Riley Starks

Denied Fishing for One Year:

John Spataro

Denied Permits:

Salvatore Balestreri
Cary Duane Bobb
Donald L. Lewis

State of California
FISH AND GAME COMMISSION

Pursuant to the call of the President, the Fish and Game Commission met in the Auditorium of the Resources Building, 1416 Ninth Street, Sacramento, on December 7, 1979. The meeting was called to order at 9:00 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

Harold C. Cribbs	Executive Secretary
A. Petrovich, Jr.	Assistant Executive Secretary

ATTORNEY GENERAL'S OFFICE

Denis Smaage	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

E. C. Fullerton	Director
James Leiby	Chief of Operations
Ed Greenwood	Chief, Marine Resources Branch
Robert Kaneen	Regional Manager, Marine Resources Region
Ned Dollahite	Chief, Wildlife Protection Branch
George McCammon	Chief, Inland Fisheries Branch
Eldridge Hunt	Chief, Wildlife Management Branch
Robert Mallette	Wildlife Management Supervisor, Wildlife Management Branch
Robert Pirtle	Warden, Headquarters
Jack Robinson	Senior Fisheries Biologist, Anadromous Fisheries Branch

The following persons were also present and heard:

Dick May	President, California Trout
John Keaton	Shasta County Supervisor
Gerald Pope	Fall River Area Recreation Council
Everett Sartori	Petaluma Outdoorsmen
Burt Banzhaf	Ukiah Rod and Gun Club
Joe Bugner	Resort Owner
Evelyn Banzhaf	Interested Individual
Larry Green	Free-lance Outdoor Writer

Herb Lee
 Vince Vintraro
 Ed Tavasea
 Roger Thomas
 Ralph Lewis
 Loris Camler
 Keith Fraser
 Abe Cuenang
 John Rousch
 Ed Ogden
 Skeeter Rubins
 Bill Sweeney
 Sandy Wilbur
 Les Edgerton
 Charlotte Edgerton
 David Brower
 John Borneman
 David Phillips
 Andrew Baldwin
 Mark J. Palmer
 Ed Hague
 Henry Pickerel
 Jeffrey Paul Novak
 Barbara Coleman
 Peter S. Beagle
 James Michael Wingo
 Mike Radon
 Nicholas C. Arguinbau

Committee for the Preservation of Wire
 Line Trolling
 Associated Sportsmen of California
 Sports Fisherman
 Golden Gate Sportfishers
 Wire Line Troller
 Police Activities League
 Bait Shop Owner
 Sports Fisherman
 Sports Fisherman
 Sports Fisherman
 Partyboat Operator
 U.S. Fish and Wildlife Service
 U.S. Fish and Wildlife Service
 Former, Executive Secretary
 Wife of Former, Executive Secretary
 Friends of the Earth International
 National Audubon Society
 Friends of the Earth
 Friends of the Earth Foundation
 Sierra Club
 Associated Sportsmen of California
 Sierra County Resident
 Falconer
 Attorney
 Citizen
 Sportsman
 Abalone Diver
 Attorney

President Chickering introduced the members of the Commission, the Commission staff, Deputy Attorney General Denis Smaage, Director E. C. Fullerton, and Chief of Operations for the Department, Mr. James Leiby.

4. READING AND APPROVAL OF MINUTES OF AUGUST 30-31 AND OCTOBER 5, 1979 MEETINGS.

Mr. Cribbs stated that the minutes of the August 30-31 and October 5, 1979 meetings had been distributed to members of the Commission and that the Commission staff was aware of only one error in the October 5, 1979 minutes. He reported that the word "not" had been inadvertently left out of the last sentence of agenda item No. 3. He said the correction had been made, and he suggested that the minutes be approved as corrected. It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT
 INASMUCH AS THE MINUTES OF THE AUGUST 30-31 AND OCTOBER 5,
 1979 MEETINGS HAVE BEEN DISTRIBUTED TO MEMBERS OF THE
 COMMISSION, AND THERE ARE NO KNOWN ERRORS OR OMISSIONS
 THEREIN, EXCEPT AS NOTED IN ITEM 3 OF THE OCTOBER 5, 1979
 MINUTES, READING BE DISPENSED WITH AND THEY BE APPROVED AS
 CORRECTED.

PASSED UNANIMOUSLY.

5. CONFIRMATION OF EMERGENCY ADOPTION OF SECTION 20.57, TITLE 14, CAC, RE EMERGENCY CLOSURE OF NORTH COAST SALMON AND STEELHEAD STREAMS BASED ON LOW WATER FLOW.

Mr. Cribbs noted that at the Commission's August 30-31, 1979 meeting in San Francisco, by emergency action, it adopted Section 20.57, Title 14, CAC, to provide for the closure of certain north coast salmon and steelhead streams when fall-winter stream flows were critically low. He said the waters included in this section were the Eel River, the Van Duzen River, the Mad River, the Mattole River, Redwood Creek, and the Smith River. He pointed out that fortunately water volumes in all six streams were above specified minimum flows as of November 1, and no emergency closures resulted in 1979. He said, nonetheless, the Department recommended that the emergency closure plan become a permanent part of the angling regulations for the North Coast District. He indicated that if and when low water conditions triggered the closure(s), the Department would monitor the effectiveness of the system and would recommend any modifications that might be appropriate.

Mr. Cribbs stated that the Government Code provided that when the Commission took emergency action it must, within 120 days, publish notice of that action and hold a hearing if the regulations were to be made permanent. He said that the legal notice had been published, the Commission office had received no correspondence on this item, and that the Department recommended confirmation of the earlier emergency action. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE PROVISIONS OF SECTION 315 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SAID SECTION OF SAID CODE, CONFIRMS ITS EMERGENCY ACTION OF AUGUST 31, 1979, WHICH PROVIDES FOR THE CLOSURE OF CERTAIN NORTH COAST SALMON AND STEELHEAD STREAMS WHEN FALL-WINTER STREAM FLOWS ARE CRITICALLY LOW.

PASSED UNANIMOUSLY.

6. CONSIDERATION OF COMMISSION'S TENTATIVE APPROVALS FOR CHANGES IN THE SPORT FISHING REGULATIONS, AND ADOPTION OF SPORT FISHING REGULATIONS FOR 1980.

Mr. Cribbs suggested that the proposed regulations be considered in the order in which they appeared in the tentative approvals, which were before the Commissioners. He said that copies were also available to the audience in the back of the auditorium. He reported that this meeting was held in accordance with Section 209 of the Fish and Game Code, and was the meeting at which the Commission heard and considered any objections to its proposed tentative approvals and then adopted the regulations for the 1980 sport fishing season. He said as required by law, the public notice of this action had been published. He reported that correspondence relating to the specific items being considered would be brought to the Commission's attention as that matter came up for discussion.

In conclusion, Mr. Cribbs stated that following consideration of each of the items listed, if there was no disagreement among the Commissioners, it was customary for the President to put the matter to a vote to determine the final

form of the order. Mr. Cribbs added that any other proposal originally submitted at the October 5 meeting but not adopted as a tentative approval was still open for discussion and adoption at the meeting. He said following consideration of the tentative approvals, the public would be invited to speak on items of their concern brought up at the October 5 meeting but not contained in the tentative approvals. Mr. Cribbs stated that copies of the environmental plans as prepared by the Department had been provided to the Commissioners for their consideration and had been available for public review. He said any modification of these plans and responses to any correspondence received in the Commission office for which responses were not prepared earlier were also before the Commissioners and available to the audience.

Mr. Cribbs then went through the list of tentative approvals and the following discussions took place:

With regard to Section 4.05, Fishing Hours, Mr. Cribbs noted that a petition with 209 signatures in support of opening Lake Poway to night fishing had been received in the Commission office.

With respect to Section 13.24, Eagle Lake Closure (Lassen Co.), Mr. Richard May, President of California Trout, recommended that during the closure (April - May), fishing still be allowed under the following restrictions: a zero bag and possession limit, artificial lures only, and single barbless hooks.

Director Fullerton stated that the Department had no objection to this modification. It was then:

MOVED BY MR. BENSON, SECONDED BY MR. GALLETTI, THAT
THE FISH AND GAME COMMISSION HEREBY MODIFIES SECTION 13.24
TO PROVIDE FOR A ZERO BAG AND POSSESSION LIMIT AND THE USE
OF ARTIFICIAL LURES, WITH SINGLE BARBLESS HOOKS, AT EAGLE
LAKE DURING THE CLOSED SEASON (APRIL - MAY).

PASSED UNANIMOUSLY.

With respect to Section 13.31, Fall River Trout Restriction (Shasta Co.), Mr. Cribbs reported that five letters in support of a two fish bag limit for Fall River and tributaries had been received in the Commission office, and that letters from Bill Judge, President, Fall River Valley Chamber of Commerce and one individual had been received in opposition to the proposal.

Mr. John Keaton, Member, Shasta County Board of Supervisors, came forward and stated that he felt the Commission should postpone the action regarding Fall River until further studies had been made.

Mr. Gerald Pope, Director, Fall River Area Recreation Council, recommended that the Commission postpone any action for one year. He said this would allow for input from area residents and also would give area residents time to work with the Department to try to resolve any differences.

Mr. Richard May, President, California Trout, pointed out there was a problem with enforcement because of the different bag limits. He also stated there was some evidence to indicate an overharvest of trout in certain areas.

Director Fullerton stated the Department would not object to a one-year postponement, but it would recommend tighter language for enforcement purposes to aid in obtaining compliance with the provisions which prohibited the possession of more than two fish in the two fish area. It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. BENSON, THAT
THE FISH AND GAME COMMISSION HEREBY MODIFIES SECTION
13.31(a) TO PROHIBIT THE POSSESSION OF MORE THAN TWO
TROUT BY PERSONS FISHING IN THAT AREA OF FALL RIVER
WHICH HAS A TWO TROUT BAG LIMIT.

PASSED UNANIMOUSLY.

With regard to Section 20.60, Special Gear Provisions, Mr. Everett Sartori, Petaluma Outdoorsmen, recommended that the Russian River be added to the list of waters which have a special hook restriction and that Mendocino and Sonoma counties be added to the list of North Coast counties that have a gaff restriction.

Mr. Burt Banzhaf, Ukiah Rod and Gun Club, expressed concern over a gaff restriction for Mendocino County. Mr. Cribbs pointed out that the gaff restriction for Mendocino and Sonoma counties could not be considered because they were not part of the original proposals at the October 5 meeting.

The Commission asked that the Department consider adding a gaff restriction for the Russian River for 1981. It was then:

MOVED BY DR. VENRICK, SECONDED BY DR. DASMAN, THAT
THE FISH AND GAME COMMISSION HEREBY MODIFIES SECTION
20.60, SPECIAL GEAR PROVISIONS, TO ADD THE RUSSIAN
RIVER TO THOSE AREAS WHERE IT IS UNLAWFUL TO USE ANY
HOOK WITH MORE THAN ONE POINT, OR LARGER THAN SIZE
NO. 1.

PASSED UNANIMOUSLY.

With respect to Section 22.80, Eel River System Closures (Humboldt, Mendocino, Trinity and Lake counties), Mr. Cribbs stated that the Commission office had received letters from the Ukiah Rod and Gun Club, Ukiah and six individuals, as well as six form letters in opposition to the Department's proposed bag and minimum size limits and gear restrictions for the Eel River between Scott Dam and Van Arsdale Dam.

Mr. Burt Banzhaf came forward with a petition signed by 600 individuals and also a letter from the Ukiah Kiwanis Club, which he said were also in opposition to the proposal. Mr. Banzhaf spoke at length in opposition to the proposed regulation change. He felt that the situation was not as bad as indicated by the Department and that an alternative would be to stop the use of fresh roe for bait for winter steelhead fishing, and that the Department stop taking eggs at the Snow Mountain Egg Taking Station. He also felt that closing the river to fishing for certain periods of time would be a better alternative than the proposed regulation change. He felt that the 1979 regulations should remain in effect.

for the public involvement that was apparent in the striped bass poaching problem and felt that it should extend to the sturgeon situation as well.

Mr. Abe Cuanang spoke in opposition to the proposed sturgeon closure and submitted petitions containing 589 signatures in support of his position on the issue. He acknowledged that there was an enforcement problem for the Department because most of the manpower was devoted to the commercial herring fishery during the time the illegal take of sturgeon was taking place. He proposed an alternative to the Department's proposal, which would leave December open for sturgeon fishing but would close that fishery during the commercial herring fishery. The closure would then extend from January 1 through March 15.

Mr. Larry Green spoke in support of the proposed regulations.

Director Fullerton indicated that it was, in fact, a law enforcement problem and that he supported the proposal of Mr. Cuanang.

Mr. Cribbs pointed out that if the Commission adopted the proposal, the order would be filed immediately and would be effective on January 1, 1980. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT
THE FISH AND GAME COMMISSION HEREBY MODIFIES THE PROPOSED
SECTION 27.95, STURGEON CLOSURE, TO PROVIDE:

(1) Section 27.95 is added to read:

27.95 Sturgeon Closure. Sturgeon may not be taken in the following described area between January 1 and March 15: That portion of San Francisco Bay included within the following boundaries: A direct line between Pt. Chauncey (National Marine Fisheries Laboratory) and Pt. Richmond, the San Francisco-Oakland Bay Bridge and a direct line between Pt. Lobos and Pt. Bonita.

(This section shall become effective January 1, 1980.)

PASSED UNANIMOUSLY.

Mr. Cribbs stated that this concluded the discussion of the Commission's tentative approvals. He noted that the Commission office had received the following correspondence with respect to items not covered in the tentative approvals:

A letter from Richard H. May, President, California Trout, requesting that California Trout's recommendation regarding clarification of the angling regulations for Hat Creek (Shasta Co.) be withdrawn. A letter in support of a reduced bag limit for mackinaw (lake) trout and a prohibition on the use of sonar and graph equipment in Lake Tahoe. A phone call in support of closing Lake Tahoe to mackinaw (lake) trout fishing from September 1 to February 1, and in support of lowering the bag limit to three fish.

Mr. Chickering asked if there was any other matter to which the audience would like to speak.

Mr. John Rousch stated that he had been fishing Lake Tahoe for the past 20 years and in his opinion the mackinaw (lake) trout in the lake were being over-harvested. He stated that a reduced season and bag limit should be implemented. It was his contention that a proliferation of fishing guides over the last few years on this water had added to the problem.

Mr. Ed Ogden, a sport fisherman, spoke in opposition to the banning of sonar gear in Lake Tahoe. He was, however, supportive of a three-fish bag limit for mackinaw (lake) trout.

Mr. George McCammon, Chief of the Department's Inland Fisheries Branch, reported that the Department had no biological data to indicate that the mackinaw (lake) trout fishery at Lake Tahoe was being depleted.

Mr. Skeeter Rubins, a party boat operator at Lake Tahoe, reiterated his opposition to any change in the bag and season restrictions for mackinaw (lake) trout at Lake Tahoe and emphasized that the lake trout fishery was in good shape.

Mr. Richard May, President, California Trout, expressed his concern about summer dams on Austin Creek, tributary to the Russian River. He pointed out that his organization had proposed a closure to summer angling but had withdrawn that request when the Department had informed him that it would conduct a study on Austin Creek to determine the affects of summer dams. He said recent newspaper articles indicated there was a problem with funding for this study and wanted assurance from the Director that the study would go forward. Director Fullerton assured him the Department was committed to the study on Austin Creek.

It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT
PURSUANT TO THE AUTHORITY VESTED BY SECTIONS 200-221
AND 8460-8463 OF THE FISH AND GAME CODE, THE FISH AND
GAME COMMISSION HEREBY AMENDS, ADDS TO AND REPEALS ITS
REGULATIONS IN TITLE 14, CALIFORNIA ADMINISTRATIVE CODE,
AS FOLLOWS:

(1) Section 1.18 is renumbered Section 1.51.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(2) Section 1.19 is added to read:

1.19 Barbless Hook. A fish hook from which the barb or barbs have been removed or completely bent closed, or which is manufactured without barbs.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(3) Subsection (b) of Section 1.73 is amended to read:

(b) Notwithstanding Section 27.80 of these regulations, the season to take salmon in San Francisco Bay, San Pablo Bay, and Richardson Bay between the Carquinez Bridge and the Golden Gate Bridge, and all ocean waters and other bays is from February 16, 1980 through October 12, 1980.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(4) Subsection (a) of Section 4.05 is amended to read:

(a) All fish may be taken day or night in: Apollo Lake (Los Angeles Co.), Castaic Lake Afterbay east side only (Los Angeles Co.), Coachella Valley (Riverside Co.), Evans Lake (Riverside Co.), Hansen Lake (Los Angeles Co.), Hemet Lake only from shore (Riverside Co.), Legg Lake (Los Angeles Co.), Perris Lake (Riverside Co.), Poway Lake (San Diego Co.), Puddingstone Lake (Los Angeles Co.), Seccombe Lake (San Bernardino Co.), Silverwood Lake (San Bernardino Co.), and Vandenberg Air Force Base (Santa Barbara Co.).

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(5) Subsection (b) of Section 4.50 is amended to read:

(b) Limit: Five (See Sections 4.92, 4.94, 4.96, 5.10, 5.11 and 5.19).

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(6) Section 5.11 is added to read:

5.11 Piru Lake Black Bass (Ventura Co.). Minimum size: Twelve inches total length.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(7) Subsection (h) is added to Section 11.68 to read:

(h) Eagle Lake, Lassen Co. (see Section 13.24).

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(8) Section 11.80 is amended to read:

11.80 Bait Fish Provisions. No fish may be used or possessed for bait except as provided below. Dead ocean fish in whole or cut bait form may be used and possessed for use as bait. In Donner, Fallen Leaf and Tahoe lakes Lahontan redbreast, tui chub, Tahoe sucker, Lahontan speckled dace, mountain sucker and Paiute sculpin may be used or possessed for bait only if used in the same lake where taken. (Also see Section 2.50).

(Note: Authority and Reference: Sections 8460-8463, Fish and Game Code.)

(9) 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 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 June 20.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(10) Section 12.95 is amended to read:

12.95 Crooked Creek Closure (Mono Co.). Crooked Creek is closed to all fishing between Crowley Lake and the City of Los Angeles Gauging Station. (Also see Section 13.00).

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(11) Section 13.24 is amended to read:

13.24 Eagle Lake Special Artificial Lures Season (Lassen Co.). In Eagle Lake from March 1 through the Friday preceding Memorial Day the following trout restrictions shall apply:

(a) Methods of take: Only artificial lures with single barbless hooks may be used.

(b) Limit: Zero trout per day, zero trout in possession. All trout taken shall be immediately released and returned to the water. (See Section 14.20 for closure on Pine Creek and Pine Creek Slough.)

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(12) Section 14.15 is amended to read:

14.15 McCloud River Basin Dolly Varden (Bull Trout) Limit (Shasta and Siskiyou counties). Limit: Zero Dolly Varden (also known as bull trout). All Dolly Varden (bull trout) taken shall be immediately released and returned to the water.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(13) Subsections (b) and (c) of Section 16.05 are amended to read:

(b) All fish may be taken day or night in Amador Lake (Amador Co.), Camanche Lake (Amador, Calaveras and San Joaquin counties), Camp Far West Lake (Nevada, Placer and Yuba counties), Folsom Lake (Sacramento, Placer and El Dorado counties), Collins Lake (Yuba Co.), New Hogan Lake (Calaveras Co.), Oroville Lake (Butte Co.), Salt Springs Valley Reservoir (Calaveras Co.), and Wildwood Lake (Nevada Co.).

(c) All fish except trout and salmon may be taken day or night in the counties of Butte, Colusa, Glenn, Shasta, Solano, Sutter, Tehama, Yolo, Yuba and Sacramento County north of Interstate 80 except as noted in subsection (b) above.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(14) Subsections (b) and (c) of Section 16.10 are amended, and subsection (d) is added to Section 16.10 to read:

(b) Butte Creek, Butte Co. (see Section 17.96).

(c) Sacramento River, Shasta Co. (see Section 19.46(b).)

(d) Gaffs: Gaffs are illegal in any stream in Shasta and Tehama counties, except that gaffs not exceeding three feet in total length (measured to the most distant part of the bend of the hook portion) may be used only while angling from a boat on the Sacramento River, exclusive of tributaries. (This section supersedes Section 5513 of the Fish and Game Code.)

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(15) Section 16.90 is amended to read:

16.90 Trout and Salmon. Exceptions to the following season and limits are found under "District--Special Regulations" beginning with Section 17.50. Notwithstanding the following limits, at least three trout or salmon may be taken irrespective of weight, except that in any stream or river no three fish limit may contain more than two salmon.

(a) All lakes and reservoirs:

(1) Open season: All year.

(2) Limit: Five trout or salmon in combination.

(b) All streams in the counties of Fresno, Kern, Kings, Madera, Mariposa, Merced, Stanislaus, Tulare and Tuolumne.

(1) Open season: All year.

(2) Limit: Five trout or salmon in combination, but not more than ten pounds and one fish, except that from the last Saturday in April through November 15 the limit is ten trout or salmon in combination, but not more than ten pounds and one fish.

(c) All streams in areas not included in (b) above.

(1) Open season: Last Saturday in April through November 15.

(2) Limit: Ten trout or salmon in combination, but not more than ten pounds and one fish.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(16) The title of Section 17.80 is amended to read:

17.80 Buchanan (Eastman) Lake Black Bass (Madera Co.).

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(17) Section 17.96 is added to read:

17.96 Butte Creek (Butte Co.). No hook with more than one point may be used for the taking of fish in Butte Creek from February 1 through the Friday preceding the last Saturday in April, from the Durham Highway Bridge crossing (three miles downstream from Highway 99) to a point 150 feet upstream from the Centerville Powerhouse. (Also see Section 17.90.)

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(18) Section 18.05 is repealed.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(19) Section 18.07 is added to read:

18.07 Big Chico Creek Salmon Closure (Butte Co.). Big Chico Creek upstream of Highway 32 is closed to the taking of salmon from June 1 through November 15.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(20) The title of Section 18.50 is amended to read:

18.50 Feather River Trout and Salmon Season and Limit (Butte, Sutter and Yuba counties), Only from Mouth to Highway 70 Bridge in Oroville.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(21) The title of Section 18.70 is amended to read:

18.70 Collins (Merle Collins) Lake Black Bass (Yuba Co.).

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(22) Section 19.46 is amended to read:

19.46 Sacramento River Special Gear Restrictions.

(a) Colusa and Sutter Counties: Trolling is prohibited from sunset to sunrise on the Sacramento River between Knights Landing and Princeton Ferry during the period April 15 through June 30.

(b) Shasta County: In the Sacramento River between Keswick Dam and the Deschutes Road bridge, no person shall use: any hook with more than one point, nor any hook with a shank longer than two inches, or a distance greater than 1/2 inch between the point of the hook and the shank, nor any weight attached to or below a hook, or attached to the line directly or indirectly within 18 inches of any hook.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(23) Subsections (b), (c), (d), (e) and (f) of Section 20.60 are repealed, and subsections (b) and (c) are added to Section 20.60 to read:

(b) No hook with more than one point or larger than Size No. 1 may be used on the following streams from August 15 through December 31:

- (1) Eel River including the North and South Forks;
- (2) Mad River and tributaries from the mouth upstream to Ruth Dam;
- (3) Mattole River;
- (4) Van Duzen River including the South Fork;
- (5) Smith River including all tributaries;
- (6) Redwood Creek and all tributaries; and
- (7) Russian River.

(c) Gaffs. Gaffs are illegal in any stream in Del Norte, Humboldt, Siskiyou and Trinity counties.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(24) Section 20.65 is amended to read:

20.65 Waters Restricted to Artificial Lures. Putah Creek, Lake Co. (See Section 24.40), and Eel River and tributaries, Lake Co. (See Section 22.82).

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(25) Subsection (b) of Section 21.00 is amended to read:

(b) Limit: Five. (See Sections 22.31, 22.70, 22.71, 23.92, 24.42 and 25.03.)

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(26) Section 21.50 is amended to read:

21.50 Trout and Salmon. Exceptions to the following seasons and limits are found under "District--Special Regulations" beginning with Section 22.00. Notwithstanding the following limits, not more than ten pounds and one fish shall be included in any one limit, however, at least three trout or salmon may be taken irrespective of weight, except that in any stream or river no three fish limit may contain more than two salmon.

(a) All lakes and reservoirs:

(1) Open season: All year.

(2) Limit:

(A) Marin and Sonoma counties: Five trout or salmon in combination.

(B) All other lakes and reservoirs in District: Five trout or salmon in combination, except that from the last Saturday in April through November 15 the limit is ten trout or salmon in combination.

(b) All streams in Napa County; all streams in Lake County except in the Eel River drainage below Scott Dam; all streams above the following dams: Iron Gate and Dwinnell (Siskiyou Co.), Lewiston and Ruth (Trinity Co.), Coyote Valley (Mendocino Co.); and the Sacramento River and all its tributaries upstream from the Interstate 5 bridge at Dunsmuir (Siskiyou Co.).

(1) Open season: Last Saturday in April through November 15.

(2) Limit: Ten trout or salmon in combination.

(c) All other streams in District:

(1) Open season: Saturday preceding Memorial Day through November 15.

(2) Limit:

(A) Marin County, the Klamath River below Iron Gate Dam, the Salmon River below the mouth of the South Fork, and the Trinity River below the mouth of New River: Five trout or salmon in combination.

(B) All other streams: Ten trout or salmon in combination.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(27) Subsection (b) of Section 21.55 is amended to read:

(b) Limit: Three trout or salmon in combination, but not more than two salmon.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(28) Subsection (b) of Section 22.00 is amended to read:

(b) During October, salmon may be taken in tidewater with a limit of two. (Exception: See Section 22.05.)

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(29) Subsection (b) of Section 22.40 is amended to read:

(b) Salmon may be taken in tidewater during October with a limit of two.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(30) Section 22.80 is amended to read:

22.80 Eel River System Closures (Humboldt, Mendocino, Trinity and Lake counties). The following parts of the Eel River System are closed to all fishing:

(a) Eel River from 1000 feet below to 600 feet above Van Arsdale Dam.

(b) Middle Fork Eel River from confluence with Bar Creek upstream to confluence with Uhl Creek, North Fork of Middle Fork Eel River from mouth upstream to confluence with Willow Creek, Balm of Gilead Creek from mouth upstream to the falls located 1-1/4 miles upstream.

(c) Middle Fork Eel River from mouth upstream to Bar Creek from March 1 through July 15.

(d) Van Duzen River from mouth of Bloody Run Creek upstream to the mouth of Baker Creek.

(See Section 20.57.)

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(31) Section 22.82 is added to read:

22.82 Eel River, Main Stem Restrictions (Lake Co.). The following bag and minimum size limits and gear restrictions shall apply to the Eel River and tributaries between Scott Dam and Van Arsdale Dam from the Saturday preceding Memorial Day through November 15:

(a) Limit: Three fish.

(b) Minimum size: Ten inches total length.

(c) Methods of take: Only artificial lures with barbless hooks may be used.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(32) Subsection (b) of Section 23.10 is amended to read:

(b) Salmon may be taken in tidewater during October with a limit of two.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(33) Subsection (b) of Section 23.45 is amended to read:

(b) Salmon may be taken in tidewater during October with a limit of two.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(34) Subsection (c) is added to Section 23.50 to read:

(c) The Klamath River from the Ishi Pishi Falls Road Bridge at Somes Bar upstream to and including Pshi Pishi Falls is closed to all fishing from August 15 through November 1.

Exception: Members of the Karok Indian Tribe listed on the current Karok Tribal Roll are allowed to take fish at Ishi Pishi Falls using hand-held dip nets. Fish taken may not be sold.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(35) Section 23.75 is amended to read:

23.75 Mad River Closure (Humboldt Co.). The area within a radius of 200 yards of the mouth of Mad River closed to all fishing from August 1 through December 31. (See Section 20.57.)

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(36) Section 23.85 is amended to read:

23.85 Mattole River Closure (Humboldt Co.). The area within a radius of 200 yards of the mouth of the Mattole River closed to all fishing from August 1 through December 31. (See Section 20.57.)

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(37) Subsection (b) of Section 24.00 is amended to read:

(b) Salmon may be taken in tidewater in October with a limit of two.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(38) Subsection (b) of Section 24.15 is amended to read:

(b) Salmon may be taken in tidewater during October with a limit of two.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(39) Section 24.42 is added to read:

24.42 Ralphine Lake Black Bass (Sonoma Co.). Minimum size: Twelve inches total length.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(40) Section 24.45 is amended to read:

24.45 Redwood Creek Closure (Humboldt Co.). The area within a radius of 200 yards of the mouth of Redwood Creek closed to all fishing from August 1 through December 31. (See Section 20.57.)

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(41) Section 24.55 is added to read:

24.55 Redwood Creek Closure (Marin Co.). Redwood Creek, including tideswaters, is closed to all fishing.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(42) Subsection (b) of Section 25.05 is amended to read:

(b) Limit: Three trout or salmon in combination except during the general trout season in the adjacent area when the limit for the latter season applies.

(See Section 20.57.)

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(43) Section 25.06 is added to read:

25.06 Spring Lake Black Bass (Sonoma Co.). Minimum size: Twelve inches total length.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(44) Subsection (b) of Section 25.20 is amended to read:

(b) Salmon may be taken in tidewater during October with a limit of two. (Exception: See Section 25.25.)

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(45) Section 25.45 is amended to read:

25.45 Van Duzen River Closure (Humboldt Co.). Van Duzen River closed to all fishing from the mouth of Bloody Run Creek upstream to the mouth of Baker Creek. (See Sections 20.57 and 22.85.)

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(46) Subsection (b)(2) of Section 26.70 is amended to read:

(2) Limit: Three trout or salmon in combination, except that from the last Saturday in April through November 15 the limit is ten trout or salmon in combination, but not more than ten pounds and one fish. Notwithstanding the above limits, at least three trout or salmon may be taken irrespective of weight, except that in any stream or river no three fish limit may contain more than two salmon. (See special closures in Section 26.80.)

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(47) Section 27.51 is added to read:

27.51 Robert W. Crown Reserve (Alameda Co.). No plant or invertebrate marine life may be taken between the high tide mark and 150 feet

beyond the mean lower low tide mark in that portion of Robert W. Crown Memorial State Beach between the base of the jetty on the northwesterly corner of Crab Cove and a point approximately 2,800 feet southeasterly along the shoreline of Crab Cove opposite the bath house/restroom complex. Hook-and-line fishing is permitted in this area for fin fish only.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(48) Subsections (b) and (c) of Section 27.60 are amended to read:

(b) Within the overall bag limit of twenty fish the following special limits apply: Rockfish (rockcod)--fifteen fish, all of which may be of the same species; lingcod--five fish; salmon--two fish; trout (including steelhead) taken from ocean and bays--three fish; white seabass--three fish; sturgeon--one fish; striped bass--three fish; California halibut--five fish, except as provided in Section 28.15; Pacific halibut--two fish; giant (black) sea bass--one fish; broadbill swordfish--two fish; marlin--one fish; garibaldi--zero fish; gulf grouper--zero fish; broomtail grouper--zero fish.

(c) There is no limit on the following species: Albacore, anchovy, bluefin tuna, grunion, jacksmelt, petrale sole, Pacific butterfish (pompano), queenfish, rays, sanddabs, shiner surfperch, sharks, skipjack, Pacific staghorn sculpin, starry flounder and white croaker.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(49) Subsection (c) of Section 27.80 is amended to read:

(c) Limit: Two.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(50) Section 28.35 is amended to read:

28.35 White Seabass.

(a) Minimum size: Twenty-eight inches total length or twenty and one-half inches alternate length.

(b) Season: Open all year, except that white seabass may not be taken in waters south of Pt. Conception between March 15 and June 15.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(51) Section 28.62 is added to read:

28.62 Herring. Limit: Fifty pounds.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(52) Subsection (b) of Section 28.65 is amended to read:

(b) On public piers, breakwaters and other structures on which a fishing license is not required, no person shall use more than two rods and lines, two hand lines, or two nets, traps or other appliances used to take crabs.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(53) Subsection (b)(3) of Section 29.05 is amended to read:

(3) Special Closures. No invertebrates shall be taken on the mainland shore within the boundaries of Año Nuevo State Reserve between the high tide mark and 100 feet beyond the low tide mark between November 30 and March 16. No invertebrates may be taken between the high tide mark and 1000 feet beyond the low tide mark along the lee side of Santa Catalina Island between Lion Head Point and Arrow Point.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(54) Subsection (d) of Section 29.05 is amended to read:

(d) In all ocean waters, skin and SCUBA divers may take invertebrates as provided in this article except that in all ocean waters north of Yankee Point (Monterey Co.), self-contained underwater breathing apparatus (SCUBA) may be used only to take sea urchins, rock scallops, and crabs of the genus Cancer. For the purpose of this section, breathing tubes are not underwater artificial breathing devices.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(55) Subsection (c) is added to Section 29.85 to read:

(c) All crabs of the genus Cancer, including Dungeness crabs, yellow crabs, rock crabs, red crabs, and slender crabs, may be brought to the surface of the water for measuring, but no undersize crabs may be placed in any type of receiver, kept on the person, or retained in any person's possession or under his direct control; all crabs shall be measured immediately and any undersize crabs shall be released immediately into the water.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(56) Section 29.86 is added to read:

29.86 Bay Shrimp (Grass Shrimp). Limit: Five pounds.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(57) Subsection (a) of Section 13.31 is amended to read:

(a) Limit: Fall River, including Spring Creek, but excluding all other tributaries, from its origin at Thousand Springs downstream to the Pit No. 1 Powerhouse intake: Two trout per day, two trout in possession.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

(58) Subsection (b) of Section 27.80 is amended to read:

(b) Season. Salmon may be taken in San Francisco Bay, San Pablo Bay, and Richardson Bay between the Carquinez Bridge and the Golden Gate Bridge, and all ocean waters and other bays from the Saturday nearest February 15 through the Sunday nearest October 15.

(Note: Authority and Reference: Sections 200-221, Fish and Game Code.)

PASSED UNANIMOUSLY.

The Commission has determined that this project will not have a significant adverse effect on the environment.

7. COMMISSION PRESENTATION TO LESLIE F. EDGERTON.

Les and Charlotte Edgerton were asked to come forward by Mr. Cribbs.

President Chickering read a resolution from the Commission to Les in recognition of his 18+ years of service to the Commission. He then presented him with an especially prepared belt buckle giving recognition to his term of office. Mr. Edgerton accepted the momentos and thanked the Commission for them. It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. BENSON,
THAT THE FISH AND GAME COMMISSION ADOPTS THE
FOLLOWING RESOLUTION:

WHEREAS, Leslie F. Edgerton, Executive Secretary of the California Fish and Game Commission, has diligently served the people of the state and its resources for nearly 38 years; and

WHEREAS, Les, during the first 20 years of his illustrious tenure with the state, rose through the ranks within the Department of Fish and Game from

Assistant Warden at the Mt. Whitney Hatchery to Warden, Patrol Captain and ultimately to the position of Patrol Inspector in Sacramento headquarters where he had responsibility for coordinating the Department's hunter safety training program; and

WHEREAS, In December 1961 the Fish and Game Commission appointed Les to the position of Assistant to the Commission, which title changed in 1968 to Executive Secretary; and

WHEREAS, Through faithfully carrying out his responsibilities in those positions, he distinguished himself and also brought credit and recognition to the State of California; and

WHEREAS, Les has demonstrated the desire and ability to meet the needs of the Commission, and the public and private sector regarding fish and wildlife resource matters; and

WHEREAS, Les has, with great enthusiasm, admirably carried out his responsibilities as "Trail Master" for the Commission's Annual Pack Trip; and

WHEREAS, Les has been known for his unmatched marksmanship, especially when turkey hunting, and for his innate ability to pick the most appropriate time and place to run a mileage test on his new Bronco;

WHEREAS, Les' love for flying and yachting on the calm waters of pond 15 at Wheeler Island Duck Club are only matched by his fondness for cleaning game; and

WHEREAS, Leslie F. Edgerton has left his position with the Fish and Game Commission to actively pursue a new career as a Regional Director with Ducks Unlimited, Inc.; now, therefore, be it

RESOLVED, That this Commission extends to Les its sincerest thanks and gratitude for a job well done, and to his lovely wife, Charlotte, its warmest appreciation for her special efforts over the years; and be it further

RESOLVED, That the California Fish and Game Commission offers Les and Charlotte its best wishes for every success in their future endeavors, and that the friendships they have made will remain forever.

PASSED UNANIMOUSLY.

8. CONSIDERATION OF REQUEST OF THE U.S. FISH AND WILDLIFE SERVICE FOR APPROVAL OF ITS PROPOSAL REGARDING THE CAPTURE AND PROPAGATION OF CALIFORNIA CONDORS.

Mr. Cribbs stated that at the Commission's August 3 meeting in San Luis Obispo the Department had briefed the Commission on the status of the proposed California condor recovery plan. He indicated that at that time the Commission had expressed concern that the U.S. Fish and Wildlife Service might be proceeding with its proposal to capture California condors for study and propagation purposes without first seeking the Commission's approval of such a program. He

said the Department informed the Commission that the Fish and Wildlife Service would, in all probability, come before the Commission within a short period of time to present its proposal for Commission consideration. Mr. Cribbs noted that on November 16, the Commission office had received a request from the U.S. Fish and Wildlife Service for a scheduling of the proposal for Commission consideration. He said copies of that letter were before the Commissioners.

Mr. Cribbs also stated that the Commissioners had before them copies of the draft California Condor Recovery Plan and the U.S. Fish and Wildlife Service's draft environmental assessment for that program as well as the Department's comments. He also reported that correspondence received by the Commission office on this issue was before the Commissioners. In conclusion, Mr. Cribbs stated that the Commission office had received a telegram from Beula Edmiston, President, Friends of Wildlife, urging the Commission to postpone its decision on the U.S. Fish and Wildlife Service's request until such time as a final environmental assessment had been prepared and made available for public review.

Mr. Bill Sweeney, Area Manager for the U.S. Fish and Wildlife Service for California and Nevada, stated that condor numbers had rapidly declined and that this decline needed to be stemmed. He introduced Mr. Sandy Wilbur, a biologist with the U.S. Fish and Wildlife Service, who had been working with the condor for some time, who he said, would give a status report on the California condor and describe the U.S. Fish and Wildlife Service's proposal.

Mr. Wilbur stated that the recovery program was necessary because of the continued decline of the California condor population despite some 15 years of considerable protection study and management. He indicated that there had not been a confirmation of any condor nesting during the past two years, and that combined studies and surveys indicated a 50% reduction in the population since 1965, with an estimated current population of no more than 30 condors in the state.

Mr. Wilbur stated that in addition to the ongoing condor recovery efforts, that portion of the recovery plan which would involve the take or position of condors was in two-phases. The first phase being a radio telemetry study utilizing about 15 birds in the wild. He said this study would give a better understanding of individual bird behavior and condor requirements for their survival. He said the second phase dealt with the capture of nine condors for captive breeding. He said this would include the collection of four breeding pair plus one female, which would be mated with a male now in captivity at the Los Angeles Zoo.

Mr. Chickering maintained that approval from the Commission for the U.S. Fish and Wildlife Service proposal could not be granted until the final environmental impact assessment had been distributed and reviewed by the public, with appropriate public hearings held. He then asked Mr. Wilbur whether the captive-raised birds could be released successfully into the wild. Mr. Wilbur responded that there was a study planned to evaluate the release of captive-reared Andean condors and this would give a better understanding of how to approach this aspect with regard to the California condor.

Dr. Dasmann expressed concern that the California Condor Recovery Plan seemed to be going forward most rapidly; almost assuming Commission approval without adequate review time to permit public input.

Director Fullerton asked Mr. Wilbur if it was necessary to take 50% of the estimated total population to accomplish the radio telemetry studies. Mr. Wilbur responded that he felt the action was appropriate and was confident that there would be little or no mortality associated with the capture and placement of the radio devices on the birds. He said, of course, should there be any mortality, the capture program would be halted until an evaluation on procedures could be made.

Mr. Dave Brower, representing Friends of the Earth International, expressed concern about the Condor Recovery Plan. He said his group was of the opinion that if the condor were to be saved, then their habitat had to be preserved and upgraded, and this should be an integral part of any recovery program. It was his contention, also, that there should be adequate public review and comment on the final environmental assessment for the program before the Commission took action to approve the capture and marking of these birds.

Mr. John Borneman, representing the National Audubon Society, spoke in support of the proposal. He said the National Audubon Society believed that the captive breeding of condors was necessary if the species were to recover in the wild. He noted that the total program would be carefully monitored and staged to achieve the desired results.

Director Fullerton asked for a clarification with regard to the staging aspects as he was left with the impression from the U.S. Fish and Wildlife Service's presentation that this was not a part of the plan. He said he believed that the present proposal was to open ended.

Dr. Venrick asked if it was possible to amend the initial request from 15 birds to two or three birds to determine the affects of trapping. Mr. Wilbur said that the 15 bird figure was a more desirable one, but that they were willing to negotiate on this.

Mr. Dave Phillips, representing the Friends of Earth, objected to the flexibility of the proposed recovery program and said that there were many shortcomings in the draft plan. He maintained that the October 1980 date for implementing the capture aspects of the plan was unrealistic and he urged the Commission to direct the Department not to sign the pending interagency cooperative agreement, which was scheduled for signing later in the month in Washington, D.C. Mr. Andrew Baldwin of this group concurred in Mr. Phillips' remarks.

Mr. Fullerton said that the Department would not be a party to any signed cooperative agreement that committed any specific course of action on the capture and marking of condors until the various concerns had been addressed.

Mr. Mark J. Palmer, representing the Sierra Club, recommended that there be a step-by-step approach for the captive breeding research program. He indicated there were inadequacies in the federal government's proposed recovery plan and he submitted to the Commission a plan prepared by the Sierra Club for

its perusal. It was the concensus of the Commission that, indeed, final drafts of the environmental assessment and the California Condor Recovery Plan needed to be made available to the public for review with hearings held by the Commission prior to any decision on the request from the U.S. Fish and Wildlife Service for approval to capture and mark a specified number of California condors.

Mr. Wilbur indicated that the trapping permit application from the U.S. Fish and Wildlife Service would be published in the Federal Register no later than April 30, 1980.

Mr. Cribbs pointed out that once the documents had been provided to the public, the matter could be re-scheduled for Commission consideration. He noted the Commission would be meeting toward the end of May, 1980 and that this would provide ample time for review and input from the public before the Commission made a decision regarding the proposal.

Note: On December 14, Director Fullerton provided the Commissioners with a copy of the proposed cooperative agreement, which, he said, would be formally signed in Washington, D.C. on December 17, 1979. He noted that the proposed agreement was general in nature and would not commit the Commission to a course of action nor would it relieve the U.S. Fish and Wildlife Service from the responsibility to come to the Commission at a later date with a specific proposal regarding the capture and marking of birds. Dr. Venrick asked Director Fullerton which sections of the agreement dealt with the matter of the issuance of permits. Director Fullerton pointed out the specific section and indicated the U.S. Fish and Wildlife Service would still be required to obtain a permit from the Commission before trapping and radio collaring any condors.

Dr. Dasmann still expressed concern with the objectives of the agreement because the recovery plan was not final.

Mr. Chickering pointed out that he did not see a problem with signing the agreement since the U.S. Fish and Wildlife Service would still need Commission approval.

Director Fullerton proposed that regarding the objective, the wording be changed to indicate the development of a condor recovery plan rather than an implementation.

The text of that proposed cooperative agreement is as follows:

I. Cooperators:

This project will be a cooperative program of the U.S. Fish and Wildlife Service and the National Audubon Society with the California Department of Fish and Game, the U.S. Forest Service and the Bureau of Land Management.

II. Objectives:

1. To implement a California Condor Recovery Plan.
2. To cooperate on field research on behalf of the California Condor.
3. To cooperate on Public Information and Education.
4. To provide for ongoing review of the Recovery Program.

III. Responsibilities:

A. National Audubon Society (NAS)

1. NAS will provide a full-time wildlife research biologist on the condor field research program.
2. NAS biologist will be a member of the Society's Research Department, under the supervision of the Director.
3. NAS recognizes that the U.S. Fish and Wildlife Service has ultimate authority for condor research, and that final decisions about the condor field research project rest with the U.S. Fish and Wildlife Service.
4. NAS will provide a full-time public information and education specialist.
5. NAS will provide office space, logistical, and technical facilities along with the Fish and Wildlife Service.
6. NAS will sponsor an independent annual review of research and recovery efforts by an NAS-AOU panel.

B. U.S. Fish and Wildlife Service (FWS)

1. FWS will provide a full-time research biologist and support on the condor field research program.
2. FWS biologist will be supervised by the Associate Director for Research.
3. FWS will provide office space, logistical and technical facilities along with NAS.
4. FWS will provide a coordinator for the California condor recovery program, under the Regional Director, supervised by the California-Nevada Area Manager.
5. FWS will sponsor an annual review by the Recovery Team in coordination with the NAS-AOU panel review.
6. FWS will support multiple California condor captive propagation facilities.

7. FWS will provide extensive research on environmental contaminants, habitat, and reintroduction efforts.
8. FWS will use its best efforts to process and secure in an expeditious fashion California Fish and Game Commission approval and permits for work on California condors involving capture and release for research purposes, capture and holding of birds for captive breeding purposes and release of captive-bred birds.
9. FWS will provide for inclusion of cooperating NAS personnel on FWS' research permit.
10. FWS will acquire habitat deemed necessary for the preservation of the California condor.
11. FWS will provide public information and education services.

C. California Department of Fish and Game (CF&G)

1. CF&G will keep the California Fish and Game Commission fully informed of pertinent developments in the California condor recovery effort and authorized work under state permits.
2. CF&G will cooperate in conducting annual inventories and coordinate the three-year survey.
3. CF&G will cooperate in supplemental feeding program.
4. CF&G will cooperate in providing protection on the wild bird population and land acquisition to protect habitat.
5. CF&G will continue to review EIR reports to ensure that consideration is given to condor needs on projects within the condor's range.
6. CF&G will provide public information and education services.

D. U.S. Forest Service (FS)

1. Provide two members to participate fully on the recovery team.
2. Make available such land, equipment and other facilities within legal and resource management constraints, including permits for radio tracking, electronic facilities, buildings, holding pens, computer analysis, and entry of research personnel into the condor sanctuaries.
3. Cooperate with other parties in conducting inventories and special habitat studies when specified.
4. Provide personnel for short-term projects such as condor inventories and trapping operations when available.

5. Cooperate in providing public information and education.
6. Enter into supplemental funding transactions as separate instruments consistent with the specified needs of the other parties subject to the availability of appropriations.

E. Bureau of Land Management (BLM)

1. The BLM will provide one member to participate fully on the recovery team.
2. The BLM will cooperate in conducting inventories and special studies of habitat, if possible.
3. The BLM will provide personnel for short-term projects, such as condor inventories, special work groups, preparation of educational materials, etc.

IV. FWS/NAS agree to the following operational procedures:

1. The FWS and NAS field research biologists will serve as co-principal investigators and will jointly plan and conduct the field research program.
2. NAS staff assigned to this program will be given limited Federal employee status pursuant to 16 U.S.C. 742 f(c), and FWS employees shall be considered NAS "joint staff."
3. Preparation and completion of interim and final reports on the condor field studies will be the joint responsibility of the principal investigators.
4. In so far as practicable, NAS and FWS principal investigators shall share a common office space and equipment storage facilities.

V. Review and Termination

1. NAS/FWS agree to review this cooperative agreement at the request of any of the participating parties.
2. Any party may terminate their participation in the agreement by providing 60 days written notice. Unless terminated by written notice, this agreement will remain in force indefinitely.

VI. All parties further agree that:

1. Nothing herein shall be construed as obligating any Federal agency to expend or as involving the United States in any contract or other obligation for the future payment of money in excess of appropriations authorized by law.
2. By accepting this agreement the NAS hereby agrees to comply with Title VI of the Civil Rights Act of 1964 and all requirements

imposed by or pursuant to the regulation of the United States Department of Agriculture, 7 CFR, Part 15, or United States Department of the Interior, 43 CFR, Part 17, issued pursuant to that Act.

3. According to 41 U.S.C. 22, this agreement must state that no member of, or Delegate to, Congress or Resident Commissioner, shall be admitted to any share or part of this agreement, or to benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement made with NAS for its general benefit.

4. To comply with the National Environmental Policy Act of 1969 (NEPA), Public Law 91-190, all parties agree to direct their program activities covered by this agreement toward managing and enhancing the environment for the widest range of beneficial uses without its degradation or risk to health or safety or risk to health or safety or other undesirable consequences. The parties further agree to assist the appropriate Federal agency in the preparation of any environmental statements required by section 102(2)(c) of NEPA for all major Federal actions taken under this agreement which might significantly affect the quality of the human environment or be highly controversial in regard to unresolved conflicts concerning the use of resources.

The Commission said it would have no objection to the Director signing such an agreement.

9. CONSIDERATION OF AMENDING SECTION 630, TITLE 14, CAC, RE THE ESTABLISHMENT OF THE PHOENIX FIELD ECOLOGICAL RESERVE AND REGULATIONS GOVERNING ITS USE.

Mr. Cribbs stated that at the Commission's October 5, 1979 meeting in Los Angeles, it had authorized its staff to publish notice of its intent to amend Section 630, Title 14, CAC, to add approximately 8.3 acres of land near Fair Oaks, Sacramento County, as the Phoenix Field Ecological Reserve, and to adopt special regulations governing its use. He said that legal notice had been published. Mr. Cribbs stated that the area was being acquired for the protection and preservation of the unique vernal pool ecosystem that supported one of the two known populations of the state's endangered Sacramento Orcutt grass. He stated that special regulations for this ecological reserve would preclude entrance by the public, except at the discretion of the Department, to protect the values found there. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE PROVISIONS OF 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, TO ADD APPROXIMATELY 8.3 ACRES OF LAND NEAR FAIR OAKS, SACRAMENTO COUNTY, AS THE PHOENIX FIELD ECOLOGICAL RESERVE, AND TO PROVIDE SPECIAL REGULATIONS GOVERNING ITS USE.

(1) Subsection (b)(36) is added to Section 630 to read:

(36) Phoenix Field Ecological Reserve, Sacramento County.

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

PASSED UNANIMOUSLY.

10. CONSIDERATION OF DEPARTMENT REQUEST FOR APPROVAL TO ACQUIRE LANDS AT POINT DUME FROM THE DEPARTMENT OF PARKS AND RECREATION.

Mr. Cribbs stated that the Department was requesting Commission approval for the transfer of control and possession of lands known as Point Dume, Los Angeles County, to the Department from the Department of Parks and Recreation. He said that a legal description of the lands to be transferred were before the Commission. He indicated Department control of this area would protect one of the few remaining sites where sea lions haul out on the southern California coast and give protection to a key portion of the Mugu Lagoon to Latigo Point area of special biological significance. He noted that within the next several months the Department was expected to propose this acquisition for classification as an ecological reserve. It was then:

MOVED BY DR. DASMANN, SECONDED BY DR. VENRICK, THAT
THE FISH AND GAME COMMISSION HEREBY APPROVES THE DEPARTMENT'S
REQUEST FOR APPROVAL OF THE TRANSFER OF CONTROL AND POSSESSION
OF LANDS KNOWN AS POINT DUME, LOS ANGELES COUNTY, TO THE
DEPARTMENT FROM THE DEPARTMENT OF PARKS AND RECREATION.

PASSED UNANIMOUSLY.

11. CONSIDERATION OF DEPARTMENT REQUEST TO AMEND THE COMMISSION'S "DEER MANAGEMENT POLICY".

Mr. Cribbs stated that the Commission, at its November 2 meeting in San Diego, had requested the Department to publicize the fact that the Commission intended to revise its "Deer Management Policy" at its December 7 meeting in Sacramento. He noted that copies of the proposal had been sent to the major sportsmen's groups for their consideration. He concluded by stating that the Commission office had received no correspondence on the matter.

Ed Hague, representing Associated Sportsmen of California, stated that his group favored the adoption of a deer policy which would call for the implementation of sound game management principles.

Henry Pickerel, Sierra County resident, indicated that there had been a lack of publication in the newspapers regarding the deer management policy. He believed additional time should be provided for public input.

Mr. Cribbs stated that the Department had made press releases available to all newspapers, and it was the newspaper's decision as to whether or not they carried the information.

The Department recommended adoption of the "Deer Management Policy" as proposed. It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT
THE FISH AND GAME COMMISSION HEREBY AMENDS ITS DEER
MANAGEMENT POLICY AS FOLLOWS:

Objective of the Deer Management Program

Conserve, restore, maintain and utilize California's wild deer populations. Such conservation shall be in accordance with the principles of conservation of wildlife resources set forth in Section 1801 of the Fish and Game Code and in accordance with the objectives and elements stated in "A Plan for California Deer, 1976."

Management Program

1. The Department shall designate deer herd management units. Such units may encompass a single deer herd or a group of deer herds having similar management and habitat requirements and characteristics. Boundaries of such units, unless appropriate, need not follow county boundary lines.
2. The Department shall develop plans for such deer herd management units. The objectives of such plans shall be the restoration and maintenance of healthy deer herds in the wild state and to provide for high quality and diversified use of deer in California.
3. Management plans shall contain the following programs:
 - a. Document existing information on deer herd management units and programs to obtain information that may be needed.
 - b. Develop programs to maintain and increase the quality of deer habitat statewide. Such programs will emphasize cooperative action between the Department and the appropriate land management entities, both public and private. Emphasis shall be directed towards identifying critical deer habitat areas and the maintenance and management of such areas.
 - c. Develop programs to reduce natural mortalities where such reduction may be critical to meeting deer herd plan objectives.
 - d. Develop programs to decrease the illegal taking of deer through modern law enforcement methods supported by public and private cooperative efforts.
 - e. Develop diversified recreational use programs, including both hunting and nonhunting uses, consistent with the basic individual deer herd management unit capabilities.
4. Deer herd management unit plans shall be reviewed annually and shall be the basis for Department recommendations to the Commission.
5. The Department shall determine each year its proposed recommendations to the Commission, including its recommendations as to whether any antlerless deer

hunts should be ordered. The recommendations of the Department shall include the number, if any, of antlerless deer that should be taken in units, whether the permits should be either-sex permits, the proposed dates for each such taking and the number of permits proposed for each unit.

PASSED UNANIMOUSLY.

12. CONSIDERATION OF REQUESTS OF STEVE TUCKER AND RICHARD BERG FOR REINSTATEMENT OF THEIR FALCONRY PERMITS.

Mr. Cribbs indicated that Mr. Tucker's request had been withdrawn since his needs had been met by the Department.

Richard K. Berg

Mr. Cribbs said that at the Commission's May 25, 1979 meeting in El Centro, it revoked the general falconry license held by Mr. Richard K. Berg until such time as he had appeared before the Commission to show cause why such a permit should be issued to him. He said Mr. Berg was present to make his request to the Commission.

Mr. Berg stated that he believed he had learned his lesson and requested that his license be reinstated.

Ned Dollahite, Chief of the Department's Wildlife Protection Branch, recommended that the revocation of Mr. Berg's license be continued for one more year. It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT
THE FISH AND GAME COMMISSION HEREBY CONTINUES THE REVOCATION
PERIOD OF MR. RICHARD K. BERG'S GENERAL FALCONRY LICENSE FOR
A PERMOD OF ONE YEAR BEGINNING MAY 25, 1979, AND FURTHER
STIPULATES THAT HE MUST APPEAR BEFORE THE COMMISSION AFTER
THAT DATE SHOULD HE DESIRE REINSTATEMENT OF THAT LICENSE.

PASSED UNANIMOUSLY.

13. CONSIDERATION OF REQUEST OF JEFFREY PAUL NOVAK FOR A GENERAL FALCONRY LICENSE.

Mr. Cribbs stated that Mr. Jeffrey Paul Novak of Fremont, California, had requested an opportunity to appear before the Commission to appeal the Department's decision to extend the apprenticeship period of his falconry license for an additional six months.

Mr. Ned Dollahite, Chief of the Department's Wildlife Protection Branch, briefed the Commission on the rationale behind the Department's decision to continue the apprenticeship period for Mr. Novak. He said Mr. Novak had illegally taken an eyas goshawk in Nevada.

Mr. Chickering expressed concern on the manner in which the Department had handled Mr. Novak's case. Dr. Dasmann concurred and stated that it appeared

that had Mr. Novak, in fact, received his general falconry license from the Department on time, he would not have been cited for possession of the eyas goshawk.

Warden Bob Pirtle of the Department's Wildlife Protection Branch, Sacramento, briefed the Commission on the aspects of the violation and the capture of the eyas goshawk in Nevada. He noted that Mr. Novak's sponsor had informed the Department of the fact that Mr. Novak had in his possession the eyas bird prior to obtaining the necessary falconry license.

As a point of order, Dr. Venrick noted that she had tabulated the violations during the past year from the Commission's minutes and had found that falconry violations per capita exceeded the hunting and sport fishing regulation violations by a factor of 200 to 400 times.

Ms. Barbara Coleman, representing Mr. Novak, asked for an opportunity to speak to the Commission regarding complaints from the Novak family about the way the case had been handled by the Department. Mr. Galletti suggested that the Department, Ms. Coleman, and the Novak family sit down together and try to work out their differences. He said he would prefer not to hear such complaints at this time. After additional discussion of the matter, it was:

MOVED BY DR. VENRICK, SECONDED BY MR. BENSON, THAT
THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST
OF JEFFREY PAUL NOVAK FOR A GENERAL FALCONRY LICENSE; AND
FURTHER THAT FOR THE PURPOSES OF GAINING EXPERIENCE TOWARD
A MASTER FALCONRY LICENSE SUCH LICENSE SHALL BE AS IF IT
WERE EFFECTIVE JULY 1, 1979.

AYES: COMMISSIONERS VENRICK, DASMANN AND BENSON.

Commissioner Galletti abstained from voting.

14. CONSIDERATION OF REQUEST OF RANDALL LEE AND DEWEY SAVELL FOR A CAPTIVE RAPTOR BREEDING PERMIT.

Mr. Cribbs noted that Messrs. Randall Lee and Dewey Savell had submitted a joint proposal which dealt with the captive breeding of prairie falcons, peregrine falcons, and possibly gyrfalcons. He reminded the Commissioners that they had the breeding proposal before them.

Mr. Cribbs said that these individuals had met with Department representatives and had modified, to some extent, their proposal to resolve the concerns voiced by the Department and that the Department now recommended approval. It was then:

MOVED BY DR. VENRICK, SECONDED BY DR. DASMANN, THAT
THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST
OF MESSRS. RANDALL LEE AND DEWEY SAVELL FOR A CAPTIVE
RAPTOR BREEDING PERMIT TO ALLOW THEM TO BREED PRAIRIE

FALCONS, PEREGRINE FALCONS AND GYRFALCONS, UNDER THE TERMS APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

15. CONSIDERATION OF REQUEST OF GERALD C. DE CARNELLE FOR A MODIFICATION OF THE TERMS OF HIS CAPTIVE RAPTOR BREEDING PERMIT.

Mr. Cribbs stated that at the Commission's November 2 meeting in San Diego, it considered the request of Mr. Gerald De Carnelle for an amendment of his captive raptor breeding permit. He said after discussion of the matter, it was suggested by the Director that the matter be put over to the Commission's December 7 meeting to allow the Department to clarify Mr. De Carnelle's proposal.

Mr. Cribbs indicated that the Commission's staff had been in contact with Mr. De Carnelle and he had stated that he was in agreement with the Department's recommendation that he be limited to two pair of raptors at his facilities unless additional facilities were obtained in California. It was then:

MOVED BY DR. VENRICK, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION HEREBY AMENDS THE CAPTIVE RAPTOR BREEDING PERMIT OF MR. GERALD DE CARNELLE TO ALLOW HIM TO POSSESS TWO PAIR OF RAPTORS, UNDER THE TERMS SPECIFIED BY THE COMMISSION.

PASSED UNANIMOUSLY.

16. RECEIPT OF DEPARTMENT REPORT REGARDING THE IMPORTATION OF NEUTERED PROHIBITED SPECIES.

Mr. Cribbs stated that at the Commission's November 2 meeting in San Diego, there had been a discussion regarding requests for permits to import neutered female ferrets. He said following that discussion, the Department was asked to prepare a report to the Commission regarding the problems associated with the importation of neutered prohibited species under the existing Title 14 regulations, and further to ascertain whether or not changes in these regulations were appropriate.

Mr. Dollahite stated that the Department's Wildlife Protection Branch had discussed with the Wildlife Management Branch and the Department of Food and Agriculture the appropriateness of amending Section 671.2 of the Commission's regulations to provide for the importation of neutered female animals not otherwise admissible. He said the Department, after these discussions, felt that such amendments would be inappropriate. He noted that neutered males may easily be inspected to determine that they have in fact been neutered; however, it is impossible to make such an observation concerning females. He said such determinations would be completely dependent upon a veterinarian's certification and the integrity of an out of state veterinarian would be difficult, if not impossible, to determine. He pointed out that the neutering process of a female was neither as obvious nor as sure as the neutering of a male. He noted that it would only take one pregnant or fertile female ferret, which escaped, to establish a viable population of ferrets within the state because of the ferrets' birth rate and ability to survive in California's climates and habitats. He said males do not have the same potential.

Mr. Dollahite also noted that a number of ferrets had entered California illegally and were not neutered. He said outlawing female ferrets in the state did not preclude their entering California; however, a continuance of the law as it presently exists would reduce the chance that fertile ferrets of the opposite sex would, in fact, encounter one another, breed and produce an ecological disaster.

In conclusion, Mr. Dollahite stated that the native habitat of ferrets was similar to those habitats found in California and that the animals had shown an ability to survive introduction and thrive in such locales. He said the Department was charged with protecting the integrity of California's native wildlife and because of this, he believed the accidental introduction of ferrets should be avoided if humanly possible. Mr. Dollahite added that the Department of Food and Agriculture had submitted a memo, which the Commissioners had before them, in opposition to any amendments to this section. He said a representative from that agency was present if the Commissioners had any questions.

Mr. Dollahite pointed out that the Department was investigating a report of an unauthorized release of 25 ferrets on a ranch in Butte County. He said evidently the rancher in question had been contacted and had admitted to the release of the animals for the purpose of controlling ground squirrels. He said there was some concern that a colony of ferrets could be established because of such a release.

Mr. Galletti asked what would be the advantage of a person obtaining a neutered female over a neutered male. Mr. Dollahite replied that he did not know unless it might be that a female ferret was less temperamental than a male.

Mr. Mike Heffer, a biologist with the Department of Food and Agriculture, reported that their Department was opposed to any exotic neutered animals coming into California. He said that even a neutered animal that escaped into the wild, by its behavior alone, could be detrimental to California's native wildlife regardless of the establishment of a non-native population.

17. CONSIDERATION OF REQUESTS OF MRS. R. G. DROLETTE AND MR. PETER S. BEAGLE FOR PERMITS TO IMPORT AND POSSESS NEUTERED FEMALE FERRETS.

Mrs. R. G. Drolette

Mr. Cribbs pointed out that the Commission would not have to take action on this matter because Mr. Drolette had written the Commission stating that the neutered female ferret in the possession of Mrs. Drolette had been run over and killed by an automobile.

Mr. Peter S. Beagle

Mr. Cribbs stated that Mr. Robert H. Ludlow, Jr., an attorney, representing Mr. Peter S. Beagle, had petitioned the Commission for a waiver of the provisions of Section 671, Title 14, CAC, to allow Mr. Beagle to retain custody and control of his spayed female ferret.

Mr. Cribbs stated that the Commissioners had before them a letter from Mr. Ludlow as well as a veterinarian's certification that the ferret had been spayed.

Mr. Peter S. Beagle, a writer, stated that he wrote about animals and as a result had had numerous pets. He said the ferret had been given to him when it was very young and that he had become attached to the animal and therefore desired to keep it.

Ned Dollahite again pointed out that there was a difficulty with verifying the neutering of female ferrets, and therefore recommended denial of the request. After additional discussion, it was suggested by Dr. Venrick and Mr. Galletti that the neutered female ferret of Mr. Beagle be re-examined in an attempt to verify the neutering and also that the animal be tattooed with an identifying mark.

Director Fullerton pointed out that the California Department of Food and Agriculture, by legislative mandate, was a partner with the Department in regard to regulating the introduction of exotic species and this should be taken into consideration. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION APPROVES THE REQUEST OF MR. PETER S. BEAGLE FOR A PERMIT TO IMPORT AND POSSESS A NEUTERED FEMALE FERRET UPON CERTIFICATION THAT THE ANIMAL HAS BEEN SPAYED AND MARKED FOR IDENTIFICATION PURPOSES.

PASSED UNANIMOUSLY.

18. CONSIDERATION OF REQUESTS FOR EXPERIMENTAL GEAR PERMITS.

Mr. Cribbs stated that pursuant to the provisions of Section 8606 of the Fish and Game Code, the following individuals were requesting experimental gear permits:

Vito Busalacchi

Mr. Cribbs noted that Mr. Busalacchi from Escondido, California was requesting a permit to allow him to fish for mullet in San Diego Bay, utilizing a gill net.

The Director stated that the Department recommended approval of the request subject to the same conditions prevailing in similar permits approved by the Commission. It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION APPROVES THE REQUEST OF MR. VITO BUSALACCHI FOR A PERMIT TO TAKE MULLET WITH A GILL NET IN SAN DIEGO BAY, UNDER THE TERMS AND CONDITIONS APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

Frank Carini

Mr. Cribbs stated that Mr. Frank Carini of San Diego had requested renewal of his experimental gear permit No. X-723 to allow him to continue to fish for mullet in south San Diego Bay, utilizing a gill net.

Mr. Fullerton stated that the Department recommended approval of Mr. Carini's request. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF FRANK CARINI FOR RENEWAL OF HIS EXPERIMENTAL GEAR PERMIT NO. X-723 TO ALLOW HIM TO TAKE MULLET IN SOUTH SAN DIEGO BAY WITH A GILL NET, UNDER THE TERMS APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

W. L. Courtland

Mr. Cribbs noted that Mr. Courtland of Vacaville was requesting a permit to allow him to take carp commercially in the waters of the Sacramento-San Joaquin Delta and in the Suisun Marsh under the provisions of Section 9003 of the Fish and Game Code. Mr. Cribbs said he was further requesting that the requirements in Section 9003 for the use of cotton twine mesh be waived and that he be allowed to use any material for the mesh provided that each trap had a cotton panel of appropriate size on one side.

Mr. Cribbs stated that the Department recommended approval with the following conditions:

(1) That the basic trap design with its single vertical fyke opening at the top be retained and that grain be used as bait;

(2) That the use of nylon webbing be permitted, however, that untreated cotton twine seam at least two feet long on a verticle side of the trap or a one foot square panel of 3-1/2 inch cotton mesh be used in some part of the trap.

(3) That except for the bait bags and fyke 3-1/2 inch mesh webbing shall be used; and

(4) That the Department be authorized to issue similar permits on a blanket basis in the future.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF MR. WILLIAM L. COURTLAND OF VACAVILLE FOR AN EXPERIMENTAL GEAR PERMIT TO ALLOW HIM TO UTILIZE NYLON WEBBING WITH A COTTON LACING OR PANEL ON CARP TRAPS, AND FURTHER AUTHORIZES THE DEPARTMENT TO ISSUE ADDITIONAL PERMITS OF A SIMILAR NATURE UPON REQUEST.

PASSED UNANIMOUSLY.

19. CONSIDERATION OF REVOCATION OF HUNTING PRIVILEGES OF JAMES MICHAEL WINGO.

Mr. Cribbs stated that pursuant to the provisions of Section 12155 of the Fish and Game Code, the Department was recommending that the hunting privileges of Mr. James Michael Wingo be revoked for a period of time not to exceed three years from the date of his last conviction.

Mr. Cribbs indicated a certified letter had been sent to Mr. Wingo notifying him of the possible action to be taken by the Commission. Mr. Cribbs said that he was further notified should he be unable to attend the December 7 meeting, he should explain the circumstances of his convictions in a letter to the Commission.

James Michael Wingo was arrested as follows:

1. Cited June 4, 1976 for violation of Sections 3081 and 4301 of the Fish and Game Code, for illegal possession of deer and illegal sale of deer meat. He pled guilty on June 4, 1976 in the Le Grand Justice Court and was fined \$500 plus \$125 penalty assessment, with 30 day jail sentence suspended.

2. Cited April 19, 1979 for violation of Section 464, Title 14, CAC, taking raccoon during closed season. He pled guilty in the Merced Municipal Court on September 4, 1979 and was fined \$35 plus \$10 penalty assessment.

3. Cited September 21, 1979 for violation of Section 2005 of the Fish and Game Code, for operating spotlight in field with rifle in possession. He was found guilty in the Mariposa Justice Court on September 24, 1979 and was fined \$400 plus \$100 penalty assessment and spent two days in jail.

Mr. Cribbs asked if Mr. Wingo was present. As Mr. Wingo came forward, Mr. Cribbs asked him if his arrest record was a true court record; Mr. Wingo responded that it was.

Mr. Wingo explained the circumstances surrounding his arrests. He felt that he had been punished enough by the fines and his time in jail. He felt he had learned his lesson and would never violate the hunting regulations again.

Ned Dollahite, Chief of the Department's Wildlife Protection Branch, recommended that Mr. Wingo's hunting privileges be revoked for a period of three years. After additional discussion, it was:

MOVED BY DR. DASMANN, SECONDED BY DR. VENRICK, THAT
MR. JAMES MICHAEL WINGO BE ISSUED A STERN WARNING WITH
THE ADMONITION THAT ANY FUTURE VIOLATION OF THE HUNTING
REGULATIONS WOULD NOT BE LOOKED UPON FAVORABLY.

PASSED UNANIMOUSLY.

20. CONSIDERATION OF REVOCATION OF SPORT FISHING PRIVILEGES OF RANDY ALLAN FORREST, MICHAEL JOHN DOERING, DENNIS EUGENE WESTLAKE, OBY LEE PERDUE, JR., AND FRANK FLORES HERNANDEZ.

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 Randy Allan Forrest, Michael John Doering, Dennis Eugene Westlake, Oby Lee Perdue, Jr., and Frank Flores Hernandez be revoked for a period of time not to exceed three years from the date of their last conviction. Mr. Cribbs noted that certified letters had been sent to each of the individuals notifying them of the possible action to be taken by the Commission. He said they were further notified that if they did not plan to attend the December 7 meeting, they should write a letter to the Commission office explaining the circumstances of their convictions.

Randy Allan Forrest was arrested as follows:

1. Cited September 4, 1978 for violation of Section 700, Title 14, CAC, angling without a valid fishing license. He forfeited \$10 bail plus \$5 penalty assessment in the Firebaugh Justice Court on September 20, 1978.
2. Cited April 16, 1979 for violation of Section 700, Title 14, CAC, angling without a valid license. He forfeited \$20 bail plus \$5 penalty assessment in the Sanger Justice Court on May 8, 1979.
3. Cited June 23, 1979 for violation of Section 700, Title 14, CAC, angling without a trout stamp. He forfeited \$20 bail plus \$5 penalty assessment in the Sanger Justice Court on July 17, 1979.

Mr. Cribbs asked if Mr. Forrest were present; there was no response; it was then:

MOVED BY DR. VENRICK, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION FINDS THAT RANDY ALLAN FORREST 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 RANDY ALLAN FORREST 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 JULY 17, 1982.

PASSED UNANIMOUSLY.

Michael John Doering was arrested as follows:

1. Cited March 6, 1976 for violation of Sections 29.15(a), 29.15(b), 29.80(c) and 29.15, Title 14, CAC, overlimit of abalone, taking abalone during closed season, possessing undersized lobsters, and possessing illegal abalone iron. He pled guilty on April 20, 1976 in the San Diego Municipal Court and was fined \$40 plus \$10 penalty assessment and placed on probation for two years.

2. Cited September 8, 1978 for violation of Sections 700 and 29.16(d), Title 14, CAC, taking abalone without a valid fishing license, and possessing undersized abalone. He pled guilty in the San Diego Municipal Court on September 20, 1978 and was fined \$5 plus \$5 penalty assessment. The charge of violation of Section 700 was dismissed.

3. Cited April 28, 1979 for violation of Section 4.94, Title 14, CAC, possessing an undersized black bass. He pled guilty in the Ventura County Municipal Court on May 25, 1979 and was fined \$30 plus \$10 penalty assessment.

Mr. Cribbs asked if Mr. Doering 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 JOHN DOERING 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 JOHN DOERING 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 MAY 25, 1982.

PASSED UNANIMOUSLY.

Dennis Eugene Westlake was arrested as follows:

1. Cited October 21, 1976 for violation of Section 19.40(d), Title 14, CAC, fishing in Redding Park. He pled guilty in the Redding Justice Court on November 5, 1976 and spent six days in jail.

2. Cited November 28, 1978 for violation of Section 2.20, Title 14, CAC, using snag gear in closed area. He pled guilty in the Redding Justice Court on December 12, 1978 and was sentenced to ten days in jail, with 9 days suspended.

3. Cited June 7, 1979 for violation of Section 700, Title 14, CAC, angling without a valid license. He forfeited \$20 bail plus \$5 penalty assessment in the Central Valley Court on June 19, 1979.

Mr. Cribbs reported that the Commission office had received a letter from Mr. Westlake. He stated that he could not appear in person due to finances, working hours and family responsibilities. He explained the circumstances surrounding his violations and indicated that he loved to fish and had done so all his life; however, he would respect any decision that was handed down by the Commission. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION FINDS THAT DENNIS EUGENE WESTLAKE 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 DENNIS EUGENE WESTLAKE 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 19, 1982.

AYES: COMMISSIONERS GALLETTI AND DASMANN.

NOES: COMMISSIONER VENRICK.

Oby Lee Perdue, Jr. was arrested as follows:

1. Cited May 17, 1975 for violation of Section 700, Title 14, CAC, angling without a valid license. He forfeited \$25 bail plus \$10 penalty assessment in the Newhall Municipal Court on May 28, 1975.
2. Cited February 18, 1978 for violation of Section 2.05, Title 14, CAC, using two rods. He forfeited \$25 bail plus \$10 penalty assessment in the Hemet Municipal Court on March 7, 1978.
3. Cited July 4, 1979 for violation of Section 4.96, Title 14, CAC, possessing undersized black bass. He forfeited \$28 bail plus \$10 penalty assessment in the Newhall Municipal Court on July 17, 1979.

Mr. Cribbs asked if Mr. Perdue 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 OBY LEE PERDUE, JR. 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 OBY LEE PERDUE, JR. 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 JULY 17, 1982.

PASSED UNANIMOUSLY.

Frank Flores Hernandez was arrested as follows:

1. Cited May 19, 1977 for violation of Section 700, Title 14, CAC, angling without a valid fishing license. He forfeited \$10 bail plus \$5 penalty assessment in the Delta Municipal Court on June 14, 1977.
2. Cited May 12, 1978 for violation of Section 700, Title 14, CAC, angling without a valid fishing license. He forfeited \$15 bail plus \$5 penalty assessment in the Delta Municipal Court on May 23, 1978.

3. Cited July 14, 1979 for violation of Section 700, Title 14, CAC, angling without a valid fishing license. He forfeited \$25 bail plus \$10 penalty assessment in the Walnut Grove Justice Court on August 15, 1979.

Mr. Cribbs asked if Mr. Hernandez 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 FRANK FLORES HERNANDEZ 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 FRANK FLORES HERNANDEZ 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 AUGUST 15, 1982.

PASSED UNANIMOUSLY.

21. CONSIDERATION OF REQUEST OF MARK P. SEXTON FOR REINSTATEMENT OF HIS COMMERCIAL ABALONE CREWMEMBER PERMIT.

Mr. Cribbs pointed out that at the Commission's November 2 meeting in San Diego, it revoked the commercial abalone crewmember permit of Mr. Mark P. Sexton, San Bruno, until such time as he had appeared before the Commission to show cause why his permit should be returned to him. Mr. Cribbs indicated that the Commissioners had before them a letter from Mr. Sexton's father in explanation of the charges against him and an indication that Mr. Sexton would appear at the Commission's Sacramento meeting if given the opportunity.

Mr. Cribbs asked if Mr. Sexton were present; there was no response. The Department indicated that it would have no objection to Mr. Sexton retaining his abalone crewmember permit. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF MR. MARK P. SEXTON FOR REINSTATEMENT OF HIS COMMERCIAL ABALONE CREWMEMBER PERMIT.

PASSED UNANIMOUSLY.

22. CONSIDERATION OF REQUEST OF MIKE RADON FOR WAIVER OF THE COMMERCIAL ABALONE LANDING REQUIREMENTS.

Mr. Cribbs pointed out that Mr. Mike Radon had requested an opportunity to appear before the Commission to show cause why the minimum abalone landing requirements for the 1978-79 season should be waived to allow him to obtain a commercial abalone diving permit for this season.

Mr. Cribbs asked if Mr. Radon were present. Mr. Radon came forward and requested that the Commission waive the commercial abalone landing requirements.

Director Fullerton asked Mr. Radon if he had been involved in any other fisheries. Mr. Radon indicated that he had fished salmon and that he had also chartered his boat for two weeks to the Department of Fish and Game. Mr. Radon further pointed out that although he did not make the 20 landings, he had a larger boat that was slower and that he made three to five day trips, which, he said, were more economical. He also pointed out that last year was the first year he had not qualified for a permit based on the 10,000 pound minimum landing requirement.

It was noted by the Director that effective January 1, 1980, the 10,000 pound minimum landing requirement was to be reduced to 6,000 pounds, and Mr. Radon's abalone landings would be close to that figure. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT
THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST
OF MIKE RADON FOR A WAIVER OF THE COMMERCIAL LANDING
REQUIREMENTS FOR THE 1978-79 SEASON TO ALLOW HIM TO
OBTAIN A COMMERCIAL ABALONE DIVING PERMIT FOR THE 1979-80
SEASON.

PASSED UNANIMOUSLY.

23. CONSIDERATION OF REQUEST OF THE SOLANO WILDLIFE REHABILITATION SERVICE, INC., FAIRFIELD, FOR REINSTATEMENT OF ITS WILDLIFE REHABILITATION PERMIT.

Mr. Cribbs stated that on November 8, Mr. Nicholas C. Arguimbau, an attorney representing the Solano Wildlife Rehabilitation Service, Inc., had submitted the following letter:

"On Behalf of Wildlife Rehabilitation Service, Inc., I hereby appeal and request a hearing before the Fish and Game Commission with regard to the revocation by the Fish and Game Department of WRS's memorandum of understanding dated February 9, 1979.

"The grounds for this appeal and request for a hearing are those set forth in the attached letter dated October 16, 1979, and in addition the following:

"1. The revocation of said memorandum is a project which may have a substantial adverse impact on the environment and for which a preliminary environmental impact report are required;

"2. The revocation of said memorandum is subject to the Administrative Procedure Act; and

"3. Said revocation was arbitrary and capricious.

"It is requested that the memorandum be reinstated forthwith, but in lieu of such reinstatement, that a full evidentiary hearing pursuant to the Administrative Procedure Act be expeditiously granted my clients, and in lieu of either of the above, that my clients be granted any and all such administrative

remedies as may be available to them. They have exhausted their administrative remedies with the Department of Fish and Game. See attached letter of October 25, 1979.

"This letter will serve as a request for a full discovery pursuant to Government Code Section 11507.6, a request for all such items as were named in the attached letter, and a request pursuant to Government Code Section 6253 to examine and/or copy any and all writings in the possession of the Fish and Game Department or the Fish and Game Commission which name or relate to Katherine C. Morris, Jan White, or Solano Wildlife Rehabilitation Service.

"It is necessary that a reply to this letter be received on or before Friday, November 23, 1979, to prevent irremediable injuries to my clients' interests."

Mr. Cribbs noted that Mr. Arguimbau was notified by letter of the scheduling of this agenda and was forwarded the requested materials. Mr. Cribbs further stated that the Commissioners had before them information relative to this item, including the inspection report on this facility prepared by Dr. David A. Jessup, D.V.M. of the Department's Wildlife Investigations Laboratory and Warden Jack Edwards' report of complaint, inspection, and recommendations on the Solano Wildlife Rehabilitation Service, Inc., Fairfield.

Mr. Cribbs indicated that the Commission office had received two cards and two letters in support of reinstatement of the rehabilitation permit of the Solano Wildlife Rehabilitation Service, Inc., and one letter in support of the revocation.

Mr. Denis Smaage, Deputy Attorney General, explained the legal aspects of this case to the Commissioners. He indicated that the memorandum of understanding was in essence a contract executed between the Department of Fish and Game and the Solano Wildlife Rehabilitation Service, Inc. Mr. Smaage then responded to several points raised in Mr. Arguimbau's letter of November 16, 1979. Mr. Smaage said that regarding the first point, Section 757, Title 14, CAC, would exempt the memorandum of understanding from CEQA. The action was a revocation because of a contractual breach; not a project that would have a substantial adverse impact on the environment.

As to point No. 2, Mr. Smaage indicated that this matter would not be subject to the Administrative Procedure Act since that act was designed to take care of agencies dealing with professional licenses, which would not be the case in this matter.

Mr. Smaage further stated that the scheduling of this hearing was in response to the third point raised in Mr. Arguimbau's letter and would shed light as to whether the action of the Department was in fact arbitrary and capricious.

Mr. Arguimbau briefed the Commission on various materials submitted to the Commissioners. (Note: This material is on file and available in the Commission office.) Points raised by Mr. Arguimbau dealt with:

(1) Did, in fact, the Solano Wildlife Rehabilitation Service, Inc. do the things that they were charged with?

(2) Was the revocation of the memorandum of understanding, in fact, unconstitutional?

(3) And was, in fact the manner in which the memorandum was revoked in accordance with due process of law?

Mr. Arguimbau then went through the packet of material, commenting on each item, which were numbered in sequential order.

Following Mr. Arguimbau's presentation, there was concern expressed by Mr. Galletti that there would not be ample time to fully hear this matter since it was growing quite late in the day. It was therefore agreed by all parties that the matter should be re-scheduled for December 14, 1979, in Sacramento, beginning at 10 a.m.

Mr. Chickering re-convened the discussion of Item 23 on the agenda for the December 7, 1979 meeting at 10 a.m. on December 14, 1979, in Room 1131 of the Resources Building, 1416 Ninth Street, Sacramento, California, to consider the request of the Solano Wildlife Rehabilitation Service, Inc., Fairfield, for reinstatement of its wildlife rehabilitation permit.

Persons present:

FISH AND GAME COMMISSION

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

COMMISSION STAFF

Harold C. Cribbs	Executive Secretary
A. Petrovich, Jr.	Assistant Executive Secretary

ATTORNEY GENERAL'S OFFICE

Denis Smaage	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

E. C. Fullerton	Director
Ned Dollahite	Chief, Wildlife Protection Branch
Charles Monroe	Patrol Captain, Region 3
Jack Edwards	Warden, Region 3
Joe Sheehan	Information Officer, Headquarters

The following persons were also present and heard:

Nicholas C. Arguimbau	Attorney
Jan White	Director, Solano Wildlife Rehabilitation Service, Inc.

Martha Toorey
Sandra Emanuelson
Martha Williams
Nedra Park
Becky Lopez
Karen Sanford
Tobie Rae Carnine

Biologist
Veterinarian

Mr. Chickering introduced the members of the Commission, the Commission staff, Deputy Attorney General Denis Smaage, and the Department staff.

Mr. Arguimbau came forward. He submitted additional numbered material to the Commissioners in support of the reissuance of the rehabilitation permit. This material is also on file and available in the Commission office.

Mr. Arguimbau summarized his presentation by asking the question: was the revocation of the memorandum of understanding handled in such a manner as to provide due process of law? He indicated there never was a written complaint by the Department prior to the revocation. He also informed the Commission that all oral complaints that were brought forward had been incorporated by the Solano Wildlife Rehabilitation Service, Inc., and he thought the way the Rehabilitation Service was summarily shut down as not due process.

Dr. Venrick asked Mr. Arguimbau if during the inspection the Department said anything that would indicate that the memorandum would be revoked. Mr. Arguimbau said that it was his understanding that questions were asked but that there was never any criticism voiced. Mr. Arguimbau stated that he had several individuals he wished to bring forth to give testimony in support of the Solano Wildlife Rehabilitation Service, Inc.

The following individuals spoke in support of the reinstatement of the memorandum of understanding for the Solano Wildlife Rehabilitation Service, Inc.:

Ms. Jan White, Director of the Solano Wildlife Rehabilitation Service, Inc. Ms. White described the species of animals that had been treated at the Solano Wildlife Rehabilitation Service, Inc.'s facility. She said that it had been founded in February 1977 and since that time had received and treated over 1700 animals. She stated that the Rehabilitation Service had interacted with the community and provided prompt treatment for wildlife and an education program for children to impress upon the children the value of wetlands. She showed slides of the Rehabilitation Service's facilities. Ms. White then went on to rebut the charges against her. The major items discussed were the adequacy of the raptor cages, unsanitary conditions in mammal cages, adequacy of feeding baby birds, and charges of unauthorized breeding taking place at the Rehabilitation Service's facility. (Note: A copy of Ms. White's testimony is available and on file in the Commission office.) She also pointed out that the success rate at the Rehabilitation Service was very high and that even if the charges were to be believed, the statistics indicate that the Service was still getting the job done.

Mr. Arguimbau indicated that they attempted to produce comparisons between other rehabilitation centers but were not able to obtain the data.

Dr. Dasmann raised some questions regarding the sequence of events. Captain Charles Monroe of the Department of Fish and Game, reported that on February 8, 1977, a limited term care permit had been issued and one year later the permit had been renewed. He stated that it was not until November of 1978 that the Department entered into a memorandum of understanding with the Solano Wildlife Rehabilitation Service, Inc., which allowed them to deal with larger numbers of animals.

Mr. Galletti asked if wardens had inspected the facilities prior to February 1979. Ms. White responded that they had been in from time to time, but it had never been labeled as an inspection.

Dr. Venrick raised a question involving salaried staff at the center. Ms. White responded there were two paid supervisorial positions. She said she received no salary until September 1979, and that that funding was under a different grant.

Mr. Galletti asked several questions regarding supervisory staff, and one of the complaints in particular. Ms. White responded that she was not completely satisfied with the overall performance but that the individual in question was learning.

Dr. Dasmann asked the function of the executive director of the Rehabilitation Service. Ms. White responded that the duties were administrative in nature.

Mr. Denis Smaage asked several questions regarding the types of grants received by the Rehabilitation Service. Ms. White responded that funds came from county fine money, the Audubon Society, the Animal Health Care Foundation, as well as CETA funds.

Dr. Venrick asked certain questions regarding the criminal charges brought against the Rehabilitation Service. Mr. Arguimbau pointed out that the criminal charges should not be a basis for consideration by the Commission.

Director Fullerton stated he certainly would not want to sign another memorandum of understanding with criminal charges pending.

Mr. Arguimbau suggested that there be a stipulation that any memorandum of understanding would automatically be revoked if the criminal charges were upheld.

Mr. Smaage pointed out that the purpose of this hearing was to determine whether the revocation should be upheld or the permit reinstated, with or without conditions.

Mr. Galletti raised a question as to whether the Commission could act with the criminal charges pending.

Mr. Chickering indicated that, in his opinion, the Commission could act with the stipulation that the permit be revoked if the criminal charges were upheld.

Mr. Arguimbau said he would recommend to his client to not respond to any questions regarding the criminal charges since the charges were still pending.

Mr. Smaage responded that since the Department was to submit testimony regarding the criminal charges, any failure to answer on the part of Mr. Arguimbau or his client would have to be considered as a non-response.

Mr. Galletti was concerned that Mr. Arguimbau might be putting himself and his client in a less than favorable position by this stand. Mr. Arguimbau indicated that the courts should sift out the matter of the criminal charges.

Mr. Fullerton stated that the Rehabilitation Service was certainly needed, but it would have to be operated in a specified manner. He did not object to the stipulation; however, he still felt that the Commission should not reinstate the memorandum of understanding until the criminal charges had been adjudicated.

Miss Martha Toorey, a biologist with the Alexander Lindsay Museum, presented testimony at the request of Mr. Arguimbau. Miss Toorey stated she had inspected the Solano Wildlife Rehabilitation Service, Inc.'s facilities following the Department's inspection. She indicated that she was personally impressed with the facilities and the manner in which the animals there were being rehabilitated. She was also impressed with their record-keeping ability and said this was very important in rehabilitating animals back to the wild. She indicated that the mews were built properly based upon the present state of the art for rehabilitating raptors.

Director Fullerton asked if Miss Toorey had specifically inspected the mews in the garage. She indicated that she had and she thought that they were adequate.

Sandy Emanuelson, D.V.M., stated she had served as the staff veterinarian at the Rehabilitation Service; that she had worked with Jan White for several years; and that the Solano Wildlife Rehabilitation Service, Inc.'s operation was as good as any in northern California. She pointed out that she had set up the policy regarding treatment and had volunteered the time of herself and staff to train people during the beginnings of the center. She pointed out how important record keeping was and that the medical records at the Rehabilitation Service were as good as most veterinary hospitals, and compared favorably with those at medical hospitals.

Mr. Galletti asked a question regarding surgery on animals at the center. Dr. Emanuelson pointed out that most surgeries were done at her hospital and not at the Rehabilitation Service's facility. She indicated that most of the surgeries were for fractures, which, she said, needed to be stabilized within 24 - 48 hours.

Dr. Venrick asked a question regarding the availability and supply of drugs at the Rehabilitation Service. Dr. Emanuelson said that she set up the procedures for the use of drugs and that no Class II drugs were available. She also pointed out that the procedures for handling drugs at the Rehabilitation Service were similar to other centers.

Dr. Venrick and Mr. Galletti asked how often Dr. Emanuelson had visited the Rehabilitation Service of late. She indicated that she had been there very little since July of this year when she had moved her practice.

Director Fullerton asked Dr. Emanuelson to review and comment on Dr. Jessup's report regarding the Rehabilitation Service's operation. Dr. Emanuelson commented on each point and in her opinion stated that the report overall was favorable to the Rehabilitation Service.

Ned Dollahite then made a comment, which was supported by Director Fullerton, regarding the fact that the Department had the authority for the wild animals of California regardless of where they were held. He then introduced Captain Charles Monroe, who would present the Department of Fish and Game's case.

Mr. Arguimbau still felt that the Rehabilitation Service was exempt from Section 670, and the Department had no authority regarding the confinement of raccoons.

Mr. Chickering stated that the Department would be assumed to have jurisdiction and that they would postpone the matter of the discussion of the raccoons until it became an issue.

Captain Monroe said that the history of the Rehabilitation Service had already been brought out. He eluded to a point that had been made earlier regarding Departmental inspections, and pointed out that in the absence of anything to the contrary, the Department generally assumed that matters were being conducted smoothly at the Rehabilitation Service. He indicated that with the present Departmental manpower limitations that inspection of the Rehabilitation Service had not been a high priority. In addition, he reported that Warden Jack Edwards had stopped by the Rehabilitation Service from time to time to drop off animals; however, recent inspection had been initiated as a result of a number of complaints. Captain Monroe also noted that the Department was not aware that the center had been holding raptors for long periods of time.

Dr. Venrick asked Captain Monroe if he was satisfied with the explanation of the small cages. He indicated "no" and that this would be pointed out with the later testimony.

Captain Monroe stated that there were unsanitary conditions with respect to the raccoon cages, and that witnesses had noted breeding between animals held at the Rehabilitation Service. He indicated that insufficient food was a problem, as was the holding of animals that should have been released. He then showed slides, which demonstrated some of the problems he had already eluded to.

Dr. Dasmann asked if the Department had inspected the facility when the memorandum of understanding was issued, or on any kind of periodic basis. Captain Monroe said that that had not been done.

Mr. Galletti said it appeared, therefore, that neither the Department nor the Commission could discern whether the Rehabilitation Service had improved or not in the time frame of February 1979 to the time of the present inspection.

Captain Monroe said that after the inspection on September 26, he and Dr. Jessup took the inspection data and sought the advice of the Solano County District Attorney regarding the matter. He said the District Attorney's office evaluated the evidence and interviewed witnesses. The District Attorney's

office said there was sufficient cause to revoke the memorandum of understanding, and that there was also sufficient evidence to indicate a violation of the law, and recommended that this information be taken to the Fairfield Police Department. He reported that the Police Department investigated the evidence and decided to file criminal charges.

Dr. Dasmann said that the criminal charges were of concern to him, and he wondered where the Commission fit in. He felt that the Commission needed to know what evidence was being submitted in court to better evaluate the present request.

Mr. Galletti felt that the Commission's decision on the matter might prejudice the court, and suggested that the Commission hear the testimony but hold off any vote until the criminal charges were settled.

Dr. Venrick suggested that a decision could be made pending the disposition of the court case.

Mr. Denis Smaage brought up the point that it was not the Commission's responsibility to pass judgment on the criminal charges; rather the consideration of the reinstatement of the memorandum of understanding independent of those charges.

The Department then called its witnesses. The following individuals spoke in opposition to the reinstatement of the memorandum of understanding of the Solano Wildlife Rehabilitation Service, Inc.:

Martha Williams, a former project supervisor for the Solano Wildlife Rehabilitation Service, Inc. presented the Commission with background information regarding her qualifications, and pointed out that she resigned because of irreconcilable differences with Jan White due to the fact that she felt employees and animals were being mistreated.

Nedra Park, a former project supervisor at the Solano Wildlife Rehabilitation Service, Inc., described an incident where she felt there was a lack of concern by Jan White for the safety of the employees and volunteers at the facility with respect to a raccoon, which was being treated for tularemia. She stated that Jan White had an unprofessional attitude toward both the animals and volunteers at the facility.

Becky Lopez, a former project supervisor at the Solano Wildlife Rehabilitation Service, Inc., described specific incidents where animals were mistreated. She also pointed out a lack of training for her as a supervisor.

Mr. Galletti asked her how much time she spent at the Rehabilitation Service. She indicated quite a lot; much of her free time was volunteered.

Dr. Venrick asked about the raptor cages that were located in the garage. She asked Ms. Lopez how long the birds were kept there. Ms. Lopez responded "three to four weeks".

Karen Sanford, a former supervisor at the facility, indicated that there was mistreatment of animals at the Rehabilitation Service, plus some misguided

programs such as trapping skunks within city limits. She also described the various incidents of mistreatment of animals. She pointed out that wardens did drop by periodically. She said that the records were inaccurate; that there was frequently a doubling of the numbers of animals, especially with respect to birds. She also indicated that the environmental education numbers were padded. She recommended denial of the reinstatement of the memorandum of understanding.

Robie Rae Carnine, a former supervisor at the Solano Wildlife Rehabilitation Service, Inc., provided the Commission with background information regarding her experience and education. She pointed out that prior to the time she became a supervisor she felt things were going smoothly and pointed out that she would be testifying on the other side; however, following the time she became a supervisor, she said she found out that things were not as they had seemed. She felt that animals were being mistreated and that there was not an adequate rehabilitation program for raptors. She then described specific incidents. She alleged that raptors were being given moist dog food and not live food or carcasses.

Dr. Venrick asked if Warden Edwards remembered the registration of a complaint by a prior witness. He indicated he did not; however, he did drop by the Solano Wildlife Rehabilitation Service, Inc. from time to time to leave off animals. As to the matter of being contacted prior to surgeries, Warden Edwards did indicate that it would have been possible for him not to have gotten back to Ms. White for up to three days, depending on his assignments.

Captain Monroe pointed out that the regional office was indicated as the contact and was specified as such in the memorandum of understanding, and that the contacting of Warden Edwards was just a convenience.

Mr. Chickering stated that 15 minutes would be provided to Mr. Arguimbau for rebuttal, and five minutes for cross examination.

Mr. Arguimbau asked Captain Monroe if he had asked that the raptors be transferred to another location or facility after the September 26 inspection. Captain Monroe indicated "no". He also asked Captain Monroe if the records that were selected for perusal were representative. He indicated that the selection was made by Dr. Jessup. Mr. Arguimbau then asked Captain Monroe if he had personally talked to Dr. Shriro. Captain Monroe said "no".

Mr. Arguimbau asked Ms. Carnine how many employees were at the Rehabilitation Service as of September 26. She indicated she did not know.

Regarding the rebuttal, Mr. Arguimbau indicated he needed guidance from the Commission since many of the witnesses presented by the Department had left the Rehabilitation Service before the memorandum of understanding was signed; he wondered how pertinent it was to rebut their testimony. Mr. Denis Smaage indicated that the Commission, in its decision-making process, would not be limited by any time factors.

Mr. Arguimbau then indicated that Jan White would rebut some of the statements that were made.

Ms. White pointed out that at times there were personality conflicts between her and members of the staff. She stated that she did not try to breed animals in captivity and had not mistreated animals. She said that personal feelings were clouding the administrative question at hand; that is the revocation of the memorandum of understanding. She went on to refute some of the specific incidents related by previous witnesses.

Following Ms. White's rebuttal, Mr. Chickering made the statement that at one point in the proceedings, he felt that the Department had a preponderance of evidence to overcome; however, he felt that the Department had accomplished this. He said he would not be prepared to authorize a new memorandum of understanding until the criminal proceedings had been settled.

Dr. Venrick indicated she had no idea what the real situation was after hearing all the testimony and asked if a new memorandum of understanding could be executed that would allow for careful monitoring. Mr. Dollahite said that could be done but not until the criminal charges had been cleared.

Mr. Chickering asked Mr. Dollahite if he could envision issuing a permit after the criminal charges were cleared. Mr. Dollahite indicated that was a possibility.

Mr. Galletti expressed concern with the apparent lack of administration and the high turn over rate of personnel because it apparently had affected the well being of the animals. Mr. Dollahite indicated that the Department could not address the leadership aspects of the operation; only the specifics regarding the care of the animals. Mr. Galletti still was concerned about full time leadership. He felt that it was not the Commission's responsibility to clear up the administrative problems; that was a matter for the board of directors to resolve.

Dr. Dasmann indicated he had heard considerable conflicting testimony. He wondered if the door could be left open regarding a new memorandum of understanding pending the resolution of the court case. Mr. Chickering felt that this matter should be worked out between the Department and the members of the Solano Wildlife Rehabilitation Service, Inc. after the criminal charges were settled.

Mr. Cribbs pointed out that the Commission should take action on the motion to approve or deny the reinstatement request. It was then:

MOVED BY DR. VENRICK, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF THE SOLANO WILDLIFE REHABILITATION SERVICE, INC., FAIRFIELD, FOR REINSTATEMENT OF ITS REHABILITATION PERMIT, AND FURTHER THAT FOLLOWING THE ADJUDICATION OF THE COURT CASE, AND VINDICATION OF THE CHARGES AGAINST THE SOLANO WILDLIFE REHABILITATION SERVICE, INC. THAT ENTITY MAY APPROACH THE DEPARTMENT WITH REGARD TO A NEW MEMORANDUM OF UNDERSTANDING UNDER MORE STRINGENT CONTROLS.

PASSED UNANIMOUSLY.

24. CONSIDERATION OF REQUEST TO PUBLISH NOTICE OF COMMISSION'S INTENT TO AMEND SECTION 226(d), TITLE 14, CAC, RE STOCKING OF FISH BY DOMESTICATED FISH BREEDERS.

Mr. Cribbs stated that the Commission office had received a letter from Mr. Ken Beer, Manager of the Elk Grove - Florin Catfish Farm, Sacramento, requesting that the regulations in Section 226(d), Title 14, CAC, be amended to permit the routine stocking of Sacramento perch in private and some public waters without prior approval of the Department. Mr. Cribbs noted that the matter would come before the Commission for discussion at its February 1 meeting in Fresno.

The Director stated that the Department had no problem with publication of notice on this matter. It was then:

MOVED BY DR. VENRICK, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE PROVISIONS OF SECTIONS 1050, 2303 AND 6041 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 SECTION 226(d), TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, REGARDING STOCKING OF FISH BY DOMESTICATED FISH BREEDERS.

PASSED UNANIMOUSLY.

25. CONSIDERATION OF DEPARTMENT REQUEST TO PUBLISH NOTICE OF COMMISSION INTENT TO ADD, BY EMERGENCY ACTION, SECTION 696 TO TITLE 14, CAC, RE FUR DEALERS AND FUR AGENT LICENSES.

Mr. Cribbs noted that Assembly Bill 1068, which had been enacted by the 1979-80 Legislature, provided for the issuance of fur dealer and fur agent licenses under Commission regulations. He said as the provisions of this bill would become effective on January 1, 1980, it was imperative that appropriate regulations implementing the statute be provided for early in January 1980, so that the Department could begin to issue these licenses.

He pointed out, therefore, that the Department was requesting that the Commission announce at this meeting that it intended to consider the adoption of Section 696, by emergency action, at its January 4, 1980 meeting. It was then:

MOVED BY DR. VENRICK, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE PROVISIONS OF SECTIONS 4030-4042 OF THE FISH AND GAME CODE, AUTHORIZES ITS STAFF TO PUBLICIZE THE FACT THAT IT INTENDS TO ADD, BY EMERGENCY ACTION, SECTION 696 TO TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, REGARDING FUR DEALER AND FUR AGENT LICENSES AT ITS JANUARY 4, 1980 MEETING IN OXNARD, AND FURTHER IT AUTHORIZES ITS STAFF TO PUBLISH NOTICE OF ITS INTENT TO CONFIRM THIS EMERGENCY ACTION AT ITS FEBRUARY 1, 1980 MEETING IN FRESNO.

PASSED UNANIMOUSLY.

26. CONSIDERATION OF DEPARTMENT REQUEST TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 119, TITLE 14, CAC, RE IDENTIFICATION OF BAY SHRIMP VESSELS.

Mr. Cribbs stated that the Department was requesting that the Commission authorize its staff to publish notice of its intent to amend Section 119, Title 14, CAC, to provide for identification of vessels conducting bay shrimp operations. He said this provision was considered necessary and was inadvertently deleted from the original recommendations which established the present regulations. It was then:

MOVED BY DR. VENRICK, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE PROVISIONS 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 BAY SHRIMP REGULATIONS.

PASSED UNANIMOUSLY.

27. CONSIDERATION OF DEPARTMENT REQUEST TO PUBLICIZE COMMISSION INTENT TO CONSIDER A CHANGE IN ITS POLICY REGARDING "STOCKING FISH IN RESERVOIRS WHERE ANGLERS PAY ACCESS FEES".

Mr. Cribbs noted that at the Commission's January 5, 1979 meeting in San Francisco, it 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 walk-in visitors. He said it also, at that time, asked that the Department study the matter and come back to the Commission in January 1980 with a recommendation regarding such fees.

He pointed out that the Department had studied this issue during the past year and would make its report to the Commission at its January 4, 1980 meeting in Oxnard. He said in conjunction with this report, the Department was requesting that the Commission publicize the fact that it intended to consider a change in this policy at that time. It was then:

MOVED BY DR. VENRICK, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION HEREBY DIRECTS ITS STAFF TO PUBLICIZE THE FACT THAT THE COMMISSION INTENDS TO CONSIDER A CHANGE IN ITS POLICY REGARDING "STOCKING FISH IN RESERVOIRS WHERE ANGLERS PAY ACCESS FEES" AT ITS JANUARY 4, 1980 MEETING IN OXNARD.

PASSED UNANIMOUSLY.

28. ANNOUNCEMENT OF FUTURE MEETINGS.

January 4, 1980

City Council Chambers, 305 W. Third Street, Oxnard.

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 South Broadway, Los Angeles.

There being no further business the meeting was adjourned at 4:40 p.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.)