

State of California  
FISH AND GAME COMMISSION

Minutes, Meeting of June 23, 1978

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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 Lone Pine Town Hall, 138 N. Jackson Street, Lone Pine, California, on June 23, 1978. The meeting was called to order by President Berger C. Benson at 9:00 a.m.

Persons present:

FISH AND GAME COMMISSION

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

COMMISSION STAFF

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

ATTORNEY GENERAL'S OFFICE

Raymond H. Williamson	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

E. C. Fullerton	Director
James Leiby	Chief of Operations
Eldridge Hunt	Chief, Wildlife Management Branch
Ned Dollahite	Chief, Wildlife Protection Branch
Ed Greenhood	Chief, Marine Resources Branch
Robert Kaneen	Regional Manager, Marine Resources Region
Harold Harper	Wildlife Management Branch
Ralph Young	Information Officer, Region 5
Ken Brown	Captain, Wildlife Protection Branch, Region 5, Bishop

Also present and heard:

Bob Myram	Fishing--Family Fun
Fred Hepp	Commercial Fisherman
Gordon Koda	Commercial Fishermen of Santa Barbara, Inc.
Rudy Mangué	California Commercial Abalone Divers Association
Ken Tremitten	Commercial Fisherman
Carl Sisskind	California Advisory Board on Under- Water Parks and Reserves
Mike MacCorkle	Commercial Fisherman
Bill Orr	National Park Service
Mike Garner	Sportdiver
Bill Miller	Instructor, Ventura College

Mr. Benson thanked the Lone Pine Chamber of Commerce, and in particular Mr. Bruce Ivey and Miss Pat Farlander for their hospitality on the previous evening, and for their efforts in accommodating the Commission at its meeting. Mr. Benson then introduced the Members of the Commission, its staff, Deputy Attorney General Ray Williamson, Director Charles Fullerton, and Chief of Operations for the Department, James Leiby.

1. CONSIDERATION OF REQUEST OF FRANK SPENGER JR. FOR AN ALLOTMENT OF APPROXIMATELY 20 ACRES OF STATE WATER BOTTOMS IN TOMALES BAY, MARIN COUNTY, FOR MARICULTURE PURPOSES.

Mr. Edgerton stated that the Commission office had received a letter from Mr. Spenger requesting that this item be put over until the Commission's July meeting in Eureka to give him more time to work out the details with all interested parties in the Tomales Bay area, and with the Department.

It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT THE COMMISSION POSTPONES CONSIDERATION OF THE REQUEST OF FRANK SPENGER JR. FOR AN ALLOTMENT OF APPROXIMATELY 20 ACRES OF WATER BOTTOMS IN TOMALES BAY, MARIN COUNTY, FOR MARICULTURE PURPOSES UNTIL ITS JULY 28 MEETING IN EUREKA.

PASSED UNANIMOUSLY.

2. CONFIRMATION OF EMERGENCY ADDITION OF SECTION 181, TITLE 14, CAC, TO BRING COMMERCIAL SALMON REGULATIONS INTO CONFORMANCE WITH FEDERAL REGULATIONS AS ADOPTED BY THE PACIFIC FISHERIES MANAGEMENT COUNCIL.

Mr. Edgerton reminded the Commission that at its April 7 meeting in Sacramento, by emergency action, it adopted Section 181, Title 14, CAC, which placed in Title 14 the regulations as adopted by the Pacific Fisheries Management Council and approved by the Secretary of Commerce. He said the purpose of this agenda item was to confirm that emergency action.

Director Fullerton stated that the Department recommended approval with one modification of those regulations adopted by the Commission which dealt with the method by which salmon were measured. He said by allowing the fishermen to utilize the "swing method" of measuring salmon, it would allow the fish to be handled in an expeditious manner, thus saving many of those that were undersized. After some additional discussion, it was:

MOVED BY MR. CHICKERING, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION, UNDER THE AUTHORITY VESTED BY SECTION 7652 OF THE FISH AND GAME CODE, CONFIRMS ITS ACTION OF APRIL 7, 1978, AT WHICH TIME IT ADDED SECTION 181 TO TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, REGARDING COMMERCIAL TAKE OF SALMON, AND FURTHER AMENDS THAT SECTION TO PROVIDE THAT SALMON BE MEASURED BY THE "SWING METHOD".

(1) Subsection (a) of Section 181 is amended to read:

(a) Notwithstanding the provisions of Section 8210.2, in Districts 6, 7, 10, 11, 15, 16, 17, 18 and 19, under the authority of a commercial fishing license, king salmon may be taken only between April 15 and September 30 and silver salmon may be taken only between May 15 and September 30. No such king salmon may be less than 26 inches in length and no such silver salmon may be less than 22 inches in length, measured from the tip of the snout or jaw (which ever extends farthest while the mouth is closed) and the longest lobe of the tail without resort to any force (other than fanning or swinging the tail) or mutilation of the salmon. Salmon may be taken only by hook and line and there is no bag limit. During the period April 15 to May 14, single barbless hooks must be used while fishing spoons, wobblers, dodgers or flexible plastic lures; hooks may be made barbless by forcing the point of the barb flat against the main part of the point.

The Department of Fish and Game finds that an emergency exists and that the foregoing order is necessary for the immediate preservation of the public peace, health and safety or general welfare. A statement of the facts constituting such emergency is: the commercial salmon season is open, and in order to have state regulations within the three-mile limit conform to the federal regulations outside the three-mile limit, it is necessary to amend as an emergency. The said order to amend is therefore adopted as an emergency to take effect immediately upon filing with the Secretary of State as provided in Section 11422(c) of the Government Code.

The Department of Fish and Game has determined that there are no new costs to local government pursuant to Section 2231 of the Revenue and Taxation Code.

#### Certificate of Compliance

The Department of Fish and Game hereby certifies that said agency has given notice of the amendment of the regulations herein and afforded interested persons the opportunity to present statements, arguments or contentions in the manner as that provided by Sections 11423, 11424 and 11425 of the Government Code.

PASSED UNANIMOUSLY.

3. CONSIDERATION OF DEPARTMENT REQUEST TO AMEND SECTION 164, TITLE 14, CAC, TO DISCONTINUE HERRING EGG ON SEAWEED TAKE IN TOMALES BY, AND TO DIVIDE ALLOTMENT IN SAN FRANCISCO BAY INTO TWO ALLOTMENTS OF 2-1/2 TONS EACH.

Mr. Edgerton stated that at the Commission's May 26 meeting in Los Angeles it confirmed its authorization to its staff to publish the required notice to consider amending Section 164, regarding the take of herring eggs on seaweed. He said that notice had been published and all legal requirements had been met. He then stated that the Commission office had received a telephone call from Mr. Bill Howe of the Tomales Bay Association in support of the proposal.

Mr. Edgerton stated that the Commissioners had before them the Department's proposed changes in Section 164 as well as its environmental plan with respect to the matter.

Director Fullerton stated that in short the Department was asking that the harvest of herring eggs in Tomales Bay be suspended due to a lack of edible marine plants in the harvest areas. Secondly, the Department was recommending that the five ton allotment of herring eggs on seaweed in San Francisco Bay be divided into two portions of 2-1/2 tons each. This proposal, he said, would permit two harvesters to take herring eggs in the bay. He said that there were two changes in the regulations from those provided to the Commission at its May 26 meeting. He said that the first dealt with subsection (c), which provided an enlargement of the area in San Francisco Bay where herring eggs could be taken; and with subsection (f), which would require that fish receipts be completed at the point of landing.

There then followed a discussion of the past history of the herring eggs on seaweed fishery in Tomales and San Francisco bays.

Mr. Ed Greenhood, Chief of the Department's Marine Resources Branch, noted that the proposed regulations called for the successful bidder to deposit an equivalent of 50% of the bid price prior to receiving his permit. He noted that each bidder could bid on more than one allotment. In response to questions from Dr. Venrick and President Benson, Mr. Greenhood stated that in the past there had been two serious bidders, and that if the bids which came in were too low they could be rejected by the Commission. After some additional discussion of the matter, it was:

MOVED BY MR. CHICKERING, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION, UNDER THE AUTHORITY OF SECTIONS 8550-8556 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SAID SECTIONS OF SAID CODE, AMENDS SECTION 164, TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, AS FOLLOWS:

(1) Section 164 is amended to read:

164. Harvesting of Herring Eggs.

(a) Herring eggs may be taken for commercial purposes only under a revocable, nontransferable permit issued by the department.

(b) Herring eggs may be harvested only from the waters of San Francisco Bay. The harvest season is November 1 to April 30.

(c) For purposes of this section, San Francisco Bay includes the waters of Fish and Game Districts 11, 12 and 13.

(d) The total amount of herring eggs that may be harvested in San Francisco Bay may not exceed a total of five wet tons. The harvest quota will be divided into two allotments of 2-1/2 tons each, designated allotment "A" and allotment "B".

(e) Marine plants with herring eggs attached may be harvested by cutting or picking, except that drift or loose plants bearing eggs may be picked up by the harvester. All plants and debris taken incidentally to the harvest of herring eggs shall be included in the total wet weight.

(f) Herring eggs and seaweed shall be weighed and fish receipts completed at the point of landing.

(g) A harvester may use conventional underwater diving gear or SCUBA while harvesting herring eggs.

(h) Every person harvesting herring eggs must possess a valid commercial fishing license as required under Section 7850, Fish and Game Code.

(i) Permittees must fulfill requirements of Sections 7850, 8040 and 8042, Fish and Game Code. Every person operating under a permit issued pursuant to this section is excepted from the provisions of Chapter 6 (commencing with Section 6650), Part 1 of Division 6 for aquatic plants taken incidental to the harvest of herring eggs.

(j) Every person operating under a permit to harvest herring eggs shall, in addition to the license fees required by the Fish and Game Code, pay a royalty as the commission may prescribe, of not less than \$50 per ton of herring eggs taken.

(k) The royalty for herring eggs harvested from San Francisco Bay will be established by the commission on the basis of separate sealed written bids. Envelopes containing bids must be marked on the outside designating allotment "A" or allotment "B". Bids shall be delivered to the office of the Executive Secretary of the commission at 1416 Ninth Street, Sacramento, California 95814 or post-marked no later than 5 p.m. on July 10 of each year. No bid will be accepted which provides for a royalty less than the minimum acceptable bid price per wet ton (2,000 lbs.) of eggs and marine plants combined.

(l) Each bidder may bid on one or more allotments. Each bid shall include a performance deposit of 50% of the price bid for the allotment. The deposit shall be credited to the amount payable by the successful bidders and shall not be refundable to the successful bidder. The commission office reserves the right to refuse any and all bids to determine qualifications for bidders, and specify areas and quantities for which bids will be accepted.

(m) No eel grass *Zostera* or *Phyllospadix* may be cut or disturbed.

(n) In addition to regulations imposed by this section all persons holding licenses to harvest herring eggs are subject to the provisions of Sections 8010-8024 of the Fish and Game Code, providing for fish catch reports.

(o) These regulations and all sections of the Fish and Game Code pertaining thereto shall be set forth in all permits. Permits shall be issued upon the conditions contained in the application and signed by the applicant that he has read, understands and agrees to be bound by all terms of the permit.

This order shall take effect on the thirtieth day after filing with the Secretary of State as provided in Section 11422 of the Government Code.

The Fish and Game Commission has determined that there are no new costs to local government, pursuant to Section 2231 of the Revenue and Taxation Code.

PASSED UNANIMOUSLY.

THE FISH AND GAME COMMISSION HAS DETERMINED THAT THIS PROJECT WILL NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON THE ENVIRONMENT.

4. RECEIPT OF REPORT FROM A CITIZENS GROUP CALLED "FISHING FAMILY FUN" RE ISABELLA LAKE.

Mr. Edgerton noted that Assemblyman Larry Chimbole, through his Administrative Assistant, Ray Baisden, had asked that the Commission listen to some of his constituents from the Lake Isabella area. He said copies of the report provided by Fishing--Family Fun had been sent to each of the Commissioners.

Mr. Bob Myram, Chairman of the Fishing--Family Fun stated that the study was funded by contributions from sportsmen throughout California; most of the contributions from the southern California area. He said copies of the report had been provided to Department personnel both in Sacramento and Fresno, and that the Department had indicated it would carefully study the contents of that study. He asked that the Commission carefully look at the warmwater fisheries in California. He questioned if the Department staff people really knew enough about warmwater fisheries, and if they were being managed in such a way as to produce the most for the license buyer. He said in looking at the resources of the Department, which were being devoted to warmwater fisheries, it appeared that a very small amount of the total budget was devoted to warmwater fisheries. He said if this was a fact, then his group was requesting that new priorities be studied and new goals established. He said that his group believed the problem of warmwater fisheries in California deserved the best thinking within the Department's staff and the careful attention of the Commission.

Director Fullerton stated that the Department appreciated the strong interest of the Kern River Valley residents in the Lake Isabella fishery. He said that the consultant's report had been carefully reviewed and that many areas of agreement were evident. He noted that the Department had been working with Assemblyman Chimbole and that a fishery management plan was being prepared by the Department to guide increased efforts to maintain a fish population structure that would offer satisfactory angling opportunities at Lake Isabella. He said a number of the consultant's recommendations were being incorporated into the plan and a draft of the plan would be coordinated with the Fishing--Family Fun group before it was completed later this year. He then went through many aspects of the plan and the Department's comments on these items. He said two areas which he felt had not received much impetus from the consultant were the fact that the State Water Project reservoirs located in southern California had siphoned off some of the angling pressure and that drought conditions clearly had adverse impacts on the fishery.

5. RECEIPT AND CONSIDERATION OF REPORT FROM DEPARTMENT RE COMPROMISE ON USE OF AIRPLANES TO TAKE SWORDFISH.

Mr. Edgerton stated that at the close of the May 25 and 26 meetings in Los Angeles, the Commission made a motion asking that the Director meet with the interested principals in the swordfish controversy to try to work out a compromise agreement, and that if a compromise agreement could not be worked out, for the Department to prepare a suggested recommendation to the Commission at its June meeting. Mr. Edgerton noted that the Commission office had received a letter

from Mr. Pearlston, who was the attorney representing those opposed to the use of airplanes, asking for a continuation of the matter due to the fact that he had had emergency surgery. Mr. Edgerton said it was his understanding that a compromise had not been reached. He noted that the Commission had given its staff emergency authorization to publish notice of the Commission's intent to consider the matter at its July 28 meeting in Eureka.

Director Fullerton stated that he had met in Long Beach with Mr. Pearlston and other individuals who were against the use of airplanes for spotting swordfish, and with Mr. Earl Warren, and three other individuals who represented those who would like to use airplanes for taking swordfish. He noted that both groups were requested to meet with the Department to work out a compromise proposal that could be presented at the forthcoming Commission meeting. He said the following measures were set forth by both parties as a compromise proposal:

(1) Non-airplane users: airplanes may be used from Pt. Arguello and north only outside of the Channel Islands and night use only. If any airplane use is granted by the Commission, the non-airplane users requested two years to gear up.

(2) Airplane users: (a) from Prominent Slide on the mainland to a line drawn five miles outside Anacapa, Santa Cruz, Santa Rosa and San Miguel islands to Pt. Conception, no airplanes shall be used; (b) from Pt. Dume to the northwesternmost point of Catalina Island and from the southeasternmost tip of Catalina Island to Dana Point, airplanes shall not be permitted until October 1; on October 1 they may be used except for Saturdays, Sundays and holidays; (c) from northwest end of Catalina to the northwest end of San Clemente, then to southeast end of San Clemente to Dana Point, airplanes may be used, except for Saturdays, Sundays and holidays until October 1; thereafter open to aircraft every day; (d) remaining areas open all the time.

Mr. Fullerton stated that following the presentations of both groups at the meeting, there did not appear to be a spirit of compromise; therefore, because of the request of the Commission, he said other alternatives were set forth. He said there were two alternatives that were rather obvious; one, to do nothing and leave the regulations as they existed, or to open the whole area to the use of airplanes. He said because both of these alternatives did not appear to represent the feelings of the Commission, he was proposing for consideration an additional alternative, which was somewhat of a middle ground for both the airplane users and the non-airplane users, which would lend itself to enforcement. He said this alternative called for prohibiting the use of planes within an area bounded by a line from Pt. Conception to the easternmost point of Santa Rosa Island, thence to Santa Barbara Island passing five miles westerly or offshore of the island, thence to five miles offshore to the southeastern end of Catalina Island to Oceanside. He said in all other areas the use of airplanes to aid in the take of swordfish would be permitted year-round. He said that should the Commission decide to adopt one of these options, it was the Department's recommendation that the industry be given a period of time to gear up before making the regulations effective. He said in addition, the Department was proposing that some additional changes be made in Section 107, Title 14, CAC, which would tighten up some of the loopholes that were in the present regulations.

Dr. Venrick asked the Director what period of time would be needed to gear up. He stated that he was not certain but would like to explore the matter and report back at the next Commission meeting.

In response to a question from Mr. Galletti, the Director pointed out that under the Department's proposed regulation changes, a permit would be required of each person on any vessel or in a plane who were engaged in the take of swordfish. If there were a violation of these regulations by individuals and their permit was revoked, they could not participate in the fishery.

Mr. Chickering stated that his motion of May 25 to continue with the present regulations had been predicated upon the fact that there was a conflict of testimony on both sides as to the status of the swordfish resource. He said it was his opinion that if there was a doubt as to providing adequate protection for the species, then a cautious approach should be taken. He said now there was an attempt to reach a compromise with apparently no consideration for protection of the fish involved.

Director Fullerton responded that the Department was confident that there was no problem with the protection of the species and that there was no evidence that the take would be detrimental to the resource.

Mr. Chickering stated that it had been stated several times that over 97% of the swordfishermen were in opposition to the use of planes and that this fact had not been refuted. He therefore proposed that the use of planes be permitted throughout the area with such use based upon the percentage of individuals who request to use the airplane. In other words, he said, if 3% of the fishermen desire to use the plane, then 3% of the time they would be able to use it without restriction as to area; however, the remainder of the month the use of airplanes would not be permitted.

Director Fullerton stated that basically the Department recommendation accomplished the same thing. He noted that in the area where it was proposed that the use of airplanes be prohibited, 75% of the catch was taken, while the remaining areas provided only about 25% of the catch.

Dr. Venrick asked the Director if the Department considered any reduction in this restriction during the winter months. He said that they had not.

The Director stated that whatever alternative, or combination of alternatives, or a new proposal the Commission adopted, if it included the use of airplanes, the Department recommended that the changes in the regulations, copies of which were before the Commissioners, be adopted.

Mr. Chickering stated that it was not, as far as he was concerned, clear as to what recommendation the Department had proposed. Director Fullerton clarified the point stating that it was the last alternative discussed by him.

Dr. Venrick stated that her motion, which had been adopted at the last meeting, had been for a compromise proposal, which would be presented at the June meeting, and that testimony at the July meeting should be limited to the compromise proposal.

Mr. Chickering stated that in a compromise there is agreement on both sides. He said that since there was no agreement, there was no compromise as far as he was concerned.

After some additional discussion, Mr. Benson stated that the Commission would consider, at its July 28 meeting in Eureka, the proposals submitted by the airplane users, non-airplane users, the Department and Mr. Chickering.

Mr. Fullerton said that the Department will prepare an environmental statement with respect to the proposals which have been discussed and have it for Commission review at the July 28 meeting.

Mr. Edgerton then asked that the Commission confirm its earlier authorization to its staff to publish notice with respect to the Commission's hearing the swordfish/airplane issue at its July 28 meeting in Eureka. It was then:

MOVED BY MR. CHICKERING, SECONDED BY DR. VENRICK, THAT  
THE FISH AND GAME COMMISSION, PURSUANT TO THE AUTHORITY  
OF SECTION 8394 OF THE FISH AND GAME CODE, HEREBY CONFIRMS  
ITS EMERGENCY AUTHORIZATION TO ITS STAFF TO PUBLISH NOTICE  
REGARDING THE COMMISSION'S INTENT TO CONSIDER, AT ITS JULY 28  
MEETING IN EUREKA, AN AMENDMENT OF SECTION 107, TITLE 14,  
CALIFORNIA ADMINISTRATIVE CODE, REGARDING THE COMMERCIAL TAKE  
OF SWORDFISH.

PASSED UNANIMOUSLY.

6. RECEIPT OF RECOMMENDATIONS FOR CHANGES IN THE 1978-79 UPLAND GAME BIRD REGULATIONS.

Mr. Edgerton stated that the Commissioners had before them the Department's recommendations for changes in the 1978-79 resident game bird hunting regulations. He said this meeting was held under the provisions of Section 214 of the Fish and Game Code for the purpose of receiving recommendations as to what, if any, regulations should be adopted in relation to resident game birds. He noted that the recommendations of the Department and the public would be combined and the Commission would consider adoption of the 1978-79 resident bird hunting regulations at its August 25 meeting in Santa Rosa. He then concluded by stating that the Department's environmental plans with respect to these proposals were before the Commissioners.

Mr. Eldridge Hunt, Chief of the Department's Wildlife Management Branch, stated that the only changes except for the date shifts to provide for Saturday openings were: (1) to increase the quail and chukar bag limits to those in effect before the drought in the inner coastal range; (2) to open the fall and spring turkey season statewide; and (3) to open the Oroville State Recreational Area to spring turkey hunting upon approval of the Parks and Recreation Commission. Mr. Hunt then spoke of a change in the U.S. Fish and Wildlife Service's policy regarding pheasant hunting at the Tulalake and Lower Klamath Refuges. He said the drastic changes which were being implemented by the U.S. Fish and Wildlife Service would reduce the hunting opportunity at these facilities greatly. There then followed a discussion of the implications of this change.

Mr. Benson then asked if anyone in the audience would like to speak to this issue; there was no response.

WRITTEN RECOMMENDATIONS

The South Cow Creek Turkey Club of Shasta County recommends that there be a statewide fall and spring turkey season.

Mr. Michael Bojorquez of Woodland recommends that the archery quail and grouse seasons run concurrent, or at least coincide with the archery deer season.

The Department of Fish and Game recommended the following proposed hunting recommendations for the 1978-79 upland game seasons:

Sections 250-260.1

No changes recommended.

Section 260.2 Hunting Restrictions on Lake Oroville State Recreation Area.

It is recommended that this section be amended to provide for hunting wild turkeys during the spring season. This recommendation has been submitted to the Department of Parks and Recreation for adoption by its Commission for inclusion in its regulations.

The changes are:

260.2 Hunting Restrictions on Lake Oroville State Recreation Area. Game species may be taken on the Lake Oroville State Recreation Area only as follows:

(a) No hunting of any type is permitted between February 1 and September 14, except turkey hunting during the spring season.

(b) No waterfowl or deer hunting is permitted at any time.

(c) Game species may be taken only during their respective open seasons or portions thereof falling within the period September 15 through January 31, except turkey hunting during the spring season.

Sections 260.3 - 262

No changes recommended.

Section 300. Pheasants.

No changes recommended except date shift.

Season and Area: From November 11, 1978 through December 3, 1978, statewide.

Bag and Possession Limit: No changes recommended.

Section 300.5 Archery Pheasants.

No changes except date shift.

Season and Area: December 9, 1978 through December 17, 1978, statewide.

Bag and Possession Limit: No changes recommended.

Section 300.8 Falconry Pheasants.

No changes except date shift.

Season and Area: December 9, 1978 through December 31, 1978.

Bag and Possession Limit: No changes recommended.

Section 301. Quail.

It is recommended to add those portions of San Benito, Merced, Fresno, Kings, Kern, Santa Barbara, Santa Clara, San Luis Obispo and Monterey counties that have a six-bird bag to the ten quail bag limit. These areas have been restricted to a six quail bag limit during the drought years. Reproduction in 1977 was fair on these areas with a good hatch expected this year, which will increase the populations to former levels.

(a) Season and Area: September 23, 1978 through January 28, 1979 in the counties of Marin, Napa, Solano, Sonoma, Lake and Mendocino.

(b) Season and Area: October 21, 1978 through December 31, 1978 in the counties of Del Norte, Humboldt, Lassen, Modoc and Siskiyou.

(c) Delete (c) and change (d) to (c).

(d) Change to (c).

Season and Area: From October 21, 1978 through January 28, 1979 in the balance of the state not included in (a) and (b) above.

(e) Additional Season for Mountain Quail only.

No changes except date shift.

Season and Area: September 9, 1978 through October 20, 1978.

Bag and Possession Limit: 10 quail per day, 10 in possession in the aggregate.

Section 301.5 Archery and Falconry Quail.

Season and Area: August 12, 1978 through September 4, 1978 in those areas described in Sections 301(a), (b) and (c) above.

1979: (August 11, 1979 through September 3, 1979)

Bag and Possession Limit: No changes recommended.

Section 302. Red-legged Partridge (Chukar).

It is recommended to add those portions of San Benito, Merced, Fresno, Kings, Kern, Santa Barbara, Santa Clara, San Luis Obispo and Monterey counties that have a four bird bag to the six chukar bag limit. These areas have been restricted to a four chukar bag limit during the drought years. Reproduction in 1977 was fair in these areas with a good hatch expected this year, which will increase the populations to former levels.

(a) Season and Area: October 21, 1978 through December 31, 1978 in Modoc and Lassen counties.

(b) Delete (b) and change (c) to (b).

(c) Change to (b).

Season and Area: October 21, 1978 through January 28, 1979 in the balance of the state.

Bag and Possession Limit: 6 chukars per day, 6 in possession.

Section 303. Sage Grouse (Sage Hens).

(a) Season and Area: September 9 and 10, 1978 in Inyo, Lassen, Modoc and Mono counties.

Bag and Possession Limit: No changes recommended.

Section 304. Sierra and Ruffed Grouse.

No changes except date shift.

(a) Season and Area: September 9, 1978 through October 8, 1978 in the same counties as last year.

Bag and Possession Limit: No changes recommended.

Section 304.5 Archery and Falconry Grouse.

No changes except date shift.

(a) Season and Area: August 12, 1978 through September 4, 1978.

1979: (August 11, 1979 through September 3, 1979)

Bag and Possession Limit: No changes recommended.

Section 305. Chinese Spotted Doves and Ringed Turtle Doves.

(a) Season and Area: Open with mourning doves.

Section 306. Turkeys.

It is recommended to open both the fall and spring hunting seasons statewide. This will simplify regulations and open to hunting, without harm to the turkey population, several counties that have turkeys. It is recognized that some counties are not populated with turkeys and probably never will have turkeys. At the present, 34 counties are now open, with several of these that do not have turkeys.

Season and Area: November 4, 1978 through November 26, 1978, statewide.

Bag and Possession Limit: No changes recommended.

Section 306.5 Spring Turkey Season.

Season and Area: March 31, 1979 through May 6, 1979, statewide.

Bag and Possession Limit: No changes recommended.

Section 310.5 Shooting Hours.

No changes recommended.

Sections 311 - 395.5 General Small Game Regulations.

No changes recommended.

7. CONSIDERATION OF REVOCATION OF COMMERCIAL SWORDFISHING PRIVILEGES OF STANLEY MILTON DUNCAN.

Mr. Edgerton stated that at the request of Mr. Stanley Milton Duncan's attorney, the Commission staff was requesting that this matter be put over until the Commission's July 28 meeting. It was then:

MOVED BY MR. CHICKERING, SECONDED BY DR. VENRICK, THAT THE COMMISSION POSTPONE ITS CONSIDERATION OF POSSIBLE REVOCATION OF THE SWORDFISHING PRIVILEGES OF MR. STANLEY MILTON DUNCAN UNTIL ITS JULY 28 MEETING IN EUREKA.

PASSED UNANIMOUSLY.

8. CONSIDERATION OF REVOCATION OF ANGLING PRIVILEGES OF CHESTER JOSEPH CAMERON.

Mr. Edgerton stated that pursuant to the provisions of Section 12154 of the Fish and Game Code, the Department was requesting that the Commission revoke the angling privileges of Chester Joseph Cameron. He said a certified letter had been sent to Mr. Cameron notifying him of the possible action to be taken by the Commission.

Chester Joseph Cameron was arrested as follows:

1. Cited March 27, 1974 at Lake Evans, Riverside County, for fishing with more than one line in violation of Section 2.05, Title 14, CAC, and for possession of an overlimit of rainbow trout in violation of Section 4.85, Title 14, CAC. Mr. Cameron appeared in the Riverside Municipal Court on April 10, 1974 and entered a plea of guilty for which he was fined \$50 with \$30 suspended as a condition of six months' probation.

2. Cited October 13, 1974 at Green Valley Lake in San Bernardino County for taking an overlimit of trout in violation of Section 4.85(b), Title 14, CAC. Mr. Cameron appeared in the Bear Valley Justice Court on October 29, 1974 and entered a plea of guilty for which he was fined \$25 plus \$10 penalty assessment.

3. Cited January 21, 1976 at Lake Cahvilla in Riverside County for angling without a valid fishing license in violation of Section 700, Title 14, CAC. Mr. Cameron appeared in the Desert Municipal Court on February 17, 1978 and entered a plea of guilty and was placed on six months' probation.

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

MOVED BY MR. CHICKERING, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION FINDS THAT CHESTER JOSEPH CAMERON HAS BEEN CONVICTED OF THREE VIOLATIONS OF THE CALIFORNIA FISHING LAWS AND 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, IT NOW DECLARES THAT PURSUANT TO SECTION 12154 OF THE FISH AND GAME CODE, THE FISHING PRIVILEGES OF CHESTER JOSEPH CAMERON ARE REVOKED AND ANY FISHING LICENSE PREVIOUSLY ISSUED TO HIM SHALL BE HEREBY REVOKED AND CANCELLED AND NO NEW FISHING LICENSE SHALL BE ISSUED TO HIM UNTIL FEBRUARY 17, 1981.

PASSED UNANIMOUSLY.

9. CONSIDERATION OF REVOCATION OF HUNTING PRIVILEGES OF GLEN EUGENE WHITTED.

Mr. Edgerton stated that pursuant to the provisions of Section 12155 of the Fish and Game Code, the Department was recommending that the hunting privileges of Glen Eugene Whitted be revoked. He said that a certified letter had been sent to Mr. Whitted informing him of the possible action to be taken by the Commission.

Glen Eugene Whitted was arrested as follows:

1. Cited October 6, 1974 in Mono County for having a loaded rifle in a vehicle on a way open to the public in violation of Section 2006 of the Fish and Game Code. Mr. Whitted forfeited \$35 bail plus \$10 penalty assessment in the Mono Justice Court on October 23, 1974.

2. Cited October 5, 1975 near Round Valley in Mono County for having a loaded rifle in a vehicle on a way open to the public in violation of Section 2006 of the Fish and Game Code. Mr. Whitted forfeited \$35 bail plus \$10 penalty assessment in the Mono Justice Court on October 27, 1975.

3. Cited February 4, 1978 near Horton Creek in Inyo County for using a spotlight while having a weapon in the vehicle in violation of Section 2005 of the Fish and Game Code. Mr. Whitted appeared in the North Inyo Justice Court on February 22, 1978 and entered a plea of guilty for which he was fined \$50 plus \$15 penalty assessment.

Mr. Edgerton then read a letter of explanation from Mr. Whitted with respect to his violations. After some additional discussion, it was:

MOVED BY MR. CHICKERING, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION FINDS THAT GLEN EUGENE WHITTED HAS BEEN CONVICTED OF THREE VIOLATIONS OF THE CALIFORNIA HUNTING LAWS AND REGULATIONS WITHIN A FIVE-YEAR PERIOD AND HAS BEEN INVITED TO APPEAR BEFORE THIS COMMISSION TO SHOW CAUSE WHY HIS HUNTING PRIVILEGES SHOULD NOT BE REVOKED. BASED UPON ITS FINDINGS, IT NOW DECLARES THAT PURSUANT TO SECTION 12155 OF THE FISH AND GAME CODE, THE HUNTING PRIVILEGES OF GLEN EUGENE WHITTED ARE REVOKED AND ANY

LICENSE PREVIOUSLY ISSUED TO HIM SHALL BE HEREBY REVOKED AND CANCELLED AND NO NEW HUNTING LICENSE SHALL BE ISSUED TO HIM UNTIL JUNE 23, 1979; AND FURTHER THAT MR. WHITTED BE REQUIRED TO OBTAIN A HUNTER SAFETY TRAINING CERTIFICATE PRIOR TO HIS ACQUIRING ANY NEW HUNTING LICENSE.

PASSED UNANIMOUSLY.

10. CONSIDERATION OF EMERGENCY ADOPTION OF THE CHANNEL ISLANDS ECOLOGICAL RESERVE, RE PROTECTION OF MARINE RESOURCES, IN CONFORMANCE WITH DECISION OF U.S. SUPREME COURT.

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Mr. Fullerton stated that a recent adjudication by the U.S. Supreme Court had declared that the submerged lands and waters lying within one mile of Anacapa and Santa Barbara islands were property of the State of California. He said during the period of litigation commencing in the early 1970s, the National Park Service had claimed and exercised management control of the marine resources at the Channel Islands National Monument. He noted that the Supreme Court's decision of May 15, 1978 established California's dominion of the use of submerged lands and waters formerly claimed by the National Park Service. He said this action required that certain marine resources found in the area receive continued protection. He noted that the Department believed that the ecological reserve status was appropriate for these areas. He said in addition to the general ecological reserve regulations provided in Section 630, Title 14, CAC, the Department was recommending the following additional regulations governing the use of these two areas be adopted: (1) establish an ecological reserve one mile offshore around both islands; (2) restrict fishing with fixed gear (nets and traps) within 150 yards of Anacapa Island and for the same distance offshore on the east side of Santa Barbara Island; (3) establish an invertebrate closure on the north side of Middle Island of Anacapa and on the south side of West Anacapa Island from Frenchy's Cove to the east side of Cat Rock; also establish an invertebrate closure on Santa Barbara Island from Arch Point to the southernmost tip of the island; (4) commercial and sport fishing with hook and line will be permitted in the reserve; and (5) boating, swimming, skin and SCUBA diving and spearfishing will be permitted. He also noted that there was an existing kelp lease surrounding Santa Barbara Island that he said should be honored.

Mr. Fullerton said that he had received a call from the TRW Sportdivers, representing some 250 sport divers, in opposition to any closures around these islands.

Mr. Ed Greenhood explained the general provisions of Section 630, which would prevail at the reserves. In response to a question from Dr. Venrick, Mr. Greenhood explained the differences in the Department's proposals and the National Park Service regulations, which had been in effect.

Mr. Edgerton then stated that the Commission office had received the following correspondence with respect to this matter:

A letter from the Commercial Fishermen of Santa Barbara, Inc. in opposition to the proposal, and asking for additional time to present its views in an orderly and knowledgeable manner.

A telegram from the Sportsmen's Council of Central California in support of the Department's proposal for Anacapa and Santa Barbara Islands Ecological Reserves.

Two individual letters asking that additional restrictions be placed on the commercial activities around Anacapa Island.

One letter in opposition to any commercial activities at Anacapa Island.

Mr. Gordon Koda, representing the Commercial Fishermen of Santa Barbara, Inc., spoke in opposition to the proposal to establish the ecological reserve at Anacapa and Santa Barbara islands. He then posed several questions regarding the proposal; the first concerned the legality of using the ecological reserve sections when there were no rare or endangered fish or invertebrates in the area. He said if ecological reserve status was granted by the Commission the commercial fishermen wanted to be able to fish within 150 yards of shore.

In response to a question from Dr. Venrick, Director Fullerton stated that these areas were the nearest islands to shore and were needed to provide a place where the public could go and see the unique marine resources found there. He said these types of areas were needed along the coast and that other such areas had been established.

Mr. Edgerton noted that the endangered California brown pelican was known to nest on the islands and foraged in the surrounding waters.

In response to a question from Dr. Venrick, Mr. Koda stated that the 150 yard limitation regarding the use of gill nets was impractical because of weather and geographical conditions which existed. He noted that in many areas there was a rapid dropoff in the underwater strata, which precluded the effective use of gill nets. He said the loss of this area to commercial fishing would put additional effort on other areas.

Mr. Rudy Mangué, representing the California Abalone Divers Association, spoke in opposition to the establishment of the reserves. He said his group did not want any closures to be established. He also spoke on the legality of establishing ecological reserves.

Mr. Ken Tremitten pointed out that the area around these two islands had been open to sport diving and fishing for the past seven years and therefore was not in a pristine condition. It was his contention that the sport take was considerable and that to preclude the commercial take of abalone, lobster and fish in this area was not reasonable. He opposed the establishment of the reserves.

Dr. Venrick asked if the sport take had a different impact than the commercial take. Mr. Carl Sisskind of the California Advisory Board on Underwater Parks and Reserves stated that the sport take was found to be less than 1% of the take of the resources. He said his board recommended that the ecological reserve status be imposed for both of these islands.

Mr. Mike McCorkle, a gill net fisherman, stated he concurred with the proposal for Santa Barbara Island; however, he felt there was a problem with Anacapa Island. He noted that there were only a small number of boats which fished in the

area with gill nets and that they primarily used the sand bottom areas. He said he had an idea which he felt had merit and would like to have the Department look at it before any final regulations were adopted. He said this would call for a closure to gill net fishing between July and September and then opening the area between October and June with no weekend or holiday fishing. The Director agreed that he would like to evaluate Mr. McCorkle's proposal.

Mr. Bill Orr of the National Park Service spoke in support of the Department's proposal, saying it was compatible with the Parks' objectives. Director Fullerton thanked Mr. Orr for his efforts in preparing the proposal.

Mr. Mangué stated he would also like to work with the Department in developing a comprehensive proposal for utilization of the resources around these two islands. The Director said that the Department would contact his group in the interim between this meeting and the confirmation hearing.

Mr. Mike Garner stated that he was in agreement with the Department's proposal; however, he would like to see the invertebrate closure extended out farther. He said there could be a conflict between the SCUBA divers and the lobster fishermen on the reef areas. It was his contention that the Cathedral Cave area on the east side of Anacapa Island should be in the closure. Dr. Venrick asked Mr. Garner how far out he would like to see the closure, to which he said to 20 fathoms, especially on the north side of Anacapa Island. There, he said, the shallow water might extend out as far as one-half mile. Dr. Venrick asked the Department to work with these individuals to see if their suggestions could be implemented.

Mr. Bill Miller, an instructor at Ventura College, spoke of a possible conflict between the sport divers and commercial divers and the use of nets and lobster traps in the area. He asked that the north side of Anacapa Island be closed to commercial fishing and that a program of replanting abalone be implemented.

After additional discussion of the matter, it was:

MOVED BY MR. CHICKERING, SECONDED BY DR. VENRICK, THAT UNDER THE AUTHORITY OF SECTIONS 1580-1584 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SAID SECTIONS OF SAID CODE, THE FISH AND GAME COMMISSION ADOPTS, AS AN EMERGENCY, SECTIONS 630(b)(31) AND (32), TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, AS FOLLOWS:

(1) Subsection (b)(31) is added to Section 630 to read:

(31) Anacapa Island Ecological Reserve, Ventura County.

(A) Boating, sport and commercial fishing, spearfishing, swimming and diving with underwater breathing apparatus are permitted.

(B) No invertebrates may be taken from within the following areas:

1. The mean high tide mark at Anacapa Island seaward 150 yards on the south side of West Anacapa Island from the easternmost point at Frenchy's Cove to the southernmost point adjacent to and excluding Cat Rock;

2. The mean high tide mark at Anacapa Island seaward 150 yards on the north side of Middle Anacapa Island from the westernmost point at Frenchy's Cove to the easternmost point.

(C) No nets or traps may be used within 150 yards of the Anacapa Islands commonly referred to as Anacapa Island.

(D) No person shall fire or discharge any firearm or explosive devices, air or gas gun within the ecological reserve.

(E) Harvesting of kelp from within Anacapa Island Ecological Reserve shall be prohibited except under a permit issued by the department.

(2) Subsection (b)(32) is added to Section 630 to read:

(32) Santa Barbara Island Ecological Reserve, Santa Barbara County.

(A) Boating, sport and commercial fishing, spearfishing, swimming and diving with underwater breathing apparatus are permitted.

(B) No invertebrates may be taken from the mean high tide mark at Santa Barbara Island seaward 150 yards on the eastern side of Santa Barbara Island from the northernmost point of Arch Rock to the southernmost point of Santa Barbara Island.

(C) No nets or traps may be used within this ecological reserve.

(D) No person shall fire or discharge any firearm or explosive devices, air or gas gun within this ecological reserve.

(E) Harvesting of kelp from kelp lease sites within the Santa Barbara Island Ecological Reserve shall be permitted.

The Fish and Game Commission finds that an emergency exists and that the foregoing order is necessary for the immediate preservation of the public peace, health and safety or general welfare. A statement of the facts constituting such emergency is: A recent Supreme Court decision gave jurisdiction over this area to the state, and since the federal regulations will no longer be in effect, in order to protect the resources, immediate control is necessary. The said order is therefore adopted as an emergency to take effect immediately upon filing with the Secretary of State as provided in Section 11422(c) of the Government Code.

The Fish and Game Commission has determined that there are no new costs to local government, pursuant to Section 2231 of the Revenue and Taxation Code.

AND FURTHER DIRECTS ITS STAFF TO PUBLISH NOTICE OF THIS  
EMERGENCY ACTION FOR CONSIDERATION AT ITS AUGUST 25 MEETING  
IN SANTA ROSA.

PASSED UNANIMOUSLY.

THE FISH AND GAME COMMISSION HAS DETERMINED THAT THIS PROJECT WILL NOT  
HAVE A SIGNIFICANT ADVERSE EFFECT ON THE ENVIRONMENT.

11. CONSIDERATION OF REQUEST OF BRIAN FINDLETON AND DON CAMERON TO APPEAR BEFORE COMMISSION RE DEPARTMENT'S DENIAL OF FALCONRY LICENSES.

Mr. Edgerton stated that Section 670(q) provides that the Department may deny issuance or renewal of any class of falconry license if the applicant or licensee has been convicted of a violation of any federal or state falconry regulations. He said that the section further provides that any falconer denied such a license by the Department may appeal to the Commission. Mr. Edgerton noted that Mr. Brian Findleton had submitted a letter to the Commission office requesting an opportunity to be heard by the Commission to show cause why his falconry privileges should be continued.

Mr. Brian Findleton came forward and stated that his violation had been due to an ignorance of the law. He said he had been first licensed as an apprentice falconer in August of 1975 and had renewed that license in August of 1976. He said that he had applied for a general falconry license in June of 1977; however, before it was returned to him he had come into possession of a Harris' hawk. It was his belief, at that time, he said, that he would be a general falconer in August of 1977 and therefore would be able to possess the Harris' hawk and his other bird. In the interim, he said he contacted a master falconer and asked him to hold the Harris' hawk under his permit until August of 1977. He noted that he had taken the Harris' hawk into the Long Beach office of the Department to have it legally banded. It was his intent, he maintained, to abide by the falconry regulations at all times.

Mr. Ned Dollahite, Chief of the Department's Wildlife Protection Branch, stated that the Department recommended denial of Mr. Findleton's request. He noted that Mr. Findleton was cited for violation of Section 670(e), Title 14, CAC, for possessing a Harris' hawk as an apprentice falconer, and Section 670(f), for having an overlimit of raptors. He said Mr. Findleton had appeared in the Long Beach Municipal Court on June 27, 1977 and had entered a plea of guilty to the charge. He said the court fined Mr. Findleton \$50 and placed him on one year's probation.

After some additional discussion of the matter, it was:

MOVED BY MR. CHICKERING, SECONDED BY MR. GALLETTI, THAT  
MR. BRIAN FINDLETON BE ALLOWED TO RECEIVE HIS GENERAL  
FALCONRY LICENSE, WITH THE ADMONISHMENT THAT HE NOT VIOLATE  
ANY OF THE FALCONRY REGULATIONS IN THE FUTURE.

PASSED UNANIMOUSLY.

Mr. Edgerton asked if Mr. Don Cameron were present; there was no response.

12. CONSIDERATION OF REQUEST OF NATIONAL PARK SERVICE AT POINT REYES TO TAKE 5 BLACKTAIL DEER PER MONTH FOR COOPERATIVE STUDY WITH UC, DAVIS.

Mr. Hunt stated that the U.S. Department of the Interior, National Park Service at Point Reyes, had requested approval to collect five blacktailed deer per month as part of a cooperative study with the University of California at Davis. He said this action would increase their current permit by 40 animals per year. He said the Department recommended approval. It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION AUTHORIZES THE DEPARTMENT OF FISH AND GAME TO ISSUE TO THE NATIONAL PARK SERVICE AT POINT REYES, A PERMIT TO COLLECT FIVE BLACKTAIL DEER PER MONTH AS PART OF A COOPERATIVE STUDY WITH THE UNIVERSITY OF CALIFORNIA AT DAVIS.

PASSED UNANIMOUSLY.

13. CONSIDERATION OF REQUEST OF HEALY TIBBITS CONSTRUCTION CO. FOR AN EXPLOSIVES PERMIT RE CONSTRUCTION OF A SEWER OUTFALL NEAR FORT BRAGG.

Mr. Edgerton stated that the Healy Tibbits Construction Co. had submitted a letter to the Commission office requesting a permit to use explosives in conjunction with the construction of an ocean outfall extension under contract with the City of Fort Bragg. He noted that the work was contemplated to be completed during the period June through October 1978. He said in addition, they had asked for authorization to use explosives to remove offshore bottom irregularities which might prevent the use of construction equipment. He concluded by stating that the company had submitted the required check to cover administrative costs and observer fees.

Director Fullerton stated that the Department recommended approval of the request. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT UNDER THE AUTHORITY OF SECTION 5500 OF THE FISH AND GAME CODE, THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE DEPARTMENT OF FISH AND GAME TO ISSUE TO HEALY TIBBITS CONSTRUCTION COMPANY A PERMIT TO ALLOW THE USE OF EXPLOSIVES IN CONJUNCTION WITH THE CONSTRUCTION OF AN OCEAN OUTFALL NEAR FORT BRAGG.

PASSED UNANIMOUSLY.

14. CONSIDERATION OF REQUEST OF WM. GREEN JR. FOR AN 8606 PERMIT TO TAKE MARINE SPECIMENS WITH A SLURP GUN.

Mr. Edgerton stated that Mr. William Green Jr. had submitted a letter to the Commission office requesting permission to use a slurp gun for taking Catalina gobies in ocean waters off Orange County, Catalina Island and in District 19. He said Mr. Green had asked that the names of Douglas B. Shipway, Glenn L. Swierkosz and his be included on the permit. Mr. Edgerton stated that the Department recommended approval of the request, and he said that the Commission staff suggested that blanket authorization be given to the Department to issue these types of permits in the future under the same terms and conditions as previously issued permits of this nature. It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. GALLETTI, THAT UNDER THE AUTHORITY OF SECTION 8606 OF THE FISH AND GAME CODE, THE FISH AND GAME COMMISSION APPROVES THE REQUEST

FOR USE OF A SLURP GUN TO TAKE CATALINA GOVIES FOR DOUGLAS B. SHIPWAY, GLENN L. SWIERKOSZ AND WILLIAM GREEN JR., AND FURTHER AUTHORIZES THE DEPARTMENT TO ISSUE SUCH PERMITS TO ADDITIONAL INDIVIDUALS, UPON REQUEST, UNDER THE TERMS AND CONDITIONS APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

15. CONSIDERATION OF REQUEST OF CAREY BLISS FOR A PERMIT TO IMPORT AND POSSESS THREE SILVER FOX FOR FUR FARMING PURPOSES.

Mr. Edgerton stated that the Commission office had received a request from Mr. Carey Bliss for a permit to import and possess three silver fox for fur farming purposes. Mr. Ned Dollahite stated that the Department recommended denial of Mr. Bliss' request because he had recently been arrested for illegally importing ten ferrets (European pole cats) and three silver fox. He noted the Department's Wildlife Protection Branch had much prior personal and telephonic communication with Mr. Bliss and his father and both were well aware of the applicable importation requirements. He said the ferrets were shipped by air to Reno and picked up there by Mr. Bliss and his father and transported to Oakdale by vehicle. He said the fox were initially shipped by air to the San Francisco Airport and then put on a continuation flight to Modesto. He reported that the animals from both shipments were seized by the Oakdale warden and that prosecution was pending. It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION DENIES THE REQUEST OF MR. CAREY BLISS TO IMPORT AND POSSESS THREE SILVER FOX FOR FUR FARMING PURPOSES.

PASSED UNANIMOUSLY.

16. CONSIDERATION OF REQUEST OF ANDIE WILLIAMS FOR A PERMIT TO IMPORT AND POSSESS THREE ARCTIC FOX.

Mr. Edgerton stated that Ms. Andie Williams had submitted a request to the Commission office asking permission to import and possess three Arctic fox (two females and one male), which she planned to purchase from the Montana Fur Farm, Trout Creek, Montana. He said that Ms. Williams planned on possessing these animals at her residence and that she intended not to sell any of the offspring of these animals in the future but to retain them as personal pets and breeders.

Mr. Ned Dollahite stated that the Department recommended approval of Ms. Williams' request. It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. CHICKERING, THAT THE FISH AND GAME COMMISSION APPROVES THE REQUEST OF MS. ANDIE WILLIAMS FOR A PERMIT TO IMPORT AND POSSESS THREE ARCTIC FOX, SUBJECT TO THE TERMS AND CONDITIONS APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

17. CONSIDERATION OF REQUEST OF CHUCK TRANTHAM FOR A PERMIT TO IMPORT AND POSSESS DALL SHEEP, STONE SHEEP, FANNIN SHEEP, ALOUDADS, BLACKBUCKS AND NORTH AMERICAN MOUNTAIN GOATS.

Mr. Edgerton reminded the Commission that at its San Diego meeting on April 28, it had denied the request of Mr. Trantham to import and possess Dall sheep, Stone sheep, Fannin sheep, aoudads, blackbucks and North American mountain goats, at the request of the Department. He said the Department had stated at that time it wanted to meet with Mr. Trantham and see the type of operation in which he was engaging.

Director Fullerton stated that the Department had met with Mr. Trantham and was now satisfied that the animals would be used for the enjoyment of his family and employees.

Mr. Galletti asked if the Department would inspect the facilities. The Director stated that the facilities had been inspected and were agreeable to the Department.

Mr. Benson asked how these animals would adapt to captivity. He also asked about the progeny of these animals and what the disposition of them might be. The Director stated that the animals adapted very well and that if the Commission was concerned as to the disposition of the progeny this could be made part of the permit. Mr. Benson stated that the disposition of the offspring should be controlled. It was then:

MOVED BY DR. VENRICK, SECONDED BY MR. CHICKERING, THAT THE FISH AND GAME COMMISSION APPROVES THE REQUEST OF CHUCK TRANTHAM TO IMPORT AND POSSESS DALL SHEEP, STONE SHEEP, FANNIN SHEEP, ALOUDADS, BLACKBUCKS AND NORTH AMERICAN MOUNTAIN GOATS UNDER SUCH TERMS AS SPECIFIED BY THE COMMISSION, AND FURTHER THAT THE DISPOSITION OF ANY PROGENY OF THESE ANIMALS AND THE FACILITIES IN WHICH THE ANIMALS ARE MAINTAINED BE APPROVED BY THE DEPARTMENT.

PASSED UNANIMOUSLY.

18. CONSIDERATION OF REQUEST OF DEPARTMENT TO PUBLISH NOTICE TO AMEND SECTION 163, TITLE 14, CAC, RE HERRING FISHERY.

Mr. Edgerton stated that the Department was requesting that the Commission authorize publication of notice of its intent to amend Section 163, Title 14, CAC, regarding the commercial herring fishery. He said this matter would then be scheduled for the Commission's August 25 meeting in Santa Rosa. He noted that the Department's proposed regulations were before the Commissioners. Mr. Edgerton reported that Mr. Bob Steele, a commercial herring fisherman, had submitted a letter to the Department recommending some changes in the commercial herring fishing regulations for the coming year. He said Mr. Steele's letter was before the Commissioners. It was then:

MOVED BY MR. CHICKERING, SECONDED BY DR. VENRICK, THAT UNDER THE AUTHORITY OF SECTIONS 6650-6706 OF THE FISH AND GAME CODE, THE FISH AND GAME COMMISSION AUTHORIZES

ITS STAFF TO PUBLISH NOTICE OF ITS INTENT TO AMEND SECTION 163, TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, REGARDING THE COMMERCIAL TAKE OF HERRING.

PASSED UNANIMOUSLY.

19. CONSIDERATION OF REQUEST OF DEPARTMENT TO PUBLISH NOTICE OF INTENT TO AMEND SECTIONS 550 AND 551, TITLE 14, CAC, RE WILDLIFE AND HUNTING AREAS.

Mr. Hunt stated that the Department was requesting that the Commission authorize its staff to publish notice of its intent to amend Sections 550 and 551, Title 14, CAC, at its August 25 meeting in Santa Rosa. He said the Department's recommendations regarding Section 550 (wildlife areas general), and Section 551 (hunting on state and federal areas), were as follows:

The proposed amendments for Section 550 are as follows:

Add Cottonwood Wildlife Area and Lake of the Woods Wildlife Area to the list of areas (paragraph a) to which these regulations pertain.

Include within the Sutter Bypass Wildlife Area the management units of Butte Slough, Tisdale Weir, Sutter Basin, Sutter Bypass and Colusa Bypass (paragraph a).

Add Sutter Bypass and Lake of the Woods Wildlife Areas to the areas where shotguns and bow and arrows may be used (paragraph 5).

Reword paragraph 16, User Permits, to include the need for a permit for an organized group or gathering to use these areas.

Provide for regulated hunting at state wildlife areas under permits issued by the Department.

For Section 551, the amendments would include:

Add the Kern National Wildlife Refuge to the areas requiring that reservation holders check in by at least 1-1/2 hours before shoot time (paragraph c).

On the designated space-blind areas at Sacramento National Wildlife Refuge and Kern National Wildlife Refuge, because of the limited capacity a maximum of only four persons would be allowed at each blind site (paragraph c).

At the Kern National Wildlife Refuge hunters will be allowed to possess only 25 shot shells while in the field (paragraph 1).

The restrictions on motor boats at the Finney and Ramer Units of the Imperial Wildlife Area (paragraph s), would be modified to allow electric motors on boats.

It was then:

MOVED BY MR. CHICKERING, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION, UNDER THE AUTHORITY OF SECTIONS 1526-1530 AND 10504 OF THE FISH AND GAME CODE, AUTHORIZES ITS STAFF TO PUBLISH NOTICE OF ITS INTENT TO AMEND

SECTIONS 550 AND 551, TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, REGARDING WILDLIFE AREAS GENERAL AND HUNTING ON STATE AND FEDERAL AREAS.

PASSED UNANIMOUSLY.

20. CONSIDERATION OF REQUEST OF DEPARTMENT TO PUBLISH NOTICE OF INTENT TO ADOPT LIST OF ENDANGERED PLANTS.

Mr. Edgerton stated that new legislation had directed the Department to have the Commission adopt a list of endangered plants. He said this would require that the Commission authorize its staff to publish notice of its intent to take this action at its August 25 meeting in Santa Rosa. He noted that a copy of the proposed plant list was before each of the Commissioners. It was then:

MOVED BY MR. GALLETTI, -SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION AUTHORIZES ITS STAFF TO PUBLISH NOTICE OF ITS INTENT TO ADD TO TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, A LIST OF ENDANGERED PLANTS.

PASSED UNANIMOUSLY.

21. CONSIDERATION OF REQUEST OF DEPARTMENT TO PUBLISH NOTICE OF INTENT TO ADD MACKLIN CREEK ECOLOGICAL RESERVE TO SECTION 630, TITLE 14, CAC.

Mr. Edgerton stated that the Department was requesting that the Commission authorize its staff to publish notice of its intent to add Section 630(b)(33) to Title 14, CAC, to establish the Macklin Creek Ecological Reserve, located in Nevada County. He said the 31.57 acre parcel was acquired under the Environmental Protection Program with revenues from the special license plate fund to help preserve the Lahontan cutthroat trout. He said the Commissioners had before them the environmental assessment of the proposal, as well as the management plan, legal description and special regulations for use of the area. It was then:

MOVED BY MR. CHICKERING, SECONDED BY DR. VENRICK, THAT THE FISH AND GAME COMMISSION, UNDER THE AUTHORITY OF SECTIONS 1580-1584 OF THE FISH AND GAME CODE, AUTHORIZES ITS STAFF TO PUBLISH NOTICE OF ITS INTENT TO ADD SECTION 630(b)(33) TO TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, ESTABLISHING THE MACKLIN CREEK ECOLOGICAL RESERVE.

PASSED UNANIMOUSLY.

22. CONFIRMATION OF AUTHORIZATION TO DEPARTMENT TO ISSUE AN EXPLOSIVES PERMIT TO SHEA CONSTRUCTION CO. TO REMOVE BOULDERS FROM THE KLAMATH RIVER.

Mr. Edgerton stated that on June 8, Commissioners Benson, Venrick and Galletti had given authorization to the Department to issue an explosives permit to Shea Construction Co. to remove boulders from the Klamath River. He said these boulders had fallen into the river during the construction of a road. He noted that the matter before the Commission was to confirm that earlier emergency action. It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. CHICKERING, THAT THE FISH AND GAME COMMISSION, UNDER THE AUTHORITY OF SECTION 5500 OF THE FISH AND GAME CODE, CONFIRMS ITS AUTHORIZATION TO THE DEPARTMENT TO ISSUE TO SHEA CONSTRUCTION CO. AN EXPLOSIVES PERMIT TO REMOVE BOULDERS FROM THE KLAMATH RIVER.

PASSED UNANIMOUSLY.

23. ANNOUNCEMENT OF FUTURE MEETINGS.

July 28, 1978	City Council Chambers, City Hall, 6th and K Streets, Eureka
August 25, 1978	Board of Supervisors' Chambers, 2555 Mendocino Avenue, Santa Rosa
October 6, 1978	Auditorium, Resources Building, 1416 Ninth Street, Sacramento
November 10, 1978	Redding
December 8, 1978	Room 1138 State Building, 107 S. Broadway, Los Angeles

Dr. Venrick stated that she would like to have a review of the Commission's policy regarding its taking positions on legislation. Mr. Edgerton noted that the Commission staff intended to bring the matter of reviewing Commission policies as a whole up at the Commission's July meeting. He said many of the existing Commission policies were outdated and needed to be revamped. She agreed that that would be an appropriate time to discuss the matter further.

Director Fullerton brought the Commission up to date on many issues affecting the Department and the Commission. He stated that the Department's budget apparently was still all right in light of the effects of Proposition 13, but that the Department had been asked to affect a 5% reduction in its spending. He said this could be taken care of by delaying the updating of the Wildlife Plan and by cutting back on Department training. He reported on other legislative matters affecting the bobcat, trapping and funding for the Department. He noted that a recent Conference of Western Governors had passed a strong resolution in support of states' rights with respect to the management of resident game species. He said it was hoped that this show of unanimity in this matter would aid in resolving this issue at the federal level. With respect to the anchovy, he said the Department had determined that the spawning biomass was somewhere in the vicinity of 1,304,000 tons and that the allocation under the anchovy management plan adopted by the Pacific Fisheries Management Council would be somewhere in the vicinity of 58,000 tons for California. He also spoke on the problem of the fishing in the Klamath River by the Indians and on the processing of deer tag applications by the Department.

There being no further discussion, the meeting was adjourned at 12:50 p.m.