

Nov.
4-5

State of California
FISH AND GAME COMMISSION

Minutes, Meeting of November 4-5, 1982

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State of California
FISH AND GAME COMMISSION

Pursuant to the call of the President, the Commission met in Room 1218, Resources Building, 1416 Ninth Street, Sacramento, on November 4, 1982. The meeting was called to order at 3:15 p.m. by President Livermore.

Persons present:

FISH AND GAME COMMISSION

Norman B. Livermore, Jr.	President
Abel C. Galletti	Member
William A. Burke, Ed.D.	Member
Brian J. Kahn	Member

COMMISSION STAFF

Harold C. Cribbs	Executive Secretary
Terry M. Mansfield	Assistant Executive Secretary

ATTORNEY GENERAL'S OFFICE

Denis Smaage	Deputy Attorney General
Peter Van der Naillen	Deputy Attorney General

DEPARTMENT OF FISH AND GAME

E. C. Fullerton	Director
A. Petrovich, Jr.	Chief, Marine Resources Branch
Bill Maxwell	Senior Marine Fishery Biologist
Tom Jow	North Ocean Area Manager

The following persons were also present and heard:

Peter R. Astuy, Jr.	Commercial Herring Fisherman
Harlan P. Baily, II	Commercial Herring Fisherman
Chester H. Cayou	Commercial Herring Fisherman
Dennis Chelini	Commercial Herring Fisherman
Steve Christensen	Commercial Herring Fisherman
Robert T. Junsch	Commercial Herring Fisherman
John Malnati	Commercial Herring Fisherman
Fredric A. Patti	Commercial Herring Fisherman
Antone P. Pecarich	Commercial Herring Fisherman
Gene Brown	Commercial Herring Fisherman
Jim Grammatico	Commercial Herring Fisherman
Tom A. Kucura	Commercial Herring Fisherman
Sebastian Tardio	Commercial Herring Fisherman

for the drawing than had been certified by the Department. He reminded the Commissioners that Section 163 specifically stated that a point would be given for each year an applicant had held a valid California commercial fishing license in the previous ten years (prior to the current license year) and a total of ten points for those applicants who participated in the California herring fishery as a crewmember, owner or operator during each of the past three seasons (1979-80, 1980-81 and 1981-82). Mr. Cribbs noted that seven points were awarded for those applicants who participated in the fishery during the last two of the past three seasons and five points for those applicants who participated in the fishery at least one of the past three seasons.

Mr. Cribbs also pointed out that should there be a drawing for any available permits, those permits would be drawn on a basis of the maximum number of points accrued pursuant to Section 163. He stated this was the only basis upon which points may be legally given. Mr. Cribbs pointed out that preference points may not be accrued for participating in the fresh fish market or for those who were operating under ocean water herring permits. The Executive Secretary then stated that the Commission, in the past, had required that those making the appeal provide substantial documentation that they purchased a commercial fishing license in the year in question (copy of the license, a check showing payment for a license or similar documentation), and for crewmember points, a copy of the log, with their name on it indicating they participated in the herring fishery in a specified year, receipts for salaries earned as a crewmember in a specified year or similar documentation. Mr. Cribbs also stated that some individuals had appealed the same points in question in previous years and where that was the case, the Commission would be so notified.

Mr. Cribbs then stated that Commissioners had before them all background material which had been submitted to the Commission office related to this matter. He then described the procedure to be followed during the hearing and pointed out that each individual providing testimony would be sworn in.

Mr. Cribbs then suggested that the Commission consider appeals related to late applications first, nonvalidation second and point verifications third, and the following discussions took place.

LATE APPLICATIONS

Mr. Cribbs then called the names of the individuals who had filed a timely appeal with the Commission office and asked that they show cause why the Commission should grant their request to accept their 1982-83 herring fishing applications after the 5:00 p.m. October 1 deadline.

Peter R. Astuy, Jr.

Peter R. Astuy, Jr. stated that he had fished for herring for seven years but was out of town until October 10 when he remembered he needed to make his application to the Department.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. BURKE, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE DEPARTMENT TO ACCEPT THE 1982-83 HERRING FISHING APPLICATION OF PETER R. ASTUY, JR., BUT SUSPENDS HIS PERMIT FOR THE FIRST TWO DAYS OF HIS FISHING SEASON. HE IS FURTHER ADMONISHED THAT HE MUST FILE HIS FUTURE APPLICATIONS IN A TIMELY MANNER.

PASSED UNANIMOUSLY.

Harlan P. Baily, II

Mr. Baily stated that he received an application in September, but as a result of problems with his fishing partners, he overlooked the due date. He noted that he had made a simple mistake and never had a prior violation related to herring fishing.

After additional discussion, it was then:

MOVED BY DR. BURKE, SECONDED BY MR. KAHN, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE DEPARTMENT TO ACCEPT THE 1982-83 HERRING FISHING APPLICATION OF HARLAN P. BAILY, II AND ADMONISHES HIM THAT HE MUST FILE HIS FUTURE APPLICATIONS IN A TIMELY MANNER.

PASSED UNANIMOUSLY.

Chester H. Cayou

Mr. Cayou stated that he was out fishing for crab off of Alaska and had overlooked the due date for filing his application. He noted that he had fished for herring for eight years, but had recently changed companies where he sold his fish and that the new company had failed to apply for him.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. BURKE, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE DEPARTMENT TO ACCEPT THE 1982-83 HERRING FISHING APPLICATION OF CHESTER H. CAYOU, BUT SUSPENDS HIS PERMIT FOR THE FIRST TWO DAYS OF HIS FISHING SEASON. HE IS FURTHER ADMONISHED THAT HE MUST FILE HIS FUTURE APPLICATIONS IN A TIMELY MANNER.

AYES: COMMISSIONERS GALLETTI AND BURKE

NO: COMMISSIONER KAHN

Dennis Chelini

Mr. Chelini stated that he had not received his mail for a period of time including an application for the herring fishery. He noted that he had fished herring since the beginning of the permit system and that he was also late in filing for his 1981-82 application.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. KAHN, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE DEPARTMENT TO ACCEPT THE 1982-83 HERRING FISHING APPLICATION OF DENNIS CHELINI, BUT SUSPENDS HIS PERMIT FOR THE FIRST TWO DAYS OF HIS SEASON. HE IS FURTHER ADMONISHED THAT HE MUST FILE HIS FUTURE APPLICATIONS IN A TIMELY MANNER.

PASSED UNANIMOUSLY.

Steve Christensen

Mr. Christensen stated that he had not received an application in the mail but that the company that bought his fish normally applied for him. He stated that he had fished for herring for seven years.

After additional discussion, it was then:

MOVED BY DR. BURKE, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE DEPARTMENT TO ACCEPT THE 1982-83 HERRING FISHING APPLICATION OF STEVE CHRISTENSEN BUT SUSPENDS HIS PERMIT FOR THE FIRST TWO DAYS OF HIS FISHING SEASON. HE IS FURTHER ADMONISHED THAT HE MUST FILE HIS FUTURE APPLICATIONS IN A TIMELY MANNER.

PASSED UNANIMOUSLY.

Robert T. Junsch

Mr. Junsch stated that he had made a mistake and thought the application due date was October 15.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. KAHN, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE DEPARTMENT TO ACCEPT THE 1982-83 HERRING FISHING APPLICATION OF ROBERT T. JUNSCHE, BUT SUSPENDS HIS PERMIT FOR THE FIRST TWO DAYS OF HIS FISHING SEASON. HE IS FURTHER ADMONISHED THAT HE MUST FILE HIS FUTURE APPLICATIONS IN A TIMELY MANNER.

PASSED UNANIMOUSLY.

John Malnati

Mr. Malnati stated that he had not received an application in the mail and was unaware of the October 1 deadline for filing a herring fishing application. He pointed out that he had fished for herring since 1970.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. KAHN, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE DEPARTMENT TO ACCEPT THE 1982-83 HERRING FISHING APPLICATION OF JOHN MALNATI, BUT SUSPENDS HIS PERMIT FOR THE FIRST TWO DAYS OF HIS FISHING SEASON.

PASSED UNANIMOUSLY.

Fredric A. Patti

Mr. Patti stated that he was out albacore fishing during the fall and did not receive an application in the mail. He pointed out to the Commission that he had been out to sea for an extended period of time and did not return to his home port until after the filing date.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. KAHN, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE DEPARTMENT TO ACCEPT THE 1982-83 HERRING FISHING APPLICATION OF FREDRIC A. PATTI, BUT SUSPENDS HIS PERMIT FOR THE FIRST TWO DAYS OF HIS FISHING SEASON. HE IS FURTHER ADMONISHED THAT HE MUST FILE HIS FUTURE APPLICATIONS IN A TIMELY MANNER.

PASSED UNANIMOUSLY.

Antone P. Pecarich

Mr. Pecarich stated that he had merely made a mistake and missed the required application filing date.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. BURKE, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE DEPARTMENT TO ACCEPT THE 1982-83 HERRING FISHING APPLICATION OF ANTONE P. PECARICH, BUT SUSPENDS HIS PERMIT FOR THE FIRST TWO DAYS OF HIS FISHING SEASON. HE IS FURTHER ADMONISHED THAT HE MUST FILE HIS FUTURE APPLICATIONS IN A TIMELY MANNER.

PASSED UNANIMOUSLY.

Gene Brown

The Executive Secretary stated that Mr. Brown had not requested an appeal hearing in writing prior to the October 15 deadline as specified in Section 163 (a)(5), Title 14, California Administrative Code, and therefore was not eligible for an appeal hearing at the time.

Denis Smaage clarified the Commission's authority to take no action on this request since the regulations clearly specify a deadline for making a written request for an appeal.

FAILURE TO VALIDATE PERMIT

Mr. Cribbs stated that subsection 163(b)(4) required that all permittees shall validate their permit each year by (a) landing herring during the current season or (b) if no landings are made demonstrate an intent to fish during the next successive herring season by providing written notice submitted through certified mail to the Department of Fish and Game's Menlo Park office. He pointed out that the following individuals had failed to validate their permits as required under Section 163.

Jim Grammatico

Mr. Grammatico stated that he was ill and did not fish during the 1981-82 season and had medical documentation that he was intermittently disabled. He also stated that he had fished for herring since 1978.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. KAHN, THAT THE FISH AND GAME COMMISSION HEREBY ACCEPTS THE 1982-83 HERRING APPLICATION OF JIM GRAMMATICO AND ADMONISHED HIM THAT SHOULD HE FAIL TO COMPLY WITH THE PROVISIONS OF SECTION 163 IN THE FUTURE THAT THE COMMISSION WOULD NOT BE SO LENIENT.

PASSED UNANIMOUSLY.

Tom A. Kucura

Mr. Kucura stated that due to a death in his family, he had made a mistake and neglected to file a letter with the Department.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. KAHN, THAT THE FISH AND GAME COMMISSION HEREBY ACCEPTS THE 1982-83 HERRING FISHING APPLICATION OF TOM A. KUCURA AND SUSPENDS HIS PERMIT FOR THE FIRST TWO DAYS OF HIS SEASON.

PASSED UNANIMOUSLY.

Frank Spenger, Jr.

Mr. Cribbs stated that the Commission received an October 27, 1982 letter from Lloyd R. Van Tassell, M.D. stating that Frank Spenger, Jr. would be unable to attend the Commission's November 4 appeals hearing due to the fact that he was hospitalized and would remain there until November 19.

After additional discussion and a review of the evidence related to this matter, it was then:

MOVED BY MR. KAHN, SECONDED BY DR. BURKE, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE DEPARTMENT TO ACCEPT THE 1982-83 HERRING FISHING APPLICATION OF FRANK SPENGER, JR. AND ADMONISHES HIM THAT SHOULD HE FAIL TO COMPLY WITH THE PROVISIONS OF SECTION 163 IN THE FUTURE THAT THE COMMISSION WOULD NOT BE SO LENIENT.

PASSED UNANIMOUSLY.

Sebastian Tardio

Mr. Tardio stated that he was hospitalized for surgery three times during the 1981-82 herring fishing season and was unable to fish or file the required documentation.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. KAHN, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE DEPARTMENT TO ACCEPT THE 1982-83 HERRING FISHING APPLICATION OF SEBASTIAN TARDIO AND ADMONISHES HIM THAT SHOULD HE FAIL TO COMPLY WITH THE PROVISIONS OF SECTION 163 IN THE FUTURE THAT THE COMMISSION WOULD NOT BE SO LENIENT.

PASSED UNANIMOUSLY.

POINT DISCREPANCY

Mr. Cribbs stated that the following individuals based their appeal on the fact that a discrepancy existed between the number of preference points claimed on their 1982-83 herring fishing applications and the number of points which could be verified by the Department.

The individuals listed below presented testimony and evidence which they felt substantiated their claims for additional preference points. After considering the evidence and testimony, the Commission took the following actions:

NAME	POINTS CLAIMED	POINTS VERIFIED	MOTION MOVED	SECONDED	VOTE
Vincent M. Yelusich	20	19	Galletti	Burke	Unanimous
Joseph Campo	20	18	Burke	Galletti	Unanimous
Girolamo J. Flores	20	18	Galletti	Kahn	Ayes: Galletti and Kahn No: Burke
John S. Sercia	20	19	Kahn	Burke	Unanimous
Duane Braun	19	19	Kahn	Burke	Unanimous
Edmond D. Genovese	20	18	Galletti	Burke	Ayes: Galletti and Burke No: Kahn
Antonio Davi	20	16	Kahn	Burke	Ayes: Kahn and Burke No: Galletti
Tom Wehr	20	15	Kahn	Burke	Unanimous
Anthony Campo	20	20	Kahn	Burke	Unanimous
Frank Cavaliere	18	16	Kahn	Burke	Unanimous
Giuseppe Davi	20	20	Kahn	Galletti	Unanimous
Robert V. Bogdanovich	20	17	Kahn	Galletti	Unanimous
Arthur Matsushino	20	20	Galletti	Kahn	Unanimous
John E. Koepf	20	20	Kahn	Galletti	Unanimous
Frank Pomelia	20	20	Galletti	Kahn	Unanimous
Louis May	20	20	Galletti	Burke	Unanimous
David Shake	20	20	Kahn	Galletti	Ayes: Kahn and Galletti No: Burke
John Konatich	20	17	Galletti	Burke	Unanimous
Kenneth Keeney	18	18	Kahn	Galletti	Unanimous

NAME	POINTS CLAIMED	POINTS VERIFIED	MOTION MOVED	SECONDED	VOTE
George B. Wittler	20	19	Kahn	Galletti	Unanimous
Peter Guerra	19	18	Galletti	Kahn	Unanimous
Ahmed Benji Shake	20	17	Galletti	Kahn	Unanimous
Salvatore Guerra	19	17	Galletti	Burke	Unanimous

Vincent M. Yelusich

Anthony Nizetich stated that he was representing Mr. Yelusich regarding his appeal and pointed out that although Mr. Yelusich's name did not appear on the crew list named on his application, that he had indeed fished during those years. He stated that Mr. Yelusich had also purchased commercial licenses during 1979-80 and 1980-81. Mr. Nizetich provided the Commission with written documentation substantiating his statements.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. BURKE, THAT THE FISH AND GAME COMMISSION HEREBY VERIFIES 19 POINTS FOR VINCENT M. YELUSICH FOR THE 1982-83 HERRING FISHING SEASON.

PASSED UNANIMOUSLY.

Joseph Campo

Michael Albov, attorney representing Joseph Campo, stated that Mr. Campo held commercial fishing licenses during the period 1972 through 1974 that he wished to submit Mr. Campo's Fishermen's Union Fishing Book and receipts and pay slips for that period. Mr. Albov stated that he felt this constituted sufficient evidence that Mr. Campo indeed held a commercial license during the years in question.

After additional discussion, it was then:

MOVED BY DR. BURKE, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF JOSEPH CAMPO FOR ADDITIONAL POINTS FOR THE 1982-83 HERRING FISHING SEASON.

PASSED UNANIMOUSLY.

Girolamo J. Flores

Michael Albov representing Mr. Flores asked that he be treated by the Commission as an individual who should have had a permit in 1977. Mr. Albov noted that he was merely asking for equitable relief in that his client qualified for a permit at that time.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. KAHN, THAT
THE FISH AND GAME COMMISSION HEREBY VERIFIES 18
POINTS FOR GIROLAMO J. FLORES FOR THE 1982-83
HERRING FISHING SEASON.

AYES: COMMISSIONERS GALLETTI AND KAHN

NO: COMMISSIONER BURKE

John S. Sercia

Mr. Sercia stated that he had purchased a commercial fishing license during the years in question between 1972 and 1977. He provided the Commission with documentation, which he said substantiated his statement.

After additional discussion, it was then:

MOVED BY MR. KAHN, SECONDED BY DR. BURKE, THAT
THE FISH AND GAME COMMISSION HEREBY VERIFIES
19 POINTS FOR JOHN S. SERCIA.

PASSED UNANIMOUSLY.

Duane Braun

Mr. Braun stated that he had purchased a commercial fishing license during 1972-73.

Robert Marlowe testified that he knew that Mr. Braun had purchased a license during the year in question.

After additional discussion, it was then:

MOVED BY MR. KAHN, SECONDED BY DR. BURKE, THAT
THE FISH AND GAME COMMISSION HEREBY VERIFIES
19 POINTS FOR DUANE BRAUN FOR THE 1982-83 HERRING
FISHING SEASON.

PASSED UNANIMOUSLY.

Edmond D. Genovese

Mr. Genovese stated that he held a fishing license during the years in question between 1972 and 1977. He provided the Commission with documentation which he felt would substantiate his statement.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. BURKE, THAT
THE FISH AND GAME COMMISSION HEREBY VERIFIES 18
POINTS FOR EDMOND D. GENOVESE FOR THE 1982-83
HERRING FISHING SEASON.

AYES: COMMISSIONERS GALLETTI AND BURKE
NO: COMMISSIONER KAHN

Antonio Davi

Mr. Davi stated that he knew he held a commercial fishing license during the period 1972 through 1979, but could only find records for three additional years. He then presented copies of fishing licenses for the 1975-76, 1977-78 and 1978-79 fishing seasons.

After additional discussion, it was then:

MOVED BY MR. KAHN, SECONDED BY DR. BURKE, THAT
THE FISH AND GAME COMMISSION HEREBY VERIFIES 16
POINTS FOR ANTONIO DAVI FOR THE 1982-83 HERRING
FISHING SEASON.

AYES: COMMISSIONERS KAHN AND BURKE

NO: COMMISSIONER GALLETTI

Tom Wehr

Mr. Wehr stated that although he no longer had the fishing licenses, he had pink tickets for the years 1975-76 and 1979-80 which he felt proved he had obtained a commercial license during those years.

After additional discussion, it was then:

MOVED BY MR. KAHN, SECONDED BY DR. BURKE, THAT
THE FISH AND GAME COMMISSION HEREBY VERIFIES 15
POINTS FOR TOM WEHR FOR THE 1982-83 HERRING
FISHING SEASON.

PASSED UNANIMOUSLY.

Anthony Campo

Mr. Campo stated that he had obtained a license and fished during the period 1972 through 1974 and felt that the records may be complicated since he used several first names during that period.

After additional discussion, it was then:

MOVED BY MR. KAHN, SECONDED BY DR. BURKE, THAT
THE FISH AND GAME COMMISSION HEREBY VERIFIES 20

POINTS FOR ANTHONY CAMPO FOR THE 1982-83 HERRING FISHING SEASON.

PASSED UNANIMOUSLY.

Frank Cavaliere

Mr. Cavaliere stated that he had obtained a commercial fishing license during the 1972-73 and 1974-75 fishing seasons and that letters provided by his skipper testified to that fact.

After additional discussion, it was then:

MOVED BY MR. KAHN, SECONDED BY DR. BURKE, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF FRANK CAVALIERE FOR ADDITIONAL POINTS FOR THE 1982-83 HERRING FISHING SEASON.

PASSED UNANIMOUSLY.

Giuseppe Davi

Mr. Davi claimed that he had indeed obtained the required crew experience during 1979-80 and provided a notarized statement from the captain to that effect.

After additional discussion, it was then:

MOVED BY MR. KAHN, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION HEREBY VERIFIES 20 POINTS FOR GIUSEPPE DAVI FOR THE 1982-83 HERRING FISHING SEASON.

PASSED UNANIMOUSLY.

Robert V. Bogdanovich

Mr. Bogdanovich stated that he had provided notarized statements from his captain to the effect that he had worked on the boat prior to the 1980-81 fishing season. He pointed out that although he did not actually go to sea and set the nets on fish, that he had helped rig the boat prior to fishing.

After additional discussion, it was then:

MOVED BY MR. KAHN, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF ROBERT V. BOGDANOVICH FOR ADDITIONAL POINTS FOR THE 1982-83 HERRING FISHING SEASON.

PASSED UNANIMOUSLY.

Arthur Matsushino

Mr. Matsushino stated that he had detailed records for the 1979-80 season and that he owned the boat in question. He pointed out that through an error, his name was not listed on the crew list for that year.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. KAHN, THAT
THE FISH AND GAME COMMISSION HEREBY VERIFIES 20
POINTS FOR ARTHUR MATSUSHINO FOR THE 1982-83
HERRING FISHING SEASON.

PASSED UNANIMOUSLY.

John E. Koepf

Mr. Koepf stated that he had fished for two days during the 1979-80 fishing season and had provided a notarized statement from the captain indicating that fact and that his name should have appeared on the crew list when submitted.

After additional discussion, it was then:

MOVED BY MR. KAHN, SECONDED BY MR. GALLETTI, THAT
THE FISH AND GAME COMMISSION HEREBY VERIFIES 20
POINTS FOR JOHN E. KOEPF FOR THE 1982-83 HERRING
FISHING SEASON.

PASSED UNANIMOUSLY.

Frank Pomelia

Donald E. Dana, representing Frank Pomelia, stated that he had notarized statements from the skipper indicating that he had forgotten to list Mr. Pomelia's name on the required crew list for 1979-80 and noted that it was merely an oversight. Mr. Dana pointed out that Mr. Pomelia had been a commercial fisherman for over 36 years and at one time held a herring fishing permit.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. KAHN, THAT
THE FISH AND GAME COMMISSION HEREBY VERIFIES 20
POINTS FOR FRANK POMELIA FOR THE 1982-83 HERRING
FISHING SEASON.

PASSED UNANIMOUSLY.

Louis May

Mr. May stated that he had participated in the fishery during 1980-81 and 1981-82 and showed the Commission copies of paychecks for his efforts. He

pointed out that he did not know why his name did not appear on the crew list for the years in question.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. BURKE, THAT
THE FISH AND GAME COMMISSION HEREBY VERIFIES 20
POINTS FOR LOUIS MAY FOR THE 1982-83 HERRING
FISHING SEASON.

PASSED UNANIMOUSLY.

David Shake

Mr. Shake stated that he had participated in the fishery during 1979-80 and 1980-81 and then presented the Commission with a copy of a letter from the skipper and receipts for sale of fish during the two years in question.

After additional discussion, it was then:

MOVED BY MR. KAHN, SECONDED BY MR. GALLETTI, THAT
THE FISH AND GAME COMMISSION HEREBY VERIFIES 20
POINTS FOR DAVID SHAKE DURING THE 1982-83 HERRING
FISHING SEASON.

AYES: COMMISSIONERS KAHN AND GALLETTI
NO: COMMISSIONER BURKE

John Konatich

Mr. Konatich provided notarized statements from the skipper for his crew experience during 1980-81.

Paul Wood testified that he had witnessed Mr. Konatich fishing on board a vessel during 1981-82.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. BURKE, THAT
THE FISH AND GAME COMMISSION HEREBY VERIFIES 17
POINTS FOR JOHN KONATICH FOR THE 1982-83 HERRING
FISHING SEASON.

PASSED UNANIMOUSLY.

Kenneth Keeney

Mr. Keeney stated that although he was not listed as a crew member during 1979-80 that he had worked in the fishery and provided a letter from the skipper to that effect.

After additional discussion, it was then:

MOVED BY MR. KAHN, SECONDED BY MR. GALLETTI, THAT
THE FISH AND GAME COMMISSION HEREBY VERIFIES 18
POINTS FOR KENNETH KEENEY FOR THE 1982-83 HERRING
FISHING SEASON.

PASSED UNANIMOUSLY.

George B. Wittler

Mr. Wittler stated that he had purchased a commercial fishing license during 1977-78 and showed the Commission a copy of his income tax return claiming the license fee as a deduction. He also pointed out that although his name did not appear on the required list, he did obtain crew member experience during the 1979-80 season.

After additional discussion, it was then:

MOVED BY MR. KAHN, SECONDED BY MR. GALLETTI, THAT
THE FISH AND GAME COMMISSION HEREBY VERIFIES 19
POINTS FOR GEORGE B. WITTLER FOR THE 1982-83
HERRING FISHING SEASON.

PASSED UNANIMOUSLY.

Peter Guerra

Vince Aliotti stated that he was representing Mr. Guerra who did not speak English very well. Mr. Aliotti stated that he saw Mr. Guerra's commercial fishing license during 1973-74 and had copies of letters from skippers verifying that Mr. Guerra had obtained crew experience during 1980-81 and 1981-82.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. KAHN, THAT
THE FISH AND GAME COMMISSION HEREBY VERIFIES 18
POINTS FOR PETER GUERRA DURING THE 1982-83 HERRING
FISHING SEASON.

PASSED UNANIMOUSLY.

Ahmed Benji Shake

Mr. Shake stated that he had records to prove that he had obtained crew member experience during the 1979-80 and 1981-82 seasons. He also pointed out that although he had no copies, he had obtained a commercial fishing licenses during the years in question between 1972-1979.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. KAHN, THAT
THE FISH AND GAME COMMISSION HEREBY VERIFIES 17
POINTS FOR AHMED BENJI SHAKE FOR THE 1982-83
HERRING FISHING SEASON.

PASSED UNANIMOUSLY.

Mr. Cribbs stated that the following individuals had requested an appeal related to their 1982-83 herring fishing applications, but had failed to respond when their names were called. He, therefore, advised the Commission to examine the material provided by these individuals and that a motion related to their requests would be in order.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. KAHN, THAT
THE FISH AND GAME COMMISSION HEREBY DENIES THE
APPEAL REQUESTS OF THE FOLLOWING INDIVIDUALS
REGARDING THEIR 1982-83 HERRING FISHING APPLICA-
TIONS.

IGNAZIO RANDAZZO
SAUVEUR LUCCA
VINCENZO VENZA
SALVATORE COSTA
BRUCE MANIX
FRED ARROWSMITH
CHARLES R. ORR

PASSED UNANIMOUSLY.

HARDSHIP REQUESTS

The Executive Secretary pointed out to the Commission that several individuals had requested an appeal based on hardship considerations. He noted that in the past, the Commission had not considered requests for hardship appeals.

Peter Van der Naillen stated that the Commission had no authority to grant preference points for hardship considerations since such criteria were not included in their regulations. He, therefore, advised the Commission not to take testimony related to this type of appeal.

Commissioners Galletti and Kahn voiced their concerns regarding the Commission's lack of authority and potential legal problems related to conducting hearings regarding hardships.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. KAHN, THAT
THE FISH AND GAME COMMISSION HEREBY DENIES ALL

REQUESTS FOR PREFERENCE POINTS FOR THE 1982-83
HERRING FISHING SEASON BASED ON HARDSHIP
CONSIDERATION.

PASSED UNANIMOUSLY.

Judy Haines stated that she felt that boat owners should receive preference in the allocation of herring permits and asked that the Commission consider a special appeal in her case.

Mr. Cribbs pointed out that each year the herring fishing regulations in Section 163, Title 14, are open for public review and recommendations, and that he suggested that Ms. Haines make her concerns known to the Commission at that time. He also pointed out that since she had failed to submit a written request for an appeal prior to the October 15 due date, that no such appeal hearing could be granted at this time.

Mr. Cribbs asked the Commission to hear an additional item regarding reinstatement of Frank T. Leal's commercial lobster fishing privileges and the Commission concurred.

1a. REQUEST OF FRANK T. LEAL FOR CONSIDERATION OF REINSTATEMENT OF COMMERCIAL
LOBSTER FISHING PERMIT.

Mr. Cribbs stated that Frank T. Leal had contacted the Commission office and asked that his commercial lobster fishing privileges be reinstated. He noted that the Commission revoked Mr. Leal's privileges on May 3, 1974 for a period of one year and ordered him to appear before it prior to a new permit being issued to him. Mr. Cribbs noted that the Commission predicated its action on the fact that Mr. Leal was convicted on October 29, 1973 for possession of two undersized lobsters.

Director Fullerton stated that since Mr. Leal had no subsequent convictions, that the Department was not opposed to his lobster fishing privileges being reinstated at this time.

After additional discussion, it was then:

MOVED BY MR. KAHN, SECONDED BY MR. GALLETTI, THAT
THE FISH AND GAME COMMISSION HEREBY REINSTATES THE
COMMERCIAL LOBSTER FISHING PRIVILEGES OF FRANK T.
LEAL AND ADMONISHES HIM THAT SHOULD ANY FUTURE
VIOLATIONS OF THE LAWS OR REGULATIONS PERTAINING
TO THE TAKE OF LOBSTER BE BROUGHT TO THE ATTENTION
OF THE COMMISSION, THAT IT WOULD BE DEALT WITH
IN THE MOST SEVERE MANNER AVAILABLE.

PASSED UNANIMOUSLY.

There being no additional items before the Commission, the meeting was adjourned at 9:10 p.m.

State of California
FISH AND GAME COMMISSION

Pursuant to the call of the President, the Commission met in the City Council Chambers, 1313 California Street, Redding on November 5, 1982. The meeting was called to order at 8:25 a.m. by President Livermore.

Persons present:

FISH AND GAME COMMISSION

Norman B. Livermore, Jr.	President
Raymond F. Dasmann, Ph.D.	Vice President
Abel C. Galletti	Member
William A. Burke, Ed.D.	Member
Brian J. Kahn	Member

COMMISSION STAFF

Harold C. Cribbs	Executive Secretary
Terry M. Mansfield	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
A. Petrovich, Jr.	Chief, Marine Resources Branch
Don Weidlein	Associate Fishery Biologist
Joseph Baima	Warden
Mike Moore	Warden

The following persons were also present and heard:

Noel Snyder	Condor Research Center
Judi H. Johnson	Tehama County Supervisor
Dick Austin	Trinity County Supervisor
Dale Bassett	Cricket Grower
Dick May	California Trout
Steve Hinton	Sportsman
Carol Hill	Sportswoman
Charlie Moss	Sportsman
Dave Stillwell	Sportsman
Jack Brush	Sportsman
Rudy Mangué	California Abalone Association
Louis Price	Sportsman

William McQuen
John Reid
Emil Paulsen
John Foley
William Braum
Bill Chapell
John Reginato
Max Brown
Bruce Newstead
Egan Gunther
Phil Dole
Wayne Webster
John Roush
Jim Finch
Tony West
Michael Mitchelach
Vic Adkins

Bob Arbuckle
Bill Lightfoot
Ken Beer
Ron Lipton
Keith Brown
Ed Murrison
Mats Engstrom
Ronald Peacock
Leo Mitrovich
Russell Wilson
Richard Hagel
Griffith Savage
William Wickliffe
Edward Hardesty

Shasta Lake Marina Operator
Sportsman
Western Bait Farm
Shasta Lake Fly Fishers Club
Sportsman
Shasta Resort Owners Association
Shasta-Cascade Wonderland Association
Sportsman
Shasta Resort Owners Association
Shasta Lake Resort Owner
Shasta Lake Resort Owner
Shasta Lake Resort Owner
Sportsman
Commercial Abalone Diver
California Gill Netters Association
Sportsman
Northern California Salmon and
Steelhead Association
Fishing Guide
Sportsman
The Fishery
Whitewater Sturgeon, Inc.
Arrowhead Fisheries, Inc.
Calaveras Trout Farm
California Sunshine, Inc.
Commercial Lobster Fisherman
Commercial Herring Fisherman
Commercial Herring Fisherman
Commercial Salmon Fisherman
Commercial Salmon Fisherman
Sportsman
Applicant for Guide's License

2. READING AND APPROVAL OF MINUTES OF OCTOBER 1, 1982 MEETING.

The Executive Secretary stated that the minutes for the October 1, 1982 meeting had been distributed to members of the Commission and that the staff knew of no errors or omissions therein and suggested that they be approved in their present form.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. BURKE, THAT
INASMUCH AS THE MINUTES OF THE OCTOBER 1, 1982 MEETING
HAVE BEEN DISTRIBUTED TO MEMBERS OF THE COMMISSION AND
THERE ARE NO KNOWN ERRORS OR OMISSIONS THEREIN, READING
BE DISPENSED WITH AND THEY BE APPROVED AS DISTRIBUTED.

PASSED UNANIMOUSLY.

3. RECEIPT OF REPORT REGARDING CALIFORNIA CONDOR RECOVERY PROGRAM AND CONSIDERATION OF REQUEST OF U.S. FISH AND WILDLIFE SERVICE FOR A MODIFICATION OF TERMS AND CONDITIONS OF APPENDIX B RE: RADIO TELEMETRY STUDIES.

Mr. Cribbs stated that personnel from the Condor Research Center were prepared to brief the Commission on the current status of the recovery program including information on the recently trapped, marked and released immature condor. He stated that in addition, the U.S. Fish and Wildlife Service had requested that the Commission consider a modification of the terms and conditions of Appendix B to its Memorandum of Understanding regarding the California Condor Recovery Program pertaining to the radio telemetry studies. The Executive Secretary noted that Commissioners had before them a copy of the U.S. Fish and Wildlife Service's proposal and that the Department would make its recommendation concerning the request following the Research Center's briefing.

Dr. Noel Snyder, Condor Research Center, summarized the events and the circumstances related to the successful capture, marking and release of an immature male condor which occurred in early October. He noted that the bird exhibited no adverse reaction to the trapping and handling and that the radio telemetry equipment was performing well. Dr. Snyder stated that Research Center staff had documented the bird actively feeding on deer carcasses and utilizing new roosting areas in the southern Sierra. He also pointed out that during the relatively short monitoring period to date, that the bird had directed researchers to other condors which was an unexpected benefit to the program. Dr. Snyder concluded by stating that the Research Center staff was very pleased with the current status of the radio telemetry program.

Dr. Dasmann asked Dr. Snyder to provide a more detailed description of the actual trapping effort.

Dr. Snyder stated that no unexpected problems occurred and that although the bird struggled initially, it soon settled down and both blood sampling and placement of the radio transmitter took less than one hour and went very well. He also pointed out that monitoring efforts involved both aerial and ground units and that a few problems were encountered in obtaining permission to enter private lands. Dr. Snyder then stated that the most recent evidence indicated that fewer individuals existed in the population than was estimated a few months earlier. He pointed out that the best estimate currently was approximately 20 individuals and that the mortality rate appeared much higher than previously thought, perhaps approaching 25% of the population annually as opposed to the recruitment of 2 to 3 young birds each year.

Director Fullerton stated that the Fish and Wildlife Service was asking for additional flexibility to continue trapping efforts, allowing them to take a female mate for Topatopa and to obtain the second bird for radio telemetry. He pointed out that through the Research Center's photographic identification efforts, that they were now able to identify an adult female which was known to be unpaired and that they requested the Commission's approval to trap this bird for incorporation into the captive breeding program. Director Fullerton pointed out that the Chairman of the Condor Advisory Committee had indicated the group's objection to revision of the radio telemetry aspects of the permit.

Commissioner Kahn asked Director Fullerton if the U.S. Fish and Wildlife Service was asking permission to trap a single adult.

Director Fullerton stated, no, the request did not specifically include the ability to trap the single adult, but noted it would certainly be helpful.

Mr. Cribbs summarized Dr. Herman's comments on behalf of the Condor Advisory Committee noting that it was not opposed to the capture of the adult female which was known to be unpaired, but was opposed to any alteration of the radio telemetry aspects of the permit.

Dr. Snyder stated that the optimum trapping season may only extend for two additional weeks. He also pointed out that capture of an additional immature bird would be difficult in that short time frame, but that there was a high probability of capturing an adult within the next two weeks.

The Executive Secretary clarified the Commission's authority to amend the terms of the permit and pointed out that all requirements related to public notice on the matter had been met.

Director Fullerton stated that although he supported the initial flexibility to obtain a second bird for radio telemetry, he did not want the effort for obtaining the mate for Topatopa to be slowed down.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF THE U.S. FISH AND WILDLIFE SERVICE FOR A MODIFICATION OF THE TERMS AND CONDITIONS OF APPENDIX B OF ITS MEMORANDUM OF UNDERSTANDING CONCERNING THE CALIFORNIA CONDOR TO PROVIDE THAT EITHER ONE MATURE OR IMMATURE BIRD MAY BE CAPTURED AND UTILIZED FOR RADIO TELEMETRY PURPOSES AND THAT EITHER AN IMMATURE FEMALE OR THE ADULT FEMALE WHICH IS KNOWN TO BE UNPAIRED MAY BE CAPTURED AND INCORPORATED IN THE CAPTIVE BREEDING PROGRAM. THE COMMISSION FURTHER STIPULATED THAT IN ORDER TO ACCOMPLISH THESE SPECIFIED ACTIVITIES THAT THE PROJECT PERSONNEL MAY TRAP A SINGLE ADULT IF THE OPPORTUNITY PRESENTS ITSELF.

PASSED UNANIMOUSLY.

Commissioner Kahn stated that he wished to explain his vote on the matter. He noted that he was convinced by testimony provided since the August 5, 1982 meeting that the radio telemetry aspects of the research program were much safer than initially indicated and that the situation was more critical now than previously indicated. Mr. Kahn specifically cited the new evidence on the low population size and that as demonstrated by the capture and tagging of an immature male, that radio telemetry was not unduly hazardous to the birds.

4. CONSIDERATION OF PROPOSED CHANGES IN SPORT FISHING REGULATIONS FOR 1983 AND ANNOUNCEMENT OF REGULATIONS COMMISSION INTENDS TO ADOPT RELATING TO FISH, AMPHIBIA, REPTILES AND INVERTEBRATES.

Mr. Cribbs stated that Commissioners had before them copies of the correspondence and list of recommendations received from the public concerning sport fishing regulations for 1983. He pointed out that the Department's pre-publication of notice statements for each of the proposed changes along with the proposed regulations in strike out and underline format were provided to the Commission at its October 1, 1982 meeting. The Executive Secretary noted that responses to the public recommendations were prepared by the Department and each Commissioner had received copies which recommended either denial of the proposal, modification and acceptance or acceptance as originally presented. He pointed out that where the Department recommended acceptance of the proposal, the pre-publication of notice statement was also provided and that all pre-publication of notice statements included a review of the environmental concerns involved in each of the issues.

Mr. Cribbs then stated that as is the case each fall, the Commission opens to review its regulations in Part 1 (Fish, Amphibia and Reptiles) Chapter 1 (General Provisions and Definitions), Chapter 2 (Statewide Regulations for Fishing and Frogging in Inland Waters), Chapter 3 (District Trout, Salmon and Special Regulations), Chapter 4 (Ocean Fishing) and Chapter 5 (Reptiles and Amphibians). He noted that the fact that the Commission was conducting this review and was holding hearings on these regulations had been duly noticed both in the Administrative Register and in a newspaper of general circulation in each county of the state.

The Executive Secretary noted that each proposed regulation change submitted by the Department would be discussed and if the Commission elected to depart from the Department's recommendation, a vote on that issue would be in order. He stated that all correspondence received by the Commission office in support of or opposition to recommendations under consideration was brought to the Commission's attention and copies of that correspondence was before each Commissioner. Mr. Cribbs noted that the Fish and Game Code required that this "tentative approvals" meeting be devoted to open public discussion of and presentation of objections to the recommendations presented to the Commission at the meeting in October. He pointed out that after considering such discussions and objections, the Commission, at this meeting, was required to announce the regulations which it proposed to make relative to fish, amphibians, reptiles and invertebrates for the 1983 seasons. Mr. Cribbs further suggested that after the Commission had gone through the list of Department recommendations, that it then listen to public discussion of any subject brought up at the October meeting, but not contained in the Department's recommendations.

Mr. Cribbs then stated that the proposed changes now before the Commission and available to the public included four sections filed as emergency regulations which would also be discussed at this meeting and confirmed on December 3 in Los Angeles. Mr. Cribbs then proceeded to read through the proposed changes noting that any member of the public wishing to speak on one of the regulations should come forward when the section number was called, and the following discussions took place.

With respect to Section 13.85, Trinity River Closure; Dick Austin, Trinity County Supervisor, stated that he felt the fishing closure from Douglas City to Lewiston Bridge was unnecessary and should be removed during the period March through May. He said that it was not needed to protect juvenile salmon since most of the fish were planted.

Director Fullerton stated that the Department recommended denial of this recommendation and pointed out that both native and planted juvenile salmon needed protection prior to their movement downstream.

With respect to Sections 9.26 and 9.30, Eel River; Dick May, California Trout, stated that the two regulations needed further clarification and suggested that wording be revised to eliminate confusion regarding artificial lures.

Mr. Cribbs stated that Section 9.26, Eel River, Main Stem Restrictions, Mendocino and Lake counties, was a new section added to permit angling in a 30 mile section of the Eel River which was inadvertently closed to fishing in 1982. He noted that with the Commission's concurrence of its meeting in Los Angeles on December 3, this regulation would be filed as an emergency to become effective immediately upon filing and would hopefully go into effect about December 10, 1982.

Dale Bassett, Visalia cricket grower, recommended elimination of gear restrictions requiring the use of artificial lures only. He pointed out that he was concerned that such regulations excluded most fishermen and favored special interests, primarily fly fishermen. Mr. Bassett stated that he felt no regulations should exclude any group of fishermen and that if the resource needed protection that a total fishing closure should be utilized rather than a regulation which favored a special user group. He suggested that bait fishermen should be allowed to fish in any open water.

Dick May stated that the regulations related to artificial lure requirements did not discriminate against people, they did discriminate against certain fishing techniques. He pointed out that California Trout strongly opposed Mr. Bassett's recommendation and noted that any fisherman could utilize the artificial lures required under such regulations.

Commissioner Kahn asked the Department if catch and release requirements were established by statute related to designation of wild trout waters.

Director Fullerton stated that the Department was required to identify and recommend additions to the wild trout waters designation each year and that it was intended to offer additional fishing opportunities while achieving certain management goals.

Steve Hinton, Oroville bait dealer, stated that he was concerned that artificial lure restrictions limited opportunities for young fishermen since many kids were not coordinated enough to use flies or other special gear.

Carol Hill stated that she liked to be able to obtain her own bait and take youngsters fishing. She noted that people on restricted budgets could not afford to purchase special gear such as lures and flies. Ms. Hill pointed out that bait fishing was much cheaper and gave fishermen more opportunities.

Charlie Moss stated that the public can not view fisheries resources as food resources and pointed out that they are recreational resources. He noted that with increased human population pressures, many of the state's fishery resources could not sustain unlimited use and that artificial gear restrictions were merely a management tool to allow additional fishing opportunities.

Dave Stillwell stated that he felt the use of access closures in wilderness areas with sensitive fisheries should be used rather than gear restrictions. He recommended that land use plans to control access should be considered to avoid excess pressure on fish resources.

Jack Brush stated that he felt the greatest use of the resource could only be obtained through the use of artificial lure restrictions where appropriate to allow additional fishing opportunities without excessive harvest.

With respect to Section 29.05; Rudy Mangué, California Abalone Association, recommended that a specified type sport abalone picking bar be required for taking abalone under the sport fishing regulations. He suggested that the Commission and the Department be involved in developing this standard type of picking bar.

Commissioner Kahn stated that he was concerned that the current regulations regarding special gear provisions for taking abalone were ambiguous and failed to define what was "round" or "sharp" in describing the sport picking bar restrictions.

Rudy Mangué stated that in addition to requirements for a standard sport picking bar for abalone, he also requested that the Commission stipulate that a standard measuring device be required for any person taking abalone under the sport fishing regulations. He pointed out that a U-shaped, caliper-type gauge suitable for accurately determining the size of various species of abalone should be required by the Commission.

After additional discussion, it was then:

MOVED BY MR. KAHN, SECONDED BY MR. GALLETTI, THAT
THE FISH AND GAME COMMISSION HEREBY AMENDS THE
PROPOSED SECTION 29.15, ABALONE, TO INCLUDE A
REQUIREMENT FOR A STANDARD U-SHAPED, CALIPER-TYPE
MEASURING DEVICE CAPABLE OF ACCURATELY MEASURING THE
SIZE OF VARIOUS SPECIES OF ABALONE BE REQUIRED FOR
ALL PERSONS TAKING ABALONE UNDER THE SPORT FISHING
REGULATIONS.

PASSED UNANIMOUSLY.

With respect to Section 4.00, Bait-General; Dale Bassett recommended that the Commission lift the ban on the use of crickets as bait in Shasta Lake. He pointed out that designating a closed season instead of banning crickets would be more effective and preferred by most fishermen. Mr. Bassett noted that the available information from the Department of Fish and Game was obtained during the early 1970's and had no bearing on the current bass population in Shasta Lake. He also pointed out that the Department's management goals for Shasta Lake bass had not been defined and that evidence indicated that the smallmouth bass take made up only about 9% of the total fish harvest. Mr. Bassett then cited information he said was obtained from a recent bass fishing tournament in Shasta Lake which he felt indicated that the smallmouth bass population was in fairly good shape. He then stated that if the Department was concerned about this smallmouth bass population, why had it transplanted smallmouth bass from the lake into the Pitt River, thereby reducing their reproductive potential. Mr. Bassett also pointed out that various studies had indicated that the use of larger hooks was more damaging to juvenile smallmouth bass than just the use of crickets as bait.

Jack Brush stated that he served as tournament director for the bass fishing tournament referred to by Mr. Bassett and then proceeded to contradict a number of statements made by Mr. Bassett regarding fishing success and average weight of fish taken.

Louis Price stated that he felt the use of crickets allowed entire schools of young smallmouth bass to be eliminated since heavy fishing pressure was placed on the cove areas which were inhabited by these young fish. He encouraged the Commission to continue the ban on the use of crickets as bait in Shasta Lake.

William McQuen stated that he felt that egg predation by carp was a major cause of the decline in the smallmouth bass population. He recommended that the ban on the use of crickets be lifted, but that the 12-inch minimum size be retained in Shasta Lake.

Dave Stillwell stated that he questioned the effectiveness of the catch and release concept in terms of improving the smallmouth fishery in Shasta Lake. He suggested establishing a limit for the number of fish which could be taken, and noted that he felt most fishermen would merely keep the number of fish and not release any injured fish. Mr. Stillwell also recommended that additional restrictions be placed on bass fishing tournaments and cautioned against individuals using the information obtained in these events as being representative of the fishery as a whole since they tend to select for larger fish.

John Reid stated that he felt the claims of economic impacts on the local economy of the Redding area had not materialized as originally predicted by people opposed to the cricket ban. He pointed out that he felt the houseboat fishermen put a great deal of pressure on smallmouth bass especially during the spring. Mr. Reid asked the Commission to retain the current regulations in order to determine how well they work over a two and three year period.

Emil Paulsen, Western Bait Farm, pointed out that the 12-inch minimum size limit alone was originally proposed for 1982 regulations. He also stated that

other alternatives to the ban on the use of crickets were also proposed prior to adoption of the 1982 regulations including cutting of fish lines rather than hook removal. Mr. Paulsen concluded by stated that he felt the issues had not been thoroughly discussed prior to adoption of the existing regulations at the December 1981 Commission meeting.

Mr. Cribbs pointed out for the record that the public was notified of an opportunity to provide testimony at the December 1981 Commission meeting, and that all required public notice requirements were met by the Commission prior to adoption of the 1982 sport fishing regulations.

John Foley, Shasta Fly Fishers Club, stated that he supported the existing regulations related to the 12-inch minimum size limit for bass and the prohibition on the use of crickets as bait in Shasta Lake.

William Braum stated that he felt that the ban on the use of crickets was created for the members of bass clubs who were generally professional fishermen.

Bill Chapell stated that he supported the current regulations regarding protecting Shasta Lake smallmouth bass.

Carol Hill stated that she did not understand the need for the ban on the use of crickets as bait in Shasta Lake, since no conclusive evidence to support it had been provided by the Department of Fish and Game. She asked that if data were available to document the need, that it be brought out at this time.

John Reginato quoted recreation and fishing days use information provided by the federal government for the Shasta Lake area and pointed out that declines from previous years were primarily the result of economic conditions rather than the existing fishing regulations. He noted that he was primarily concerned for the maintenance of healthy natural resources which were needed to support local tourism in the long run.

Max Brown stated that he felt that resort owners supported the existing regulations since their clients were not primarily interested in fishing. He noted that most local residents were interested and that the existing regulations on the use of crickets as bait severely impacted their fishing opportunities.

Charlie Moss summarized the history of the local movement in support of the current regulations, pointing out that the ban on the use of crickets as bait was needed to complement the 12-inch minimum size limit on bass in Shasta Lake. He noted that he felt the smallmouth bass fishery in Shasta Lake was sick and needed protective regulations to allow its recovery. Mr. Moss stated that additional research was needed to determine all the problems with the fishery.

Steve Hinton stated that he questions the source of the data which supported the need for existing regulations prohibiting the use of crickets as bait in Shasta Lake. He noted that the catch and release of young smallmouth bass, less than 12 inches in length, caused excess mortality. Mr. Hinton claimed that there was a lack of good baseline data for the smallmouth bass population prior to the regulations being adopted. He asked that if information was available in support of the regulations that it be brought out at this time.

Bud Newstead stated that the Resort Owners Association took input from all interested groups including local fishermen. Mr. Newstead stated that their major concern was for the long-term resource conditions.

Egan Gunther pointed out that bass tournament fishermen only use lures and he felt that there was no need to place additional restrictions on their events in Shasta Lake.

Phil Dale, Shasta Chamber of Commerce, stated that he was opposed to the cricket ban and bass tournaments during the spring spawning period but was in support of the 12-inch minimum size limit for bass in Shasta Lake.

Wayne Webster stated that he was opposed to the ban on the use of crickets in Shasta Lake from the economic stand point, but noted that he felt it was necessary for the recovery of the smallmouth bass population.

Commissioner Kahn asked the Department if there was a need for the ban on the use of crickets as bait outside the spring spawning period.

Don Weidlein, Associate Fishery Biologist in the Department's Region 1 office, stated that small fish needed protection over a longer period to insure their survival. He noted that the Department had obtained prior electrofishing data on the smallmouth bass population in selected coves within Shasta Lake. Mr. Weidlein pointed out that the Department was in the process of obtaining additional data on the post regulation conditions. He stated that the release of fish less than 12-inches in length and the ban on the use of crickets as bait were needed to assist in the bass recovery effort. Mr. Weidlein also stated that the Department was doing additional experimental habitat improvement work to help the bass population, but that these activities would take a long time and a great deal of money to significantly increase the bass productivity in Shasta Lake.

Director Fullerton stated that he felt that more time was required to thoroughly evaluate the existing regulations and their potential benefits to the bass population.

Jack Brush stated that he felt the minimum period during which the use of crickets as bait should be prohibited would be March through August. He noted that the bass fishing clubs did not hold tournaments during the spring prior to April 15.

Commissioner Dasmann asked the Department how long it would take to evaluate the effectiveness of the existing regulations.

Don Weidlein stated that since it took about two years for bass to reach the minimum size of 12 inches that it would take an additional two to three years to do a good evaluation.

Ed Hardesty asked if the Department's budget and program reductions would result in doing away with the ability to evaluate the subject regulations and management programs in Shasta Lake.

Director Fullerton stated that although some responsibilities would be transferred to the regional offices that the ability to evaluate the program would be retained.

With respect to Section 10.03, Trout and Salmon; John Roush stated that he was concerned about the trout fishery, particularly Mackinaw trout in Lake Tahoe. He stated that there had been a drastic decline in the number of large fish taken over the past twenty years. Mr. Roush stated that he felt an all year season and five fish limit was too liberal. He cited data from participants in trout fishing contests to document the decline of the average size of fish taken.

Director Fullerton stated that regulations related to Lake Tahoe needed to conform to the State of Nevada's regulations. He said that the Department had contacted Nevada and planned to cooperatively review the Lake Tahoe situation during the next year.

Dick May stated that in the spirit of cooperation, California Trout had not recommended a regulation change for Lake Tahoe. He asked that the Commission consider the Department's information and the concern of fishermen regarding the decline in the number of larger trout now being taken.

Commissioner Kahn stated that he felt it was important to state in the record that the Commission fully supports the need for cooperation between California and Nevada on the lake trout resource in Lake Tahoe.

With respect to Section 29.15, Abalone; Rudy Mangué recommended that the minimum size limit for abalone be increased to correspond to the size limits for the commercial take of abalone.

Director Fullerton stated that the Department felt that the current regulations were adequate for the sport take of abalone. He pointed out that the intense human take both by sport and commercial users plus other predation was placing a great deal of pressure on the state's abalone resource. He recommended that the Commission retain the existing regulations regarding the minimum size of sport caught abalone.

Commissioner Kahn asked the Department if it was pushing hard for legislative change to provide for felony violation for selling or trading sport caught abalone. He pointed out that he felt there were problems associated with both too many people seeking to take abalone legally, as well as intense pressure to take abalone illegally as a result of the high price which could be obtained.

Director Fullerton stated that the Department had proposed legislation to provide for felony convictions on the sale of illegally taken abalone and that it was looking at a number of management options available including shortening of the season for the sport take.

Commissioner Kahn stated that he wanted the Commission to consider prohibiting the use of SCUBA gear on the north coast if the Department agreed that underwater poaching of abalone was a major problem. He then asked the Department to give serious consideration to recommendations for regulations for sport fishing to more effectively protect abalone on the north coast.

Jim Finch stated that he supported the increase in the sport size limit for abalone to bring it into conformance with the commercial size limits. He pointed out that sport and commercial size limits were the same for lobster and no major problems had resulted from those regulations. Mr. Finch stated that the California Abalone Association had brought recommendations for regulation changes to the Department numerous times over the last five years and that no changes had resulted. He now felt that the only option was to bring those recommendations directly to the Commission. He stated that an increase in the number of sport dive boats taking out large groups of individuals on charters was resulting in serious impacts on the abalone resource especially on the Channel Islands. Mr. Finch stated that he felt these individuals were actually commercial users and therefore commercial size limits were appropriate.

Director Fullerton stated that to achieve optimum yield from the abalone resource, the Department would have to recommend a smaller commercial size limit. However, he noted that under the existing circumstances, the Department recommended no change in either of the sport or commercial size limits for abalone.

Tony West, California Gill Netters Association, stated that a problem existed related to sport caught ocean fish entering the market. He asked that the Commission develop marking requirements which would effectively prohibit and prevent the sale of sport caught fish. Mr. West indicated that the problem primarily concerned five species commonly taken on commercial passenger carrying vessels. He pointed out that he felt a marking requirement such as clipping of the tail fin to denote that the fish had been sport caught would be effective and that he had endeavored to contact Bill Nott of the Sportfishing Association of California regarding the matter, however, he had not heard from him.

Al Petrovich, Chief of the Department's Marine Resources Branch, stated that the Department was uncertain if the adoption of a regulation requiring tail clipping would accomplish the intended purpose.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. KAHN, THAT
THE FISH AND GAME COMMISSION, HEREBY TENTATIVELY
APPROVES AMENDMENT OF SECTION 27.65, FILLETING OF
FISH ON VESSELS, TO INCLUDE A REQUIREMENT FOR THE
MARKING OF SPORT CAUGHT FISH OF THE FOLLOWING
SPECIES ON BOARD COMMERCIAL PASSENGER CARRYING
VESSELS: BARRACUDA, YELLOWTAIL, HALIBUT, ABBACORE,
ROCK FISH (ROCKCOD).

AYES: COMMISSIONERS KAHN, GALLETTI AND DASMANN

NO: COMMISSIONER BURKE

Michael Mitchelach stated that he recommended the Commission adopt a two-trout limit for the Fall River and Tule River plus tributaries including Big Lake and Squaw Creek, and that the seasons close in both Fall River and Tule River

on November 15. He pointed out that under the existing regulations law enforcement personnel had a difficult time determining where fish were actually taken.

Director Fullerton stated that the Department was currently doing fisheries management planning and hoped to make recommendations to the Commission prior to next year related to revision to the Fall River fishing regulations. He asked that any proposed changes be considered next year rather than at this time.

With respect to Section 12.59, Sacramento River and Sacramento River Tributaries salmon spawning areas (Shasta and Tehama counties) Vic Adkins, Northern California Salmon and Steelhead Association, recommended that the Sacramento River from Keswick Dam downstream to the Deschutes Road bridge be open all year to salmon fishing. He also asked that the Commission direct the Department to take more effective efforts to prevent salmon snagging on that stretch of the river. Mr. Adkins noted that his organization had obtained over 3000 signatures in opposition to the existing closure and claimed that it was merely a law enforcement problem, not a resource protection question resulting from the legal sport take of fish.

Bill Lightfoot stated that he felt that it was unfair to punish legal fishermen for the action of a few snaggers and asked that the portion of the Sacramento River between Keswick Dam and the Deschutes Road bridge be open to salmon fishing.

John Reginato stated that he felt once the egg supplies for the hatcheries were obtained, then the additional sport take of salmon in the river was a beneficial use of surplus fish. He noted that he felt the salmon fishing conditions had improved substantially over the last couple of years and asked that the Commission take action to provide additional fishing opportunities for fall and spring run fish. Mr. Reginato stated that the regulation should place emphasis on protecting an adequate number of winter run fish to insure spawning escapement.

Mr. Cribbs asked if there were any other members of the public who wished to speak on a matter related to the sport fishing regulations and there was no response.

Commissioner Kahn asked the Department why it was not consistent in recommending single barbless hook restrictions on all catch and release resident trout waters.

Director Fullerton stated that one reason was the problem it would cause people in modifying many types of popular lures.

Commissioner Kahn noted that if the intent of the regulations was to insure survival of caught and released fish, then single barbless hooks should be required in all catch and release resident trout streams.

After additional discussion, it was then:

MOVED BY MR. KAHN, SECONDED BY DR. BURKE, THAT THE FISH AND GAME COMMISSION HEREBY AMENDS ITS SPORT FISHING REGULATIONS TO REQUIRE THE USE SINGLE BARBLESS HOOKS ON ALL RESIDENT TROUT WATERS WITH ARTIFICIAL LURE AND/OR FLY SPECIAL GEAR RESTRICTIONS.

PASSED UNANIMOUSLY.

Commissioner Kahn stated that he was concerned that the current regulations which closed many coastal trout streams and their tributaries to all fishing in an effort to protect juvenile anadromous fish had eliminated many fishing opportunities. He asked the Department if it was possible to modify the tributary closures to allow some fishing for resident trout.

Director Fullerton responded that the Department was attempting to implement Commission policy which emphasized the importance of increasing survival of downstream migrating smolts.

Bob Arbuckle stated that he felt that the public had not received a complete response to the recommendation that the Sacramento River, between Keswick Dam and the Deschutes Road bridge, be open to salmon fishing. He asked that the Department respond in detail to that request.

Director Fullerton stated that the loss of approximately 20 to 40 percent of the downstream migrant juvenile fish at the Red Bluff Diversion Dam made it necessary to provide additional protection to young migrating salmon. He pointed out that the existing regulations were intended to reduce the take of adult spawners and thereby increase the production of juvenile fish. Director Fullerton noted that in the portion of the Sacramento River, between Keswick Dam and Deschutes Road bridge, that the Department intended to stop all take of salmon.

President Livermore stated that, in response to Mr. Adkins' comment that apparently 3,000 plus signatures were not important to the Commission, the Commission must consider all types of testimony and the recommendations of the Department in adopting its regulations. He noted that all public input would be thoroughly considered and evaluated by the Commission.

Commissioner Kahn stated that he would like the Commission to reconsider its previous action regarding amendment of the gear restriction regulations for single barbless hooks in catch and release, resident trout waters. He also stated that he felt it was important for the Commission to reserve the right to open discussion and take additional actions on matters before it so long as the public had received adequate notice of the general subject to be considered by the Commission at each meeting.

After additional discussion, it was then:

MOVED BY MR. KAHN, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION HEREBY RESCINDS ITS PREVIOUS ACTION TO AMEND ITS TENTATIVE APPROVALS

REQUIRING THE USE OF SINGLE BARBLESS HOOKS ON
ARTIFICIAL LURES OR FLIES IN CATCH AND RELEASE,
RESIDENT TROUT WATERS.

PASSED UNANIMOUSLY.

The Executive Secretary then clarified the Commission's authority to review and adopt tentative approvals for its sport fishing regulations. He specifically pointed out that the public was notified that the Commission would open for review all its regulations related to the sport fishing at this meeting.

Commissioner Kahn stated that he wanted to allow maximum public input whenever possible prior to the Commission adopting any regulations.

Denis Smaage, Deputy Attorney General, summarized the basis for Commission authority as provided under Section 208 of the Fish and Game Code. He cited case law on the subject which supported the concept of allowing the Commission to modify its regulations if the public notice of review included the general subject matter. Mr. Smaage pointed out that ideally it would be best for the Commission to point out major changes it proposed at its October meeting to allow maximum public input.

Director Fullerton stated that several public recommendations had been received for modifying the salmon fishing closure on the American River adjacent to the Nimbus Fish Hatchery specified in Sections 3.00, 12.06 and 12.07. He noted that the Department recommended against modifying the existing 300 yard boundary, which was well identified by the U.S. Geological survey gauging station cable during the critical salmon spawning period from roughly mid October through January. Director Fullerton pointed out that some modification of the closure may be appropriate to allow additional fishing opportunities for surplus salmon and for other species such as shad during the remainder of the year.

After additional discussion, it was then:

MOVED BY MR. KAHN, SECONDED BY DR. DASMAN, THAT
THE FISH AND GAME COMMISSION, HEREBY TENTATIVELY
APPROVES THE AMENDMENT OF SECTIONS 3.00, FISHING
HOURS, 12.06, AMERICAN RIVER CLOSURE, SACRA-
MENTO COUNTY, TO CLOSE THE AMERICAN RIVER TO ALL
FISHING FROM THE HAZEL AVENUE BRIDGE PIERS TO THE
U.S. GEOLOGICAL SURVEY GAUGING STATION CABLE CROS-
SING ABOUT 300 YARDS DOWNSTREAM FROM THE NIMBUS
HATCHERY FISH RACK SITE FROM NOVEMBER 1 THROUGH
MARCH 31 AND SECTION 12.07 TO CLOSE THE AMERICAN
RIVER FROM THE SMUD POWER LINE, WHERE IT CROSSES
THE RIVER NEAR THE SOUTHWEST BOUNDARY OF ANCIL
HOFFMAN PARK, TO THE HAZEL AVENUE BRIDGE BELOW
NIMBUS DAM TO ALL FISHING FROM NOVEMBER 1 THROUGH
DECEMBER 31.

PASSED UNANIMOUSLY.

Mr. Cribbs stated that if there were no additional issues to be considered related to the sport fishing regulations, that it would be appropriate for an overall motion to adopt the tentative approvals for the 1983 sport fishing regulations.

After additional discussion, it was then:

MOVED BY DR. BURKE, SECONDED BY MR. KAHN, THAT NORMAN B. LIVERMORE, JR., PRESIDENT, ANNOUNCES THE FOLLOWING TENTATIVE APPROVALS OF THE FISH AND GAME COMMISSION WITH RESPECT TO PROPOSED CHANGES IN THE SPORT FISHING REGULATIONS FOR 1983 TO BE ADOPTED ON DECEMBER 3, 1982 IN ACCORDANCE WITH SECTIONS 200, 202, 205, 210, 219, 220, 315, 5508, 5509, 5510, 8491 AND 10711 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SECTIONS 200-202, 203.1, 205-222, 315, 5508-5510, 8490, 8491 AND 10711 OF SAID CODE, AFTER REVIEW AND CONSIDERATION BY THE FISH AND GAME COMMISSION OF ALL RECOMMENDATIONS SUBMITTED AT ITS OCTOBER 1, 1982 MEETING AND PUBLIC DISCUSSION THEREOF AT ITS NOVEMBER 5, 1982 MEETING.

- (1) Section 1.51 will be amended to read:

1.51 Hoopa Indian Salmon Possession Limit.

It is unlawful for any person to possess more than one daily bag or possession limit of fish except as follows: Eligible Hoopa Valley Reservation Indians, as defined in Chapter 1, Part ~~238~~ 250, Title 25, CFR--Indian Fishing, Hoopa Valley Reservation--Department of the Interior; may possess more than two salmon outside boundaries of the Hoopa Valley Reservation, provided:

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

(b) All ~~such~~ fish are possessed for subsistence or ceremonial purposes and are clearly marked ~~on-the-tail-by-an-"X", one-inch-or-larger-in-size, in-readily-visible-indelible-dye-or-by-cutting-or-clipping-off-the-top-half-of-the-tail-fin,~~ by removing the dorsal fin prior to transporting them from the reservation.

It shall be unlawful to sell or possess for sale any salmon marked pursuant to this section.

Authority: Sections 200, 202, 205, 210, 219, 220 and 7708, Fish and Game Code.

Reference: Sections 200-202, 203.1, 205-210, 215-222, 7155, 7700, 7702, 7703, 7706, 7708 and 12300, Fish and Game Code.

- (2) Section 1.52 will be amended to read:

1.52 Marking Requirements for Salmon Taken by Other than Commercial Means.

Except as provided in Section 1.51 it is unlawful for any person to possess or transport any salmon which have not been taken under the provisions of a valid commercial fishing license and salmon permit unless such fish are clearly marked on the tail by an "X", one inch or larger in size, in readily visible indelible dye or by cutting or clipping off the top half of the tail fin.

It shall be unlawful to sell or possess for sale any salmon marked pursuant to this section.

Authority: Section 7708, Fish and Game Code.

Reference: Sections 7700, 7702, 7703, 7706 and 7708, Fish and Game Code.

- (3) Subsections (a)(4)(O), (P) and (Q) of Section 2.10 are added to read:

2.10 Fishing Methods - Exceptions.

(O) Feather River from the mouth of Honcut Creek upstream to the Highway 70 Bridge in Oroville, from October 16 through December 31.

(P) Butte Creek from the Durham Highway Bridge crossing to Centerville Head Dam, from October 16 through the last Saturday in April.

(Q) Yuba River from its mouth to Englebright Dam, from October 1 through December 31.

Authority: Sections 200, 202, 205, 210, 219, 220 and 315, Fish and Game Code.

Reference: Sections 48, 200-202, 203.1, 205-210, 215-222, 315, 5507, 5515 and 8210, Fish and Game Code.

- (4) Subsection (b)(2) of Section 3.00 will be amended to read:

3.00 Fishing Hours.

(2) American River ~~between-Interstate-80-and-Nimbus-Dam~~ from mouth upstream to Highway 160 (Sacramento Co.).

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.

Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (5) Subsection (a) of Section 4.20 will be amended to read:

4.20 Bait Fish Use in the Valley and South Central Districts.

Only the following fin fish may be used or possessed for use as bait:

(a) Golden shiner, fathead minnow, mosquitofish, longjaw mudsucker, threadfin shad, Mississippi silverside, lamprey, staghorn sculpin and dead ocean fish. Red shiner may be used only in the Valley District north

of Interstate 580 and Highway 132. Oriental gobies may be used in the Valley District only in those areas described in subsection (b) below.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210, 215-222, 5504 and 5505, Fish and Game Code.

- (6) Subsection (a) of Section 6.30 is amended to read:

6.30 Ventura River and Tributaries Trout Restrictions (Ventura Co.).

(a) Closures:

(1) The Ventura River from the mouth to the Foster Park bridge is closed to all fishing from March 1 through ~~May-31~~ the Friday preceding Memorial Day.

(2) The Ventura River upstream from Foster Park bridge to Los Robles Diversion, Coyote Creek from confluence with Ventura River upstream to Casitas Dam, and San Antonio Creek from confluence with Ventura River upstream to Camp Comfort County Park bridge are closed to all fishing from November 16 through ~~May-31~~ the Friday preceding Memorial Day.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (7) Subsections (b)(2)(H) through (b)(2)(P) will be renumbered subsections (b)(2)(I) through (b)(2)(Q) and subsection (b)(2)(H) will be added to Section 8.05 to read:

8.05 Trout and Salmon.

(H) Llagas Creek (Santa Clara Co.) only from mouth to Chesbro Dam.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (8) Section 8.15 will be renumbered 8.16 and will be amended to read:

8.16 Los Padres Reservoir Closure (Monterey Co.).

Los Padres Reservoir is closed to all fishing from November 16 through ~~May-31~~ the Friday preceding Memorial Day.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (9) Section 8.15 will be added to read:

8.15 Llagas Creek (Santa Clara Co.). Llagas Creek below Chesbro Dam is closed to all fishing from March 1 through November 15.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (10) Section 8.27 will be added to read:

8.27 Pajaro River (Monterey, Santa Clara, Santa Cruz and San Benito cos.). Pajaro River only from mouth to Uvas Creek is closed to all fishing from March 1 through November 15.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (11) Section 8.30 will be amended to read:

8.30 San Clemente Reservoir Closure (Monterey Co.).

San Clemente Reservoir is closed to all fishing from November 16 through ~~May-31~~ the Friday preceding Memorial Day.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (12) Section 8.35 will be added to read:

8.35 Uvas or Carnadero Creek (Santa Clara Co.). Uvas Creek below Uvas Dam is closed to all fishing from March 1 through November 15.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (13) Subsection (d)(1) of Section 9.10 will be amended to read:

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

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (14) Section 9.20 will be amended to read:

9.20 Eel River ~~System-Closures~~ Tributary Restrictions (Mendocino and Lake cos.).

(a) All tributaries of the Eel River are closed, except:

~~(a)~~ (1) Main Stem Middle Fork Eel River, only from mouth to Bar Creek.

~~(1)~~ (A) Open season: July 16 through the last day of February.

~~(A)~~ 1. Limit: ~~Three~~ Two trout or salmon in combination, ~~but not more than two salmon.~~

~~(2)~~ (B) Open season: March 1 through May 31, except that the department may close the season at any time if additional restrictions are needed to

protect spawning runs of steelhead. The department shall inform the commission and the public via the news media of any implementation of the provisions of this subsection.

~~(A) 1.~~ Limit: Zero trout and salmon.

~~(B) 2.~~ Methods of take: For all species, only artificial lures with a single barbless hook may be used.

~~(b) (2)~~ Main Stem South Fork Eel River, only from mouth to Rattlesnake Creek, all-year. Humboldt-Mendocino county line to Rattlesnake Creek.

(A) Open season: All year.

(B) Limit: Three trout or salmon in combination, but no more than two salmon.

(3) North Fork Eel River and tributaries.

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

(B) Limit: Five trout, but no salmon may be taken (See Section 13.05).

(4) Eel River and tributaries above Lake Pillsbury.

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

(B) Limit: Five trout (See Section 9.10).

(b) No person may possess any trout greater than 15 inches in length in the Middle Fork Eel River and its tributaries above Bar Creek. (This subsection is not intended to allow fishing at any time in any portion of the Middle Fork Eel River System in Mendocino County above Bar Creek.)

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

(15) Section 9.25 will be repealed.

~~9.25--Eel River, Middle Fork Trout Restrictions--(Mendocino and Trinity cos.)~~

~~Maximum size limit--No trout more than 15 inches total length may be possessed in the Middle Fork Eel River drainage above Bar Creek.--In such area no person shall possess any fish in such a condition that its size and species cannot be determined.~~

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

(16) Section 9.26 will be added to read:

9.26 Eel River, Main Stem Restrictions (Mendocino and Lake cos.).

From Mendocino-Trinity county line to Scott Dam:

(a) Open season: All year.

(b) Limit: Three trout or salmon in combination, but no more than two salmon.

(c) See Section 9.30 for special angling restrictions.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.

Reference: Sections 200-202, 203.1, 205-110 and 215-222, Fish and Game Code.

(17) Section 9.30 will be amended to read:

9.30 Eel River, Main Stem and Special Restrictions ~~(Lake Ge.)~~, (Mendocino and Lake cos.), Only Between Scott Dam and ~~Van-Arsdale~~ Cape Horn Dam.

(a) Open season: March 1 through November 15.

(b) Limit: Three trout or salmon in combination, but no more than two salmon.

(c) Minimum size: Ten inches total length.

(d) Methods of take: For all species, only artificial lures with a single barbless hook may be used.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.

Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

(18) Section 9.35 will be repealed.

~~9.35--Eel River, North Fork and Tributaries Trout and Salmon Restrictions (Mendocino Ge.)~~

~~(a)--Open season--June 1 through November 15.~~

~~(b)--Limit--Five trout, but no salmon may be taken (see Section 13.05).~~

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.

Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

(19) Section 10.06 will be amended to read:

10.06 Almanor Lake Tributaries Closure (Lassen, Plumas and Shasta cos.).

All tributaries of Lake Almanor and their tributaries upstream to the first lake are closed to all fishing from November 16 through May 31, the Friday preceding Memorial Day.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (20) Section 10.18 will be amended to read:

10.18 Butt Creek Closure (Plumas Co.).

Butt Creek is closed to all fishing from November 16 through ~~May-31~~ the Friday preceding Memorial Day.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (21) Subsection (d) of Section 10.44 will be amended to read:

10.44 Crowley Lake and Tributaries Closures (Mono Co.).

(d) The following creeks and their tributaries are closed to all fishing from October 1 through ~~May-31~~ the Friday preceding Memorial Day: Convict, McGee and Hilton Creeks between Crowley Lake and Highway 395.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (22) Section 10.66 will be added to read:

10.66 Golden Trout Wilderness Area Restrictions (Tulare Co.), All Waters Within the Golden Trout Wilderness.

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

(b) Limit: Five trout.

(c) Method of take: Except for the Main Stem Kern River, only artificial lures with a single hook may be used for all species.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (23) Section 10.88 will be repealed.

~~10.88--Kern-Plateau-(Sometimes-known-as-Tulare-Plateau)-Trout-Restrictions (Tulare-Co.)~~

~~All waters within the following boundaries, except for the main Kern River downstream from Johnsondale bridge and the South Fork of the Kern River downstream from Haiwee Pass to Dutch John Flat trail crossing are closed to all fishing from November 16 through the Friday preceding the last Saturday in April: Commencing at the Kern-Tulare county line near River Kern, north up the main Kern River to the Golden Trout Wilderness Area boundary,~~

~~northwest-along-the-boundary-of-the-Sequoia-National-Park-boundary,-north-east-along-the-boundary-to-the-Inyo-Tulare-county-line,-southeast-along-the-county-line-to-Haiwee-Pass,-west-to-the-south-fork-of-the-Kern-River-on-the-trail-to-Dutch-John-Flat,-south-down-the-South-Fork-of-the-Kern-River-to-the-Kern-Tulare-county-line,-west-along-the-county-line-to-the-Kern-River.~~

~~(a)--Limit--Five.~~

~~(b)--Methods-of-take--For-all-species,-only-artificial-flies-with-a-single-hook-may-be-used.~~

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (24) Section 10.98 will be added to read:

10.98 Kirman (Carmen) Lake Trout Limit (Mono Co.).

Two.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (25) Section 11.00 will be amended to read:

11.00 Lassen Creek and Tributaries Closures (Modoc Co.).

Lassen Creek and tributaries are closed to all fishing from November 16 through ~~May-31,~~ the Friday preceding Memorial Day.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (26) Section 11.06 will be amended to read:

11.06 Mammoth Pool and Tributaries Closures (Fresno and Madera cos.).

Mammoth Pool and tributaries from their mouths to a point 300 feet upstream are closed to all fishing from ~~March-1~~ May 1 through June 15.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (27) Subsection (b) of Section 11.29 will be amended to read:

11.29 Pleasant Valley Creek Trout Restrictions (Alpine Co.).

(b) Methods of take: For all species, only artificial ~~lures~~ flies with a single barbless hook may be used.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (28) Section 11.75 will be amended to read:

11.75 Willow Creek and Tributaries Closures (Tributary to Goose Lake, Modoc Co.).

Willow Creek and tributaries are closed to all fishing from November 16 through ~~May-31~~ the Friday preceding Memorial Day.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (29) Section 12.06 will be amended to read:

12.06 American River Closure (Sacramento Co.).

American River is closed to all fishing from the Hazel Avenue bridge piers to the U.S. Geological Survey gauging station cable crossing about 300 yards downstream from the Nimbus Hatchery fish rack site/ from November 1 through March 31. During the remainder of the year (April 1 through October 31), the American River is closed to all fishing from the Hazel Avenue bridge piers to a point 250 feet downstream from the Nimbus Hatchery fish rack site.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (30) Section 12.07 will be amended to read:

12.07 American River Salmon Spawning Area (Sacramento Co.).

The American River from the Sacramento Municipal Utility District power line, where it crosses the river near the southwest boundary of Ancil Hoffman Park, to the Hazel Avenue bridge below Nimbus Dam is closed to all fishing from ~~October-16~~ November 1 through December 31.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210, 215-222 and 310, Fish and Game Code.

- (31) Section 12.19 will be added to read:

12.19 Black Butte River and Tributaries (Glenn Co.).

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

(b) Limit: Five trout or salmon in combination, but no more than two salmon.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

(32) Subsection (d)(1) of Section 13.05 will be amended to read:

13.05 Trout and Salmon:

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

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.

Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

(33) Section 13.20 will be amended to read:

13.20 Bogus Creek and Tributaries Closures (Siskiyou Co.).

Bogus Creek, tributary to the Klamath River, and all Bogus Creek tributaries are closed to all fishing from September 1 through May-31, the Friday preceding Memorial Day.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.

Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

(34) Section 13.30 will be amended to read:

13.30 Eel River, Middle Fork Trout Restrictions (~~Mendocino~~ and Trinity Cos.).

Maximum size limit: No trout more than 15 inches total length may be possessed in the Middle Fork Eel River drainage above ~~Bar-Creek,~~ the closures in Sections 9.20, 13.15 and 13.25. In such area no person shall possess any fish in such a condition that its size and species cannot be determined.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.

Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

(35) Section 13.50 will be amended to read:

13.50 Prairie Creek and Tributaries Closures (Humboldt Co.).

Prairie Creek and tributaries upstream from confluence with Redwood Creek are closed to all fishing from October 1 through May-31, the Friday preceding Memorial Day.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.

Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

(36) Section 13.75 will be amended to read:

13.75 Shovel Creek and Tributaries Closures (Siskiyou Co.).

Shovel Creek and its tributaries are closed to all fishing from November 16 through May-31, the Friday preceding Memorial Day.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.

Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

(37) Section 13.85 will be amended to read:

13.85 Trinity River Closures (Trinity Co.).

(a) Trinity River from the Highway 299 bridge at Douglas City upstream to the old Lewiston bridge is closed to all fishing from March 1 through May-31, the Friday preceding Memorial Day.

(b) Trinity River from the old Lewiston bridge upstream to Lewiston Dam is closed to all fishing, except as provided in Section 13.90.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

(38) Subsection (a) of Section 13.90 will be amended to read:

13.90 Trinity River Special Flyfishing Restrictions (Trinity Co.), Only from the Old Lewiston Bridge to a Point 250 Feet Below the Lewiston Dam.

(a) Open season: Saturday preceding Memorial Day June-1 through September 15.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

(39) Subsection (a) of Section 13.95 will be amended to read:

13.95 Van Duzen River Trout Restrictions (Humboldt Co.), Only Between the Highway 36 Bridge at Bridgeville and the Confluence with the South Fork.

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

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

(40) Section 27.52 will be repealed.

~~27.52--South-Humboldt-Bay-(Humboldt-Co.)~~

~~No-form-of-marine-life-may-be-taken-from-the-third-Saturday-in-October through-the-end-of-February-in-that-portion-of-South-Humboldt-Bay-beginning at-the-intersection-of-the-Table-Bluff-Road-and-the-old-Southport-Road; east-along-the-old-Southport-Road-to-its-intersection-with-Phelan-Road; northeast-along-a-line-across-South-Humboldt-Bay-for-one-mile; northwest along-a-line-across-South-Humboldt-Bay-for-one-mile-to-the-South-Jetty Road-at-a-point-1.30-miles-northeast-of-the-north-boundary-of-Table-Bluff County-Park; southwest-along-the-South-Jetty-Road-to-the-Table-Bluff-Road; east-along-the-Table-Bluff-Road-to-the-point-of-origin.~~

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

(41) Section 27.65 will be amended to read:

27.65 Filleting of Fish on Vessels.

For the purpose of this section a fillet is the flesh from one side of a fish extending from the head to the tail which has been removed from the body (head, tail and backbone) in a single continuous piece. No person shall fillet on any boat or bring ashore as fillets any fish, except in accordance with the following requirements:

(a) Kelp bass, sand bass, spotted bass, ocean whitefish and all brown-skinned rockfish: All fillets shall be a minimum of seven inches in length. Each fillet shall bear intact a one-inch square patch of skin.

~~(b) Red, blue and black-skinned rockfish, sheephead, and yellowtail: All fillets shall bear intact a one-inch square patch of skin. The fillets may be of any size.~~

~~(e)~~ (b) Barracuda: Fillets must be a minimum of 18 inches in length. Each fillet shall bear intact a one-inch square patch of silver skin.

~~(d)~~ (c) Lingcod and cabezon: Fillets must be a minimum of 12 inches in length. Each fillet shall bear intact a one-inch square patch of skin.

~~(e)~~ (d) White sea bass: Fillets must be a minimum of 19 inches in length. Each fillet shall bear intact a one-inch square patch of silver skin.

(e) Pacific bonito: No more than 10 fillets may be possessed from June 15 through October 10; no more than 4 fillets may be possessed during the remainder of the year. All fillets shall bear intact a one-inch square patch of skin. The fillets may be of any size.

(f) All other species: Each fillet shall bear intact a one-inch square patch of skin. The fillets may be of any size.

(g) The provisions of this section do not apply to the taking and possession of halibut, salmon, steelhead, striped bass and sturgeon.

Authority: Sections 200, 202, 205, 210, 220, 5508 and 5509, Fish and Game Code.

Reference: Sections 200-202, 203.1, 205-210, 215-222, 5508 and 5509, Fish and Game Code.

(42) Section 27.67 will be added to read:

27.67 Marking Requirements.

It is unlawful for any person to possess or transport any albacore, barracuda, halibut, rockfish (rockcod) or yellowtail which were taken on a vessel operating under a commercial passenger fishing boat license and which are in a whole or dressed condition, unless such fish are clearly marked by cutting or clipping off the top half of the tail fin.

Authority: Sections 200, 202, 205, 210, 219, 220, 5508 and 5509, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210, 215-222, 5508 and 5509, Fish and Game Code.

- (43) Subsection (b)(2) of Section 29.05 will be amended to read:

29.05 General.

(2) In all other areas, except where prohibited within marine life refuges or other special closures: Abalone, limpets, moon snails, turban snails, chiones, clams, cockles, mussels, rock scallops, octopuses, squid, crabs, lobsters, shrimp, sand dollars, sea urchins and worms may be taken.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (44) Subsection (f) will be added to Section 29.15 to read:

29.15 Abalone.

(f) Measuring Device. Every person while taking abalone shall carry a fixed caliper measuring gauge capable of accurately measuring the species of abalone being taken. The measuring device shall have fixed opposing measuring arms which are of sufficient length to allow abalone to be measured by placing the gauge over the shell of the abalone.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (45) The title and parenthetical note of Chapter 5 are amended to read:

CHAPTER 5. NATIVE REPTILES AND AMPHIBIANS

(See ~~District~~ Species Regulations for Bullfrog Regulations)

Authority: Sections 200, 202, 205, 210, 219, 220 and 2052, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210, 215-222 and 2050-2055, Fish and Game Code.

- (46) Section 40.00 will be repealed and added to read:

40.00 Protected Amphibians.

Except under special permit from the department, none of the following amphibians may be taken or possessed at any time:

- (a) Santa Cruz long-toed salamander (Ambystoma macrodactylum croceum).
(b) Siskiyou mountain salamander (Plethodon stormi).

- (c) Desert slender salamander (Batrachoseps aridus).
- (d) Kern Canyon slender salamander (Batrachoseps simatus).
- (e) Tehachapi slender salamander (Batrachoseps stebbinsi).
- (f) Limestone salamander (Hydromantes brunus).
- (g) Shasta salamander (Hydromantes shastae).
- (h) Black toad (Bufo exsul).
- (i) Red-legged frog (Rana aurora).
- (j) Southwestern toad (Bufo microscaphus).
- (k) Mt. Lyell salamander (Hydromantes platycephalus).
- (l) Yellow blotched salamander (Ensatina eschscholtzi croceata).
- (m) Large-blotched salamander (Ensatina eschscholtzi klauberi).
- (n) Inyo Mountains salamander (Batrachoseps campi).

Authority: Sections 200, 202, 205, 210, 219, 220 and 2052, Fish and Game Code.

Reference: Sections 200-202, 203.1, 205-210, 215-222 and 2050-2055, Fish and Game Code.

(47) Subsections (a), (c) and (e) of Section 40.05 will be amended to read:

40.05 Amphibians Except Protected Amphibians.

(a) General: ~~Persons-taking-amphibians-under-authority-of-this-section may-not~~ It is unlawful to sell, purchase, or offer for sale, or to export or transport from California for commercial purposes any amphibians so taken under authority of this section. It is unlawful to display or possess in any place of business where pets or other animals are sold any amphibians taken under authority of this section.

(c) Limit: The ~~daily~~ bag and possession limit on all species not listed in Section 40.00 is two four.

(e) Methods of take:

(1) Amphibians may be taken only by hand or hand-held dip net.

(2) It is unlawful to take amphibians by means of traps, including pit-traps, can-traps or funnel traps.

Authority: Sections 200, 202, 205, 210, 219, 220 and 2052, Fish and Game Code.

Reference: Sections 200-202, 203.1, 205-210, 215-222 and 2050-2055, Fish and Game Code.

(48) Section 40.10 will be repealed and added to read:

40.10 Protected Reptiles.

Except under special permit from the department issued pursuant to Sections 650 and 670.5 of these regulations, none of the following reptiles may be taken or possessed at any time:

- (a) Blunt-nosed leopard lizard (Gambelia silus).
- (b) Gila monster (Heloderma suspectum).
- (c) Southern rubber boa (Charina bottae umbratica).
- (d) Alameda striped racer (Masticophis lateralis euryxanthus).
- (e) San Francisco garter snake (Thamnophis sirtalis tetrataenia).
- (f) Giant garter snake (Thamnophis couchi gigas).
- (g) Desert tortoise (Gopherus agassizi).
- (h) Panamint alligator lizard (Gerrhonotus panamintinus).
- (i) Sonora mud turtle (Kinosternon sonoriense).
- (j) Yellow mud turtle (Kinosternon flavescens).
- (k) Island night lizard (Klauberina riversiana).
- (l) Flat-tailed horned lizard (Phrynosoma mcalli).
- (m) San Diego mountain kingsnake (Lampropeltis zonata pulchra).
- (n) Coachella Valley fringe-toed lizard (Uma inornata).
- (o) Switak's barefoot gecko (Anarbylus switaki).
- (p) Leaf-toed gecko (Phyllodactylus xanti).
- (q) Granite night lizard (Xantusia henshawi).
- (r) Orange-throated Whiptail (Cnemidophorus hyperythrus).
- (s) Black legless lizard (Anniella pulchra nigra).
- (t) San Diego horned lizard (Phrynosoma coronatum blainvillei).

Authority: Sections 200, 202, 205, 210, 219, 220 and 2052, Fish and Game Code.

Reference: Sections 200-202, 203.1, 205-210, 215-222 and 2050-2055, Fish and Game Code.

(49) Section 40.15 will be repealed and added to read:

40.15 Reptiles Except Protected Reptiles.

(a) General:

(1) It is unlawful to sell, purchase, or offer for sale, or to export or transport from California for commercial purposes, any reptiles taken under authority of this section. It is unlawful to display or possess in any place of business where pets or other animals are sold any reptiles taken under authority of this section.

(2) Any reptiles born in captivity and in excess of the limit must be disposed of by December 31 of the year of birth. Such progeny must be given to another person or to a scientific or educational institution, and may not be released into the wild.

(b) Open season: All year.

(c) Limit: The bagland possession limit on all species not listed in Section 40.10 is two, except as follows:

(1) Spiny softshell turtle (Trinoyx spiniferus): Five.

(2) Chuckwalla (Sauromalus obesus): One.

(3) California legless lizard (Anniella pulchra): One.

(4) California mountain kingsnake (Lampropeltis zonata): One.

(5) San Joaquin whipsnake (Masticophis flagellum ruddocki): One.

(6) Two-striped garter snake (Thamnophis couchi hammondi): One.

(7) Western fence lizard (Sceloporus occidentalis), sagebrush lizard (Sceloporus graciosus), side-blotched lizard (Uta stansburiana) and western skink (Eumeces skiltonianus): Limit 25 in the aggregate.

(8) Gopher snake (Pituophis melanoleucus), common kingsnake (Lampropeltis getulus): Four.

(9) Domesticated stocks of albino gopher snakes and albino common kingsnakes bred in captivity pursuant to Section 690: No limit.

(d) Hours: Reptiles may be taken at any time of day or night.

(e) Methods of take:

(1) Except as provided in subsections (e)(2) and (3), reptiles may not be injured and may be taken only by hand, or by the following hand-operated devices:

(A) Lizard nooses.

(B) Snake tongs.

(C) Snake hooks.

(2) Rattlesnakes may be taken by any method but only when such taking is to remove an immediate threat to human safety or to protect pets or livestock. However, rattlesnakes may not be possessed alive except under permit issued by the department pursuant to Sections 650 and 651.

(3) Turtles may also be taken by hook and line.

(4) It is unlawful to use crowbards, tire irons, jackhammers, winches, explosive devices or any other method or means of collecting that involves breaking apart of rocks, granite flakes, logs or other shelters in or under which reptiles may be found.

(5) It is unlawful to take reptiles by means of traps.

(f) Special closures:

(1) No reptiles may be taken from state parks, national parks or monuments or ecological reserves designated by the Commission in Section 630.

(2) No California mountain kingsnakes may be taken in San Diego and Orange counties or in Los Angeles County west of Interstate 5.

Authority: Sections 200, 202, 205, 210, 219, 220 and 2052, Fish and Game Code.

Reference: Sections 200-202, 203.1, 205-210, 215-222 and 2050-2055, Fish and Game Code.

(50) Section 41.00 is added to read:

41. Captive Breeding of Native Reptiles and Amphibians for Noncommercial Purposes.

(a) Definitions.

(1) Native Reptile or Amphibian. Species of the classes Reptilia and Amphibia that can be found in the wild in California by virtue of the fact that they have evolved here. This definition applies to all individual animals of a species of native reptile or amphibian regardless of whether the animal was taken from the wild or born in captivity either in California or outside of the state.

(b) Except as provided herein and in Sections 40.15(a)(2) and 690, it is unlawful for any person to propagate native reptiles or amphibians in captivity or to possess native reptiles or amphibians in excess of the bag and possession limits prescribed in Sections 40.00-40.15 without first obtaining a revocable, nontransferable captive breeding permit issued by the department pursuant to the following provisions:

(1) Permits shall be issued only to California residents.

(2) Permits shall be issued on an annual basis commencing on April 1 of each year and expiring on March 31, or for the unexpired portion thereof.

- (3) Applications for permits shall be submitted on forms provided by the department.
 - (4) To defray costs of administering these regulations, a nonrefundable fee of \$25 shall be paid to the department by each applicant upon the filing of an application for a permit.
 - (5) No more than one permit shall be issued per household or residence.
 - (6) Permits shall not authorize the release of animals into the wild.
 - (7) The terms and conditions of the permits shall apply to all progeny and descendants that may result from captive breeding.
 - (8) Applicants and permittees shall allow department employees, at a reasonable time, to inspect facilities used or to be used for holding and breeding.
 - (9) Hybridization between species shall be permitted only as specifically provided for in the permit.
 - (10) Permits shall not be issued for species listed in Sections 40.00, 40.10 or 670.5, or for rattlesnakes (Crotalus).
 - (11) The department may refuse to issue a permit to any applicant who fails to qualify under these provisions, or who fails to comply with the terms and conditions of a previously issued permit.
- (c) In order to insure the conservation of the native reptile and amphibian resources of this state, the department may limit the species and the number of specimens that may be taken or possessed; the method, location and period of collecting; the conditions under which animals may be held in captivity; and the manner in which animals may be disposed of.
- (d) It is unlawful for a captive breeding permittee to donate, trade, sell, or to advertise or offer to donate, trade or sell any reptile or amphibian taken, possessed or propagated under authority of this section to any person or commercial establishment operating as an animal broker, biological or animal supply house, importer or exporter, pet shop or other retail or wholesale commercial outlet.
- (e) Any permit issued pursuant to these regulations may be cancelled or suspended at any time by the commission for cause after notice and opportunity to be heard, or without a hearing upon conviction of a violation of these regulations by a court of competent jurisdiction.

Authority: Sections 200, 202, 205, 210, 219, 220, 1002 and 2052, Fish and Game Code.

Reference: Sections 200-202, 203.1, 205-210, 215-222, 1002 and 2050-2055, Fish and Game Code.

PASSED UNANIMOUSLY.

CONSENT CALENDAR

Mr. Cribbs stated that Items 5 through 13 had been placed on the Commission's consent calendar. He pointed out that the Commission staff knew of no opposition to these proposals at this time other than as specified in the analysis provided to Commissioners. Mr. Cribbs stated that the Department had provided a recommendation on each of these items which either called for approval or modified approval by the Commission. The Executive Secretary noted that any item could be removed from the consent calendar by the Commission or upon the request of the Department or someone in the audience who would like to speak to that item. He noted that the staff had prepared a summary of consent calendar items which was available to the audience. Mr. Cribbs then stated that one overall motion would be appropriate for approval of these items.

5. CONSIDERATION OF REQUEST OF CHERYL SCANNELL FOR PERMIT TO CONDUCT A BIOLOGICAL RESEARCH PROJECT WITHIN THE UPPER NEWPORT BAY ECOLOGICAL RESERVE.

Cheryl Scannell, a graduate student at Cal-State Fullerton, requested a permit to conduct research within the Upper Newport Bay Ecological Reserve under the supervision of Dr. Michael Horn, a member of the Upper Newport Bay Technical Advisory Committee. Her intent is to study the effects of the introduced yellowfin goby (Acanthogobius flavimanus) on community organization as a predator on benthic invertebrates and as a potential competitor with ecologically similar native fishes. The Department recommended approval of Ms. Scannell's request and indicated that it would expand knowledge of the fish species which inhabit the mud flats and marshes of the reserve. Commissioners were provided with additional background information regarding this proposal.

MOTION:

MOVED BY DR. DASMANN, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF CHERYL SCANNELL, CAL-STATE FULLERTON, AUTHORIZING THE DEPARTMENT TO ISSUE HER A PERMIT TO CONDUCT RESEARCH RELATED THE YELLOWFIN GOBY (Acanthogobius flavimanus) WITHIN THE UPPER NEWPORT BAY ECOLOGICAL RESERVE UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND CONCURRED IN BY THE COMMISSION.

PASSED UNANIMOUSLY.

6. CONSIDERATION OF REQUEST OF U.S. MARINE CORPS, MOUNTAIN WARFARE TRAINING CENTER, BRIDGEPORT, FOR RENEWAL OF PERMIT TO USE EXPLOSIVES IN MUDD LAKE, MONO COUNTY, FOR TRAINING PURPOSES.

The U.S. Marine Corps, Mountain Warfare Training Center, Bridgeport, requested renewal of its permit to use small quantities of explosives between November 1982 and February 1983 in Mudd Lake, Mono County, in conjunction with military training related to water barriers. The Department recommended approval of the request subject to the same terms and conditions as previously approved by the Commission.

MOTION:

MOVED BY DR. DASMANN, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE AUTHORITY VESTED BY SECTION 5500 OF THE FISH AND GAME CODE, HEREBY APPROVES THE REQUEST OF THE U.S. MARINE CORPS, MOUNTAIN WARFARE TRAINING CENTER, BRIDGEPORT, FOR RENEWAL OF ITS PERMIT TO USE SMALL QUANTITIES OF EXPLOSIVES BETWEEN NOVEMBER 1982 AND FEBRUARY 1983 IN MUDD LAKE, MONO COUNTY, IN CONJUNCTION WITH MILITARY TRAINING RELATED TO WATER BARRIERS.

PASSED UNANIMOUSLY.

7. CONSIDERATION OF REQUEST OF U.S. AIR FORCE, EDWARDS AIR FORCE BASE, FOR RENEWAL OF SURVIVAL TRAINING PERMIT.

The U.S. Air Force, Edwards Air Force Base, requested renewal of its permit issued pursuant to the provisions of Section 312 of the Fish and Game Code, which allowed the take of specified fish, birds and mammals during survival training for fly personnel. The Department recommended approval of the request, subject to the same terms and conditions as previously approved by the Department.

MOTION:

MOVED BY DR. DASMANN, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE AUTHORITY VESTED BY SECTION 312 OF THE FISH AND GAME CODE, HEREBY APPROVES THE REQUEST OF THE U.S. AIR FORCE, EDWARDS AIR FORCE BASE, FOR RENEWAL OF ITS PERMIT ALLOWING THE TAKE OF SPECIFIED FISH, BIRDS AND MAMMALS DURING SURVIVAL TRAINING COURSES UNDER THE TERMS AND CONDITIONS AS PREVIOUSLY APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

8. CONSIDERATION OF REQUEST OF THE CITY OF OAKLAND FOR TWO SPECIAL EXPERIMENTAL EDUCATIONAL HERRING PERMITS FOR THE 1982-83 HERRING SEASON FOR USE IN SAN FRANCISCO BAY.

The City of Oakland requested two special experimental educational herring fishing permits for the 1982-83 season in San Francisco Bay for a proposed fishing industry training program. Commissioners were provided with background information regarding this proposal. The Department recommended approval of the subject request and noted that Commission action was necessary since the permit would be issued pursuant to the provisions of Section 1002 of the Fish and Game Code. He said this section pertained to the issuance of educational fishing permits. In addition, the Department suggested that a modest quota of ten tons each be assigned to the educational permits. The City of Oakland indicated that it planned to apply any revenues accrued from the sale of herring to its fishing industry training program.

The Commissioners were provided with copies of an October 29, 1982 letter from Zeke Grader, Pacific Coast Federation of Fishermen's Associations, recommending denial of the request based on his contention that the herring fishery had no potential for growth, that there was an established method for entry into the herring fishery and that there were other programs available for teaching fishing skills.

MOTION:

MOVED BY DR. DASMANN, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF THE CITY OF OAKLAND FOR TWO SPECIAL EXPERIMENTAL EDUCATIONAL PERMITS TO TAKE HERRING FOR USE IN SAN FRANCISCO BAY DURING 1982-83. IT WAS FURTHER STIPULATED THAT A QUOTA OF TEN TONS EACH BE IN EFFECT, FISHING BE LIMITED TO THE GENERAL HERRING SEASON FROM NOVEMBER 28 THROUGH MARCH 31 AND THAT ALL OTHER REGULATIONS PERTAINING TO THE HERRING FISHERY APPLY.

PASSED UNANIMOUSLY.

9. CONSIDERATION OF REQUEST OF DR. JUDITH HANSEN, MARINE BIOASSAY LABORATORIES, WATSONVILLE, FOR PERMIT TO COLLECT HERRING SPAWN ON ARTIFICIAL SUBSTRATUM IN SAN FRANCISCO BAY AND TO CONDUCT BIOLOGICAL RESEARCH ON HERRING IN BOLINAS LAGOON.

Judith Hansen, Marine Bioassay Laboratories, Watsonville, requested a permit to allow her to collect 100 pounds of herring spawn on artificial substratum (plastic strips) in San Francisco Bay and to utilize that spawn in biological research at Bolinas Lagoon. Commissioners were provided with background information regarding this proposal. The Department recommended approval of the request subject to specific conditions designed to protect the herring resource.

MOTION:

MOVED BY DR. DASMANN, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF JUDITH HANSEN, MARINE BIOASSAY LABORATORIES, WATSONVILLE, FOR A PERMIT TO ALLOW HER TO COLLECT ONE HUNDRED POUNDS OF HERRING SPAWN ON ARTIFICIAL SUBSTRATUM IN SAN FRANCISCO BAY AND TO CONDUCT BIOLOGICAL RESEARCH ON HERRING IN BOLINAS LAGOON SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND CONCURRED IN BY THE COMMISSION.

PASSED UNANIMOUSLY.

10. CONFIRMATION OF EMERGENCY AUTHORIZATION TO DEPARTMENT TO ISSUE PERMIT TO NEW GROWTH FOREST SERVICES, UKIAH, TO USE EXPLOSIVES IN TRIBUTARIES OF THE EEL RIVER TO REMOVE ROCK BARRIERS WHICH WERE BLOCKING FISH PASSAGE.

On October 20, 1982, the Commission, by emergency action, authorized the Department to issue a permit to New Growth Forest Services, Ukiah, allowing it to use explosives in Woodman and Sherman creeks, tributaries to the Eel River, Mendocino County, in conjunction with removal of rock barriers which were blocking the passage of anadromous fish. Commissioners were provided with background information on the proposal which indicated that the work was carried out under the terms of a contract between the Department and the County of Mendocino, and that the county had subcontracted the work to New Growth Forest Services. The matter before the Commission was merely confirmation of the emergency action of October 20.

MOTION:

MOVED BY DR. DASMANN, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE AUTHORITY VESTED BY SECTION 5500 OF THE FISH AND GAME CODE, HEREBY CONFIRMS ITS EMERGENCY ACTION OF OCTOBER 20, 1982, AUTHORIZING THE DEPARTMENT TO ISSUE NEW GROWTH FOREST SERVICES, UKIAH, A PERMIT TO USE EXPLOSIVES IN WOODMAN AND SHERMAN CREEKS, MENDOCINO COUNTY, IN CONJUNCTION WITH REMOVAL OF ROCK BARRIERS BLOCKING PASSAGE OF ANADROMOUS FISH.

PASSED UNANIMOUSLY.

11. CONSIDERATION OF REQUEST TO PUBLISH NOTICE OF INTENT TO REPEAL AND ADD SECTION 106, TITLE 14, CAC, RE: PERMITS TO USE DRIFT GILL NETS TO TAKE SHARK, AND TO AMEND SECTION 107, TITLE 14, CAC, RE: BROADBILL SWORDFISH.

The Department requested that the Commission authorize its staff to publish notice of its intent to repeal and add a new Section 106, regarding permits to use drift gill nets to take shark and to amend Section 107, regarding broadbill swordfish, Title 14, California Administrative Code. The proposed changes were required to make the regulations consistent with new legislation. The matter before the Commission was merely a request to publish notice and the matter will be considered by the Commission at its January 7, 1983 meeting in Monterey.

MOTION:

MOVED BY DR. DASMANN, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES ITS STAFF TO PUBLISH NOTICE OF ITS INTENT TO REPEAL AND ADD A NEW SECTION 106, REGARDING THE USE OF GILL NETS TO TAKE SHARK AND TO AMEND SECTION 107, REGARDING BROADBILL SWORDFISH, TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, IN ORDER TO BRING THESE REGULATIONS INTO CONFORMITY WITH RECENTLY ENACTED LEGISLATION.

PASSED UNANIMOUSLY.

12. CONSIDERATION OF REQUEST TO PUBLISH NOTICE OF INTENT TO AMEND SECTION 119, TITLE 14, CAC, RE: CLOSING A PORTION OF THE SACRAMENTO-SAN JOAQUIN ESTUARY UPSTREAM FROM THE BENECIA BRIDGE TO TRAWLING FROM JULY 1 TO DECEMBER 31 TO PROTECT STRIPED BASS.

The Department requested that the Commission authorize its staff to publish notice of its intent to amend Section 119, Title 14, California Administrative Code, regarding closing a portion of the Sacramento-San Joaquin Estuary upstream from the Benecia Bridge to trawling from July 1 to December 31 to protect striped bass. The closure is intended to eliminate a large kill of young fish which occurs incidental to shrimping operations. The item before the Commission was merely a request to publish notice and the matter will be considered by the Commission at its January 7, 1983 meeting in Monterey.

MOTION:

MOVED BY DR. DASMANN, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES ITS STAFF TO PUBLISH NOTICE OF ITS INTENT TO AMEND SECTION 119, TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, REGARDING CLOSING A PORTION OF THE SACRAMENTO-SAN JOAQUIN ESTUARY UPSTREAM FROM THE BENECIA BRIDGE TO TRAWLING FROM JULY 1 TO DECEMBER 31 TO PROTECT STRIPED BASS.

PASSED UNANIMOUSLY.

13. CONFIRMATION OF EMERGENCY AUTHORIZATION TO DEPARTMENT TO ISSUE PERMIT TO AUBURN CONSTRUCTORS TO USE EXPLOSIVES IN THE SAN JOAQUIN RIVER IN CONJUNCTION WITH THE CONSTRUCTION OF KERCKHOFF II PROJECT.

On October 22, 1982, the Commission by emergency action, authorized the Department to issue a permit to Auburn Constructors, Auberry, to use explosives in the San Joaquin River above Millerton Lake in conjunction with the construction of the Kerckhoff II Underground Powerhouse and associated tunnels. The project is being constructed for Pacific Gas and Electric Company. Commissioners were provided with background information related to the matter and the required \$170 fee to cover administrative and observer costs was paid. The matter before the Commission was merely confirmation of its emergency action of October 22.

MOTION:

MOVED BY DR. DASMANN, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE AUTHORITY VESTED BY SECTION 5500 OF THE FISH AND GAME CODE, HEREBY CONFIRMS ITS EMERGENCY ACTION OF OCTOBER 22, 1982, AUTHORIZING THE DEPARTMENT TO ISSUE A PERMIT TO AUBURN CONSTRUCTORS, AUBERRY, TO USE EXPLOSIVES IN THE SAN JOAQUIN RIVER ABOVE MILLERTON LAKE IN CONJUNCTION WITH

THE CONSTRUCTION OF THE KERCKHOFF II UNDERGROUND POWER-
HOUSE AND ASSOCIATED TUNNELS.

PASSED UNANIMOUSLY.

LICENSE AND PERMIT CONSIDERATIONS

14. RECEIPT OF TESTIMONY FROM STURGEON COLLECTION AND BREEDING PERMITTEES RE:
THEIR 1982 ACTIVITIES, AND CONSIDERATION OF TERMS AND CONDITIONS FOR 1983
STURGEON COLLECTION AND BREEDING PERMITS.

The Executive Secretary stated that during 1982, five domesticated fish breeders had received adult sturgeon collection and breeding permits under terms and conditions set by the Commission. He noted that copies of background information and a summary of results of this year's activities were provided to Commissioners. Mr. Cribbs then pointed out that this item was scheduled to allow the Commission to receive testimony from sturgeon collection and breeding permittees regarding their 1982 activities and consideration of terms and conditions for 1983 sturgeon collection and breeding permits. He stated that each permittee was sent a certified letter notifying them of the Commission's intent and offering an opportunity to show cause why their permit conditions were not met and to provide additional testimony regarding the subject permits.

The Fishery

Ken Beer stated that his firm encountered problems with its hatchery operation involving raising fingerling sturgeon which prevented it from complying with the terms of the permit. He noted that improvements in the hatchery operation were made, that they expected to be more successful in the 1983 season and asked that the Commission renew their collection and breeding permit.

After additional discussion, it was then:

MOVED BY DR. BURKE, SECONDED BY DR. DASMANN, THAT
THE FISH AND GAME COMMISSION HEREBY APPROVES THE
REQUEST OF THE FISHERY, ELK GROVE, FOR RENEWAL OF
ITS STURGEON COLLECTION AND BREEDING PERMIT FOR
1983 UNDER THE TERMS AND CONDITIONS RECOMMENDED BY
THE DEPARTMENT AND CONCURRED IN BY THE COMMISSION.

PASSED UNANIMOUSLY.

Whitewater Sturgeon, Inc.

Ron Lipton stated that his firm had encountered problems with the use of river water noting that it had proven to be too cold for use in its hatchery operation. He pointed out that his firm had made an effort to comply with the terms of the permit and asked the Commission to allow them to continue operations during 1983.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF WHITEWATER STURGEON, INC., SACRAMENTO, FOR RENEWAL OF ITS STURGEON COLLECTION AND BREEDING PERMIT FOR 1983 UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND CONCURRED IN BY THE COMMISSION.

PASSED UNANIMOUSLY.

Arrowhead Fisheries, Inc.

Keith Brown stated that his firm had attempted to spawn 14 sturgeon with limited success. He noted that due to a nitrogen toxicity problem, that most sack fry were lost. Mr. Brown pointed out that his firm had provided UC Davis with 1700 sack fry for experimental purposes and that they were looking forward to continued efforts next spring.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. BURKE, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF ARROWHEAD FISHERIES, INC., RED BLUFF, FOR RENEWAL OF ITS STURGEON COLLECTION AND BREEDING PERMIT FOR 1983 UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND CONCURRED IN BY THE COMMISSION.

PASSED UNANIMOUSLY.

Calaveras Trout Farm

Ed Murrison stated that his firm had encountered problems obtaining adult fish for spawning purposes. He noted that the river conditions last year were extremely bad for obtaining fish from sportsmen. Mr. Murrison then explained his firm's rearing operation and intended goals and asked that the Commission renew his permit for 1983.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. BURKE, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF CALAVERAS TROUT FARM, SNELLING, FOR RENEWAL OF ITS STURGEON COLLECTION AND BREEDING PERMIT FOR 1983 UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND CONCURRED IN BY THE COMMISSION.

PASSED UNANIMOUSLY.

California Sunshine, Inc.

Mats Engstrom explained to the Commission that his firm was unsuccessful in collecting and breeding sturgeon and therefore was unable to meet the terms and conditions stipulated. He pointed out that fish caught by sportsmen were generally unsuitable for spawning and asked that the Department consider other alternatives to allow permittees to obtain fish. Mr. Engstrom noted his firm's interest in retaining its permit and asked that the Commission renew it for 1983.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. BURKE, THAT
THE FISH AND GAME COMMISSION HEREBY APPROVES THE
REQUEST OF CALIFORNIA SUNSHINE, INC., SAN FRANCISCO,
FOR RENEWAL OF ITS STURGEON COLLECTION AND BREEDING
PERMIT FOR 1983 UNDER THE TERMS AND CONDITIONS
RECOMMENDED BY THE DEPARTMENT AND CONCURRED IN BY
THE COMMISSION.

PASSED UNANIMOUSLY.

15. RECEIPT OF TESTIMONY FROM STRIPED BASS COLLECTION AND BREEDING PERMITTEES
RE: THEIR 1982 ACTIVITIES, AND CONSIDERATION OF TERMS AND CONDITIONS FOR
1983 STRIPED BASS COLLECTION AND BREEDING PERMITS.

The Executive Secretary stated that the Department had issued striped bass collecting and breeding permits to four domesticated fish breeders during 1982. He stated that only one permittee, The Fishery, Elk Grove, had collected and spawned striped bass under the permit. Mr. Cribbs then noted that the Department requested that the permittees appear before the Commission to explain their inactivity or failure to meet their permit terms. He stated that the Department recommended no changes in the terms and conditions for the 1983 permits and that any deficiencies in meeting the 1982 planting requirements be made up for in 1983. The Executive Secretary pointed out that certified letters were sent to each permittee notifying them of the fact that the Commission would consider the revocation of any and all permits issued to them to carry out the collection and breeding of striped bass.

The Fishery

Ken Beer stated that his firm was unsuccessful in rearing striped bass during 1982. He noted that a total of 26 adult fish was handled in their spawning attempt but that fertility was low. Mr. Beer stated that electro shocking was an extremely efficient collection method and that with careful handling, he felt most fish could be returned to the river unharmed. He explained that his firm planned to continue efforts during 1983 and that they were confident they could be successful.

After additional discussion, it was then:

MOVED BY DR. BURKE, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF THE FISHERY, ELK GROVE, FOR RENEWAL OF ITS PERMIT TO COLLECT AND BREED STRIPED BASS DURING 1983.

PASSED UNANIMOUSLY.

Whitewater Sturgeon, Inc.

Ron Lipton stated that his firm received its permit too late in the year for striped bass spawning during 1982. He noted that they were prepared to begin operations in 1983 and asked that the Commission renew their permit.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF WHITEWATER STURGEON, INC., SACRAMENTO, FOR RENEWAL OF ITS PERMIT TO COLLECT AND BREED STRIPED BASS DURING 1983.

PASSED UNANIMOUSLY.

Arrowhead Fisheries, Inc.

Keith Brown stated that his firm received its permit too late to be successful in breeding striped bass in 1982. He asked that the Commission renew his firm's permit for 1983 and allow it to take stripers by hook and line methods.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. BURKE, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF ARROWHEAD FISHERIES, INC., RED BLUFF, FOR RENEWAL OF ITS PERMIT TO COLLECT AND BREED STRIPED BASS DURING 1983.

PASSED UNANIMOUSLY.

Aquaculture Systems International

Mr. Cribbs pointed out that the Commission office had received an October 31, 1982 letter from Jon C. Van Olst, President of Aquaculture Systems International, which summarized the firm's activities related to striped bass collection and breeding operations. He noted that in the letter, Mr. Van Olst stated that his firm would be unable to send a representative to this meeting, but explained that since his firm did not collect any striped bass during 1982, he felt there was a misunderstanding regarding their obligation to provide fingerlings as mitigation and asked that their permit be renewed for 1983. The Department concurred in this.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. BURKE, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF AQUACULTURE SYSTEMS INTERNATIONAL, SAN DIEGO, FOR RENEWAL OF ITS PERMIT TO COLLECT AND BREED STRIPED BASS DURING 1983.

PASSED UNANIMOUSLY.

16. CONSIDERATION OF REVOCATION OF COMMERCIAL ABALONE FISHING PRIVILEGES OF DOUGLAS ALAN LEBBON.

Mr. Cribbs stated that the Department requested that the Commission revoke the commercial abalone fishing privileges of Douglas Alan Lebbon, Wilmington, for a period of time deemed suitable to the Commission. He noted that a certified letter had been sent to Mr. Lebbon notifying him of the possible action to be taken by the Commission. Mr. Cribbs stated that the Department based its request on the fact that on July 22, 1982, Mr. Lebbon was returning from a commercial abalone trip at San Clemente Island when wardens inspected his abalone and found all to be of legal size, but upon vessel inspection, two lobsters were found hidden inside the leg of a pair of chafing pants which were hidden under diving equipment. Mr. Cribbs noted that the warden's report indicated that Mr. Lebbon stated he knew the lobsters were illegal. The Executive Secretary noted that on August 16, 1982 in the Los Angeles Municipal Court, Mr. Lebbon pled guilty to a violation of Section 2002 of the Fish and Game Code, possession of lobster during closed season, and paid a fine of \$160.

Mr. Cribbs stated that the Commission staff had received a telephone message that Mr. Lebbon would be unable to attend this meeting and asked that the hearing on the matter be postponed.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. BURKE, THAT THE FISH AND GAME COMMISSION, HEREBY SUSPENDS THE COMMERCIAL ABALONE FISHING PRIVILEGES OF DOUGLAS ALLEN LEBBON, WILMINGTON, UNTIL SUCH TIME AS HE APPEARS BEFORE THE COMMISSION TO SHOW CAUSE WHY HIS PRIVILEGES SHOULD BE REINSTATED.

PASSED UNANIMOUSLY.

17. CONSIDERATION OF REQUEST OF RONALD M. PEACOCK FOR REINSTATEMENT OF COMMERCIAL LOBSTER FISHING PRIVILEGES.

Mr. Cribbs stated that on November 5, 1981, the Commission revoked the commercial lobster fishing privileges of Ronald M. Peacock for one year or until November 5, 1982. He noted that Mr. Peacock was required to appear at the end of the revocation period to show cause why his privileges should be reinstated.

Ned Dollahite, Chief of the Department's Wildlife Protection Branch, summarized Mr. Peacock's arrest record and noted that the Commission's action to revoke his

privileges was based upon Mr. Peacock's plea of nolo contendere for violation of Section 9000.5 of the Fish and Game Code, disturbing lobster traps belonging to another fisherman. He noted that subsequent to the Commission's action, Mr. Peacock entered a motion for a jury trial in the Avalon Justice Court, seeking to reverse the nolo contendere plea. Mr. Dollahite stated that Mr. Peacock was found guilty of the violation of Section 9000.5 of the Fish and Game Code at that time.

Ronald Peacock stated that he had received bad legal representation at the time of his conviction and that he was not guilty. Mr. Peacock also pointed out that his conviction related to possession of short lobsters had taken place ten years ago and that fishing was his only source of income.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. BURKE, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF RONALD M. PEACOCK FOR REINSTATEMENT OF HIS COMMERCIAL FISHING PRIVILEGES FOR A PERIOD OF ONE YEAR OR UNTIL NOVEMBER 5, 1983, AND FURTHER STIPULATES THAT PRIOR TO ANY NEW LOBSTER FISHING PERMIT BEING ISSUED TO HIM THAT HE MUST APPEAR BEFORE THE COMMISSION AND SHOW CAUSE WHY HIS PRIVILEGES SHOULD BE REINSTATED.

PASSED UNANIMOUSLY.

18. CONSIDERATION OF REVOCATION OF COMMERCIAL HERRING PERMITS OF LEO BRUNO MITROVICH AND RUSSELL JAMES WILSON, JR.

The Executive Secretary stated that the Department requested that the Commission revoke the commercial herring fishing privileges of Leo Bruno Mitrovich, Seaside, and Russell James Wilson, Jr., Bodega Bay, for a period of time deemed suitable to the Commission. He noted that certified letters had been sent to each of these individuals notifying them of the possible action to be taken by the Commission.

Leo Bruno Mitrovich

Ned Dollahite summarized the circumstances surrounding Mr. Mitrovich's conviction as follows:

On January 7, 1982, at approximately 1620 hours, three Department wardens observed a gill net set within 100 feet of the jetty at Horseshoe Bay. The gill net was displaying herring permit No. H-239-SF. The gill net belonged to the fishing vessel "Mindy" and the permittee, Mr. Mitrovich.

On February 25, 1982, in the Marin County Municipal Court, Mr. Mitrovich was found guilty of a violation of Section 163(f)(2)(C), Title 14, CAC, gill net set in a closed area. He was placed on six months probation and fined \$100.

Leo Mitrovich stated that he was aware that the regulations had just been changed and that he had made an honest mistake when he set his nets.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. BURKE, THAT THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE COMMERCIAL HERRING FISHING PERMIT OF LEO BRUNO MITROVICH, SEASIDE, FOR THE FIRST TWO DAYS OF HIS 1982-83 SEASON AND FURTHER ADMONISHES HIM THAT SHOULD ANY FUTURE VIOLATION OF HERRING FISHING REGULATIONS BE BROUGHT TO THE ATTENTION OF THE COMMISSION, THAT IT WOULD BE DEALT WITH IN THE MOST SEVERE MANNER AVAILABLE.

AYES: COMMISSIONERS GALLETTI, BURKE AND DASMANN

ABSTAIN: COMMISSIONER KAHN

Russell James Wilson, Jr.

Ned Dollahite summarized the circumstances surrounding Mr. Wilson's arrest as follows:

On January 7, 1982, at 1100 hours, a Department warden observed the fishing vessel "Tarantino Jr." Fish and Game No. 4379 displaying herring permit No. H-173-SF pulling a gill net that was set approximately 100 feet from the jetties in Horseshoe Bay. The permittee, Mr. Wilson, stated he only had the gill net in the water for the past 10 minutes and when he found there would be some controversy over setting the net there, he decided to pull the gear up. The two thousand and ten pounds of herring taken in the net were seized and sold pursuant to Sections 12159 and 12160 of the Fish and Game Code.

On February 25, 1982, in the San Rafael Municipal Court, Mr. Wilson pled guilty to a violation of Section 163(f)(2)(C), Title 14, CAC, gill net set in closed area. He was placed on six months summary probation and fined \$100. Mr. Wilson has no prior convictions.

Russell Wilson stated that he was aware that the regulations had recently been changed but that he had made an honest mistake in interpreting the area closed to fishing. He also noted that he had participated in the fishery for six years.

Warden Joseph Baima stated that the subject regulations had been in effect for nearly three years. He also pointed out that upon arrival on the scene, he noted lots of herring in the water and that a number of fishing boats left the area on his arrival.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE COMMERCIAL HERRING FISHING PERMIT OF RUSSELL JAMES WILSON, JR., BODEGA BAY, FOR THE FIRST TWO DAYS OF HIS 1982-83 SEASON AND FURTHER ADMONISHES HIM THAT SHOULD ANY FUTURE VIOLATION OF HERRING FISHING REGULATIONS BE BROUGHT TO THE ATTENTION OF THE COMMISSION, THAT IT WOULD BE DEALT WITH IN THE MOST SEVERE MANNER AVAILABLE.

PASSED UNANIMOUSLY.

19. CONSIDERATION OF REVOCATION OF COMMERCIAL SHRIMP PERMITS OF JAMES BOSS WILEY AND JERRY L. HURT.

Mr. Cribbs stated that the Department requested that the Commission revoke the commercial shrimp permits of James Boss Wiley, Raymond, Washington, and Jerry L. Hurt, South Bend, Washington, for a period of time deemed suitable to the Commission. He noted that certified letters had been sent to each of these individuals notifying them of the possible action to be taken by the Commission.

James Boss Wiley

Mr. Cribbs stated that the Commission office had received a letter from Mr. Wiley stating that he would be unable to appear at the November 5 meeting and asked that the matter be postponed until a later date. The Executive Secretary then summarized the circumstances surrounding Mr. Wiley's conviction as follows:

On March 31, 1982, the fishing vessel "Susan Wood" was boarded by Department personnel. On the vessel were approximately 4,500 pounds of pink shrimp which were out of season at the time. The "Susan Wood" was under the direct control of James Boss Wiley. The vessel was then escorted to Ventura Harbor where both nets and shrimp were seized. Albert Patrick Shoemate and Vernon James Haagensen were crewmembers on board the vessel.

On April 29, 1982 in the Santa Barbara Municipal Court, Mr. Wiley pled guilty to a violation of Section 8603 of the Fish and Game Code, illegal use of a net and Section 120(e), Title 14, CAC, taking and possessing pink shrimp out of season. He was fined \$450, plus the shrimp and nets were seized and forfeited by court order. The 4,500 pounds of shrimp were valued at \$1800, the two nets at \$1250 each. Mr. Wiley had no prior convictions.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. BURKE, THAT THE FISH AND GAME COMMISSION, HEREBY SUSPENDS THE COMMERCIAL SHRIMP FISHING PERMIT OF JAMES BOSS WILEY, RAYMOND, WASHINGTON, UNTIL SUCH TIME AS HE APPEARS BEFORE THE COMMISSION TO SHOW CAUSE WHY HIS SHRIMP FISHING PRIVILEGES SHOULD BE REINSTATED.

PASSED UNANIMOUSLY.

Jerry L. Hurt

Mr. Cribbs stated that the Commission office had received an October 8, 1982 letter stating that Mr. Hurt would be unable to attend the Commission's November 5, 1982 meeting and asking that the matter be postponed to a later date. The Executive Secretary then summarized the circumstances surrounding Mr. Hurt's conviction as follows:

On March 31, 1982, Department wardens boarded the fishing vessel "Holocaust" from the patrol boat "Yellowtail". An inspection of the hold was then made at which time approximately 3,000 pounds of pink shrimp were found. The pink shrimp involved were taken by Mr. Hurt prior to the season opening on May 1, 1982. Mr. Hurt was subsequently cited for the violation involved at which time his nets and shrimp were seized. Michael Shaw Underwill, Robert Woodrow Wilson and Brian G. Smith were all crewmen on board the vessel "Holocaust" at the time of the violation.

On July 23, 1982, in the Santa Barbara Municipal Court, Mr. Hurt pled nolo contendere to violations of Section 8603 of the Fish and Game Code, illegal use of commercial fishing nets and of Section 120(e), Title 14, CAC, possession of pink shrimp out of season. He was placed on one year probation, fined \$500 and the court ordered forfeiture of the nets and shrimp. Thirty-five hundred pounds of shrimp were valued at \$1,400 and the two nets were valued at \$1,000 each. Mr. Hurt has no prior convictions.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. BURKE, THAT
THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE
COMMERCIAL SHRIMP FISHING PERMIT OF JERRY L. HURT,
SOUTH BEND, WASHINGTON, UNTIL SUCH TIME AS HE
APPEARS BEFORE THE COMMISSION TO SHOW CAUSE WHY HIS
SHRIMP FISHING PRIVILEGES SHOULD BE REINSTATED.

PASSED UNANIMOUSLY.

20. CONSIDERATION OF REVOCATION OF COMMERCIAL SALMON PERMITS OF RAYMOND RALPH ANDERSON, HAROLD BRENNAN FREDRICKSON, CHRISTOPHER JACK JANSEN, EARL WILLIAM MURTAUGH AND JOHN RITCHEY.

Mr. Cribbs stated that the Department requested that the Commission revoke the commercial salmon fishing permits of Raymond Ralph Anderson, Harold Brennan Fredrickson, Christopher Jack Jansen, Earl William Murtaugh and John Ritchey for a period of time deemed suitable to the Commission. He noted that certified letters had been sent to each of these individuals notifying them of the possible action to be taken by the Commission.

Raymond Ralph Anderson

Mr. Cribbs asked if Mr. Anderson was present and there was no response. He then summarized the circumstances surrounding Mr. Anderson's conviction as follows:

On July 17, 1982, Mr. Anderson and his puller landed eight salmon at Trinidad for sale to Katy's Smoke House. One king salmon was found to be less than the legal size of 26 inches. It measured 25-1/2 inches.

On August 26, 1982, in the Arcata Justice Court, Mr. Anderson pled guilty to a violation of Section 8218 of the Fish and Game Code, possession of king salmon less than the legal size. He was fined \$75. Mr. Anderson has no prior convictions.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION, HEREBY SUSPENDS THE COMMERCIAL SALMON FISHING PERMIT OF RAYMOND RALPH ANDERSON UNTIL SUCH TIME AS HE APPEARS BEFORE THE COMMISSION TO SHOW CAUSE WHY HIS PRIVILEGES SHOULD BE REINSTATED.

PASSED UNANIMOUSLY.

Harold Brennan Fredrickson and Earl William Murtaugh

Mr. Cribbs stated that the Commission office received an October 6, 1982 letter from Messrs. Fredrickson and Murtaugh stating that they would be unable to appear before the Commission at its November 5, 1982 meeting and asking that this matter be postponed until after December 1. The Executive Secretary then summarized the circumstances surrounding their convictions as follows:

On June 5, 1982, Messrs. Fredrickson and Murtaugh were cited for possession of five undersized king salmon (heads off) at the Eureka Ice and Cold Storage Dock, Eureka. These five heads-off salmon were found in the hold in a milk case; all the heads-on salmon that they had for sale were iced down in the hold of the boat separate from the heads-off salmon.

On June 21, 1982, both individuals forfeited bail in the amount of \$135 in the Eureka Municipal Court for violation of Section 8218 of the Fish and Game Code, possession of undersized king salmon (five heads-off). Neither individual had any prior convictions.

After additional discussion, it was then:

MOVED BY MR. KAHN, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION, HEREBY SUSPENDS THE COMMERCIAL SALMON FISHING PERMITS OF HAROLD BRENNAN FREDRICKSON AND EARL WILLIAM MURTAUGH UNTIL SUCH TIME AS THEY APPEAR BEFORE THE COMMISSION TO SHOW CAUSE WHY THEIR PRIVILEGES SHOULD BE REINSTATED.

PASSED UNANIMOUSLY.

Christopher Jack Jansen

Mr. Cribbs stated that the Commission office received an October 25, 1982 letter from Mr. Jansen stating that he would be unable to attend the Commission's November 5 meeting and would like the matter heard at a future meeting. The Executive Secretary then summarized the circumstances surrounding Mr. Jansen's convictions as follows:

On July 5, 1982, Mr. Jansen came into King Salmon Harbor and docked. He brought ashore an ice chest which contained a salmon the size of which could not be determined as the head and tail were cut off. In addition, Mr. Jansen had seven Dungeness crab, five of which were undersized. Mr. Jansen also had three legal fish in a box on board the boat.

On July 30, 1982, in the Eureka Municipal Court, Mr. Jansen forfeited bail in the amount of \$160 for violation of Fish and Game Code Sections 5508, taking salmon the size of which cannot be determined, and 8278, taking crabs under legal size. Mr. Jansen had no prior convictions.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. DASMANN, THAT
THE FISH AND GAME COMMISSION, HEREBY SUSPENDS THE
COMMERCIAL SALMON FISHING PERMIT OF CHRISTOPHER JACK
JANSEN UNTIL SUCH TIME AS HE APPEARS BEFORE THE
COMMISSION TO SHOW CAUSE WHY HIS PRIVILEGES SHOULD
BE REINSTATED.

PASSED UNANIMOUSLY.

John Ritchey

Mr. Cribbs asked if Mr. Ritchey was present and there was no response. He then summarized the circumstances surrounding Mr. Ritchey's conviction as follows:

On July 11, 1982, the commercial fishing vessel "Aquila", Fish and Game No. 30648 was boarded by Department personnel. One undersized king salmon was found aboard the vessel. The fish was one-half to one inch short of the legal size for commercial king salmon.

On July 23, 1982, in the Santa Rosa Municipal Court, Mr. Ritchey pled guilty to a violation of Section 8210.2 of the Fish and Game Code, possession of short king salmon. He was fined \$70. Mr. Ritchey had no prior convictions.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. DASMANN, THAT
THE FISH AND GAME COMMISSION, HEREBY SUSPENDS THE
COMMERCIAL SALMON FISHING PERMIT OF JOHN RITCHEY

UNTIL SUCH TIME AS HE APPEARS BEFORE THE COMMISSION
TO SHOW CAUSE WHY HIS PRIVILEGES SHOULD BE REINSTATED.

PASSED UNANIMOUSLY.

21. CONSIDERATION OF REQUESTS OF RICHARD ALAN HAGEL AND GRIFFITH MARSHEL SAVAGE
FOR REINSTATEMENT OF THEIR COMMERCIAL SALMON FISHING PRIVILEGES.

The Executive Secretary stated that Richard Alan Hagel, Bellingham, Washington, and Griffith Marshel Savage, Eureka, had requested an opportunity to appear before the Commission to show cause why their commercial salmon fishing privileges should be reinstated.

Richard Alan Hagel

Mr. Cribbs pointed out that at the Commission's August 27, 1982 meeting in San Rafael, it suspended the commercial salmon fishing privileges of Richard Alan Hagel until such time as he appeared before the Commission to show cause why his privileges should be reinstated. He noted that by letter dated August 21, 1982, Mr. Hagel's fiancée, Ruth Cavaliere, Bellingham, Washington, requested that he be afforded an opportunity to appear at the Commission's November 5 meeting regarding this matter. Mr. Cribbs then reminded the Commission that the Department based its previous recommendation for revocation of Mr. Hagel's commercial salmon fishing privileges on the following information:

On May 29, 1982, at 1020 hours, contact was made with Richard Hagel and his crewmember Madeline V. Cavaliere as they were unloading salmon at Grader's Dock. They had a total load of 126 king salmon and four were undersized. The four undersized salmon measured 25-2/3", 25-3/4", 25-1/2" and 25-3/4". On June 14, 1982, in the San Rafael Municipal Court, Mr. Hagel pled guilty to a violation of Section 8218 of the Fish and Game Code and Section 182, Title 14, CAC, possession of commercial king salmon under 26 inches total length. Mr. Hagel paid a fine of \$50. He had no prior convictions.

Mr. Hagel stated that he believed the fish were of legal size when delivered. He said that he would be more careful in the future when measuring salmon.

Ned Dollahite stated that, in light of the circumstances surrounding Mr. Hagel's conviction and the fact that his permit was suspended on August 27, the Department had no objection to reinstatement at this time.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. DASMANN, THAT
THE FISH AND GAME COMMISSION, HEREBY REINSTATES THE
COMMERCIAL SALMON FISHING PRIVILEGES OF RICHARD ALAN
HAGEL, BELLINGHAM, WASHINGTON, AND FURTHER STIPULATES
THAT SHOULD ANY FUTURE VIOLATION OF THE COMMERCIAL
SALMON FISHING LAWS OR REGULATIONS BE BROUGHT TO THE
ATTENTION OF THE COMMISSION, THAT IT WILL BE DEALT
WITH IN THE MOST SEVERE MANNER AVAILABLE.

PASSED UNANIMOUSLY.

Griffith Marshel Savage

Mr. Cribbs stated that at the Commission's August 27, 1982 meeting in San Rafael, it suspended the commercial salmon fishing privileges of Griffith Marshel Savage, Eureka, until such time as he appeared before the Commission to show cause why his privileges should be reinstated. He noted that by letter dated October 10, 1982, Mr. Savage's wife requested that he be given an opportunity to appear at the Commission's November 5 meeting regarding this matter. The Executive Secretary then summarized the circumstances surrounding Mr. Savage's conviction as follows:

On May 17, 1982, the fishing vessel "Outlaw" off-loaded salmon at the Humboldt Seafood's Dock in Eureka. Seventeen king salmon less than 26 inches in length were found among the load. The skipper, Mr. Savage, was cited for possession of short salmon.

On June 15, 1982, in the Eureka Municipal Court, Mr. Savage forfeited bail in the amount of \$315 to a violation of Section 8210.2 of the Fish and Game Code, and Section 182, Title 14, CAC, possession of undersized king salmon.

Prior convictions: On April 21, 1982, Mr. Savage was cited by the Coast Guard for salmon fishing during the federal closed season. Civil penalty was to be paid by September 1, 1982 in the amount of \$1200. He was also cited on June 7, 1974 for possession of short salmon and fined \$250, \$125 was suspended.

Griffith Savage stated that he had not intentionally violated the regulations and thought that the fish were legal when taken. He pointed out that he had often been checked by Department wardens with no problems. Mr. Savage stated that when cited, he learned that his measuring technique was improper and that he had a new crewman at the time who may have also made a mistake in measuring fish. He pointed out that he now measures the fish in a natural position as instructed by Department wardens.

Warden Michael Moore noted that the short fish were mixed in the load with legal fish and that some of the short fish were as much as one inch under the minimum size. Warden Moore also explained that Mr. Savage used his thumb to pull on the chin of fish when measuring them which extended their length as much as 3/8 of an inch.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. DASMANN, THAT
THE FISH AND GAME COMMISSION, HEREBY SUSPENDS THE
COMMERCIAL SALMON FISHING PERMIT OF GRIFFITH MARSHEL
SAVAGE, EUREKA, FOR THE FIRST TWO WEEKS OF THE 1983
SEASON AND FURTHER ADMONISHES HIM THAT SHOULD ANY
FUTURE VIOLATION OF THE LAWS OR REGULATIONS PERTAINING
TO THE COMMERCIAL TAKE OF SALMON BE BROUGHT TO THE
ATTENTION OF THE COMMISSION THAT IT WILL BE DEALT
WITH IN THE MOST SEVERE MANNER AVAILABLE.

PASSED UNANIMOUSLY.

22. CONSIDERATION OF DEPARTMENT REQUEST TO DENY GILL NET PERMIT TO BANH QUANG TU.

The Executive Secretary stated that the Department requested that the Commission authorize it to deny Banh Quang Tu, Marina, a gill net permit should he so apply for a time deemed suitable to the Commission. He noted that the request was predicated upon the fact that on June 1, 1982, Banh Quang Tu was contacted on Monterey Bay while operating a gill net from the vessel "Danang Four" and that no gill net permittee was on board the vessel. Mr. Cribbs stated that the report indicated that Mr. Tu was the boat's skipper and that Nho Van Nguyen and Luong Kim Kuynh were also on board. Mr. Cribbs summarized Mr. Tu's conviction as follows:

On June 23, 1982, in the Santa Cruz Municipal Court No. 2, Mr. Tu pled guilty to a violation of Section 174(a)(1), Title 14, CAC, illegal use of gill net without gill net permittee on vessel. He was placed on two years summary probation and fined \$750, which was to be paid at the rate of \$40 per month. Mr. Tu has no prior convictions.

Mr. Cribbs asked if Mr. Tu was present and there was no response.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE DEPARTMENT TO DENY BANH QUANG TU A GILL NET PERMIT SHOULD HE SO APPLY AND FURTHER STIPULATES THAT BEFORE ANY GILL NET PERMIT BE ISSUED TO HIM, THAT HE MUST APPEAR BEFORE THE COMMISSION TO SHOW CAUSE WHY HE SHOULD RECEIVE SUCH A PERMIT.

PASSED UNANIMOUSLY.

23. CONSIDERATION OF REVOCATION OF HUNTING PRIVILEGES OF DAVID ALLAN HAASE.

Mr. Cribbs stated that pursuant to the provisions of Section 12155 of the Fish and Game Code, the Department requested that the Commission revoke the hunting privileges of David Allan Haase, Yuba City, for a period of time not to exceed three years from the date of his last conviction. He noted that a certified letter had been sent to Mr. Haase notifying him of the possible action to be taken by the Commission and that he was further notified that should he be unable to appear at this meeting that he should send a letter to the Commission office explaining the circumstances of his citations.

Mr. Cribbs asked if Mr. Haase was present and there was no response. He then summarized the events involved with Mr. Haase's convictions as follows:

(1) Cited August 23, 1980 for violation of Section 300(b), Title 14, CAC, pheasants taken during the closed season. He failed to appear in court and a warrant was issued for his arrest.

(2) Cited August 23, 1980 for violation of Section 12020 of the Fish and Game Code, failure to appear in court on written promise to appear. On January 28, 1982 in the Sutter Municipal Court, he forfeited \$130 bail for the charge of taking pheasants during the closed season; and \$70 for failure to appear.

(3) Cited November 21, 1981 for violation of Section 2016 of the Fish and Game Code, trespass for the purpose of hunting. He pled not guilty in the Sutter Municipal Court on January 28, 1982 and was fined \$70, which was suspended.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION FINDS THAT DAVID ALLAN HAASE HAS BEEN CONVICTED OF THREE VIOLATIONS OF THE CALIFORNIA HUNTING LAWS OR REGULATIONS WITHIN A FIVE YEAR PERIOD AND HAS BEEN INVITED TO APPEAR BEFORE THE COMMISSION TO SHOW CAUSE WHY HIS HUNTING PRIVILEGES SHOULD NOT BE REVOKED. BASED UPON ITS FINDINGS, THE FISH AND GAME COMMISSION NOW DECLARES THAT PURSUANT TO SECTION 12155 OF THE FISH AND GAME CODE, THE HUNTING PRIVILEGES OF DAVID ALLAN HAASE ARE HEREBY REVOKED AND ANY HUNTING LICENSE PREVIOUSLY ISSUED TO HIM SHALL BE REVOKED AND CANCELLED AND NO NEW HUNTING LICENSE SHALL BE ISSUED TO HIM UNTIL JANUARY 28, 1985.

PASSED UNANIMOUSLY.

24. CONSIDERATION OF REVOCATION OF SPORT FISHING PRIVILEGES OF JEFFREY JAY JACKSON, THAI NGUYEN, CHESTER RAY SIERER, MICHAEL EUGENE STAFFORD AND WILLIAM STEVEN WICKLIFFE.

The Executive Secretary stated that pursuant to the provisions of Section 12154 of the Fish and Game Code, the Department requested that the Commission revoke the sport fishing privileges of Jeffrey Jay Jackson, Thai Nguyen, Chester Ray Sierer, Michael Eugene Stafford and William Steven Wickliffe for a period of time not to exceed three years from the date of their last convictions. He noted that certified letters had been sent to each of these individuals, notifying them of the possible action to be taken by the Commission and further informing them that should they be unable to appear at the Commission's meeting, that they should send a letter explaining the circumstances of their convictions to the Commission office.

Jeffrey Jay Jackson

Mr. Cribbs asked if Mr. Jackson was present and there was no response. He then summarized Mr. Jackson's arrest record as follows:

(1) Cited December 4, 1977 for violation of Section 29.90(c), Title 14, CAC, possessing lobster less than the legal size. He pled guilty in the San Diego Municipal Court on December 27, 1977 and was fined a total of \$25.

(2) Cited August 22, 1981 for violation of Section 29.15(d), Title 14, CAC, possessing abalone less than the legal size. He pled guilty in the San Diego Municipal Court on September 23, 1981 and was fined a total of \$45.

(3) Cited March 7, 1982 for violation of Sections 7120 and 7256 of the Fish and Game Code, possessing more than one bag limit of lobster (26), and taking lobster other than by hand (speared 15), and Section 29.90(c), Title 14, CAC, possessing lobster less than the legal size (25). He pled guilty in the San Diego Municipal Court on April 15, 1982 and was fined \$100 and placed on two years probation.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. KAHN, THAT THE FISH AND GAME COMMISSION FINDS THAT JEFFREY JAY JACKSON 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 THE 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 SPORT FISHING PRIVILEGES OF JEFFREY JAY JACKSON 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 APRIL 15, 1985.

PASSED UNANIMOUSLY.

Thai Nguyen

Mr. Cribbs asked if Mr. Nguyen was present and there was no response. He then summarized Mr. Nguyen's arrest record as follows:

(1) Cited October 6, 1979 for violation of Section 29.90(c), Title 14, CAC taking lobster less than the legal size (3). He pled guilty in the San Diego Municipal Court on October 23, 1979 and was fined a total of \$25.

(2) Cited December 1, 1979 for violation of Section 7256 of the Fish and Game Code, taking lobster by other than legal means, and Section 29.90(c), Title 14, CAC, possessing lobster less than legal size (4). He pled guilty in the San Diego Municipal Court on December 19, 1979 and was sentenced to work 20 hours at the YMCA.

(3) Cited October 28, 1981 for violation of Section 2.05, Title 14, CAC, fishing with more than one rod in inland waters (2 hand lines and 4 poles). He pled guilty in the San Diego Municipal Court on December 1, 1981 and was fined \$14.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. BURKE, THAT THE FISH AND GAME COMMISSION FINDS THAT THAI NGUYEN 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 SPORT FISHING PRIVILEGES OF THAI NGUYEN 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 DECEMBER 1, 1984.

Chester Ray Sierer

The Executive Secretary stated that on August 29, 1980 the Commission revoked Mr. Sierer's sport fishing privileges for a period of three years or until December 3, 1982. He pointed out that on June 28, 1980, Chester Sierer was again cited for violation of Section 25.40(c), Title 14, CAC, use of bait other than artificial fly in special closure. Mr. Cribbs stated that on July 7, 1980 he paid a fine of \$65 in the Weaverville Justice Court. The Executive Secretary then summarized Mr. Sierer's three earlier citations as follows:

(1) Cited March 18, 1979 for violation of Section 28.65(a), Title 14, CAC, angling with more than one line in San Pablo Bay. He forfeited a total of \$25 in bail in the San Rafael Municipal Court on April 11, 1979.

(2) Cited July 20, 1979 for violation of Section 2.05, Title 14, CAC, taking salmon by means other than angling. He pled guilty in the Weaverville Justice Court on August 3, 1979 and was fined a total of \$190.

(3) Cited October 26, 1979 for violation of Section 2.05, Title 14, CAC, taking salmon by means other than angling. He pled guilty in the Fair Oaks Municipal Court on December 3, 1979 and was fined a total of \$25.

The Executive Secretary asked if Mr. Sierer was present and there was no response.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. KAHN, THAT THE FISH AND GAME COMMISSION FINDS THAT CHESTER RAY SIERER, DURING A PERIOD OF REVOCATION, WAS AGAIN CONVICTED OF VIOLATING THE CALIFORNIA FISHING LAWS AND REGULATIONS AND HAS BEEN INVITED TO APPEAR BEFORE THIS COMMISSION TO SHOW CAUSE WHY HIS FISHING PRIVILEGES SHOULD NOT BE FURTHER 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 CHESTER RAY SIERER ARE HEREBY REVOKED AND NO NEW FISHING LICENSE SHALL BE ISSUED TO HIM UNTIL JULY 7, 1983.

PASSED UNANIMOUSLY.

Michael Eugene Stafford

Mr. Cribbs asked if Mr. Stafford was present and there was no response. He then summarized Mr. Stafford's arrest record as follows:

(1) Cited March 25, 1979 for violation of Section 700, Title 14, CAC, angling with no valid license in possession. He pled guilty in the Galt Justice Court on April 4, 1979 and was fined a total of \$15.

(2) Cited February 10, 1981 for violation of Section 700, Title 14, CAC, angling with no valid license in possession. He was found guilty in the Fair Oaks Branch of the Sacramento Municipal Court on March 19, 1981, after a court trial, and no fine was imposed.

(3) Cited February 20, 1982 for violation of Section 700, Title 14, CAC, angling with no valid license in possession. He pled guilty in the Sacramento Municipal Court on March 22, 1982 and was fined \$10.

After additional discussion, it was then:

MOVED BY DR. DASMANN, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION FINDS THAT MICHAEL EUGENE STAFFORD 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 THE 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 SPORT FISHING PRIVILEGES OF MICHAEL EUGENE STAFFORD 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 MARCH 22, 1985.

PASSED UNANIMOUSLY.

William Steven Wickliffe

The Executive Secretary summarized Mr. Wickliffe's arrest record as follows:

(1) Cited December 12, 1978 for violation of Section 29.35(b), Title 14, CAC, possessing nine undersized cockles. He pled guilty in the San Rafael Municipal Court on January 22, 1979 and was fined \$35.

(2) Cited December 10, 1980 for violation of Section 28.65(a), Title 14, CAC, fishing with more than one rod in inland waters. He pled guilty in the Marin Municipal Court on January 5, 1981 and was fined \$25.

(3) Cited June 2, 1982 for violation of Section 2002 of the Fish and Game Code, possessing five trout over the limit. He forfeited \$90 bail in the Central Valley Justice Court on July 9, 1982.

Mr. Cribbs also pointed out that the Commissioners had before them copies of an October 20, 1982 letter in which Mr. Wickliffe explained the circumstances surrounding his convictions. He also noted that copies of recent letters from Mr. Wickliffe's parents and a family counselor regarding Mr. Wickliffe's situation were also provided.

William Wickliffe stated that the arrest record which was read was true and then proceeded to explain the circumstances surrounding his three violations. He pointed out that he fished often, that it was his main source of recreation and asked the Commission to allow him to retain his license.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. BURKE, THAT THE FISH AND GAME COMMISSION HEREBY ADMONISHES WILLIAM STEVEN WICKLIFFE THAT SHOULD ANY FUTURE VIOLATION OF THE LAWS OR REGULATIONS RELATED TO SPORT FISHING BE BROUGHT TO THE ATTENTION OF THE COMMISSION THAT IT WILL BE DEALT WITH IN THE MOST SEVERE MANNER AVAILABLE.

PASSED UNANIMOUSLY.

25. CONSIDERATION OF REQUEST OF EDWARD R. HARDESTY FOR 1982-83 GUIDE LICENSE.

Mr. Cribbs stated that the Department notified Edward R. Hardesty, Chico on October 4, 1981, that it was denying his application for a guide license based upon the fact that he was arrested and forfeited bail in 1981 for taking a bear without having a bear tag in his possession. He noted that by letter dated October 8, 1982, Mr. Hardesty had requested an opportunity to appear before the Commission to show cause why he should be issued a 1982-83 guide license.

Ned Dollahite summarized the circumstances surrounding Mr. Hardesty's violation as follows:

Mr. Hardesty was cited September 7, 1981 for taking a bear without having a bear tag in possession, and he forfeited \$70 bail in the Chester Justice Court on September 23, 1981. The bear was tagged with bear tag No. 8227 which was issued to Travis J. Smith, 7010 Rivercase Way, Sacramento. Mr. Smith was cited for transferring his tag. Also at this time (all in the same camp), Mr. Smith's wife was cited for putting her deer tag on a deer that had been killed by Mr. Smith. Mr. and Mrs. Smith also forfeited bail. Mr. Hardesty's actions indicate disregard for hunting laws and regulations, and the Department requests that denial of his guide license be upheld.

Edward Hardesty stated that while he was archery deer hunting that he found a cub bear and while observing the cub was charged by a female bear. He pointed out that he shot the adult female and then shot the cub because he didn't think it would survive on its own. Mr. Hardesty then explained that when he returned to camp, another member of his party agreed to place a bear tag on the adult bear. He then surmized the events when his hunting party was confronted by a Department warden, including his explanation that the individual whose tag was on the bear had not actually killed it. Mr. Hardesty pointed out to the Commission that he had no prior violations of the Fish and Game regulations.

Ned Dollahite stated that the Department recommended denial of Mr. Hardesty's request for a 1982-83 guide license and that he be allowed to apply for a 1983-84 license next year.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. KAHN, THAT
THE FISH AND GAME COMMISSION HEREBY DENIES THE
REQUEST OF EDWARD R. HARDESTY, CHICO, FOR A 1982-83
GUIDE LICENSE AND FURTHER STIPULATED THAT HE MUST
APPEAR BEFORE THE COMMISSION PRIOR TO BEING ISSUED
ANY FUTURE GUIDE LICENSE.

PASSED UNANIMOUSLY.

26. CONSIDERATION OF REVOCATION OF ANIMAL WELFARE PERMITS OF THELMA L. MARLEY.

The Executive Secretary stated that the Department requested that the Commission revoke the animal welfare permits currently in possession of Thelma L. Marley, Palmdale. He noted that the Department predicated its request upon the fact that Ms. Marley was convicted on August 30, 1982 in the Antelope Municipal Court for violation of Section 671(b)(11), Title 14, CAC, illegal possession and sale of prohibited species (ferrets). Mr. Cribbs then noted the following information related to this matter: Ms. Marley has been involved in the illegal possession and sale of ferrets for some time as indicated by the dates on the back of several pictures seized in her home. During a search of the house, the Department located three illegal ferrets and some correspondence concerning some past illegal trafficking in ferrets. Ms. Marley currently possesses one neutered male ferret under the authority of a Department letter permit dated January 8,

1982 and the validating animal welfare permit dated March 1, 1982. The Department is requesting that the Commission revoke any and all permits issued to Ms. Marley and that the Commission order the ferrets to be disposed of by the Department.

Mr. Cribbs asked if Ms. Marley was present and there was no response.

After additional discussion, it was then:

MOVED BY MR. GALLETTI, SECONDED BY DR. DASMANN, THAT THE FISH AND GAME COMMISSION HEREBY REVOKES THE ANIMAL WELFARE PERMITS ISSUED TO THELMA L. MARLEY, PALMDALE, AND ORDERS THE DEPARTMENT OF FISH AND GAME TO CONFISCATE AND DISPOSE OF FERRETS CURRENTLY IN HER POSSESSION.

PASSED UNANIMOUSLY.

Mr. Cribbs asked the Commission to consider an unscheduled item related to a request from Supervisor Johnson of the Tehama County Board of Supervisors and the Commission concurred.

26a. RESOLUTION NO. 119-1982 REGARDING DEER, TEHAMA COUNTY BOARD OF SUPERVISORS.

Supervisor Johnson asked the Commission to accept Resolution No. 118-1982 regarding deer hunting in Tehama County and give it thorough consideration prior to the March 1983 Commission meeting to consider changes in the mammal hunting regulations. Ms. Johnson indicated that the Board would be prepared to make a more detailed presentation at that time and submitted the following resolution:

WHEREAS, an open deer season in excess of five (5) weeks seriously depletes the resource,

WHEREAS, the Board of Supervisors of Tehama County supports a hunt of five (5) weeks or less,

WHEREAS, the closed area hunt zone in Northeastern Tehama County has caused much dissention among area sportsmen,

WHEREAS, the split zone in Tehama County has resulted in further depletion of the resource and should be limited to one deer taken in the county,

WHEREAS, there is severe misuse of deer tag issuance,

NOW THEREFORE, BE IT RESOLVED that the Tehama County Board of Supervisors respectfully request that

1. The deer season in Zone D2X be limited to five (5) weeks.
2. The closed zone be reopened or limited to local area sportsmen.
3. That Tehama County be placed in one zone designation with a one (1) deer limit.

4. That reform be had in deer tag issuance so that the resource is protected.

BE IT FURTHER RESOLVED that the Tehama County Board of Supervisors request greater local input into the decisions made affecting sportsmen of the county area.

27. ANNOUNCEMENT OF FUTURE MEETINGS

December 3, 1982	Room 1138, State Building, 107 S. Broadway, Los Angeles
January 7, 1983	City Council Chambers, City Hall, Madison and Pacific, Monterey
February 4, 1983	Room 1194, State Building, 455 Golden Gate Avenue, San Francisco
March 3, 1983	Room 1138, State Building, 107 S. Broadway, Los Angeles
April 1, 1983	Redding
April 29, 1983	Auditorium, Resources Building, 1416 Ninth Street, Sacramento

28. RECEIPT OF DEPARTMENT INFORMATIONAL ITEMS.

Director Fullerton briefed the Commission on the upcoming condor habitat workshop scheduled for November 12 in Santa Barbara. He also discussed with the Commission the role of the Condor Advisory Committee.

There being no additional items before the Commission, the meeting was adjourned at 4:20 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.)