

State of California
FISH AND GAME COMMISSION
JOINT MEETING WITH BOARD OF FORESTRY

MINUTES, MEETING OF AUGUST 4, 1999

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**State of California
FISH AND GAME COMMISSION**

JOINT MEETING WITH BOARD OF FORESTRY

Minutes, Meeting of August 4, 1999

Pursuant to the call of the Chairman of the Board of Forestry, and the President of the Commission, the Fish and Game Commission and the Board of Forestry met jointly on August 4, 1999, at the Resources Building Auditorium, 1416 Ninth Street, Sacramento. The meeting was called to order at 8:15 a.m. by Chairman Kerstiens.

Persons present:

BOARD OF FORESTRY

Robert J. Kerstiens	Chairman
Raymond Flynn	Member
Kirk Marckwald	Member
Robert Heald	Member
Tharon O'Dell	Member
Darryl Young	Member

BOARD STAFF

Christopher P. Rowney	Executive Officer
Daniel R. Sendek	Executive Officer, Foresters Licensing
Fran Henson	Committee Consultant
Donna Stadler	Executive Assistant

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Andrea Tuttle	Director
Woody Allshouse	Chief Deputy Director
Ross Johnson	Deputy Director, Resource Management
Dean Lucke	Assistant Deputy Director
Dennis Hall	Regulations Coordinator

FISH AND GAME COMMISSION

Richard T. Thieriot	President
Mike Chrisman	Vice President
Douglas B. McGeoghegan	Member

COMMISSION STAFF

Robert R. Treanor
John M. Duffy
Sandy J. Daniel

Executive Director
Assistant Executive Director
Executive Secretary

DEPARTMENT OF FISH AND GAME

Robert C. Hight
Terry Mansfield
LB Boydston
Jim Steele

Director
Deputy Director, Wildlife and Inland Fisheries
Intergovernmental Affairs Office
Program Manager, Water and Aquatic
Habitat Conservation Program
Forestry Coordinator
Senior Wildlife Biologist

Marty Berbach
Barry Garrison

The following persons were also present and heard:

Art Baggett
Richard Gienger
Adina Merenlender
Janet Cobb
Joe Blum

State Water Resources Control Board
Concerned Citizen
UC Extension
California Oak Foundation
National Marine Fisheries Service

1. INTRODUCTIONS.

Summary of Issue

The Chairman of the Board of Forestry and the President of the Commission will introduce members of their respective Board/Commission and appropriate staff and Department personnel.

Action

Chairman Kerstiens reported that the Board met in Executive Session to discuss pending litigation under Section 11126 (e) of the Government Code and matters related to Foresters Licensing under Section 11126 (c) 1, 2, and 3 of the Government Code.

Daniel Sendek, Executive Officer for Licensing, stated that during Executive Session, the Board received some facts related to Professional Foresters Registration disciplinary case number 240. He noted that the Professional Foresters Examining Committee (PFEC) believes that the RPF was at least partially responsible for the modification of an archaeological site, recommended a Private Board Reprimand pursuant to its authority under Public Resources Code Section 777. He pointed out that the alleged failure was associated with one emergency notice and one THP. He reported the PFEC investigation and evaluation sustained the allegation relative to the failure associated with the Emergency Notice. However, on the

recommendation of the PFEC, the Board chose a lesser level of discipline due to the mitigating factors. He explained that notification of this action and the facts of the case will be published in the Licensing News without disclosure of the RPF's identity.

Christopher Rowney, Executive Officer of the Board, reported that the Board also deliberated on case number 217, RPF Scott Feller. He stated that staff was directed to prepare draft findings and resolution to the matter based on those deliberations. He noted that the draft findings will be reviewed and final action may be taken during closed session at the next regularly scheduled Board of Forestry and Fire Protection meeting.

Chairman Kerstiens introduced the Board members to the Commission.

Christopher Rowney then introduced Board staff.

Richard Thieriot, President of the Fish and Game Commission, introduced its members. He then expressed appreciation to Frank Boren, former Fish and Game Commissioner, for his many years of service and all of his contributions in promoting this joint meeting and encouraging the development of joint policies.

Mr. Art Baggett indicated that he had been on the State Water Resources Control Board for two months, appointed by Governor Davis, and the Water Board shares a lot of common ground with both the Board of Forestry and the Fish and Game Commission. He stated that the Chairman of the Water Board appointed him as the liaison between the Fish and Game Commission and the Water Board. He reviewed his background and stated that he looked forward to working both with the Board and the Commission.

2. DIRECTOR REPORT - DEPARTMENT OF FORESTRY AND FIRE PROTECTION.

Summary of Issue

The Director of the Department of Forestry and Fire Protection, Andrea Tuttle, will provide the Director's report. The report may cover items such as issues of mutual concern with the Department of Fish and Game, directions the new director may be taking the Department, and major issues facing the Department in managing the state's private timber resources and for fire protection.

Action

Director Tuttle welcomed the Commission and stated that the Joint meeting is a good tradition and that there is a real need for cross communications. She indicated that there are two main divisions within CDF as a department; fire protection and enforcement of regulations for timber harvesting operations through the Forest Practice Act. She then reviewed the Department's goals and said that one of the most important things is to restore public confidence. Her goal is to raise the level of discussion between the public and the Department. She explained that there is a real need to acknowledge good timber management where it does occur and encourage to continue. She noted that there is a much

better relationship between the State and Regional Water Quality Control Boards, National Marine Fisheries Service, and the U.S. Fish and Wildlife Service. Director Tuttle pointed out that the Governor's budget has provided the Department with the necessary tools that it has not seen for many years and the staff to do the job. She indicated that the Department is working on training programs as well as cross training in an effort for better understanding the management philosophies of each agency. She stated that there is a need for some additional improvement to the Forest Practice Rules. She explained that CalEPA and the Resources Agency have offered a proposed rules package to the Board of Forestry and Fire Protection regarding following up on the listing of Coho salmon. She noted that the Department is requesting the Board to make some kind of decision by its October meeting due to the statutory requirements.

Director Tuttle indicated that the Department of Fish and Game and CDF are working on a number of cooperative programs for an approach to provide watershed assessment. She explained that CDF is looking for better information on cumulative impacts on a watershed basis so that better assessments can be completed. She welcomed the Commission and indicated that she looks forward to working with both the Board and the Commission.

3. DIRECTOR REPORT - DEPARTMENT OF FISH AND GAME.

Summary of Issue

The Director of the Department of Fish and Game, Robert Hight, will provide the Director's report. The Department's report will cover similar types of issues as the Director of the Department of Forestry and Fire Protection, but with the Department's perspective as they impact fish and wildlife resources.

Action

Director Robert Hight, Department of Fish and Game, stated that it is a brilliant idea to meet together in an effort to foster better communication and understanding. He indicated that the more communication the better to meet common goals and interests. He then reviewed the Department's short and long-term goals: improve customer service between the Department of Fish and Game and its stakeholders; greater collaboration between state government and other agencies; develop a positive relationship with stakeholders including the Department of Food and Agriculture; land acquisition; and base decisions on sound scientific principles.

Director Hight then discussed his Department's budget and personnel items. He noted that the Department of Fish and Game has 24.5 new positions for North Coast THPs, and that it also received 8 million dollars from the General Fund for Salmon Habitat Restoration Grants and 2.5 million dollars for streambed alteration agreement processing. He stated that the DFG also received 10 new Fish and Game Warden positions. He indicated that the DFG is also working with the Bureau of Land Management and the State Lands Commission collectively to form a unit to manage the land as a cooperative unit, hoping to solve existing management issues.

4. REPORT BY JOINT BOARD/COMMISSION SUBCOMMITTEE.

Summary of Issue

This report will be given by the Joint Board/Commission Subcommittee of Tharon O'Dell and Mike Chrisman, respectively. The report will cover topics discussed at the Subcommittee meetings and any issues(s) the Subcommittee would like the Board and Commission to discuss at future meetings.

Action

Commissioner Mike Chrisman stated that there is a need to keep lines of communication open and to continue to schedule its annual joint meetings. He indicated that the Subcommittee meetings would continue to be held.

Commissioner Chrisman noted that an important issue was brought to his attention regarding bear depredation problems on timber stands. He stated that he and member O'Dell toured Simpson Timber Company and other timber company lands to view this damage. He indicated that it has a significant impact on young trees. He noted that Simpson Timber Company has opened its lands to sport hunters, which has increased the bear harvest on its lands and has helped to reduce damage, but there is still a major problem.

Mr. O'Dell explained that the bear damage item has been a troubling issue for a long time. He also noted that while on the tour, they spent time on other private timber lands as well. He explained that the bears are causing major damage in stands of Douglas fir and redwood. He stated that there is a need for answers and alternatives for the timber landowners.

Mr. Heald asked about the extent of the damage. Mr. O'Dell responded that within some stands 20 to 70 percent of the trees may have some kind of bear damage.

5. UPDATE ON STATUS OF DEPARTMENT OF FISH AND GAME'S 1600-1603 PROCESS FOR LAKE AND STREAMBED ALTERATION AGREEMENTS.

Summary of Issue

The Department of Fish and Game will provide a status report on its 1600-1603 Process for Lake and Streambed Alteration Agreements. Mr. Jim Steele will present the Department's report.

Action

Mr. Jim Steele, Department of Fish and Game, provided an update on the 1603 Lake and Streambed Alteration Agreement Process. He indicated that the Process is 30 years old and, as of May 1, 1999, the Process is fully compliant with CEQA. He explained that the DFG took the streambed alteration agreement process and made a consistent format statewide by

developing some rules and guidelines. He then provided a flowchart of the Process.

There was some further discussion.

Mr. Steele indicated that when the notification is received by the Department and the Agreement is signed, that is when the CEQA process begins. He stated that CDF was going to hold some workshops for the foresters and that DFG has developed a Web-site and people are using it.

Mr. O'Dell asked about the process time. Mr. Steele responded that the previous process time was 30 days, but now, the 30 days is for the CEQA document review with an additional five days if DFG is not the lead agency.

Mr. Ross Johnson, CDF Deputy Director for Resource Management, stated that the 1603 process for timber landowners and their THPs has been a real concern for the Department. He indicated that the THP process is one that CDF is attempting to combine with the 1603 process. He explained that there are a number of questions which have to be answered during the THP review and if they can answer those, they have already met the CEQA requirements. He noted that CDF does not address every 1603 that a timber landowner has, but does look at every crossing during the THP review. He pointed out that questions are now asked ahead of time, which adds 20 to 35 days to the review process.

Mr. Richard Gienger stated that the process is tied to the Monitoring Study Group. He expressed concern about incorporating CEQA in the process. Mr. Gienger indicated that he does not believe that the changes bring 1600s into conformance with CEQA. He noted that CDF and landowners now decide what needs a 1603, DFG should be the lead agency. He pointed out that the monitoring study report shows that most crossings are in need of repair.

6. REPORT BY THE MONITORING STUDY GROUP.

Summary of Issue

The Monitoring Study Group was created by the Board of Forestry to determine how effective the Forest Practice Rules are in protecting water quality. The California Department of Forestry and Fire Protection (CDF) implemented hillslope monitoring in 1996 on 50 randomly selected Timber Harvesting Plans (THPs) in Humboldt and Mendocino counties to provide information on forest practices within the range of coho salmon. The program expanded in 1997 and 1998, with 50 randomly selected THPs evaluated each year throughout the State. Field work on all 150 THPs was conducted by private contractors who were Registered Professional Foresters with significant amounts of experience developing THPs and using the Forest Practice rules. An earth scientist was required to be part of the contractor's field team for the state-wide work.

This item is scheduled to receive a report from the Monitoring Study Group regarding the results of its monitoring and what, if any, recommendations it has for amendments to the Forest Practice Rules.

Action

Mr. John Munn, CDF Watershed Specialist, gave the report for the Monitoring Study Group (MSG). He provided the Board and the Commission with some background on the MSG that was formed in 1977. He pointed out that the initial task of the MSG was to develop a monitoring program required by the federal Environmental Protection Agency (EPA) for certification of the Forest Practice Rules (FPRs) as Best Management Practices (BMP) under the Clean Water Act.

Mr. Munn provided an overview of the MSG activities from 1993-1999 for the Board and Commission. He then explained that the long-term Hillslope Monitoring Program was started in 1996 and a pilot cooperative instream-monitoring project was initiated in the Garcia River Watershed. He noted that in 1997, a watershed assessment and instream monitoring plan for the Garcia River project was written. He pointed out that Hillslope monitoring provides immediate feedback to resource managers. He indicated that in 1997, 1998, and 1999, 50 randomly located THPs were evaluated each year throughout the state, and the 1999 work is still in progress. He then referred to the MSG Interim Hillslope Monitoring Program Results that came out in June 1999. He stated that the report is "interim" because data is still being collected and further data analysis will be conducted.

Mr. Munn summarized the MSG Findings and Recommendations for the Board and the Commission. He pointed out that the MSG is preparing a draft Strategic Plan that includes a mission statement, description of monitoring program, trends, key strategic issues, goals, and objectives. He noted that the MSG goal is to have the draft Strategic Plan by the end of this year. He indicated that the rationale for elevating the MSG to a Board Standing Committee will be included in the Strategic Plan.

President Thieriot stated that he was very impressed with the MSG report.

Chairman Kerstiens noted that the Board is considering making the MSG a standing committee of the Board.

There was some further discussion.

Mr. Richard Gienger stated that there needs to be a task force to address the design, construction, and maintenance of crossings. He believes that the monitoring rate is too slow and a technical team is needed to address watercourse and crossing issues now.

7. DEPARTMENT OF FORESTRY AND FIRE PROTECTION AND DEPARTMENT OF FISH AND GAME ANNUAL REPORTS ON IMPLEMENTATION OF JOINT POLICIES.

Summary of Issue

This item is scheduled to receive joint status reports from the respective Departments on their implementation of the Joint Board and Commission Policies on Hardwoods, Wildland Fires and Coho Salmon. Commissioners were provided with copies of the Department of Fish and Game's written reports dated April 12, 1999, for Hardwoods, April 5, 1999, for Wildland Fires and August 3, 1998, for Coho Salmon. Commissioners were also provided with a copy of the letter (July 7, 1999) to Mr. Rob Kavanaugh concerning hardwoods management and the Commission's letter (June 3, 1999) to Mr. Bob Schneider, Sierra Club, Yolano Group, regarding the Department of Fish and Game's annual report. Representatives of the respective Departments will be present to make the presentations on implementation of each joint policy.

Action

Mr. Marty Berbach, Department of Fish and Game, reported on the Coho Joint Policy and the Joint Pre, During, and Post Fire Policy. He stated that the Pre, During, and Post Fire Policy was adopted in May 1994, because both the Commission and the Board have mutual interests in the management of pre, post, and during fire issues. He indicated that the joint policy provided specific guidance and identifies responsibility, and that DFG and CDF held workshops on fire safety and ecology. He pointed out that DFG has worked with CDF on specific issues in developing the Fire Plan, and that CDF provided assistance to DFG and local agencies for fire safety and prevention standards under the State's Natural Community Conservation Planning program (NCCP). He then referred to the April 5, 1999, report and reviewed it for the Board and the Commission. He noted that there was no need for collaboration between the Departments on post-fire activities during the 1998 fire season. He mentioned that for future activities, DFG plans on training its land management staff in fire safety and prescribed burning, and CDF will customize its course to fit DFG's needs.

Mr. Berbach stated that DFG is providing staff with comprehensive training courses through the Department of Parks and Recreation, which include fire effects, monitoring, safety and prevention, prescribe burning, and the Incident Command System. He noted that the Department of Fish and Game recognizes the need to strengthen the communications with CDF. He stated that DFG believes that the Joint Policy works and there is no need to revise it, and that adequate staffing and training would insure the implementation of the Joint Policy.

Chairman Kerstiens indicated that the major concern was to keep the communication lines open. He stated that it is important to have a representative from DFG on the Incident Command Team.

Mr. Dean Lucke, Assistant Deputy Director for Forest Practices, indicated that CDF recommends no changes to the Fire Policy.

Mr. Marty Berbach, DFG, addressed the Joint Policy on Coho Salmon. He pointed out that the Joint Coho Policy was adopted by the Commission and the Board in May 1994. He explained that both Departments should cooperate with the state and federal agencies, landowners, academic institutions, and the public to craft a management for anadromous fish strategy, which should be coordinated with the National Marine Fisheries Service (NMFS) and staff should report progress during every Joint Session.

Mr. Berbach stated that the last report from the Department of Fish and Game was dated August 1998 in anticipation of a Joint Session. He reviewed that report for the Board and the Commission. He indicated that in December 1995, the Commission listed the Coho Salmon south of San Francisco as an Endangered species. He pointed out that the NMFS listed Coho as Threatened in the Central Coast ESU in December 1996, and the southern Oregon/northern California ESU as Threatened in June 1997.

Mr. Berbach stated that in December 1998, the Department of Fish and Game entered into a Memorandum of Agreement with NMFS regarding Steelhead trout. He explained that the agreement makes needed modifications and adaptive changes to harvest measures and policies, hatchery policies, habitat, population and monitoring programs. He also reviewed the Coastal Restoration Program for the Board and the Commission.

Mr. Berbach indicated that the Department of Fish and Game supports the Resources Agency's Proposed Rules Package. He pointed out that DFG is sponsoring three Watershed Academies.

Mr. Berbach stated that DFG believes that the Joint Coho Policy is outdated, and that multi-species revisions are needed with a broader scope to the Policy.

Chairman Kerstiens stated that the Board and Commission should meet more often and make some updates to the Hardwood and Coho Joint Policies. He suggested that it be a charge to the Board and the Commission to follow through on the proposals.

Director Tuttle explained the idea behind the Watershed Academy for new members of the Board and Commission. She indicated it was started to bring a common understanding and basic education to the specialist groups as to what was needed for stream restoration. She suggested the DFG add a basic silvicultural unit to its Watershed Academy agenda.

Mr. Robert Treanor, Executive Director of the Fish and Game Commission, indicated a BCP would need to be developed for additional DFG staffing regarding implementing the Joint Fire Policy. He also supported the need to amend the existing Joint Policy on Coho Salmon to include all anadromous salmonid. The Board and Commission directed both Department's to draft the necessary policy amendments.

8. UPDATE ON INTEGRATED HARDWOOD RANGE MANAGEMENT PROGRAM.

Summary of Issue

The Integrated Hardwood Range Management Program (IHRMP) has been established by the Board of Forestry. Its primary objective is to ensure the conservation of hardwood rangeland resources, while protecting the rights of individuals to enjoy the privileges of landownership. The Board's policy is developed through the process of reconciling these two major considerations.

A coalition of the Board, the Department of Forestry and Fire Protection (CDFFP), and the University of California together with the Department of Fish and Game (DFG), the Range Management Advisory Committee, as well as other participants are working to meet the objective of "reducing conversion of sensitive hardwood rangeland". The Board has reevaluated this program's focus in recent months and is looking to develop new approaches and methods. The development of information and communication networks is currently believed to offer opportunities both to influence county decision-making and to facilitate monitoring efforts. Networks are currently being developed on a county-by-county basis, with UC, CDFFP, and DFG cooperatively establishing county committees to evaluate local hardwood resources and issues.

This item is scheduled to allow the IHRMP to explain its functions and where it is headed in the future.

Action

Ms. Adina Merenlender, UC Extension, provided the Board and the Commission with an update on the Hardwoods program. She stated that it was established in 1986 to address the sustainability of California's Oak woodlands and is a joint program between UCE, CDF and DFG that focuses mostly on the Coastal areas. She then pointed out that they have the "Oaks and Folks" newsletter that is distributed to over 5000 landowners and managers, plus the program has over 2800 user hours during this past year on its Web site. She indicated that there have been over 250 scientific publications addressing Oak regeneration, rehabilitation, and policies. She then provided the Board and Commission with a handout and reviewed it with them.

Mr. Barry Garrison, Senior Wildlife Biologist with the Department of Fish and Game, indicated that there are about 30-40 species of hardwood tree species in California and most of the Oak woodlands are in private ownership. He stated that he believes that the Joint Policy works and provides broad latitude for both Departments. He then stressed the importance of the Joint Policy.

Mr. Garrison pointed out that DFG has worked closely with the Sierra Nevada Framework effort, as well as with the Integrated Hardwood Resource Management Plan (IHRMP). He noted that Valley Oaks are most threatened by urban development. He stated that DFG has also helped to develop hardwood management guidelines for northwestern

California, and a draft conservation strategy to deal with Oak woodlands in vineyard landscapes. He noted that the Central Valley and Bay-Delta branch has been looking at reservoir development that would affect 6500 acres in the Sacramento and San Joaquin Valleys, and trying to develop a conservation strategy plan that would deal with that amount of loss to Oak woodlands.

Mr. Garrison indicated that DFG relies on CDF for monitoring. He discussed DFG's timber harvest assessment program, which has been active in trying to get hardwood conservation into individual THPs as well as SYPs and HCPs.

Mr. Garrison then addressed some efforts by DFG that do not fall under the Joint Policy.

Chairman Kerstiens indicated that firewood cutting was a big problem in some of the rural counties. He believes that local government should be doing a better job regulating their oak woodlands to address the urbanization issues. He recommended that the Joint Policy be updated to reflect some of today's issues.

There was some further discussion between the Board and the Commission.

Ms. Janet Cobb, Executive Director of the California Oak Foundation, provided the Board and Commission with several handouts and indicated that the Oak Foundation has succeeded over the last 10 years in educating people on the importance of Oak woodlands. She stated that there is no need to lose our ecosystem if people work together. She noted that the Oak Foundation has gone from education to assisting timber landowners, ranchers, and farmers with their biggest problems, estate tax planning, which could force them to sell their land. She pointed out that the Oak Foundation has been working toward an incentive program through estate tax planning and conservation easements. She explained that the Oak Foundation has conducted about 10 workshops throughout the state. Ms. Cobb concluded by stating there is a need for the Board to list Valley Oaks as a sensitive species.

9. DISCUSSION OF POSSIBLE POSITIONS OR ACTIONS ON ISSUES WITHIN JURISDICTIONS OF FEDERAL AGENCIES INCLUDING AN UPDATE ON COHO SALMON AND STEELHEAD FROM THE NATIONAL MARINE FISHERIES SERVICE.

Summary of Issue

This item is scheduled to allow the National Marine Fisheries Service (NMFS) an opportunity to provide the Board and the Commission an update on the joint-state/federal coho salmon and steelhead programs. Mr. Joe Blum from NMFS will be providing the status report. The report will include recommendations for actions which could be taken by either the Board or the Commission to protect coho salmon and steelhead.

Action

Mr. Joe Blum, National Marine Fisheries Service (NMFS), indicated that the NMFS will list another run of Chinook salmon, which will be announced before Labor Day. He pointed out that the DFG was very active in the review of the Chinook proposals and that their participation was very helpful. He then explained that the NMFS has proposed a listing of the lower Columbia Coastal Cutthroat Trout and is proposing to delist the Umqua River Cutthroat Trout. He noted that will conclude the first round of status reviews, but it will be a continuing process, with the initial listing phase completed by early 2000. He stated that the NMFS will then be concentrating on the 4(d) Rules, Critical Habitat, and the recovery process. He noted that there has been a good working relationship with the agencies and the departments in California.

Mr. Blum pointed out that the NMFS has had an opportunity to work within a stated/federal agency forum on the Resources Agency's proposed Rules Package and it has been very helpful. He then thanked the Departments, the Board and the Commission for opening up the process and provided an opportunity for this communication.

Mr. Blum reported that an HCP had been signed as of March 1, 1999, with Pacific Lumber Company. He pointed out that the implementation stage will now begin for the 200,000 acres plus that area which was not a part of the Headwaters Agreement. He indicated that NMFS is going through a learning phase, but everyone is at the table and trying to resolve issues at the local and regional levels.

Mr. Blum then expanded on the MOA with the State. He explained that the signed MOA was one of the reasons a listing action was not taken in California for the northern California and the Klamath Mountain Province Steelhead ESUs. He noted that this agreement between the NMFS and the State of California was in an effort to improve the situation for steelhead in those areas. He pointed out that the agreement will have to be revisited since none of the signees are still here.

President Thieriot pointed out that he was coming to the end of his term as Commission President and that this would be his last Joint meeting. He noted that the history of the Fish and Game Commission has been dramatic over the last few decades, and during that time, the population of our state has exploded and now it is clear that Californians are more concerned about the preservation of the habitat and wildlife it contains. He indicated that adopting new regulations is not enough. He stated that anadromous fish, hardwoods, and fire issues are the most important, as well as protection of Class III streams.

President Thieriot indicated that the Fish and Game Commission would like to see more restrictions in terms of timber harvest, more buffers and more woody debris for the streams. He explained that the problem is now and the Board and Commission should not wait. He noted that the hardwood issues continue to fall under extreme pressure, and it is time for a more aggressive approach. He then stated that CDF could be more aggressive in encouraging control burns to improve wildlife habitat.

10. REPORTS BY THE BOARD'S EXECUTIVE OFFICER AND THE COMMISSION'S EXECUTIVE DIRECTOR, MAY INCLUDE UPDATE ON PROPOSED STATE AND FEDERAL LEGISLATION.

Summary of Issue

This item is to provide an opportunity for the Board and Commission's Executive Officers to bring to the attention of the Board and Commission any issue(s) which may require future action or items of mutual interest.

Action

There was no report.

11. NEW AND UNFINISHED BUSINESS.

Summary of Issue

This item is scheduled to allow any Board member or Commissioner the opportunity to raise an issue which they would like the respective bodies to act upon.

Action

Executive Director Robert Treanor requested direction from the Board and the Commission for its next joint meeting. He indicated that he and Mr. Rowney were already planning next year's meeting for May and asked if the Board and Commission would like to go to Bass Lake and do the field trips which were planned for this year, but had to be cancelled.

Chairman Kerstiens stated that he believed it is necessary to meet twice a year.

There being no further business, the Joint Meeting of the Board of Forestry and Fish and Game Commission was adjourned at 12:20 p.m.

**State of California
FISH AND GAME COMMISSION**

MINUTES, MEETING OF AUGUST 5-6, 1999

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State of California
FISH AND GAME COMMISSION

Minutes, Meeting of August 5-6, 1999

Pursuant to the call of the President, the Commission met at the California State University, Chancellor's Office Auditorium, 401 Golden Shore, Long Beach, California, on August 5, 1999. The meeting was called to order at 10:10 a.m. by President Thieriot.

Persons present:

FISH AND GAME COMMISSION

Richard Thieriot	President
Mike Chrisman	Vice President
Douglas B. McGeoghegan	Member

COMMISSION STAFF

Robert R. Treanor	Executive Director
John M. Duffy	Assistant Executive Director
Sandy J. Daniel	Executive Secretary

OFFICE OF THE ATTORNEY GENERAL

Randall Christison	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

Terry Mansfield	DD, Wildlife & Inland Fisheries
LB Boydston	Intergovernmental Affairs Office
DeWayne Johnston	Regional Manager, Marine Region
Frank Spear	Regional Patrol Chief, Marine Region
Mike Vader	Chief, License and Revenue Branch (LRB)
Captain Phil Gaskins	Marine Region, Long Beach
Warden Adrian Foss	Marine Region, San Diego
Warden Bob Puccinelli	Marine Region, Salinas

The following persons were also present and heard:

Joni Gang	spcaLA
Walton Wright	Naturalist, City of Torrance
Paul Weakland	Commercial Fisherman
Susan Tellem	American Tortoise Rescue
Marshall Thompson	American Tortoise Rescue
Gilbert Castinoza	Concerned Citizen
Joel Beckman	Animal Care Permittee
Doug Price	Reptile Permittee

Michael Rotsten
Mark and Stacy Adams
Rodney Helfrich
Mike McCorkle
Silas Clarke
David Shields
Robert Simpson
Michael Dean Irey
Lee Carter
John R. McDowd

Attorney for Mark and Stacy Adams
Prohibited Species Permittee
Commercial Salmon Fisherman
Commercial Fisherman
Commercial Squid Fisherman
Commercial Sea Urchin Diver
Commercial Sea Urchin Diver
Commercial Fisherman
Deputy District Attorney, Santa Barbara County
Commercial Fisherman

President Thieriot introduced members of the Commission, its staff, Directorate, Randall Christison of the Attorney General's Office, Maria Rhea, Assistant Secretary for the Resources Agency, and Art Baggett, State Water Resources Control Board Member.

1. PUBLIC FORUM.

Summary of Issue

This item is scheduled to afford any member of the public the opportunity to address and/or ask questions of the Commission relating to the implementation of its policy or to any matter within the jurisdiction of the Commission. That issue need not be related to any item on the current agenda. Not more than five minutes per individual should be allocated to receive this public input. The Commission has the option of requesting additional study or response by the Department, or it may direct its staff to schedule an agenda item to address the issue at a future meeting.

Action

Joni Gang, Walton Wright, Susan Tellem and Marshall Thompson urged the Commission to ban the importation of nonnative bullfrogs and turtles for the live retail market.

Paul Weakland requested an EIR be completed on the abalone resource and that its status be disclosed.

Gilbert Castinoza spoke about striped bass fishery in Lake Pyramid and the cessation of fish stocking. He requested information from the Department on why it stopped planting fish or why it will not continue planting fish. He discussed the reason for the striped bass stamp and wanted to do volunteer work with the Department.

2. COMMISSION STATUS REPORT ON IMPLEMENTATION OF ITS STRATEGIC PLAN.

Summary of Issue

This item is scheduled to allow the Commission to inform the public of its current actions in implementing its Strategic Plan. The public will also be provided an opportunity to comment on its ideas/suggestions for the Commission's operations.

Action

Commissioner Chrisman provided a summary of the plan and identified its four strategic issues. He then described the four challenges in the plan as follows: 1) develop resource policy agenda for California's fish and wildlife resources that assures resource sustainability; 2) to fully implement the Commission's roles and responsibilities; 3) improve its organizational effectiveness; and 4) improve Commission outreach. He indicated that an implementation strategies task force was being developed to help further identify and carry through implementation of the strategic plan. Commissioner Chrisman reported that the Commission was working on delegation of license and permit issues to a subcommittee hearing officer of the Commission.

Paul Weakland commented that the Commission had failed in the past in preserving the resources for future generations and asked what was different with its "new" plan.

3. DEPARTMENT REQUEST PURSUANT TO SECTION 2073.5(b) OF THE FISH AND GAME CODE FOR AN EXTENSION OF TIME OF 30 DAYS TO COMPLETE ITS EVALUATION OF THE PETITION TO LIST BAJA CALIFORNIA BIRDBUSH (*Ornithostaphylos oppositifolia*) AS AN ENDANGERED SPECIES.

Summary of Issue

On March 31, 1999, the Commission office received a petition to list the Baja California Birdbush (*Ornithostaphylos oppositifolia*) as endangered. Pursuant to Section 2073.5 of the Fish and Game Code, the petition was forwarded to the Department of Fish and Game for review. The Department stated it would be providing its recommendation on the petitioned action within 90 days of receipt of the petition.

On June 25, 1999, the Department submitted a request pursuant to Section 2073.5(b) of the Fish and Game Code, for an extension of time (30 days) to complete its evaluation of the petition.

This item is scheduled to consider the Department's request for a 30-day extension. The reason the Department is requesting the extension is that before it can complete its review, it needs to meet with the U.S. Border Patrol, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers and San Diego County.

Department Recommendation

"Pursuant to Section 2073.5(b) of the Fish and Game Code, I am requesting an extension of 30 days beyond the original 90 days to allow the Department to complete its evaluation of the subject petition. We originally received the petition on April 7, 1999. Department staff will be meeting on July 9, 1999, with the U.S. Border Patrol, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and San Diego County to discuss current issues and conservation options for this species. The extension will allow the Department to prepare a more thorough evaluation for the Commission."

Action

Executive Director Treanor explained the issue and reported that the Department had requested an extension of 30 days beyond the original 90-day timeframe to complete its evaluation.

It was then:

MOVED BY MR. CHRISMAN, SECONDED BY MR. MCGEOGHEGAN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE DEPARTMENT OF FISH AND GAME'S REQUEST PURSUANT TO SECTION 2073.5(b) OF THE FISH AND GAME CODE FOR A 30-DAY EXTENSION TO EVALUATE THE PETITION TO LIST THE BAJA CALIFORNIA BIRDBUSH (*Ornithostaphylos oppositifolia*) AS ENDANGERED.

PASSED UNANIMOUSLY.

4. REQUEST OF JOEL BECKMAN, LA HABRA, TO APPEAL THE DEPARTMENT'S DENIAL OF HIS APPLICATION FOR AN ANIMAL CARE PERMIT.

Summary of Issue

Mr. Joel Beckman requests an opportunity to appeal the Department's denial of his application for an Animal Care Permit to possess two caimans. In a letter dated June 2, 1999, Mr. Beckman provides the following information:

"Pursuant to the letter from Department of Fish and Game dated May 17, 1999, denying my application for an Animal Care Permit, I hereby appeal the Department's decision and request to be placed on the agenda. A copy of the May 17, 1999, letter is attached hereto for your easy reference (Commissioners were provided with a copy of subject letter).

"I assume from the inclusion of the calendar, that I may request a certain date for the appeal hearing. If this is correct, I would respectfully request to be heard on August 5, 1999, or August 6, 1999, as the locations for the meetings are within a reasonable traveling distance. I could not possibly attend a hearing outside the Southern California area.

"I certainly appreciate your attention to this letter. Additionally, I would request, if possible, any rules or procedures which apply to these appeal hearings."

Department Recommendation

"Mr. Beckman applied for and was denied an Animal Care Permit to possess two caiman as pets. Animal Care Permits are issued to persons who legally possessed the animal(s) in California prior to January 1992. The Department accepts documents such as pet shop sales receipts, veterinary records, dated photographs or other similar items

as proof of possession of the animal(s) prior to January 1992. Mr. Beckman provided none of the above, only a Declaration attesting to his ownership of these animals. It is the Department's policy not to accept a Declaration in lieu of tangible evidence.

"The Department recommends denial of Mr. Beckman's appeal for an Animal Care Permit."

Action

Executive Director Treanor summarized the item, noted that Joel Beckman was present and informed the Commission that the Department recommended denial of Mr. Beckman's request.

Joel Beckman claimed he possessed the caimans since they were infants, one was given to him as a gift in 1984 and the other one he purchased in 1986 or 1987. He explained that he did not have any pet store sales receipts or any veterinary records, nor any dated photographs. Mr. Beckman read a declaration into the record and requested that the sworn statements be considered by the Commission.

LRB Chief Vader stated that it was the Department's policy not to accept a Declaration in lieu of tangible evidence. Mr. Vader asked Mr. Beckman if he was sure he didn't have any dated photographs or any tangible evidence.

Deputy Attorney General Christison stated that Mr. Beckman's Declaration was valid as admissible evidence.

Commissioner Chrisman suggested Mr. Beckman work with the pet store to obtain sales receipts.

It was then:

MOVED BY MR. MCGEOGHEGAN, SECONDED BY MR. CHRISMAN, THAT
THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF
JOEL BECKMAN, LA HABRA, FOR AN ANIMAL CARE PERMIT.

AYES: COMMISSIONERS MCGEOGHEGAN AND CHRISMAN
NOES: COMMISSIONER THIERIOT

MOTION PASSED.

5. REQUEST OF DOUG PRICE, HAYWARD, TO APPEAL THE DEPARTMENT'S DENIAL OF HIS APPLICATION FOR A REPTILE BREEDING PERMIT.

Summary of Issue

(Note: Mr. Price's letter requesting to be placed on the June meeting agenda was received in the Commission office too late to be considered for the June meeting.)

Mr. Doug Price requests an opportunity to appeal the Department's denial of his application for a Reptile Breeding permit to breed Reticulated Gila Monsters. In a letter dated May 27, 1999, Mr. Price provides the following information:

"I am writing to request that I be put on the agenda for June 17 and 18 Fish and Game Commission Meeting at Point Reyes Station. The purpose of my request is to appeal the declination of my Breeding Permit application..."

Department Recommendation

"Mr. Price owns and operates *Price Animal Company* which specializes in the captive breeding of exotic reptiles for commercial purposes. At this time, Mr. Price possesses no restricted species. His statement of purpose to possess and breed Reticulated Gila Monsters (*Heloderma suspectum suspectum*) asserts there is very little known about Gila Monster's reproductive biology, and he would like to further his knowledge in this area.

"Research in the area of captive breeding of this species has been done. Numerous Californians who already possess a breeding permit for this species, as well as other breeders throughout the United States, are currently offering captive born offspring for sale. Based on the Department's inspection of Mr. Price's facility, the Department believes his request for a breeding permit is for economic gain rather than the expansion of scientific knowledge and/or the natural history of these valuable animals.

"Gila Monsters are in great demand within the private collections of reptile hobbyists throughout the world and have a commercial retail value of between \$1,000 and \$1,200. While they are not threatened or endangered, Gila Monsters are fully protected in every locality they occur. They cannot be collected or possessed in the states of California, Arizona or Nevada and are extremely difficult to obtain from the country of Mexico, as well.

"The Department recommends denial of Mr. Price's request for a Breeding Permit."

Action

Executive Director Treanor summarized the issue, noted that Doug Price was present and informed the Commission that the Department recommended denial of Mr. Price's request for a Reptile Breeding Permit.

Doug Price disagreed with the Department's findings and conclusions and indicated that the basis of his appeal was that very little was actually known about the reproductive biology of the Reticulated gila monsters and that he was not solely interested in the permit for financial gain, but hoped to participate and contribute to the scientific knowledge in this area. He then explained that the reasons the Department cited for denying his permit were not found in its Manual 671 (Regulations for Live Restricted Animals); and therefore, were not valid grounds to deny his permit.

LRB Chief Vader provided the Department's recommendation for denial of this request based on the Department's inspection of Mr. Price's facility, and that the Department believed his request for a breeding permit was for economic gain rather than the expansion of scientific knowledge and/or the natural history of these valuable animals.

Deputy Attorney General Christison clarified and explained the criteria for obtaining a breeding permit.

Deputy Director Mansfield further explained the Department's policies and the conflict with scientific and commercial breeding.

Deputy Attorney General Christison stated that if Mr. Price met the criteria and qualifications, he should be granted a permit.

President Thieriot indicated that amending Section 671 was needed.

It was then:

MOVED BY MR. THIERIOT, SECONDED BY MR. MCGEOGHEGAN, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF DOUG PRICE, HAYWARD, FOR A REPTILE BREEDING PERMIT.

PASSED UNANIMOUSLY.

6. REQUEST OF MARK AND STACY ADAMS, SUNLAND, TO APPEAL THE DEPARTMENT'S DENIAL OF THEIR APPLICATION FOR A RESTRICTED SPECIES RESEARCH PERMIT.

Summary of Issue

Mr. and Mrs. Adams are appealing the Department's denial of their application for a Restricted Species Research Permit for possession of Muntjac Deer. In a letter dated June 17, 1999, Mr. Michael Rotsten, attorney for Mr. and Mrs. Adams, provides the following information:

"I have been retained to represent the interests of Mr. & Mrs. Adams regarding the denial of their request for a Restricted Species Research Permit for the possession of Muntjac Deer. A copy of such denial is enclosed. (Commissioners were provided with a copy of the denial letter).

"Accordingly, by this letter, the Adams appeal the decision denying the permit.

"I understand that a meeting will be scheduled for August 5th or 6th. Please confirm when the date and time has been set.

"Also, please advise me if there are any deadlines for filing documents, with the Commission, in support of my clients' argument."

Department Recommendation

"On November 23, 1998, the Department received an Indiana State Board of Animal Health Certificate of Veterinary Inspection, indicating Mark and Stacey Adams may be in possession of two muntjac. The Department had no records showing Mark or Stacey Adams applied for or were ever issued a permit to import, transport or possess muntjac. An investigation by law enforcement personnel confirmed the Adams were in possession of two muntjac without a permit. Subsequently, the Department received an application from Mark and Stacey Adams for a Research Permit. The Adams' application stated Mr. William F. Wood, Professor of Chemistry, Humboldt State University (HSU), Arcata, California, would conduct pre-orbital and inter-digital gland research on the muntjac while the animals remained in the care of Stacey Adams in southern California.

"Section 671.1(b)(6), Title 14, California Code of Regulations (CCR), defines a research facility as a university, college, governmental research agency, or other bona fide scientific institution, engaging in scientific or public health research. Because the Adams do not meet the criteria for a research facility, as defined above, they were denied a Research Permit. However, the Adams were told Mr. Wood could conduct his research by amending HSU's Research Permit to include muntjac. If Mr. Wood chose to continue his research, HSU would be required to take possession of the muntjac. As of this date, the Department has not heard from Mr. Wood and law enforcement personnel state the muntjac have been shipped out of state.

"The Department recommends denial of Mark and Stacey Adams' request for a Research Permit."

Action

Executive Director Treanor introduced the item, noted that Mark and Stacy Adams and their attorney, Michael Rotsten, were present and informed the Commission that the Department recommended denial of their request for a Restricted Species Research Permit. Mr. Treanor indicated that Mr. Rotsten had provided the Commission with supporting documentation, a declaration of Stacy Adams and also a declaration of William Wood, Professor of Chemistry at Humboldt State University.

Michael Rotsten, attorney representing Mr. & Mrs. Adams, submitted a declaration for the record, requested that the Adams' be granted the scientific permit and provided background information.

LRB.Chief Vader provided the Department's recommendation for denial of this permit request based on the Adams' home not qualifying as a research facility. Mr. Vader stated that the Department had no problem with the research that Humboldt State University wanted to conduct nor any problems with Professor Wood, but believed that the work should be done at the University, which would qualify for a scientific research permit facility.

Mr. Rotsten stated that the regulations needed to be amended to clarify possession of an animal before applying for a permit.

Deputy Attorney General Christison described the criteria checklist.

It was then:

MOVED BY MR. CHRISMAN, SECONDED BY MR. MCGEOGHEGAN, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF MARK AND STACY ADAMS, SUNLAND, FOR A RESTRICTED SPECIES RESEARCH PERMIT.

PASSED UNANIMOUSLY.

7. REQUEST OF RODNEY HELFRICH, OJAI, TO APPEAL THE DEPARTMENT'S DENIAL OF HIS APPLICATION TO TRANSFER A COMMERCIAL SALMON VESSEL PERMIT FROM THE F/V CHERYL C TO THE F/V ECSTASY.

Summary of Issue

In a letter dated May 21, 1999, Mr. Howard Cho, Attorney for Mr. Helfrich, provides the following information:

"Please accept this letter as a notice of appeal of your Department's decision, dated April 16, 1999. My client, Mr. Rodney Helfrich lost his salmon fishing boat on April 11, 1998. The boat was sunk because it was hit by another boat. This boat was RA 32 foot Monterey Trawler fishing boat. Mr. Helfrich had a commercial Salmon Vessel Permit on this boat bearing serial number FG09832. Because of this unfortunate incident application has been made to transfer the Salmon Permit to his other boat which is a 37 foot Bozzili Trawler. Your department on April 16, 1999, denied this request. Please advise as to when the appeal hearing will be set and what if anything is necessary to perfect this appeal."

Department Recommendation

"Mr. Helfrich is appealing the Department's denial of his application to transfer the commercial Salmon Vessel Permit from the *Cheryl C*, a 28.1-foot vessel, to the *Ecstasy*, a 37.6-foot vessel. Mr. Howard Cho, Mr. Helfrich's attorney, states in his letter of appeal '...My client Mr. Rodney Helfrich lost his salmon fishing boat on April 11, 1998. The boat sunk because it was hit by another boat.'

"Section 8241(a) of the Fish and Game Code allows for a transfer of a Commercial Salmon Vessel Permit if the replacement vessel has the same fishing potential as, or less fishing potential than, the permitted vessel.

"The Department, after consultation with the Commercial Salmon Review Board, determined that the *F/V Ecstasy* is a larger vessel, with a greater gross and net tonnage, larger hold capacity, and overall has greater salmon-catching ability. The Department's decision to deny this transfer request is supported by data provided in the Review of 1998 Ocean Salmon Fisheries report produced by Pacific Fisheries Management Council, indicating that a 37.6-foot vessel has far greater salmon-catching ability than that of a 28.1-foot vessel.

"Based on the information above, the Department recommends that the Commission deny Mr. Helfrich's request to transfer the Commercial Salmon Vessel Permit from the *F/V Cheryl C* to the *Ecstasy* because this transfer would result in an increase in commercial salmon fishing potential."

Action

Executive Director Treanor summarized the item, noted that Rodney Helfrich was present and informed the Commission that the Department recommended denial of Mr. Helfrich's request to transfer a commercial salmon vessel permit from one vessel to another.

Rodney Helfrich explained that he did not believe that the new vessel was much larger in "hold" capacity size than his old boat. Mr. Helfrich stated that he was not offered any options, compensation or agreement to upgrade his permit. He also stated that he was not provided with any information of when and where the Salmon Review Board Hearing met.

Marine Regional Manager Johnston spoke about fishing vessel capacities and that Mr. Helfrich could appeal the Salmon Review Board's decision to the Board.

Mike McCorkle, salmon fisherman, claimed a smaller vessel might have just as much capacity as a larger vessel. He stated that he didn't believe the fishing capacities were different between the two vessels in question. He supported the Salmon Review Board and generally how it works.

It was then:

MOVED BY MR. MCGEOGHEGAN, SECONDED BY MR. CHRISMAN, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF RODNEY HELFRICH, OJAI, TO TRANSFER A COMMERCIAL SALMON VESSEL PERMIT FROM THE *F/V CHERYL C* TO THE *F/V ECSTACY*.

PASSED UNANIMOUSLY.

8. REQUEST OF LEONARD FERRIGNO, CLARKSTON, WASHINGTON, TO APPEAL THE DEPARTMENT'S DENIAL OF HIS APPLICATION FOR A SQUID LIGHT BOAT OWNER'S PERMIT.

Summary of Issue

Mr. Leonard Ferrigno, requests an opportunity to appeal the Department's denial of his application for a Squid Light Boat Owner's Permit. In a letter dated March 24, 1999, Mr. Leonard Ferrigno provides the following information:

"I am writing you to ask you to grant me a squid light boat permit. My name is Leonard Ferrigno I am married and have 4 children. I grow up purse seining with my father in San Pedro, California. My father Joe Ferrigno owned two fishing boats the first one was the North Pacific which I fished on during my summer vacations. His second boat is the Ferrigno Boy which I fished off and on until 1992. My family still own's the Ferrigno Boy my brothers currently fish the Boat. My father passed away 2 years ago. The reason I missed last years deadline is that I now live in Clarkston, Washington. I did not realized [sic] that there was a time limit on applying for a permit. I also was in the process of buying a boat which I can use as a light boat. I own a Bristol Bay Permit and have a 32' x 13' aluminum boat which I was planning on using for both Alaska and California I am very familiar with all the areas where fish are caught. I feel that I belong in that fisheries and would be excited to hear from you."

In a letter dated April 5, 1999, Mr. Ferrigno provides the following information:

"I recently mail a letter to you requesting or appealing to you for a squid boat light permit. I also furnished documentation (Commissioners were provided with copies of documentation) why I could not apply for a permit April 30, 1998. I would be more than happy to submit my application and \$2,500 fee if you would allow me to do so. Please submit any questions to the following address [sic] and phone numbers."

In a letter dated April 21, 1999, Mr. Ferrigno provides the following information:

"I am appealing to you to grant me a squid light boat permit. I could not apply for a permit in 1998. At that time, I was in the process of purchasing a boat. I purchased a boat to fish in Alaska with the intention to use it as a light boat in Calif.

"I grew up fishing with my father in San Pedro, Calif. He owned a purse seiner. My brothers currently fish my fathers fishing boat. I have wanted to have a squid light boat. I did not have a boat to participate in this fishery until I purchased a boat last year. Please consider me for a permit."

In a letter dated May 18, 1999, Mr. Ferrigno provides the following information:

"Thank you for replying to my letters. The reason I left commercial fishing is that my father and brothers and I were not getting along. After putting my childhood and my young adult life into fishing, in which I never thought I'd leave. My family and I just

could not see eye to eye on some fishing matters. So I was forced to leave the family fishing business. Not long afterwards I was forced into filing bankruptcy and lost my home to foreclosure. I moved my wife and my 4 children [sic] into a rental home in Clarkston, Washington, that my father inlaw [sic] owns. I always had the intention of going back into commercial [sic] fishing as soon as I had a capable boat. I now do. Please reconsider my appeal for a squid light boat permit."

Department Recommendation

"Pursuant to Fish and Game Code (FGC) Section 8423, beginning April 1, 1998, no person shall operate a squid light boat unless the owner of the boat has a valid Squid Light Boat Owner's Permit issued for use on that vessel. To qualify for a permit, the applicant must have a valid Commercial Fishing License and be the owner of record of a commercial fishing vessel that the permit will be assigned, which must be registered with the Department of Fish and Game (Department). All applicants were required to file an application for a Squid Light Boat Owner's Permit on or before April 30, 1998. FGC Section 8423.5 allows acceptance of a late application upon payment of a \$250 late fee.

"Department records show that Mr. Ferrigno last held a valid commercial fishing license (L18540) during the 1993-94 permit year. Based on fish landing records on file with the Department, during 1990 through 1994 Mr. Ferrigno has not made landings of squid or any other species.

"In his letter of May 18, 1999, Mr. Ferrigno stated that he had some difficulties with his father and brothers and was forced to leave the family fishing business. He also stated that he had some financial hardships and moved to the State of Washington. In a telephone conversation with Department personnel on June 8, 1999, Mr. Ferrigno stated that he purchased his vessel in April or May of 1998. Mr. Ferrigno submitted documentation showing that he filed for bankruptcy in April 1993 and it was discharged in February 1996. Mr. Ferrigno also provided copies of a vessel survey dated May 20, 1998, and a 1999 Vessel License Receipt Card for the *FV Deborah Renee*, registered in the State of Alaska on January 12, 1999.

"As of this date, Mr. Ferrigno has not submitted documentation to show extenuating circumstances prevented him from applying for the permit by the deadline."

Action

Executive Director Treanor introduced the item, noted that Leonard Ferrigno was not present and informed the Commission that the Department recommended denial of Mr. Ferrigno's request for a squid light boat owner's permit. Mr. Treanor indicated that Mr. Ferrigno had requested a postponement to a future meeting due to a family illness and difficulty in taking off work. Mr. Treanor stated that "typically" the Commission grants that type of request.

The Commissioners agreed to deny the request at this time, but allow Mr. Ferrigano the right to appeal.

It was then:

MOVED BY MR. MCGEOGHEGAN, SECONDED BY MR. CHRISMAN, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF LEONARD FERRIGNO, CLARKSTON, WASHINGTON, FOR A SQUID LIGHT BOAT OWNER'S PERMIT.

PASSED UNANIMOUSLY.

9. REQUEST OF SILAS CLARKE, SAN PEDRO, TO APPEAL THE DEPARTMENT'S DENIAL OF HIS APPLICATION FOR A MARKET SQUID VESSEL PERMIT.

Summary of Issue

Mr. Silas Clarke requests an opportunity to appeal the Department's denial of his application for a market squid vessel permit. This item was initially placed on the May 5, 1999, meeting agenda. Mr. Clark requested that his request be considered at a future meeting, preferably one closer to his home.

In a letter dated March 16, 1999, Mr. Clarke provides the following information:

"I am writing this letter to appeal the denial of my Squid Permit, dated March 10, 1999. I have been out of the country (in Mexico) fishing for the past five years, therefore I had no prior knowledge of the limited entry law that was being enacted.

"Approximately five years ago, when the government was touting the new NAFTA bill, I was approached by a group of people and asked if I would be interested in a joint venture in Mexico. I figured with all the propaganda about the opportunities and the willingness of the Mexican and United States government to help each other it would be a great opportunity. Let me assure you it was the worst mistake I have [sic] in my entire life. I started my joint venture with a temporary import of my boat. I was home ported in La Paz, Baja Calif. Sur. For the first couple of years everything was working out. Then the Peso devaluated and overnight I lost one half of everything I had worked for. Soon after that everything started deteriorating. The Mexican Government started requiring more permits, which became very expensive and took so long to get, coupled with the payoffs they demanded, that it became apparent that I was on the road to loosing [sic] everything, including my boat. As it became more evident that this was a bad venture, I moved up to Ensenada, so that I was close to the United States border. In November of 1998, I finally had the opportunity to get my boat out of Mexico and return to the United States. I did everything according to the laws of both countries. I paid all my taxes and Social Security benefits to the Mexican Government and asked to have my boat de-flagged so that I could re-flag in the United States. This is March, 1999 and they have still not given me my papers. Needless to say, it has costs [sic] me all my savings just to get my boat back to the United States. I had to borrow a large

sum of money just to pay everyone off and hope if I work hard and fishing is good, I will be able to pay off my debts and provide a living for my family.

"When I went to talk to the Fish Markets in San Pedro, that I had delivered to for many years, and asked them if I could fish for them again, they said they would love to have me back but did I have my permits? This was the first time that I had been made aware of the new law. I was told about the formation of the limited entry Squid Permits and I applied for my permit on March 11, 1999 and was refused.

"I am 61 years old and have been a [sic] involved in the local fishing in San Pedro from the time I started fishing while in high school. As you are aware, the local Mackerel and Sardines fisheries are barely a break even for the local fisherman. When Squid season arrives, it is our chance to hopefully make enough money to keep our boats and equipment in top condition, pay the high costs of insurance and earn a living. Without a permit to fish Squid, I cannot earn a living in Southern California, where I have lived and worked, paid my taxes, and raised my family. Therefore I am asking that I have the opportunity to purchase my squid permit. Thank you."

Department Recommendation

"Pursuant to Fish and Game Code (FGC) Section 8421, beginning April 1, 1998, any vessel using dip, purse seine, or lampara nets to take market squid for commercial purposes must have a valid Market Squid Vessel Permit issued for use on that vessel. To qualify for a permit, the applicant must have a valid Commercial Fishing License and be the owner of record of a commercial fishing vessel that the permit will be assigned, which must be registered with the Department of Fish and Game (Department). All applicants were required to file an application for a Market Squid Vessel Permit on or before April 30, 1998. FGC Section 8422 allows acceptance of a late application upon payment of a \$250 late fee, provided that it was received by the Department on or before May 31, 1998.

"Department records shows that Mr. Clarke last held a valid Commercial Fishing License (L25618) and a Commercial Boat Registration for the F/V *St. Katherine* (FG21519) during the 1991-92 permit year. Based on fish landing records on file with the Department, Mr. Clarke made landings of squid from January 1988 through December 1991.

"On March 11, 1999, Mr. Clarke applied for a Market Squid Vessel Permit at the Department's Long Beach office and was denied. At that time he was informed that all applicants were required to file an application for a Market Squid Vessel Permit on or before April 30, 1998.

"In his letter of March 16, 1999, Mr. Clarke stated that he had been in Mexico for the past five years, and was not aware of the new permit requirements. Mr. Clarke states that he had an opportunity to start a joint venture in Mexico, and was home ported in La Paz, Baja California, where he started his business. According to Mr. Clarke, business for the first couple of years in Mexico was a success until the value of the

peso dropped and overnight he lost one half of everything he had worked for. Mr. Clarke mentioned that in November of 1998, he was able to get his boat out of Mexico but the expense to return to the United States cost him his savings.

"Mr. Clarke also states that he fished for and delivered fish to markets in San Pedro and wanted to fish for the markets again. In addition, Mr. Clarke states that he has been a commercial fisherman for many years and without a permit to fish squid, he has no ability to pursue his livelihood.

"Based on the previously stated information, the Department recommends denial of Mr. Clarke's request for acceptance of a late application for a Market Squid Vessel Permit because he voluntarily left commercial fishing in California to pursue other business endeavors."

Action

Executive Director Treanor summarized the item, noted that Silas Clarke was present and informed the Commission that the Department recommended denial of Mr. Clarke's request for a Market Squid Vessel Permit.

Silas Clark explained his special circumstances of why he missed applying for this permit as the laws had changed and he was in Mexico fishing. He then requested special dispensation for a permit.

LRB Chief Vader provided the Department's recommendation for denial.

Commissioner McGeoghegan commented that the squid legislation sunsets on April 1, 2001, and unless the statutes were extended, it would again become an "open" fishery.

It was then:

MOVED BY MR. CHRISMAN, SECONDED BY MR. MCGEOGHEGAN, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF SILAS CLARKE, SAN PEDRO, FOR A MARKET SQUID VESSEL PERMIT.

PASSED UNANIMOUSLY.

10. REQUESTS OF ROGER COLLIN, ELK; JOE GOFORTH, ALBION; DAVID SHIELDS, SAN DIEGO; AND ROBERT SIMPSON, SANTA BARBARA, FOR A WAIVER OF THE COMMERCIAL SEA URCHIN LANDING REQUIREMENTS.

(NOTE: Messrs. Collin's and Goforth's requests were continued from the Commission's June 17, 1999, meeting. They stated that the severe storms caused by El Niño prevented them from leaving the harbor and reduced the number of days they could dive. As a result they needed to take other jobs to pay their bills.)

A. ROGER COLLIN, ELK

Summary of Issue

In a letter dated March 10, 1999, addressed to the License and Revenue Branch, Mr. Collin provides the following information:

"This is to request a waiver of the Sea Urchin landings required to renew my Sea Urchin Diving Permit for the 1999>2000 license year. The recent 'El Nino' weather patterns, a depressed Japanese economy and local processing problems combined to create economic hardships for Urchin Divers for the past several years in Northern California.

"I was forced to take construction jobs to compensate [sic] for the loss of Urchin Diving income, or risk my boat, and the safety of my deck-hand and myself to dive in bad weather for low prices.

"All the processors but one were forced to leave Fort Bragg by these conditions, and that one processor's plant was destroyed by fire, further discouraging diving effort, since the prices would fall drastically after one day of good weather due to oversupply.

"In the license years of '97-'98 and '98-'99 several factors contributed to my inability to make the 20-300 lb. landing requirements:

- "1. Economic necessity required that I accept contracts for construction projects which ran far past estimated completion dates, eliminating diving opportunities during peak seasons.
- "2. Bad weather during high demand, and consistently declining prices.
- "3. My boat was out of commission and I couldn't afford the repairs.

"I respectfully request that in consideration of these personal hardships, you grant a waiver of the Sea Urchin landing requirement, and allow me to renew my Sea Urchin Permit for the up-coming License year.

"I believe the Sea Urchin Fishery as-a-whole would benefit if the Landing requirements were dropped so that divers could develop other sources of income during periods of

bad weather and low prices, allowing resource stocks to rebuild to more sustainable levels, and encourage market demand."

In a letter dated April 20, 1999, addressed to the Department's License and Revenue Branch, Mr. Collin provides the following information:

"Enclosed please find documentation for my Sea Urchin Landings Waiver request, as per my letter of Mar. 10, 1999.

"Due to poor weather and prices I had begun to look for alternatives to diving prior to the opening of the '97>'98 Urchin Season.

"I accepted the Coddington project in Feb. '97 which continued until Sept. I had already started the planning and permit negotiations with the Coastal Commission for the Seto job, the planning stages of which extended until Feb. of '98, when we were able to start construction. Meanwhile since prices and weather were still sporadic, I took the Karish job while waiting for the plans and permits for the Seto contract to clear the five different agencies through whom permits needed to be approved before construction could begin. The Seto project involving construction of the Campground Store/Office and Cafe and renovation of the RV Camp, took up the rest of the '98>'99 Fishing year.

"The combination of bad diving weather and poor prices created a hardship for me which I was able to mitigate by accepting complex construction jobs. My contractual obligations to the completion of these projects precluded getting my Urchin Landing Requirements for the past two Commercial Seasons. My boat was also out of Commission much of that time; April '97>Sept.'98

"I am requesting of the Commission that my Landing Requirement for the last Season be waived, and my Urchin Permit renewed so that I may have the opportunity to fish another season and have a chance to justify the investment of time, money and equipment I have invested in the Urchin Fishery over the years. Thank you for your consideration."

In a letter dated May 17, 1999, Mr. Collin provides the following information:

"This letter is to request a hearing before the Fish and Game Commission to appeal the denial by the Department of Fish and Game, of a renewal of my Urchin Permit, including a waiver of Landing Requirement. Vandella Campbell of the License and Revenue Dept. indicated that a letter requesting an appeal before May 24, would enable me to appear at the June meeting.

"The basis of my request for a Landing waiver was that my boat, FV Deliverance was disabled for diving between the dates of the last landings from it in '95, and Sept. '98. My diving partner, Barry Lambert was operating the boat when the engine blew up in '95. We took the compressors and tanks off and put them on *his* boat, the Flashback, in Aug. '95. My boat had no dive equipment until Nov. '97, and was not operational until Sept. '98. My last landings, made during the 97/98 permit year, were made from

the Flashback. Barry moved to Morro Bay in the fall of 1997.

"The combination of: my boat being mechanically disabled, bad weather and poor prices constituted hardships which forced me to take construction contracts during that 18 month period. Bad weather and prices precluded diving on other boats.

"I have provided the License and Revenue Dept. with documentation of construction contracts I accepted during my absence from diving, showing that I was committed to completing the jobs I had obtained.

"I am requesting that the Commission waive my landing requirements for that time and allow me to renew my Urchin Permit and resume diving, now that my boat is operational.

"Thank you for your consideration in this matter. Please allow me an opportunity to justify the investment I have made in the Urchin Fishery."

Department Recommendation

"Pursuant to Section 120.7, Title 14, of the California Code of Regulations (CCR), commercial sea urchin diving permit holders are required to meet minimum landing requirements of 20 sea urchin landings of at least 300 pounds each during one of the two immediately preceding permit years. In addition, permit holders must renew their permits annually no later than June 30. Section 120.7(e)(1) of the CCR allows late renewal of a permit up to one month beyond the renewal deadline upon payment of a \$50 late fee.

"Department of Fish and Game (Department) records show that Mr. Collin held a valid 1998-99 Sea Urchin Diving Permit and last made the required 20 landings during the 1996-97 permit year which made him eligible to renew his permit for the 1998-99 permit year. Mr. Collin made ten landings of sea urchins during the 1997-98 permit year, six of which were more than 300 pounds. During the 1998-99 permit year Mr. Collin made no landings of sea urchin or any other species.

"In Mr. Collin's letter of May 17, 1999, he stated that he did not dive for sea urchins due to a combination of bad weather and poor prices which constituted a hardship that forced him to take construction contracts for an 18-month period of time. In addition, Mr. Collin stated that his boat became non-operable in 1995 and he could not afford to have it repaired.

"Mr. Collin submitted a letter from Mr. Carl Mueller of the Albion River Campground stating that the *FV Deliverance* (FG25361) was out of the water for repairs from April 1997 to September 1998. Letters from his customers state that he was working in the construction field from February 1997 to January 1999.

"From August 1995 to September 1997, Mr. Collin's landings of sea urchin have been reported from the *FV Flashback* (FG43383), which is registered to another individual.

It appears that when his vessel was operable he was diving for sea urchins from the *F/V Flashback* (FG43383).

"According to fish landing records on file, Mr. Collin did not dive for sea urchins from September 1997 through March 1999, an 18-month absence from the fishery. As of this date, the documentation that Mr. Collin provided does not indicate that the *F/V Deliverance* (FG25361) was non-operable, from 1995 until September of 1998. In addition, Mr. Collin states that in September of 1998 his vessel was operable, but landing records do not show that he participated in the sea urchin fishery once his vessel, the *F/V Deliverance* (FG25361) was repaired.

"Based on the previously stated information, the Department recommends denial of Mr. Collin's request for a landing waiver for his Sea Urchin Diving Permit because it appears that Mr. Collin voluntarily chose to seek other employment."

Action

Executive Director Treanor summarized the item and reported that Mr. Collin's request was continued from the Commission's June 17, 1999, meeting as Mr. Collins claimed that the severe storms caused by El Niño prevented him from leaving the harbor and reduced the number of dive days which resulted in taking other jobs to pay his bills.

LRB Chief Vader reported that there was a downward trend in the number of permits and corresponding landings since the 1996/97 permit year. Mr. Vader also reported that the Department's analysis concluded that a higher percentage of permittees who did not renew their permits were from southern California and not from northern California.

Paul Weakland requested a standard to show participation in the fishery and suggested lowering the minimum landings to 10, 300 pounds each, once every two years would be sufficient.

Marine Regional Manager Johnston reported that the Sea Urchin Advisory Committee was contacted about eliminating the minimum landing requirements and they strongly supported maintaining the minimum landing requirements at 300 pounds, based on the condition of resource and an oversubscribed fishery. He indicated that the committee would support an amendment to the annual poundage.

It was then:

MOVED BY MR. CHRISMAN, SECONDED BY MR. MCGEOGHEGAN, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF ROGER COLLIN, ELK, FOR A WAIVER OF THE COMMERCIAL SEA URCHIN LANDING REQUIREMENTS.

PASSED UNANIMOUSLY.

(B) JOE GOFORTH, ALBION

Summary of Issue

In a letter dated May 17, 1999, Mr. Goforth provides the following information:

"I have been unable to get my landing for my sea urchin permit for the the [sic] last several years since severe weather of El Nino, La Nina weather patterns has limited the number of dive days to the point that I have been forced to look for work in another trade. I'm hopeful that the next several years will bring better luck. Please wave my landing requirement for this year or give me more time to get my landings. I have a commercial fishing boat ready to fish. Thanks for your attention to this matter.

"p.s. I have sent my license renewal to the F&G office listed above, Thanks again for you help with this."

Department Recommendation

"Pursuant to Section 120.7, Title 14, California Code of Regulations (CCR), commercial sea urchin diving permit holders are required to meet minimum landing requirements of 20 sea urchin landings of 300 pounds each during one of the two immediately preceding permit years, and to renew their permits annually no later than June 30. Section 120.7(e)(1) of the CCR allows late renewal of a permit up to one month beyond the renewal deadline upon payment of a \$50 late fee.

"In August 1992, the Commission granted Mr. Goforth a landing waiver to renew his 1991-92 Sea Urchin Diving Permit due to family illness.

"Department of Fish and Game records show that Mr. Goforth last held a valid Sea Urchin Diving Permit during the 1998-99 permit year and made the required 20 landings during the 1996-97 permit year which made him eligible to renew his permit for the 1998-99 permit year. Based on fish landing records on file with the Department, Mr. Goforth made three landings of sea urchin of less than 300 pounds, during the 1997-98 permit year. During the 1998-99 permit year, he made four landings of sea urchins, which were at least 300 pounds.

"In his letter of May 17, 1999, Mr. Goforth stated that El Nino and La Nina weather patterns limited the number of diving days and he was forced to work in another trade. He also stated that he has a commercial fishing vessel ready to fish.

"Based on the above information, the Department recommends denial of Mr. Goforth's request for a landing waiver because he has not provided the Department with any documentation to support a hardship and it appears that Mr. Goforth voluntary chose to seek other employment."

Action

Executive Director Treanor summarized the item and reported that Mr. Goforth's request was also continued from the Commission's June 17, 1999, meeting as Mr. Goforth claimed that the severe storms caused by El Niño prevented him from leaving the harbor and reduced the number of dive days which resulted in taking other jobs to pay his bills.

LRB Chief Vader reported that the Department recommended denial because he did not provide the Department with any documentation to support a hardship and that he voluntarily chose to seek other employment.

It was then:

MOVED BY MR. CHRISMAN, SECONDED BY MR. MCGEOGHEGAN, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF JOE GOFORTH, ALBION, FOR A WAIVER OF THE COMMERCIAL SEA URCHIN LANDING REQUIREMENTS.

PASSED UNANIMOUSLY.

(C) DAVID SHIELDS, SAN DIEGO

Summary of Issue

In a letter dated June 28, 1999, Mr. Shields provides the following information:

"I would like to appeal for renewal of my sea urchin diving permit. I was unable to meet the required landing quota for the following reasons:

- "1. El Nino weather and subsequent warming of the waters off San Diego in 1996 precipitated a die-off of sea urchin stocks. This is an issue that I and other divers reported to Fish and Game biologists both in writing and in phone follow-ups. Related El Nino storms inhibited diving as a result of high surf and dangerous channel crossing conditions to traditional fishing grounds like San Clemente Island.
- "2. Over the past 6 years, California Sea Urchin processing plants have developed relationships with countries like Chili that have not had a firm reputation for their product in Japan. On the other hand, California processed urchin is ranked 2nd only to urchin processed in Japan on the world market. Our local processors have hedged their bets against local stock loss and El Nino set-backs by importing foreign product. In the case of Chilean Sea Urchin, the product is re-packaged under California label and shipped to Japan as California Urchin. This depresses the local prices further. While stocks at offshore islands such as San Clemente Island remained stable, the cost of fuel in relation to market prices curtailed incentive to carrying out lengthy ocean crossings. As a result, in 1997, I was only able to acquire about 7 landings.

"3. The repercussions of the preceding 1996 and 1997 fishing years carried into 1998. This was a critical year to get the 20 landings I needed. However, due to loss of my residence for financial reasons, I was in a desperate struggle for income and forced to take odd jobs to make ends meet. Despite the fact that I paid for all my fishing licenses during the 1998 season, I was unable to carry out any fishing activities.

"I have been licensed and diving sea urchins since 1977. The last major El Nino in 1983 affected the fishery in a similar manner, leaving fisherman like myself at the mercy of time for reasonable recovery.

"Licensed Sea Urchin Divers and boat owners like myself have had their back against the wall for about 3 years. We have been cut off from income by storms, reduced in ability to work 'when the storms pass' by closure regulations and, at times, competing for prices in California against foreign imports.

"The fall and winter season is traditionally our best time. State closure regulations begin to relax in September, and by October, the reality of fishing the more productive Islands comes into being. A lot of foreign competition hangs up their gear and gives the Californian market a more exclusive edge on the Tokyo auction block.

"I, like many other Sea Urchin divers, are hedging our bets on recovery in this fishery during the up-coming season. With the passage of another el Nino... (the second in my diving career), and the prospect of milder winters, I am anxious to participate in this livelihood which has traditionally been good to me.

"These are my circumstances and are presented in honesty and sincerity. I ask the commission to grant leniency in deciding my landing requirement ineligibility."

Department Recommendation

"Pursuant to Section 120.7, Title 14, California Code of Regulations (CCR), commercial sea urchin diving permit holders are required to meet minimum landing requirements of 20 sea urchin landings of 300 pounds each during one of the two immediately preceding permit years, and to renew their permits annually no later than June 30. Section 120.7(e)(1) of the CCR allows late renewal of a permit up to one month beyond the renewal deadline upon payment of a \$50 late fee.

"In September 1994, the Commission suspended Mr. Shields' Sea Urchin Diving Permit for a period of six months from August 1994 through January 1995, for taking undersized sea urchins in violation of Section 120.7(p) (1) Title 14, CCR.

"Department of Fish and Game (Department) records show that Mr. Shields last held a valid Sea Urchin Diving Permit during the 1998-99 permit year and made the required 20 landings during the 1996-97 permit year which made him eligible to renew his permit for the 1998-99 permit year. Based on fish landing records on file with the Department, Mr. Shields made 20 landings of sea urchin during the 1997-98 permit year, nine of

which were more than 300 pounds. During the 1998-99 permit year, he made no landings of sea urchins or any other species.

"In his letter of June 28, 1999, Mr. Shields stated that he was unable to meet his sea urchin landings due to a combination of El Nino weather patterns and poor prices which constituted a hardship. In addition, he lost his residence and was forced to take odd jobs. He also stated that he has been a commercial sea urchin diver since 1977.

"Based on the above information, the Department recommends denial of Mr. Shields' request for a landing waiver because he has not provided the Department with any documentation to support a hardship and it appears that Mr. Shields voluntarily chose to seek other employment."

Action

Executive Director Treanor introduced the item and noted that David Shields was present.

David Shields explained his circumstances that El Niño had also impacted his fishing in southern California, depressed prices from the processors limited profitability and he was forced to take odd jobs to make his financial commitments.

It was then:

MOVED BY MR. CHRISMAN, SECONDED BY MR. MCGEOGHEGAN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF DAVID SHIELDS, SAN DIEGO, FOR A WAIVER OF THE COMMERCIAL SEA URCHIN LANDING REQUIREMENTS, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

AYES: COMMISSIONERS CHRISMAN AND MCGEOGHEGAN
NOES: COMMISSIONER THIERIOT

MOTION PASSED.

(D) ROBERT SIMPSON, SANTA BARBARA

Summary of Issue

In a letter dated June 4, 1999, Mr. Simpson provides the following information:

"I am writing this appeal to have my Sea Urchin Diving permit reinstated (#L24422). In 1997 I won my permit in the Urchin lottery. At first, it was very hard to find a workboat that would let me dive simply because I was a relative newcomer to the urchin divers community. Being a 'green' or apprentice diver of Sea Urchins, I found that I had to prove my worth to the veteran urchin divers. None the less, I took up the commercial urchin diving profession with great zeal and worked diligently as often as I could, weather, health, and mechanics permitting.

"In January of 1998, the boat I was working on, Cooee, was lost off of San Miguel Island (thus loosing [sic] one of my necessary landings). This it seems was the beginning of my problems. I found myself in a great deal of debt which I accumulated in the process of acquiring the specific tools of the trade needed to harvest sea urchins (i.e.: dive hose, dive meter, wetsuit, urchin rake,...). In addition, I lost a great deal of this gear in the accident which left me without a means to harvest Sea Urchins. The latter part of January through May I struggled to make ends meet, pay off the money which I borrowed, and accumulate enough money to buy new gear.

"I started diving again on May 27th using some borrowed gear. I made two landings on the F/V Calogera on May 28th and June 03, 1998. The gear which I was borrowing was taken back by the person who lent it to me. This forced me to tend and work land jobs to come up with the needed money. Finally, with most of my personal gear, and some still borrowed, I started working on the F/V Susan M, making my first landing on September 30, 1998. I worked on the Susan M, weather and Captain permitting, until mid December, when I came down with an ear infection and chest cold that kept me from diving for at least a month and a half. The rest of the 1998/1999 permit year was strewn with mishaps. I could not find a boat to work on during the end of January and first part of February in large part because the weather worked against me. I then found a boat, but while waiting for a good weather window I tore some tendons in my right hand which kept me from diving for the remainder of the permit year.

"Enclosed are a few documents that will lend testimony to my predicament. Document 'A' is from the Santa Barbara County Health Clinic. This document details my hand trauma where the doctor also checked out my ear infection (still slightly lingering) where he saw it worthy enough to prescribe an Otic Solution Antibiotic of neomycine and Polymyxin B Sulfates and Hydrocortisone. Document 'B' is the USCG Marine Accident report concerning the Cooee. Document 'C' is the insurance settlement document and the needed proof of Loss document. Document 'D' is a photo of the Cooee after we hauled her out in Santa Barbara Harbor. I am sure each of these documents will help verify my current position. (Commissioners were provided with copies of documents.)

"As you can see, up till now my brief urchin diving career has been wrought with mishaps and unforeseen circumstances that has led to my inability to make the necessary quota of Sea Urchin landings. If I end up loosing [sic] this permit, I will also loose [sic] everything that I have worked so hard for during the past six years.

"I implore the Fish and Game Commission to reinstate my Sea Urchin diving permit (#L24422). I have paid in full for my Sea Urchin permit for the 1999/2000 permit year back in March to Sharon LaVoie in the Long Beach office. I am eagerly awaiting the reinstatement of my permit so I can get back to diving. Thank you for your time."

Department Recommendation

"Pursuant to Section 120.7, Title 14, California Code of Regulations (CCR), commercial sea urchin diving permit holders are required to meet minimum landing requirements of 20 sea urchin landings of 300 pounds each during one of the two immediately

preceding permit years, and to renew their permits annually no later than June 30. Section 120.7(e)(1) of the CCR allows late renewal of a permit up to one month beyond the renewal deadline upon payment of a \$50 late fee.

"Department of Fish and Game (Department) records show that Mr. Simpson last held a valid Sea Urchin Diving Permit during the 1998-99 permit year. Based on fish landing records on file with the Department, Mr. Simpson made 12 landings of sea urchin of more than 300 pounds, during the 1997-98 permit year. During the 1998-99 permit year, he made nine landings of sea urchins, which were at least 300 pounds.

"From May 9, 1997 through September 23, 1997, Mr. Simpson served as a substitute on Mr. Michael McFadden's Sea Urchin Diving Permit. When acting as a substitute Mr. Simpson was required to report any sea urchin landings in Mr. McFadden's name and commercial fishing license identification number. Mr. Simpson received a Sea Urchin Diving Permit in September 1997 through the Sea Urchin Diving Permit drawing. On May 18, 1999, in a telephone conversation with Department personnel, Mr. Simpson stated that he thought he could use the six landings he made as a substitute to qualify to renew his permit. Mr. Simpson also stated that he worked in landscaping during 1998 because he could make more money than in the urchin fishery.

"In his letter of June 4, 1999, Mr. Simpson stated that the F/V Cooee (FG42171), that he was diving from, was lost at sea on January 23, 1998, along with one of his sea urchin landings. In addition, he stated that his sea diving gear was lost in the accident which left him without a means to harvest sea urchins and replacement of the gear created a financial hardship. Mr. Simpson stated that in mid December 1998 he developed an ear infection and chest cold which prevented him from diving for approximately six weeks, and in February 1999, he was in a bicycle accident and tore tendons in his hand and was unable to dive for the remainder of the permit year. Mr. Simpson submitted medical documentation indicating that he was examined by a physician for a hand injury in February 1999. He also provided a copy of the accident report for the F/V Cooee (FG42171), that occurred in late January 1998.

"Based on the previously stated information, the Department recommends denial of Mr. Simpson's request for a landing waiver because he has not provided the Department with sufficient documentation to support a hardship and it appears that Mr. Simpson voluntarily chose to seek other employment."

Action

Executive Director Treanor summarized the item and noted that Robert Simpson was present.

Robert Simpson explained his circumstances regarding why he was unable to make the required landings. Mr. Simpson stated that he had an ear infection and hand injury problems, but he served as a substitute on another person's permit and thought he could use the landings made as a substitute to qualify to renew his permit.

It was then:

MOVED BY MR. CHRISMAN, SECONDED BY MR. MCGEOGHEGAN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF ROBERT SIMPSON, SANTA BARBARA, FOR A WAIVER OF THE COMMERCIAL SEA URCHIN LANDING REQUIREMENTS, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

AYES: COMMISSIONERS CHRISMAN AND MCGEOGHEGAN
NOES: COMMISSIONER THIERIOT

MOTION PASSED.

11. CONSIDERATION OF REVOCATION OF COMMERCIAL FISHING PRIVILEGES OF MICHAEL DEAN IREY, SAN DIEGO.

Summary of Issue

The Department is requesting that the Commission revoke the commercial fishing privileges of Michael Dean Irey, San Diego, or suspend them for a time period the Commission deems appropriate. A certified letter was sent to Mr. Irey notifying him of the possible action to be taken by the Commission.

The Department's request is predicated on the fact that on January 7, 1999, in the South Bay Municipal Court, Mr. Irey pled guilty to a violation of Section 8681, of the Fish and Game Code, use of a gill net without a permit. As background, at 2345 hrs., on May 19, 1998, a Department warden observed an individual (later identified as Michael Irey) loading gear onto a vessel which matched the description of the 'Jamie Sue', a commercial fishing vessel owned and operated by Michael Irey. Mr. Irey then motored east through the Sweetwater River and into District 4¾. The vessel displayed no running lights as required by California Boating Code.

The warden soon after located the 'Jamie Sue' moored midriver, well within District 4¾. The warden observed Mr. Irey in a small dinghy about 75 yards east of the 'Jamie Sue'. The warden clearly saw a float line atop the water's surface, spanning the entire river channel, with floats at three foot intervals and the float line attached to both sides of the channel. This indicated a 'set net'. The warden marked Mr. Irey's position.

At 0020 hrs., on May 20, 1998, the warden observed Mr. Irey servicing his net, removing several live fish that were entangled in the meshes and placing them into his dinghy. The warden observed the construction of the net was consistent with that of a gillnet. When Mr. Irey was done servicing the net, the warden observed him loading the net into the dinghy and then paddling back to the 'Jamie Sue' and loading the fish from the dinghy to the vessel.

At 0225 hrs., Mr. Irey deployed and serviced the net in a new location upriver. The warden observed Mr. Irey servicing the net several times with the net anchored in place. At

0425 hrs., Mr. Irey loaded his net and dinghy onto the 'Jamie Sue' and drove west toward Pepper Park, without navigational lights. The warden requested assistance from the San Diego Harbor Police while conducting his inspection of Mr. Irey's catch and net.

At approximately 0505 hrs., the warden contacted Mr. Irey. The warden located a catch of approximately 300 pounds of mullet, 9 shortfin corvina and 1 blue bobo. The warden inspected Mr. Irey's commercial fishing license and vessel registration. The warden then asked Mr. Irey if he had the necessary permit to harvest mullet. Mr. Irey replied 'You don't need it for lampara gear' and stated that he fished with a lampara net. The warden asked Mr. Irey to explain his fishing operation and how he worked his net. Mr. Irey described an operation which contradicted the warden's observations over the previous hours. The warden informed Mr. Irey that his fishing operation did not resemble a 'round haul' operation. The warden explained to Mr. Irey that he was fishing a set gillnet in the Sweetwater River Channel and that such activity was unlawful. The warden informed Mr. Irey that his catch and net were therefore seized. As Mr. Irey loaded his net into the warden's patrol truck, the warden saw that the net was a single walled, monofilament device bound by a float line and weighted leadline, consistent with the description of a gillnet in Fish and Game Code Section 1.48.

The warden issued an evidence receipt for the fish, net, fish totes and a tarp seized and informed Mr. Irey that his catch would be sold and the proceeds would be placed into the Fish and Game Preservation Fund.

Wardens later counted and examined the fish and found numerous animals exhibiting damage in the gill area consistent with fish taken in gill nets. The wardens withheld several fish as evidence and sold the remainder for \$220.50.

In regard to his prior violations: 1) On June 14, 1978, in the San Diego Municipal Court, Mr. Irey was convicted of violations of sections 8251, 8252 and 5652 of the Fish and Game Code, possession of lobsters taken out of season, possession of lobsters less than the minimum size and depositing rubbish in state waters, respectively. The Commission suspended Mr. Irey's commercial lobster permit for one year. 2) On March 24, 1982, in the San Diego Municipal Court, Mr. Irey was convicted of violations of Section 9002 of the Fish and Game Code, escape ports in lobster traps less than 2 $\frac{3}{8}$ X 11 $\frac{1}{2}$ inches and Section 122(e), Title 14, CCR, violating terms of his lobster permit. The Commission suspended his commercial lobster permit for one year. 3) On June 22, 1988, in the San Diego Municipal Court, Mr. Irey was convicted of a violation of Section 5508 of the Fish and Game Code, possessing lobster in an unmeasurable condition. The Court fined him \$750.00. On December 2, 1988, the Commission suspended his commercial lobster permit until such a time as he appeared before the Commission to show cause why those privileges should be reinstated.

The Commission's authority to take this action is pursuant to Section 7857(b) of the Fish and Game Code.

Commissioners were provided with a copy of the Commission's certified letter dated July 6, 1999, the Department's March 29, 1999, request, a copy of the citation, the court record, and background information on Mr. Irey's prior violations.

Action

Executive Director Treanor summarized the item and noted that Michael Irej was present and reported that a certified letter was sent to him notifying him of possible action to be taken by the Commission. He then noted that the Department had recommended revocation of Mr. Irej's commercial fishing privileges.

Michael Irej explained his circumstances and provided the following information: 1) he had been commercially licensed to use gill nets since the 70's or early 80's; 2) District Attorney in court offered a suspended sentence with a \$500 fine and probation of three years and indicated he was not guilty; 3) he had been a commercial fisherman for over 25 years; 4) his wife is totally disabled; 5) felt he was being victimized and did not think this revocation was deserved because he was not a bad person.

Regional Patrol Chief Spear introduced Captain Phil Gaskins who read the proposed findings into the record for a permanent revocation of Mr. Irej's commercial fishing privileges.

Warden Andrian Fossi reported that Mr. Irej's last violation was for the use of a gill net, which was definitely not a lampara net.

It was then:

MOVED BY MR. CHRISMAN, SECONDED BY MR. MCGEOGHEGAN, THAT THE FISH AND GAME COMMISSION HEREBY REVOKES THE COMMERCIAL FISHING PRIVILEGES OF MICHAEL DEAN IREJ, SAN DIEGO, PURSUANT TO THE FOLLOWING FINDINGS:

1. Mr. Michael Dean Irej plead guilty on January 7, 1999, in the South Bay Municipal Court to a violation of Section 8681 of the Fish and Game Code, use of a gill net without a permit.
2. The Department of Fish and Game believes, and the Commission adopts the view, that the requirement to obey the laws and regulations for commercial gill net fishing is of utmost importance in the proper management of the fishing resources.
3. Section 7857 of the Fish and Game Code, allows the Commission to revoke a commercial fishing license for violation of the terms or provisions of the laws relating to the taking of commercial fish species by the permittee, his agent, servant, employee or those acting under his direction and control.
4. Mr. Irej's actions in using a gill net for fishing without a permit and six prior violations for possession of lobsters taken out of season, possession of lobsters less than the minimum size, depositing rubbish in state waters, escape ports in lobster traps less than the required size, violating the terms of his lobster permit, possessing lobster in an unmeasurable condition along with two prior commercial lobster permit suspensions, warrant the permanent revocation of his

commercial fishing license. Mr. Irely is a persistent violator and has failed to comply with the regulations set forth in the Fish and Game Code and Title 14, California Code of Regulations, relating to commercial fishing regulations.

5. Mr. Irely failed to present mitigating evidence sufficient to dissuade the Commission from revoking his commercial fishing license. Mr. Irely must take responsibility for failing to obey all commercial fishing laws and regulations because of the important public policy involved.

Based on the above findings, Mr. Michael Dean Irely's commercial fishing license is revoked.

PASSED UNANIMOUSLY.

12. CONSIDERATION OF REVOCATION OF COMMERCIAL SEA URCHIN DIVING PERMIT OF MARSTON ALAN SOLLENDER, VENTURA.

Summary of Issue

The Department is requesting that the Commission revoke the Commercial Sea Urchin Diving Permit of Marston Alan Sollender, Ventura, or suspend it for a time period the Commission deems appropriate. A certified letter was sent to Mr. Sollender notifying him of the possible action to be taken by the Commission.

The Department's request is predicated on the fact that on February 23, 1999, in the Santa Barbara Municipal Court, Mr. Sollender was found guilty of a violation of Section 120.7(p)(1), Title 14, CCR, possession of undersized sea urchins. As background, on March 1, 1998, Department wardens observed a truck of the type commonly used to pick up urchins and bring them to a processing plant pulling into the commercial offloading hoist at Fisherman's Wharf Restaurant. When the wardens arrived at the hoist, they observed a boat, later identified as the F/V Kana Kea, tied up to the onloading dock with one subject, later identified as Mr. Sollender, aboard. When questioned, Mr. Sollender stated that he had urchins aboard the vessel, that he was diving alone and that all the urchins aboard belonged to him. A warden observed bags of red sea urchins aboard the Kana Kea. Four of the bags were offloaded and the wardens made random inspection of the urchins on the top, sides and bottom of the four bags, finding a couple of undersized urchins. A fifth, and last, bag of urchins was offloaded from the fishing vessel. The wardens made a random inspection of the urchins in the bag and found a lot of urchins smaller than 3.25". The wardens made a decision to measure all of the urchins in that bag. Wardens found a total of 100 urchins that were smaller than 3.25", and greater than 1.5" in greatest shell diameter. Wardens then measured the previously offloaded urchins from Sollender's fishing vessel. The wardens found 55 additional urchins that were smaller than 3.25", and greater than 1.5" in greatest shell diameter. Wardens seized and sold the urchins and placed the proceeds (\$352.63) in the Fish and Game Preservation Account pending a court disposition.

In regard to his prior violations: 1) On March 24, 1992, Mr. Sollender pled no contest to a violation of Section 120.7(p)(1), Title 14, CCR, which occurred on December 22, 1991. He

was fined \$250.00 and placed on three years probation. 2) On May 24, 1993, Mr. Sollender pled no contest in the Santa Barbara Municipal Court to a violation of Section 120.7(p)(1), Title 14, CCR, possession of more than 30 red sea urchins less than the legal size in one load. He was fined \$1,500.00 and placed on three years probation. The Commission suspended his Commercial Sea Urchin Diving Permit for one year. 3) On July 6, 1993, Mr. Sollender was cited for taking more than 30 red sea urchins in violation of Section 120.7(p)(1), Title 14, CCR. On August 2, 1994, Mr. Sollender was sentenced to one year in jail which the court suspended provided he did not violate any fish and game laws during his three year probation period. His catch was forfeited to the Department. The Commission also suspended his permit for an additional year.

The Commission's authority to take this action is pursuant to Section 120.7 (k), Title 14, CCR.

Commissioners were provided with a copy of the Commission's certified letter dated July 6, 1999, the Department's April 14, 1999, request, and background information on Mr. Sollender's prior violations.

Action

Executive Director Treanor introduced the item. Mr. Treanor noted that Marston Sollender was not present and reported that a certified letter was sent to him notifying him of possible action to be taken by the Commission. Mr. Treanor reported that Mr. Sollender faxed a letter to the Commission office on August 2, 1999, requesting that the Commission consider rescheduling this item to a future meeting because he was just released from jail on July 26, 1999, and had not had adequate time to recover from that situation. Mr. Treanor indicated that Mr. Sollender had been serving a 90-day jail sentence based on his conviction of February 23, 1999, in the Santa Barbara Municipal Court where he was found guilty of taking undersized sea urchins.

Mr. Lee Carter, Deputy District Attorney with Santa Barbara County, reported that he had prosecuted Mr. Sollender in 92, 93, 94, and early 99. Mr. Carter commented that there was no reason for Mr. Sollender not to be present since he was released from jail in mid-July. Mr. Carter supported the Department's recommendation for a revocation of Mr. Sollender's commercial sea urchin diving permit.

Warden Bob Puccinelli provided background information of Mr. Sollender's violations.

Regional Patrol Chief Spear read the proposed findings into the record for a revocation of Mr. Sollender's commercial sea urchin diving permit.

Paul Weakland commented that it's the processors' acceptance of short sea urchins, which provides the incentive to the fishermen to take short sea urchins.

It was then:

MOVED BY MR. MCGEOGHEGAN, SECONDED BY MR. CHRISMAN, THAT THE FISH AND GAME COMMISSION HEREBY REVOKES THE COMMERCIAL SEA URCHIN DIVING PERMIT OF MARSTON ALAN SOLLENDER, VENTURA, PURSUANT TO THE FOLLOWING FINDINGS:

1. Mr. Sollender was found guilty on February 23, 1999, in the Santa Barbara Municipal Court of a violation of Section 120.7(p)(1), Title 14, California Code of Regulations (CCR), possession of undersized sea urchins.
2. The Department of Fish and Game believes, and the Commission adopts the view, that the requirement to obey the laws and regulations for commercial sea urchin fishing is of utmost importance in the proper management of the sea urchin fishing resource.
3. Section 7857 of the Fish and Game Code, allows the Commission to revoke a Commercial Fishing License or permit for violation of the terms or provisions of the laws relating to the taking of commercial fish species by the permittee, his agent, servant, employee or those acting under his direction and control.
4. Mr. Sollender's actions in taking undersize sea urchins and three prior violations (and one warning) for taking undersize sea urchins, along with two prior permit suspensions, warrant the permanent revocation of Mr. Sollender's Commercial Sea Urchin Diving Permit. Mr. Lee Carter, Deputy District Attorney, Santa Barbara County, has also requested Mr. Sollender's Commercial Sea Urchin Diving Permit be permanently revoked at the earliest possible time. Mr. Sollender is a persistent violator and has failed to comply with the regulations set forth in the Fish and Game Code and Title 14, CCR, relating to commercial fishing regulations.
5. Mr. Sollender did not appear at the meeting to present mitigating evidence sufficient to dissuade the Commission from revoking his Commercial Sea Urchin Diving Permit. Mr. Sollender must take responsibility for failing to obey all commercial fishing laws and regulations because of the important public policy involved.

Based on the above findings, Mr. Marston Alan Sollender's commercial sea urchin diving permit is revoked.

PASSED UNANIMOUSLY.

13. REQUEST OF JOHN E. MCDOWD (A.K.A. JOHN WARD MACDOWD),
LONG BEACH, TO APPEAL COMMISSION REVOCATION OF HIS
COMMERCIAL FISHING PRIVILEGES.

Summary of Issue

The Commission, at its June 17, 1999, meeting in Point Reyes Station revoked Mr. John E. McDowd's commercial fishing privileges. Mr. McDowd was not present at the meeting, but had sent a letter requesting a postponement of the Commission's consideration to a future meeting nearer Long Beach as he is partially disabled and on a small fixed income. In taking its action the Commission indicated that Mr. McDowd would be given an opportunity to appeal the revocation at its August 5 meeting in Long Beach.

The Department's request is predicated by the fact that on September 24, 1998, in the Los Angeles Municipal Court, Division 001, Mr. MacDowd was found guilty of violations of sections 8603, 9001(a)(2), 7881 and 9006(c) of the Fish and Game Code, using an illegal trap, failure to secure open finfish trap one hour after sunset, failure to register a commercial fishing vessel, and failure to properly mark finfish trap buoys, respectively. As background, on March 2, 1997, wardens saw Mr. MacDowd's commercial fishing vessel, the "Indiana", heading toward the east end of the Empire Quarry. A warden was placed on Catalina Island to observe the activities on the "Indiana". The warden observed two men on the "Indiana" bait and load traps onto a small skiff equipped with an outboard motor. The warden observed the men leaving in the small boat and radioed the other wardens on the patrol skiff who responded to the area. Mr. MacDowd and another man, Robert Campbell, were observed in the boat. MacDowd was observed taking several mackerel out of a trap that was in his boat. Campbell was holding a buoy line. The number of the buoy was noted and Campbell was instructed to return it to the water. The location of the buoy was noted and Mr. MacDowd was instructed to return to the "Indiana". Once MacDowd's skiff was safely moored, the warden boarded the "Indiana". When questioned, MacDowd said he was trying to catch some fish for dinner. The warden reminded MacDowd that the use of traps is limited to commercial fishing only. Upon further questioning MacDowd told the warden that he had ten or eleven traps in the water, each marked with a separate buoy; that he intended to pull the traps up at first light; and that he did not have a sport fishing license. Campbell told wardens he had a sport fishing license and he was just watching MacDowd fish.

The warden inspected MacDowd's skiff. It had an electric motor that was connected to a device which is commonly used to raise traps. The position of the motor indicated to the warden that the motor was intended to pull traps. There was one trap, constructed with 1 7/8" x 3 7/8" wire mesh, in the skiff. The door of the trap was constructed with 2" square mesh. There were no escape ports or rings built into the trap. The trap was seized by the warden. MacDowd's skiff was not registered as a commercial fishing vessel. The "Indiana" was inspected and 100 pounds of mackerel was discovered. The warden informed MacDowd that he was going to seize all of the traps in the water and would give MacDowd an evidence receipt in the morning. The wardens then returned to the area where they had originally contacted MacDowd. Ten traps were recovered and seized. About 20 pounds of lobster and about 10 moray eels were released from the traps. There were no finfish in any of the traps. The following morning wardens returned to the area. No additional traps were located.

In regard to his prior violations,

<u>Date</u>	<u>Violation</u>
3-2-93	FG 8603 unlawful use of traps, re: FG 8258 FG 8252 take and possess spiny lobster less than legal size FG 8254 take lobster for commercial purposes, no valid permit FG 7890 operate a commercial vessel, no commercial registration

Based on the fact that on July 23, 1993, Mr. MacDowd pled guilty to sections 8603 and 8252 of the Fish and Game Code, and that Mr. MacDowd was cited while his commercial lobster permit was suspended and on prior violations, the Commission revoked his commercial lobster permit on December 2, 1993.

10-2-91	FG 1052(a) transfer of commercial fishing license
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Based on this conviction and prior violations, on November 5, 1992, the Commission suspended Mr. MacDowd's commercial lobster permit for one year, from November 6, 1992, through November 5, 1993.

10-26-82	FG 8254 take of lobster with no permit
11-30-80	FG 8252 take of undersized lobster
11-30-79	FG 8252 take of undersized lobster
10-29-79	FG 8252 take of undersized lobster
10-17-79	FG 8257 failure to display permit number on lobster traps
3-16-79	FG 8252 take of undersized lobster
1-27-75	FG 8252 take of undersized lobster
12-16-69	FG 8307 use of undersized abalone as bait FG 2012 failure to show on demand
3-21-65	FG 9002 abandon lobster traps

The Commission's authority to take this action is pursuant to Section 7857(b)(2) of the Fish and Game Code.

Commissioners were provided with a copy of the Commission's certified letter dated May 12, 1999; the Department's January 10, 1999, request; and background information on Mr. MacDowd's prior violations.

Action

Executive Director Treanor introduced the item. Mr. Treanor noted that John E. McDowd was present to appeal the Commission's revocation of his commercial fishing license privileges.

Mr. McDowd explained his extenuating circumstances of why his commercial fishing license privileges should be reinstated. He provided a review of his violations and requested the Commission to rescind its June decision for revocation of his commercial fishing privileges. He indicated that commercial fishing is his entire life and he needed to be on the ocean.

Regional Patrol Chief Spear reported that there was no mitigating evidence heard today that would change the Department's recommendation and that Mr. McDowd's inability to follow the law supported the revocation. Chief Spear requested Mr. MacDowd to state his full name; response was John Edward McDowd.

It was then:

MOVED BY MR. MCGEOGHEGAN, SECONDED BY MR. CHRISMAN, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF JOHN E. MCDOWD (A.K.A. JOHN WARD MACDOWD) FOR REINSTATEMENT OF HIS COMMERCIAL FISHING LICENSE PRIVILEGES.

PASSED UNANIMOUSLY.

14. RECEIPT OF DEPARTMENT LEGISLATIVE REPORT.

Summary of Issue

This item is scheduled to afford the Department an opportunity to discuss proposed legislation which would impact the Department and/or the Commission. The Department will provide a copy of its report at the meeting and will be prepared to discuss its Legislative Report and respond to any questions the Commission may have.

Action

Deputy Director Mansfield provided a brief update on AB 238 (Honda), Importation of Bullfrogs and Turtles and AB 560 (Oller), Mountain Lion bill.

The Department agreed to develop a one-page summary of the bullfrog and turtle issue for public distribution.

15. RECEIPT OF DEPARTMENT INFORMATIONAL ITEMS.

Summary of Issue

This item is set aside to afford the Department an opportunity to present the Commission with informational items. Commissioners were provided with a copy of the Department's July 1, 1999, letter to Mr. Robert Fletcher and associated information regarding the California bocaccio resource.

Action

LB Boydston provided the Department's update on the bocaccio rockfish recovery strategy.

Mr. Boydston also provided an update on the chinook salmon listings by the National Marine Fisheries Service.

16. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.

Summary of Issue

This item is scheduled for the Commission to receive informational items from its staff and to afford the Commission an opportunity to discuss items of interest with the Department.

- A. SUBCOMMITTEE REPORTS.
I. MARINE SUBCOMMITTEE.

Action

Commissioner Chrisman indicated that it was extremely important to continue the Marine subcommittee meetings.

Commissioner Chrisman reported that the evaluation process was moving forward to hire a Marine consultant.

Executive Director Treanor reported that a BCP had been prepared to increase Commission staff by two positions (senior level biologist and clerical).

- B. REPORT ON THE WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES' MEETING.

Action

Commissioner Chrisman and Executive Director Treanor both attended the Western meeting in Durango, Colorado, and reported that it was a very good exchange of information between Commissioners and Directors.

C. STAFF REPORTS.

Action

There were no staff reports.

17. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.

Summary of Issue

This item is scheduled for the Commission's Legal Advisor to discuss any informational items and certain legal issues or procedures with the Commission. In addition, the Commission may wish to provide its legal counsel with suggested informational item topics for future meetings.

Action

Legal Counsel provided an update on the ferret issue.

There being no further business, the meeting recessed at 6:30 p.m. to reconvene at 8:30 a.m. on August 6, 1999.

State of California
FISH AND GAME COMMISSION

Minutes, Meeting of August 5-6, 1999

Pursuant to the call of the President, the Commission met at the City Council Chambers, 333 W. Ocean Boulevard, Long Beach, California, on August 6, 1999. The meeting was called to order at 8:30 a.m. by President Thieriot.

Persons present:

FISH AND GAME COMMISSION

Richard Thieriot	President
Mike Chrisman	Vice President
Douglas B. McGeoghegan	Member

COMMISSION STAFF

Robert R. Treanor	Executive Director
John M. Duffy	Assistant Executive Director
Sandy J. Daniel	Executive Secretary

OFFICE OF THE ATTORNEY GENERAL

Randall Christison	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

Terry Mansfield	DD, Wildlife and Inland Fisheries
LB Boydston	Intergovernmental Affairs Office
Gene Fleming	Chief, Fisheries Programs Branch (FPB)
DeWayne Johnston	Regional Manager, Marine Region
Rob Collins	Marine Region
Paul Reilly	Marine Region
Eric Larson	Marine Region
Don Schultze	Marine Region

The following persons were also present and heard:

Karen Garrison	Natural Resources Defense Council
Stephen Benavides	Kelp Forest Coalition, Inc.
Peter Halmay	SUHAC
Harry Liquornik	Commercial Fisherman
Paul Weakland	Commercial Fisherman
Ron Gaul	Recreational Fishing Alliance
Peter Flournoy	International Law Offices
Dr. Rod Fujita	Environmental Defense Fund

Zeke Grader	Pacific Coast Federation of Fishermen's Associations
Peter Leipzig	Fisherman's Market Association
John Aliotti	Commercial Fisherman
Sandy Diamond	Concerned Citizen
Karen Reyna	Pacific Ocean Conservation Network
Eddie Genovese	Commercial Herring Fisherman
Gray Hills	Concerned Citizen
Omer Long	Concerned Citizen
Jim Edmondson	California Trout
Jim Marshall	Concerned Citizen
Chuck Tennin	Sport Fisherman
Mick Kronman	Concerned Citizen

President Thieriot introduced members of the Commission, its staff, Directorate and Randall Christison of the Attorney General's Office.

18. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.

Summary of Issue

This item is scheduled to allow the Commission's Legal Counsel an opportunity to report on the results of the Executive Session, if any.

Action

There was no Executive Session; therefore, nothing to report.

19. CONSIDERATION OF ADOPTION OF POLICY ON MARINE ECOLOGICAL RESERVES.

Summary of Issue

The Department, at the Commission's May 5, 1999, meeting in Sacramento, submitted its draft policy on Marine Ecological Reserves. The Commission received public comments on the Department's draft statewide policy at its June 18, 1999, meeting. The Department recommended that the Commission consider adoption of this policy at its August 6, 1999, meeting in Long Beach.

Action

Executive Director Treanor summarized the item and indicated that Chris Miller, commercial fisherman from Santa Barbara, had submitted a letter of support for this item.

Rob Collins provided the Department's recommendation for a Marine Ecological Reserve Policy. He indicated that the Department has provided a slightly amended version from the original draft submitted to the Commission.

Karen Garrison fully supported the proposal. She mentioned AB 993 (Shelley) regarding policies in statute that are broad in nature and the development of an overall management plan.

Steve Benavides fully supported establishing meaningful marine protected areas. He requested that in the establishment of the reserves that the public not be excluded from the reserves, enforcement was needed, allow for the adoption of nonconsumptive user fees to help pay for enforcement, and the use of science for determining stewardship.

Peter Halmay supported the policy and the need to evaluate each specific issue within an area.

Harry Liquornik supported the policy and emphasized keeping the science involved during the stock assessments so the benefits of the reserves can be observed.

Paul Weakland opposed the policy. He believed that the Department had not obtained enough data, hadn't learned from existing reserves, closing areas does not protect areas from pollution, weather, poor management, predators, and lack of enforcement.

Ron Gaul supported the policy. He suggested that there be goals set for the marine reserve areas, monitoring plans should be in effect, areas should have easily identifiable natural boundaries and should not limit public access. He supported AB 993.

Peter Flourmoy stated that the language was too vague and suggested coordinated actions with other governmental agencies who also set up reserves. He also commented that good scientific evidence was lacking which indicates that closing an area allows for stock recovery.

Dr. Rod Fujita indicated that there was ample scientific evidence that closed areas do rebuild fisheries.

Zeke Grader supported the overall policy and suggested the ecosystem section be divided into two specific categories for the protection of specific species or habitat.

Executive Director Treanor asked if there was anyone else in the audience who wished to speak on the item. There was no response.

It was then:

**MOVED BY MR. CHRISMAN, SECONDED BY MR. MCGEOGHEGAN, THAT
THE FISH AND GAME COMMISSION, PURSUANT TO SECTION 703 OF THE FISH
AND GAME CODE, HEREBY ADOPTS A MARINE ECOLOGICAL RESERVE POLICY
AS FOLLOWS:**

It is the policy of the Fish and Game Commission to:

Cooperate with other State, Federal, and Local Government agencies in the consideration and designation of certain department controlled marine submerged lands as Marine Ecological Reserves. Designation of individual or networks of reserves is intended to protect marine habitats, ecosystems and living marine resources. Such reserves shall be created to satisfy one or more of the following purposes:

Natural Heritage

- To protect unique or representative areas of marine life fish habitat for their intrinsic values.
- To protect unique or representative areas of marine life habitat for their recreational values.
- To insure continued public ownership and access.
- To provide insurance against catastrophic loss of a significant portion of a habitat.
- To provide a baseline for damage assessment of other areas.

Ecosystem Biodiversity

- To protect a portion of an ecosystem with all its component parts.
- To protect unique or representative species or species assemblages.
- To insure genetic diversity and a stable stock structure for species of concern.
- To provide insurance against the catastrophic loss of a significant species or species assemblage.

Education/Research

- To provide research areas undisturbed by human activities.
- To foster stewardship of living marine resources and habitats.
- To provide educational opportunities for schools, colleges, universities and the public.
- To provide baseline areas or reference sites.

Fisheries Management

- To allow for recovery, restoration, or enhancement of one or more species of concern.
- To provide for an undisturbed portion of a population of a species of concern.
- To provide for an undisturbed reproductive pool of selected species or species groups.

Each Marine Ecological Reserve shall be selected on the basis of sound science, which shall be peer reviewed and promptly promulgated for public scrutiny and comment.

PASSED UNANIMOUSLY.

20. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED SECTION 630.3,
TITLE 14, CCR, RE: IMPLEMENTATION REGULATIONS FOR MARINE
ECOLOGICAL RESERVES.

Summary of Issue

As background, the Commission has discussed the concept of marine managed areas (no-take areas) at several meetings during the past year. The Commission has received two specific proposals, one from the National Park Service to designate four areas at the Point Reyes National Seashore and one from the Channel Islands Marine Resource Restoration Committee to designate 20 percent of the Channel Islands National Park as no-take marine reserves. The Commission had deferred any action on these specific requests but had directed its Marine Subcommittee to provide monthly status reports on these requests, on the Resources Agency's Interagency Workgroup's Report on Marine Managed Areas and the process for developing a statewide policy for identifying and establishing marine managed areas.

The Commission's Marine Subcommittee held its first meeting on February 3 to receive an update from the Chairman of the Resources Agency's Interagency Workgroup regarding its progress in developing its report and a statewide policy for marine managed areas. At its March 4, 1999, meeting, the Commission again heard discussions from interested parties regarding the need for marine managed areas and a suggested timeline to develop a statewide policy and a proposal for the Channel Islands National Park. On April 1, 1999, the Commission heard from the Department and a representative from the Channel Islands National Marine Sanctuary regarding a proposed process and timeline for the Channel Islands' request.

The Commission, at its June 18, 1999, meeting in Point Reyes Station, received the Department's proposed implementation regulations for the proposed policy on Marine Ecological Reserves. This item is to receive testimony on the proposed regulations with adoption being considered at the Commission's August 27, 1999, meeting in Bridgeport.

The Department's proposed regulations can be summarized as follows:

"State law (Section 1580, Fish and Game Code) delegates to the Fish and Game Commission the authority to designate land or land and water, controlled by the Department of Fish and Game, as ecological reserves, and to adopt regulations concerning the use of such reserves. The Commission has not adopted any administrative procedures governing the procedure to be followed in its consideration of the designation of Ecological Reserves.

"The proposed regulations outline a process to be followed by the Commission when considering the creation of Ecological Reserves in the marine environment. This process is intended to simplify and expedite the reserve designation process while providing the Commission and the public with scientifically reviewed information upon which to make an informed decision.

"The proposed process includes: 1) A formal petition process using a form, PETITION TO THE STATE OF CALIFORNIA FISH AND GAME COMMISSION, Form FGC-630.3 (6/99), provided by the Department; 2) A review by Commission staff of the completeness of the petition; 3) Review of the petition by Department staff for accuracy and completeness; 4) Commission appointment of Scientific and Stakeholder Review Committees; and 5) public review of recommendations from the Scientific and Stakeholder Review Committees prior to Commission action."

Action

Executive Director Treanor summarized the issues and indicated that this item was to receive public testimony on the proposed regulations, the addition of Section 630.3, Title 14, CCR, regarding implementation regulations for the marine ecological reserves.

Rob Collins briefly summarized the petition process, review of petition for adequacy, acceptance, scientific review and public involvement. Mr. Collins reported that the proposed regulations would also provide a process to undesignate an area or to modify existing reserves.

Karen Garrison stated that the regulations need more work. She provided the following comments: 1) require the "best available information" in the petitions; 2) develop a master plan for protected areas should be a high priority and is not addressed in this proposal; 3) provide a more certain schedule; 4) shorten review periods where feasible; 5) allow more flexibility in scientists' recommendations; 6) the Department, not stakeholders, should be responsible for a CEQA equivalent report; 7) clarify "status review report"; 8) provide the flexibility to update the goals and objectives of an area instead of eliminating it; and 9) provide a mechanism for reviewing related proposals, or reserves in a network, together.

Zeke Grader agreed with Ms. Garrison that the regulations needed more work. He addressed the petition process, the need for a biannual review of petitions, reserves need to be a certain size (specifically, if they are designated a no-take area), and limitation of fishing gear.

Paul Weakland suggested that a sunset date be included in the regulations for all reserves. He recommended that if some reserve areas could be reopened, then reopen them. He also commented that the regulations need to be enforceable before being enacted.

Peter Flournoy complimented the Department on the proposed regulations and commented that the criteria was burdensome but appropriate for new reserves. He stated he was not sure if the criteria could be applied to removal of reserve status. He also commented that coordination with other agencies was necessary.

Dr. Rod Fujita stated that reserves do work, small reserves can be just as effective as larger ones, some reserves need to be no-take areas, and disagreed with an automatic sunset date on reserves.

Pete Halmay stated that he would provide written comments for consideration prior to the Commission's late August meeting.

Executive Director Treanor asked if anyone else in the audience wished to speak on the item, and there was no response.

21. RECEIPT OF DEPARTMENT RECOMMENDATIONS AND REQUEST TO PUBLISH NOTICE OF INTENT TO AMEND SECTIONS 120.3 AND 180.1, TITLE 14, CCR, RE: COMMERCIAL SPOT PRAWN FISHERY.

Summary of Issue

At the Commission's February 4, 1999, meeting, Mr. John Aliotti testified during the Public Forum agenda item and expressed concerns with commercial trawlers fishing in District 17 for spot prawns utilizing a small mesh size for prawns. He stated that these trawlers were taking large numbers of small rockcod, sanddabs, petrali sole, etc., which were thrown overboard as unwanted bycatch. Trawling for groundfish species required a larger mesh size, but when trawling for spot prawns the fishermen could use a smaller mesh size which allowed for large numbers of small fish being caught and discarded.

The Department indicated it would investigate the problem and report its findings at the May Commission meeting. The following is a summary of the Department's May report and recommendations:

"During the last six years statewide annual trawl landings in the commercial spot prawn fishery have increased from about 115,000 pounds to over 500,000 pounds. Several fishermen have expressed concern about this increase in harvest and this report is in response to those concerns.

"In the southern area (San Diego to Morro Bay) trawl landings in 1998 reached an all-time high of approximately 400,000 pounds. However, average total landings in this area during the last four years were only slightly higher than in 1980-82 (304,000 vs. 280,000 pounds). Trawl landings declined steadily in the southern area from 358,000 pounds in 1981 to an 18-year low of 32,600 pounds in 1986. During this period a closed season for trawl gear was imposed and some fishermen began to target ridgeback prawns instead of spot prawns. Since 1991, southern area trawl landings of spot prawns have been increasing steadily.

"In the northern area (Monterey to Eureka) spot prawn trawl landings were less than 5000 pounds annually through 1992, and increased by two orders of magnitude to a high of 250,000 pounds in 1997. The largest increase was from 14,000 pounds in 1995 to 199,000 pounds in 1996.

"Trap landings in the southern area began in 1981, increased steadily through 1991 to a high of 247,000 pounds and after that year have fluctuated between 83,000 and 200,000 pounds. In the northern area annual trap landings were between 6,000 and

20,000 pounds from 1980 through 1996. In 1997 and 1998 northern area trap landings averaged about 40,000 pounds.

"The increase in trawl landings since 1991 can be explained partly by increased restrictions for groundfish implemented by the Pacific Fishery Management Council (PFMC). Trawlers from California, Washington, and Oregon began to look for alternative sources of income, and the open access California prawn fishery was one alternative. Central California prawn trappers approached the Department earlier this year and expressed concerns about this increase in trawling effort and its potential impacts on the sustainability of the prawn trap fishery. In addition to the concern for the resource in general by prawn trappers, there have been some gear conflicts. Recently a Santa Barbara-based prawn trapper lost eight strings of traps with an estimated value of \$10,000 due to a prawn trawler with roller gear. Additional concerns in the prawn trawl fishery include the bycatch of federally managed groundfish species and the impact of roller gear on prawn trawl habitat.

"A relatively small prawn trawl fishery occurs in Oregon, with total landings in 1998 about one-sixth of those in California. It is a limited entry fishery, with 6 permits issued for trawls and 10 permits for traps. Approximately 90 percent of landings into the state are caught in Washington. The only other regulations are minimum mesh size and the requirement of a bycatch reduction device (BRD) for trawlers. This usually is in the form of a fish excluder and consists of one or more openings near the cod end and in the top of the net to allow escape of finfishes.

"The Department has little recent data concerning prawn trawl bycatch. In March 1999, two Department biologists observed six tows in the Monterey area on board a prawn trawler with large roller gear (30-inch rollers). The ratio of total bycatch to spot prawns averaged 15 to 1 by weight. Approximately 50 percent of the bycatch consisted of invertebrates.

"A more extensive observer program would be desirable if funds were available. The large roller gear we observed is not used by all prawn trawlers. The local fleet in Santa Barbara uses 3 to 4-inch rollers and the boats are generally smaller than those that use the larger gear. This larger gear allows trawling in rocky, high relief habitat which was formerly inaccessible by trawlers.

"A Total Catch Determination Committee (Committee) has been formed by the PFMC to find ways to improve estimates of bycatch and discards of groundfish. Options for observer coverage presented by the Committee do not include shrimp and prawn trawl fisheries, due partly to questions about jurisdiction. The Committee feels that it may be more appropriate for the individual states to coordinate developing observer programs for these fisheries. There is concern that a PFMC observer program would be optional, and linked only to the delivery of landed bycatch. It is conceivable that fishermen could choose to discard all groundfish under such a program, rather than agreeing to carry groundfish observers.

"Current regulations established by the Commission regarding spot prawns (Section 120.3, Title 14, CCR) require a \$30 annual prawn trawl permit. The Department sold 219 ridgeback and spot prawn permits in license year 1998-99, yet many of these permits are not used. Trawling is prohibited in waters less than 25 fathoms and within three miles of shore. Mesh size for prawn trawl nets shall be not less than 1-½ inches. There is a restricted catch period from November 1 through January 31 south of Point Arguello which essentially prohibits targeting of spot prawns. During this period no more than 50 pounds of spot prawns total, or 15 percent by weight, may be landed in any load of fish. Trap regulations permit no more than 500 traps per boat. PFMC regulations effective June 1, 1999, will limit landed bycatch in the prawn, California halibut and sea cucumber trawl fisheries to 300 pounds of groundfish per trip. Also, pounds of groundfish landed cannot exceed pounds of target species landed, with the exception of spiny dogfish. Spiny dogfish landings may exceed the target species, but are still subject to the 300 pound trip limit for total groundfish.

"Based on discussions with our port biologists, the trend in recent prawn landings, concerns from central California prawn trappers, and a recent onboard observer sample from prawn trawling, the Department recommends these management options for consideration by the Commission. They are not listed in any particular order.

- "1. Limited entry trawl fishery: The Commission's new Restricted Access Policy would be followed.
- "2. Roller size restrictions on trawl nets: Limit footrope rollers to a maximum of nine-inch diameter.
- "3. Bycatch reduction device: Require use of a bycatch reduction device, such as a fish excluder, in all spot prawn trawl nets.
- "4. Seasonal closure north of point Arguello from November 1 through March 31 for all prawn trawling (This is the primary egg-bearing season and is also the closed period for pink shrimp trawling).
- "5. Limit maximum number of traps per boat to 300 statewide (Only about 10 percent of southern California trap boats use more than this at present).
- "6. Increase trawl permit fee from \$30 to \$285, same as pink shrimp trawl.
- "7. Observer program. Devise and implement an industry-funded observer program to obtain statistically reliable information on bycatch and discards."

At its June 18, 1999, meeting in Point Reyes Station, the Commission received public comments on the Department's proposed changes in the commercial spot prawn fishery regulations. The Director indicated that the Department would meet with the industry and submit its recommendations for regulation changes at the Commission's August 6, 1999, meeting.

This item is scheduled to receive the Department's recommendations and public comments on the proposal. Adoption will be considered at either the October 8, meeting in Redding or November 5, in San Diego.

The Department's proposal can be summarized as follows:

"Eleven options for regulation of the spot prawn fishery are presented for consideration by the Fish and Game Commission, and the pros and cons discussed. They are:

- "1. Establish a limited entry fishery for spot prawn trawling.
- "2. Establish a limited entry fishery for spot prawn trapping.
- "3a. Establish a seasonal closure north of Point Arguello from November 1 to March 31 for all spot prawn trawling.
- "3b. Establish a seasonal closure north of Point Arguello from November 1 to January 31 for all spot prawn trawling.
- "4. Limit footrope diameter, including all attachments (e.g. roller gear), on spot prawn trawl nets to a maximum of 12 inches.
- "5. Require the use of one or more bycatch reduction devices (BRD) in spot prawn trawl nets.
- "6. Increase minimum mesh size to 3 inches in spot prawn trawl nets.
- "7. Limit maximum number of traps per boat to 300 north of Point Arguello.
- "8. Establish closed areas to spot prawn trawling.
- "9. Increase spot prawn trawl permit fee from \$30 to \$285, similar to the pink shrimp trawl permit fee.
- "10. Devise an industry-funded observer program to obtain statistically reliable information on bycatch and discards."

Commissioners were provided with copies of the Department's Initial Statement of Reasons and proposed regulations in strikeout/underline format.

Action

Discussions for Items 21 and 22 were combined and are reported here.

Executive Director Treanor summarized the items.

Paul Reilly provided background information on the issue and the Department's recommendations on Items 21 and 22.

Zeke Grader commended and supported the Department on its overall recommendations. He suggested adding northern California regulations and that it would be simpler if there was one overall permit instead of three different permits.

Pete Leipzig complimented the Department on a very productive Ad Hoc Committee meeting. He urged the Commission to set a control date of January 1, 1999, supported Mr. Grader's comments regarding combining the permits and the need to be conservative in restricting access.

Karen Garrison expressed concerns with prawn trawl impacts on bocaccio and provided the following comments: 1) Commission should implement limited entry in the spot prawn fishery; 2) establish a permit fee to cover one or two full-time observers in the fishery; and 3) implement an observer program. She also supported adoption of a control date, closed seasons and a requirement for fish excluder devices.

John Aliotti agreed with Ms. Garrison's comments. He explained that trap and trawl were separate fisheries, had no problem with a trawl closure in Monterey, but opposed closure in northern California for the trap fishery. He opposed the control date of January 1, 1999, and that the issue was to protect the resource, but to also be fair and equitable.

Sandy Diamond stated that fish excluder devices can be successful.

Karen Reyna requested a conservationist be on the Advisory Committee.

Executive Director Treanor asked if anyone else in the audience wished to speak on the item. There was no response.

It was then:

MOVED BY MR. CHRISMAN, SECONDED BY MR. MCGEOGHEGAN, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES ITS STAFF TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTIONS 120.3 AND 180.1, TITLE 14, CCR, REGARDING THE COMMERCIAL SPOT PRAWN FISHERY AND TO ADD CONTROL DATES FOR RESTRICTED ACCESS FOR SPOT PRAWN TRAP AND TRAWL PERMITS.

PASSED UNANIMOUSLY.

22. RECEIPT OF DEPARTMENT RECOMMENDATIONS AND REQUEST TO PUBLISH NOTICE TO ADOPT REGULATIONS TO ESTABLISH CONTROL DATES FOR RESTRICTED ACCESS FOR SPOT PRAWN TRAP AND TRAWL PERMITS.

Summary of Issue

This item is scheduled to receive the Department's recommendations and request to publish notice of Commission intent to adopt regulations to establish "control" dates for restricted access for spot prawn trap and trawl permits. This action would be pursuant to the Commission's recent policy on restricted access for commercial fisheries.

Department Recommendation

The Department proposes to establish a control date of January 1, 1999, for the purpose of developing limited access spot prawn trawl and trap fisheries. Only those vessels which have made at least one spot prawn landing before this date will be considered for inclusion in the restricted access fisheries. Additional landing requirements may be required for inclusion in any restricted access fishery established for spot prawns.

Action

Discussion for this item is reported under Item No. 21, as well as the motion to authorize staff to publish notice of the Commission's intent to establish control dates for restricted access for spot prawn trap and trawl permits.

23. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTION 120.7, TITLE 14, CCR, RE: AMENDING OR REPEALING THE MINIMUM LANDING REQUIREMENTS FOR THE COMMERCIAL SEA URCHIN FISHERY.

(Note: The adoption hearing is scheduled for August 27, 1999, in Bridgeport.)

Summary of Issue

The Commission, at its January 7, 1999, meeting in San Diego, directed staff to publish notice of its intent to amend Section 120.7, Title 14, CCR, regarding the minimum landing requirements for renewal of commercial sea urchin diving permits.

That legal notice has been published. The Department recommended that discussion hearings to receive public comments be scheduled for the Commission's March, June and early August meetings with the adoption hearing scheduled for the late August meeting.

The Department provides a summary of the proposed changes as follows:

"Existing regulations require applicants for renewal of sea urchin diving permits to have made at least 20 landings of at least 300 pounds each (of sea urchins) in one of the two immediately preceding permit years.

"The proposed amendment, depending on which option the Commission adopted, would allow persons who possessed a valid unrevoked sea urchin diving permit to renew their permit by:

"Option 1: having made at least 20 landings of at least 300 pounds each in one of the three immediately preceding permit years, or

"Option 2: having made at least 10 landings of at least 100 pounds each in one of the two immediately preceding permit years, or

"Option 3: paying the required permit renewal fees within the prescribed deadlines.

"All applications for renewal of sea urchin diving permits must be received by the Department or be postmarked not later than June 30 of each permit year.

"The proposed amendments will clarify that the deadline for the submission of applications for any new sea urchin diving permits that may become available for issue is the same as that for renewal of permits, pursuant to the regulations.

"Late renewals of sea urchin diving permits are allowed only until July 30 of each year, subject to payment of a \$50 late fee.

"The proposed amendments will change the late renewal deadline to July 31, to comply with the provisions of Section 7852.2, Fish and Game Code.

"The proposed amendments will correct an editorial omission of subdivision (g) of Section 120.7, Title 14, CCR, by re-lettering the existing subdivisions."

Commissioners were provided with a copy of the Department's Initial Statement of Reasons with the proposed regulations in strikeout/underline format.

Action

Executive Director Treanor summarized the item.

John Duffy explained the Department's recommendation and the three different options.

Based on public comments and the Department's concerns with the overall health of the sea urchin resource, Marine Regional Manager Johnston requested an opportunity to discuss additional changes with the Director's Sea Urchin Advisory Committee and interested parties. Mr. Johnston explained that there was a suggestion to eliminate the specific number of landings and go to a minimum poundage.

Pete Halmay requested that the minimum landing requirements for the commercial sea urchin fishery not be repealed.

Harry Liquornik supported keeping the regulations to allow some fishermen to participate in part-time diving. He commented that landing requirements needed to be revised, but did not think the permits were ready to be transferable.

Paul Weakland supported no change in the landing requirements and stated that the lottery system needed to be adjusted.

Executive Director Treanor indicated that the Department would provide its status report and any additional amendments at the Commission's October 8, 1999, meeting in Redding.

24. RECEIPT OF PUBLIC TESTIMONY RE: AMENDMENT OF SECTION 163, TITLE 14, CCR, RE: COMMERCIAL HERRING FISHERY.

(Note: The adoption hearing is scheduled for August 27, 1999, in Bridgeport.)

Summary of Issue

The Commission, at its June 18, 1999, meeting in Point Reyes Station, authorized its staff to publish notice of Commission intent to consider proposed changes in Section 163, Title 14, CCR, regarding commercial herring fishery. That legal notice has been published. The Department has also prepared an Environmental Document which has been circulated for a 45-day public comment period. Commissioners were provided with a copy of the Initial Statement of Reasons with the text of the regulations in strikeout/underline format. The Commission will receive public comments on these proposed changes and the Environmental Document at its August 6, 1999, meeting in Long Beach. The adoption hearing is scheduled for August 27, 1999, in Bridgeport.

The Department's proposals can be summarized as follows:

"Under existing law, herring may be taken for commercial purposes only under a revocable permit, subject to such regulations as the Fish and Game Commission shall prescribe. Current regulations specify: permittee qualifications; permit application procedures and requirements; permit limitations; permit areas; vessel identification requirements; seasons; fishing quotas; gear restrictions; and landing and monitoring requirements.

"The proposed regulatory changes will establish fishing quotas by area for the 1999-2000 herring fishing season, based on the most recent assessments of the spawning populations of herring in San Francisco and Tomales bays. The proposed fishing quota in San Francisco Bay is 5,925 tons (15 percent of the estimated spawning biomass for the 1998-1999 season). An initial 400-ton fishing quota is proposed for Tomales Bay with provisions to increase the quota in season if escapement goals are achieved by February 15, 2000. This season, the recommendation is for one in-season increase to 500 tons.

"The proposed amendments also provide special provisions for the participation of four Tomales Bay permittees in a study to determine the size and age composition of

herring caught in gill nets of varying mesh and twine size. Existing regulations provide for a similar study in San Francisco Bay; the proposed amendments modify the regulations to state that the Department will approve, rather than provide, the gill nets used in the study.

"Other changes relating to seasons, permit qualifications, permit suspensions and landing receipts are recommended to improve the clarity of the regulations or provide for the efficient harvest and orderly conduct of the fishery and for the protection of the resource. The following is a summary of those proposed changes in Section 163, Title 14, CCR.

- "- Set the dates of the roe herring fisheries in San Francisco Bay from 5:00 p.m. on Sunday, November 28, 1999, to noon on Wednesday, December 22, 1999, ("DH" gill net platoon only), and from 5:00 p.m. on Sunday, January 2, 2000, to noon on Friday, March 10, 2000.
- "- Set the dates of the roe herring fishery in Tomales Bay from 5:00 p.m. on Sunday, January 2, 2000, to noon on Friday, March 10, 2000.
- "- Delete the requirement that all herring permittees must hold an operator license.
- "- Prohibit a permittee whose permit has been suspended for the entire season from participating in any herring fishery in the State that season.
- "- Require herring buyers to list on the landing receipt the number of fish in, and the weight of, each roe test for the landing reported on the receipt."

Action

Executive Director Treanor summarized the item.

Eric Larson provided the Department's summary of proposed changes to sections 163 and 164. Mr. Larson reported that the proposed regulatory changes pertain solely to the San Francisco and Tomales Bay fisheries; there are no proposed changes for the Crescent City or Humboldt Bay fisheries or the ocean herring fishery. He stated that there was no known controversy for either section.

Zeke Grader agreed and supported the Department's recommendations and urged adoption of the regulations.

Eddie Genovese supported the Department's recommendations for quotas and season dates. He spoke about transferring a herring permit and the fee of \$5,000 and questioned why it was so high. He suggested a \$1,000 or \$2,500 fee would be more feasible.

Deputy Attorney General Christison responded to Mr. Genovese's question of reducing the transfer fee and indicated that it was a legislative issue and not within the jurisdiction of the Commission.

25. RECEIPT OF PUBLIC TESTIMONY RE: AMENDMENT OF SECTION 164, TITLE 14, CCR, RE: HARVESTING OF HERRING EGGS.

(Note: The adoption hearing is scheduled for August 27, 1999, in Bridgeport.)

Summary of Issue

The Commission, at its June 18, 1999, meeting in Point Reyes Station, authorized its staff to publish notice of Commission intent to consider proposed changes in Section 164, Title 14, CCR, re: harvesting of herring eggs. That legal notice has been published. Commissioners were provided with a copy of the Department's Initial Statement of Reasons with the text of the regulations in strikeout/underline format. The Commission will receive public comments at its August 6, 1999, meeting and will consider adoption at its August 27, 1999, meeting in Bridgeport.

The Department's proposal can be summarized as follows:

"Under existing law, herring eggs on kelp may be taken for commercial purposes only under a revocable, nontransferable permit, subject to such regulations as the Fish and Game Commission shall prescribe. Current regulations specify: permit limitations; season; fishing areas; permittee categories and qualifications; permit conditions; royalty fees; permit application procedures; permit performance deposit requirements; gear, fishing and harvesting restrictions; fishing quotas; landing and processing requirements; and permit suspension conditions and procedures. In addition, current regulations limit the number of permits that can be issued.

"The proposed regulatory changes will establish fishing quotas for the 1999-2000 herring eggs on kelp fishing season. Individual herring eggs on kelp quotas will depend on the quota for San Francisco Bay established by the Fish and Game Commission under Section 163, Title 14, CCR. The proposed fishing quota for San Francisco Bay is 5,925 tons (15 percent of the estimated spawning biomass for the 1998-1999 season); this results in a 10.4-ton individual herring eggs on kelp quota for a "CH" permittee and a 2.8-ton individual quota for a gill net permittee.

"The existing permit includes special conditions that are not currently in the regulations. To facilitate dissemination of information and aid in compliance, the proposed regulations will include all the special conditions on the existing permit and will establish a new permit application form (FG 1406 (4/99) Herring-eggs-on-kelp Permit Application). The conditions that will be transferred from the permit to the regulations will:

- " require permittees to submit a royalty report form (MR 164R (6/99) Herring-eggs-on-kelp Monthly Landing and Royalty Report) with payment due to the Department's Menlo Park office for each month of the season, within 60 days after the close of the month for which it is due;
- " require a copy of the permit to be aboard each vessel that is harvesting, processing or transporting herring eggs under the authority of the permit;

" require the permittee or his or her authorized agent to be aboard each vessel that is harvesting, processing or transporting herring eggs under the authority of the permit; and

" clarify the definition of permanent structures to exclude buoys.

"Other changes relating to assist boats, authorized agents, method of take, and harvesting, landing and processing requirements are recommended to improve the clarity of the regulations, or provide for the efficient harvest and orderly conduct of the fishery and for the protection of the resource.

"The following is a summary of those proposed changes:

- "1. require that the permit copy used by assist boats and authorized agents be a copy issued by the Department of Fish and Game with the name of the assist boat and the authorized agent, and require that permit amendments be attached to the permit before the new assist boat can be used for harvesting, processing or transporting herring eggs, or before the new authorized agent can work under the authority of the permit;
- "2. require the permittee to notify the Department of Fish and Game in writing of the name and Fish and Game commercial boat registration number of all vessels harvesting, processing or transporting herring eggs under the authority of the permit;
- "3. provide a means for amending permits to reflect in-season changes to authorized agents and assist vessels;
- "4. allow simultaneous fishing of two permits on the same raft and establish restrictions for simultaneous fishing;
- "5. clarify the instructions for notifying the Department of Fish and Game when suspending kelp;
- "6. remove the phone number for notification of weekend harvest from the regulations and list it on the permit; and
- "7. correct the numbers of Sections of the Fish and Game Code and Title 14 cited in the herring eggs regulations."

Action

Executive Director Treanor summarized the item.

Eric Larson provided the Department's summary of proposed changes to sections 163 and 164. Mr. Larson reported that the proposed regulatory changes pertains solely to the San Francisco and Tomales Bay fisheries; there are no proposed changes for the Crescent City or Humboldt Bay fisheries or the ocean herring fishery. He stated that there was no known controversy for either section.

Zeke Grader agreed and supported the Department's recommendations and urged adoption of the regulations.

Eddie Genovese supported the Department's recommendations for quotas and season dates. He spoke about transferring a herring permit and the fee of \$5,000 and questioned why it was so high. He suggested a \$1,000 or \$2,500 fee would be more feasible.

Deputy Attorney General Christison responded to Mr. Genovese's question of reducing the transfer fee and indicated that it was a legislative issue and not within the jurisdiction of the Commission.

Executive Director Treanor asked if anyone else in the audience wished to speak on the item, and there was no response.

26. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES IN THE
1999-2000 MIGRATORY GAME BIRD (WATERFOWL) REGULATIONS.

(Note: The adoption hearing is scheduled for August 27, 1999, in Bridgeport.)

Summary of Issue

The Commission, at its May 5, 1999, meeting in Sacramento, authorized its staff to publish notice of its intent to change the Migratory Game Bird (Waterfowl) Regulations for the 1999-2000 season. This item is scheduled to receive public testimony on the proposed regulations. The Commission received the Department's and public recommendations for changes in its waterfowl regulations at its June 18, 1999, meeting. This item is scheduled for the Commission to receive public testimony with the adoption hearing scheduled for August 27, 1999, in Bridgeport.

As you are aware, the Commission must adopt its regulations within the framework provided by the Federal Government. This will be available in draft form shortly, and in final form just prior to the Commission's August 26-27, 1999, meeting in Bridgeport. The purpose of this public notice is to provide the public with the dates of the hearings regarding the adoption of the 1999-2000 Waterfowl Hunting Regulations.

The Federal Government has provided an Environmental Document related to the hunting of waterfowl within the United States, as well as annual supplements to that document. Commission compliance with the requirements of the California Environmental Quality Act will be through the certification of the findings of that Federal document with respect to waterfowl hunting within California.

The Department's proposed amendments can be summarized as follows:

Section 502

"Under existing law (Section 355 of the Fish and Game Code), the Commission is authorized to annually adopt regulations pertaining to migratory birds that conform with, or further restrict the regulations prescribed by the U.S. Fish and Wildlife Service (Service) pursuant to the Migratory Bird Treaty Act. Each year, Flyway Councils recommend changes in federal regulations and by early August, the Service establishes federal regulations. Existing regulations (Section 502, Title 14, CCR) do

not reflect changes in federal regulations proposed by the Flyway Councils and may not reflect changes to be made by the federal government later this year. The Service, through the analysis of waterfowl population surveys and other data, may change federal regulations which will require changes in existing state regulations. Changes in federal regulations for season opening and closing dates, season length, and daily bag limits for migratory birds may still occur.

"The proposed regulatory changes will:

- "1. Modify boundaries, names, and some season dates and species restrictions in special management areas within the Balance of State Zone;
- "2. Provide for a Youth Hunting Day in the Northeastern California Zone and for American coot, common moorhens, and black brant hunting statewide;
- "3. Reduce the season length for ducks in the Northeastern California Zone;
- "4. Increase the general goose and the white-fronted and cackling goose seasons in the Northeastern California Zone;
- "5. Modify opening and closing dates of duck and goose seasons in each zone; and
- "6. Clarify that daily bag limits for pintails and canvasback may be birds of either sex.

"The following is a more specific summary of the proposed changes for Section 502, Title 14, CCR:

- "1. Adjust the boundaries of the Sacramento Valley (West) Special Management Area to an area west of the Sacramento River. White-fronted goose season would continue to end in this area on December 14, but the take of Canada geese and cackling geese would be permitted.
- "2. Adjust the boundaries and rename the Sacramento Valley Special Management Area as the Sacramento Valley (East) Special Management Area. The take of Canada geese, cackling geese, and Aleutian geese would continue to be prohibited all season long, and the shorter season for white-fronted geese would be removed.
- "3. Adjust the boundary for the San Joaquin Valley Special Management Area to more completely encompass important Aleutian goose wintering areas. The closure for Canada geese, cackling geese, and Aleutian geese would change from November 22 to the entire goose season.

- "4. Allow the take of American coots, common moorhens, and black brant on Youth Hunting Day in each zone and establish a Youth Hunting Day in the Northeastern California Zone.
- "5. Reduce the length of the duck season in the Northeastern California Zone from 107 days to 100 days and begin the season on the second Saturday in October.
- "6. Increase the length of the goose season in the Northeastern California Zone from 93 days to 100 days and increase the length of the white-fronted and cackling goose season from 23 days to 44 days. Goose season is proposed to open on the second Saturday in October.
- "7. Clarify existing daily duck bag regulations to allow that the pintail or canvasback could be of either sex, as is stipulated for redheads.
- "8. Change the opening date for duck seasons in the Southern San Joaquin, Southern California, and Balance of State zones to the fourth Saturday in October and run for 100 consecutive days.
- "9. Change the opening date for duck season in the Colorado River Zone to begin on the Friday after the third Sunday in October and run for 101 days.
- "10. Change the opening date for the goose season in the Southern San Joaquin Valley and Balance of State zones to open on the first Saturday in November and run for 79 days.
- "11. Change the opening date for the goose season in the Southern California Zone to open on the last Saturday in October and run for 93 days.
- "12. Change the opening date for the goose season in the Colorado River Zone to open on October 23 and run for 100 days."

Section 506

"A reorganization of Section 300, Title 14, California Code of Regulations (CCR), in 1998 inadvertently created some confusion regarding shooting hours for certain migratory game birds. Previous regulations clearly set shooting hours for doves and band-tailed pigeons (the old sections 305 and 500, respectively), and Section 506 clearly establishes shooting hours for other migratory game bird species. The reorganization of Section 300 added doves, band-tailed pigeons, and common snipe to this section and distinguished between resident upland game birds in subsection (a) and migratory upland game birds in subsection (b). Section 310.5 was amended to establish shooting times for all "upland game birds". However, definitions of resident and migratory birds found in Section 3500 of the Fish and Game Code do not clearly indicate that these species are 'upland' game birds.

"The proposed regulation change will establish shooting hours for all migratory birds by species. Section 310.5 will continue to establish shooting hours for resident upland game birds. By including Section 506 in the regulation booklets available for early season migratory bird hunters, the shooting time regulations will be clear."

Commissioners were provided with a copy of a fax from Howard N. Ellman and a copy of the Department's Initial Statement of Reasons with the proposed regulation changes in ~~strikeout~~/underline format.

Action

Executive Director Treanor introduced the item and reported that a letter had been received today from the Strasbaugh Development Company requesting a season change for Southern California. Mr. Treanor noted that a prior letter had been received from the Coachella Valley Mosquito Abatement District also requesting a delay in the season opening for Southern California. He also noted that the Commissioners had received a copy of a letter from Ed Migale opposing the use of a mechanical motorized duck decoy.

Deputy Director Mansfield briefly described the Department's proposed regulations and explained the federal framework guidelines. Mr. Mansfield reported that the Department had received considerable correspondence related to the use of motorized duck decoys. Mr. Mansfield indicated that he had met with the Commission's Waterfowl Subcommittee (Commissioners McGeoghegan and Thieriot) regarding the motorized duck decoys and the subcommittee concluded that there were concerns about the potential effects the motorized duck decoys would have on the mallard population and on hunting activities. Mr. Mansfield reported that the Department was not recommending any restrictions this year, but would be evaluating its use and effects on hunting, specifically on mallard populations, during the upcoming season.

There was discussion about the closing date for goose season, and Mr. Mansfield reported that duck and goose seasons end concurrently.

Gray Hills requested that the use of motorized duck decoys be prohibited because of the overkilling of mallards, banded birds, and destruction of birds from being shot too close.

Omer Long, Newport, did not support a shorter waterfowl season in Southern California and commented that the effects of motorized duck decoys should be addressed by lowering the daily bag limit.

Executive Director Treanor asked if anyone else in the audience wished to speak on the item, and there was no response.

27. CONSIDERATION OF REQUEST TO DEVELOP A COMMERCIAL FISHERY
FOR THE PROHIBITED CHINESE MITTEN CRAB.

Summary of Issue

As background, the Commission, at its December 3, 1998, meeting in Eureka, considered Mr. David Jung's request for a permit to export live Chinese mitten crabs. At that time, the Commission deferred a decision on the issue until its February 4, 1999, meeting in Sacramento to provide the Department time to gather additional information. The Department will be reporting on issues such as (1) direct effects of fishing gear operation on existing aquatic species and their habitats, (2) public health risks (in their native habitats, mitten crabs are an intermediate host to a human lung fluke), and (3) other potential impacts which may be identified as the Department learns more about mitten crab distribution and population dynamics in California.

For the Commission to establish a commercial fishery, it would require the Commission amending Section 671, Title 14, CCR, to allow for the capture, possession and transportation of a live prohibited species, plus adopting new regulations to establish a commercial fishery. Therefore, if the Commission decided to consider a commercial fishery, it would need to authorize staff to publish notice of the Commission's intent to take this regulatory action before any "official" commercial harvest activity for live specimens could take place.

The Commission has received numerous inquiries for permits to harvest Chinese mitten crabs. In addition, the Commission received letters from the states of Oregon and Washington Fish and Wildlife Commissions and the Western Regional Panel on Aquatic Nuisance Species opposing the Commission establishing a commercial fishery. Copies of those letters have previously been sent to each Commissioner.

As a reminder, in support of his request Mr. Jung provided the following information in a letter dated October 15, 1998,

"This will confirm our telephone conversation of October 5, 1998, regarding the Asian Mitten crabs situation which has been the subject of recent media coverage. The lengthy time you spent speaking to me is appreciated.

"As I advised you, my office represents a client who is interested in the commercial harvesting of the Asian Mitten crabs.

"I have been referred to you by Fred Cole of the Wildlife Protection Division when my request for information went beyond his expertise, although he did provide me with some helpful information. He advised me that, while the crabs are non-indigenous and cannot be possessed alive, there was no prohibition against harvesting the crabs with a valid fishing license.

"He also said that due to their very high reproduction rate, with few predators to keep them in check, there was a threat to the ecological balance, and as I understood from you, to the physical environment, because of their burrowing habits.

"My client's proposal is not only a simple one, it may also be a symbiotic solution to the problem. He wishes to commercially harvest the crabs for export to Asia, and in so doing, the State would be able to keep the crabs in check, and my client could conduct a viable business.

"In fact, there is another salutary (sic) effect. By regulated commercial activity pursuant to license or permit, you would at least be able to curb clandestine harvesting and poaching, which could lead to illicit local sales.

"This last fact becomes especially relevant now that the media has highlighted the situation.

"Please consider this correspondence a proposal and request on behalf of our client for a commercial permit for harvesting the Asian Mitten crabs. This request is general in nature due to your advising me that no formal regulations have been formulated.

"I am ready to proceed with dispatch because if the media reports are to be believed, not only are the crabs rapidly multiplying, unless formal regulations and guidelines are instituted, the State will have a policing and poaching problem.

"I would appreciate any information you can provide me as well as a written response to this proposal.

"Thank you for your attention."

In a letter dated October 16, 1998, Mr. Jung provides the following information:

"This will confirm our telephone conversation of October 15, 1998, subsequent of your receipt by fax of my letter dated the same date.

"On behalf of my client I am requesting a special license/permit to harvest a test batch of the Asian mitten Crabs for the purpose of live shipment to Hong Kong.

"Our client is willing to comply with any conditions imposed by the Department of Fish and Game, including direct supervision.

"We are also request that this request be placed on the agenda for the Fish and Game Commission meeting on November 5 & 6 1998, at Yosemite Lodge.

"Thank you for your courtesy this, far, I am."

Department Recommendation

"This request is a continuation of an issue initiated by the request of Mr. David Jung, which the Commission considered in December, 1998, and again in February, 1999. At the February meeting the Department recommended that the Commission deny all requests to allow the possession, transportation, or receipt of live mitten crabs for

commercial or sport fishing purposes. At that time the Commission agreed to reconsider the issue in August.

"The issue was also discussed on May 5, 1999, when the Commission considered a request of Mr. Zeke Grader, Pacific Coast Federation of Fishermen's Associations, to allow development of commercial fisheries for both mitten crabs and green crabs.

"The Department continues to oppose allowing a commercial fishery for mitten crabs. We believe allowing a restricted commercial fishery would not have a significant impact on the number of mitten crabs in California. However, it could significantly increase the risk of expanding the range of the mitten crab within the State and possibly affect other resources taken incidentally if fishing operations. A commercial fishery for mitten crabs could significantly increase enforcement commitments and costs.

"In addition, the Department has serious concerns that allowing the commercial harvest and marketing of mitten crabs could be interpreted as condoning or encouraging the release of undesirable exotic species into State waters for later use or profit. Such a message is inconsistent with actions by the Department to remove consequences of illegally introducing exotic species.

"Concerning another mitten crab-related matter, the Department has received a letter from the United States Bureau of Reclamation (USBR), requesting Department approval, to contract with a reduction plant to haul live mitten crabs from their Tracy fish salvage facility to a nearby reduction facility, where the crabs would be reduced to animal food or fertilizer. The USBR is proposing this method of disposal to avoid the disruption of their fish salvage operations, which was caused by the estimated 45 tons of crabs collected at the facility last year.

"Last year, the crabs were stockpiled in make-shift trenches, where the accumulation of crab remains led to undesirable odors and residues. The disposal operation was time-consuming, and at times, created public relations problems for the USBR. Allowing the crabs to be removed alive from the facility will eliminate these problems.

"We believe that approving the USBR's request is necessary for maintaining the effectiveness of the fish salvage operation, and that approval is authorized pursuant to Fish and Game Code Section 5501. It is, therefore, the Department's intention to grant the USBR approval to contract for removal of the live mitten crabs, under the following conditions:

- " The crabs must under no circumstances be transported beyond the Central Valley, and the choice of processing locations should be made so as to minimize the distance that live crabs are transported.
- " The crabs must be transported in sealed and locked containers.
- " The processing facility must include security features to eliminate the risk that live crabs can escape or be removed from the facility.
- " It would be the Department's intention to approve a similar request from the Department of Water Resources, regarding the State's fish salvage facility."

Action

Executive Director Treanor summarized the item and indicated that the Commission office had received recommendations from the States of Oregon and Washington requesting that California not allow the commercial harvest of Chinese mitten crabs and expressed their concerns with the spread of Chinese mitten crabs into their states. He added that the Federal Invasive Species Committee was also opposed to allowing the commercial harvest of Chinese mitten crabs.

FPB Chief Fleming provided a summary of the Department's report and recommendation. He reported that the U.S. Fish and Wildlife Service was currently drafting a national Chinese mitten crab management plan for submission to the Aquatic Nuisance Species Task Force. He also reported that the California Department of Health Services, Food and Drug Branch, had sent a letter to the Commission office emphasizing that they have the regulatory authority over all food sold in California and could not support the commercial harvest of Chinese mitten crabs for human consumption because of the lack of necessary information to assess the health risks to consumers and the crabs' possible contamination with toxic chemicals and infection with parasitic lung flukes. Mr. Fleming indicated that the Department had authorized the U.S. Bureau of Reclamation the ability to transport crabs from the Delta pumps to a rendering plant.

Zeke Grader provided the following comments: 1) he had previously submitted requests for experimental permits; 2) response from the Department of Health Services was very helpful; 3) health warnings should be posted in the Delta; 4) allowing live transportation of crabs by the U.S. Bureau of Reclamation or Department of Water Resources should be monitored; 5) are livestock being infected by feed produced by rendering plants; 6) testing should be completed immediately; 7) need to take an aggressive control approach; 8) consideration of a commercial fishery was out of the question; and 9) suggested an aggressive bounty fishery (catch-and-kill) be established immediately. He urged the Commission to take some type of action now.

Ron Gaul discussed the culinary techniques of the Chinese mitten crab and suggested conducting a market research in other parts of the country.

It was then:

MOVED BY MR. CHRISMAN, SECONDED BY MR. MCGEOGHEGAN, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF DAVID JUNG, SAN FRANCISCO, FOR THE COMMISSION TO CONSIDER AMENDING SECTION 671, TITLE 14, CCR, TO ALLOW THE CAPTURE, POSSESSION AND TRANSPORTATION OF LIVE CHINESE MITTEN CRAB FOR COMMERCIAL PURPOSES.

PASSED UNANIMOUSLY.

28. RECEIPT OF RECOMMENDATIONS FOR CHANGES IN THE 2000-2002 SPORT FISHING REGULATIONS.

Summary of Issue

This item is scheduled to receive recommendations for changes in the 2000-2002 Sport Fishing Regulations. Pursuant to the provisions of Sections 200-221 of the Fish and Game Code, the Commission will be receiving public testimony concerning proposed changes in these regulations at the following meetings:

<u>Type of Meeting</u>	<u>Date</u>	<u>Location</u>
Receipt of Recommendations	August 6	City Council Chambers 333 W. Ocean Blvd. Long Beach
Discussion of Proposed Regulations	October 8	City Council Chambers 1313 California Street Redding
Discussion of Proposed Regulations	November 5	Hubbs-Sea World Institute 2595 Ingraham Street San Diego
Adoption of Proposed Regulations	December 3*	Resources Auditorium 1416 Ninth Street Sacramento

*The Commission is not required to take public testimony at this meeting, but may elect to do so. Also, the Commission has 20 days after this meeting in which to adopt the regulations, if necessary.

Since 1989, the Commission follows a biennial approach to the adoption of sport fishing regulations.

Pursuant to the authority vested by sections 200, 202, 205, 210, 219, 220, 240, 315, 5508-5510, 8491 and 10711 of the Fish and Game Code, the Commission has duly noticed the fact that it will receive at this time public recommendations for changes in the sport fishing regulations in Division 1, Title 14, California Code of Regulations, Part 1 (Fish, Amphibia and Reptiles); Chapter 1 (General Provisions and Definitions); Chapter 2 (Statewide Regulations for Sport Fishing and Frogging in Inland Waters); Chapter 3 (District Trout, Salmon and Special Regulations); Chapter 4 (Ocean Fishing); and Chapter 5 (Native Reptiles and Amphibians).

In a separate folder, Commissioners were provided with a copy of the Department's proposals for inland waters, including the informative digests and the regulations in strikeout/underline format, as well as a timetable. Commissioners were also provided with

copies of the Department's Initial Statements of Reasons with the proposed regulations in **strikeout/underline** format for ocean waters. **(Some documents which support regulatory changes cited in Initial Statements are too voluminous to be included as exhibits and are available on request from the Commission office.)** For those sections in those chapters where the Department recommends no changes, it has carefully reviewed the status of those fisheries involved, and it has determined that no additional protection is warranted; therefore, it asks that these regulations be continued in their present form. In addition to the Department's recommendations, all recommendations received by the Commission office on or prior to the end of business on August 6, 1999, and those oral recommendations presented at the meeting on August 6 in Sacramento will be tabulated and entered into the record. It should be noted that all of the Commission's regulations in the chapter set forth above are subject to change based upon public input at the August 6 meeting and Commission consideration at its October 8, November 5, and December 3, 1999, meetings. The public will be so notified of that possibility.

It is suggested that the Commission hear the Department's recommendations first and then, after making its own recommendations, open the meeting to recommendations from the public. In the event that the proposed recommendations require authorization under code sections other than those dealing with the Commission's normal regulatory powers, it will require Commission notification of its intent to make such amendments. The need for authorization for such notice, if any, will be brought to the Commission's attention.

In summary, there are two issues before the Commission: (1) The announcement of the Commission's intent to review and amend, delete or add to its sport fishing regulations and (2) To receive Department and public recommendations for changes in the 2000-2002 sport fishing regulations. No formal action by the Commission is necessary at this time unless authorization for notice is required. As noted above, recommendations received by the Commission at this meeting will be discussed at its October 8 meeting in Redding and its November 5 meeting in San Diego, at which time it will announce its intentions to adopt, amend or repeal the regulations. Final adoption of the 2000-2002 Sport Fishing Regulations will occur at the Commission's December 3, 1999, meeting in Sacramento, unless otherwise noticed at that time. As noted earlier, the Commission, if necessary, would have up to 20 days after the December 3 meeting in which to adopt its sport fishing regulations.

The Department's Initial Statement of Reasons with the proposed regulation changes for inland waters prepared by the Department relative to its proposals will be provided at a future date. The statements mentioned above will be available to the public in the Commission office when provided by the Department. The draft environmental documents relating to the Department's proposals will be available to the public on or before September 14, 1999. Comments on these documents may be submitted to the Commission office until 5:00 p.m. on October 29, 1999, or testimony may be presented at the Commission hearings on sport fishing regulations on October 8, 1999, in Redding.

Action

Executive Director Treanor summarized the item.

FPB Chief Fleming described the Department's proposed recommendations for inland waters and Don Schultze from the Marine Region described the Department's proposed marine recommendations.

Jim Edmondson presented a condensed list of 15 proposed recommendations for changes in the sport fishing regulations throughout the State of California. He commented that one recommendation, which would be heavily debated, was for the Upper Owens River. Mr. Edmondson spoke about the review process and requested that the Department provide its recommendations to the public prior to the October meeting.

Zeke Grader provided the following recommendations: 1) supported size limits on Cabezon and greenlings; 2) need to ban the use of treble hooks instead of reducing the number of lines; 3) need to make barbless hooks for salmon uniform statewide; 4) reinstitute tail-clipped salmon for the recreational catch so they don't enter the commercial markets; 5) change the size limit and sex of the recreational take of Dungeness crabs.

Dr. Rod Fujita commended the Department on a good job regarding the rockfish recommendations and supported the Department's rockfish proposals. He also supported the use of closed areas and marine reserves.

Jim Marshall requested quantification of the sport abalone fishery.

Harry Liquornik agreed with Mr. Marshall's statement on the need to quantify all catches of sport abalone and eventually all species taken.

Ron Gaul opposed any reduction of sport rockfish limits as it doesn't address the Commercial Live Fish Fishery. He read a prepared statement by Steve Campi requesting parallel efforts between the commercial and recreational fisheries with regard to take. The Commission and the Department need to develop an interim method to reduce harvest until a fishery management plan is adopted per the Marine Life Management Act. He suggested the following actions: 1) restrict the live fish operators to rod and reel only and to the same bag limits as sport anglers; 2) all live fish transported in boats or vehicles should be marked with their commercial permit number; and 3) regulations should extend out to three nautical miles.

Chuck Tennin requested a change in the existing calico (kelp) bass size limit from 12 to 14 inches.

Mick Kronman commented that all changes have socio-economic impacts, especially the reduction of a rockfish daily bag limit. He recommended a one-page flyer to increase public knowledge and awareness of why changes are made.

Executive Director Treanor reported that Karen Garrison had to leave the meeting but had submitted a letter requesting the following options be analyzed and considered as changes to the sport fishing regulations: 1) a voluntary bag limit of zero for cowcod; or 2) a limit of one cowcod per bag. Ms. Garrison's letter also stated that she would be submitting recommendations on bocaccio once more information on the 1999 stock assessment was made available.

Executive Director Treanor asked if anyone else in the audience wished to speak on the item, and there was no response.

CONSENT CALENDAR

Items 29 through 36 have been placed on the Commission's consent calendar. Your staff knows of no opposition to these proposals at this time, other than as specified in this analysis. The Department has provided a recommendation on each of these items which calls for approval or modified approval by the Commission. Any item may 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. Your staff has prepared a summary of consent items which will be made available to the audience. One overall motion is appropriate for approval of these items.

Action

Executive Director Treanor introduced the consent calendar and asked if anyone in the audience wished to speak on any item. There was no response.

It was then:

MOVED BY MR. CHRISMAN, SECONDED BY MR. MCGEOGHEGAN, THAT
THE FISH AND GAME COMMISSION HEREBY APPROVES ITS
AUGUST 6, 1999, CONSENT CALENDAR, ITEM NUMBERS 29 THROUGH 36.

PASSED UNANIMOUSLY.

29. REQUEST TO PUBLISH NOTICE OF COMMISSION INTENT TO REPEAL SECTION 191, TITLE 14, CCR, RE: OFFSHORE LONGLINE LOGBOOK.

Summary of Issue

The State of California does not allow longline gear to be fished within the U.S. Exclusive Economic Zone (EEZ) (within 200 miles of shore). However, it does require vessels fishing with that gear outside the EEZ to submit daily fishing activity records (logbooks). The Commission instituted that requirement in 1994 in response to the growing fishery and the lack of information about fishing practices and catches. At that time there was no Federal fishing activity reporting requirement.

Congress passed the High Seas fishery Compliance Act in 1995 and; under those provisions, all vessels fishing on the high seas are required to be permitted by the National Marine Fisheries Service (NMFS). In January 1999, NMFS added a provision requiring all permitted vessels to report their catches and effort when fishing on the high seas. The Federal logbook system is now operational and the NMFS will be responsible for issuing and collecting high seas fisheries logbooks.

Since the Federal logbook program is now implemented, and all of the vessels participating in the high seas longline fishery and landing in California are required to complete those logbooks, there is no need to duplicate effort.

The Department has signed a Memorandum of Understanding (MOU) with NMFS that allows for data sharing. Logbook information will still be available to the State but there will no longer be a State requirement or responsibility for high seas longline logbooks. Based on this MOU, the Department is recommending the Commission repeal Section 191, Title 14, CCR.

30. REQUEST OF PENNY ANDREWS, SAN JUAN BAUTISTA, TO APPEAL THE DEPARTMENT'S DENIAL OF HER APPLICATION FOR A WAIVER OF THE ANIMAL CARE PERMIT REQUIREMENTS.

Summary of Issue

In a letter dated June 25, 1999, Ms. Andrews provides the following information:

"Prior to renewal time for my Animal Welfare permit I wrote to Lori Heier (program technician DFG) requesting that my category be changed from Breeder to Animal Care, due to a change in our status after over twenty years of breeding wild cats for zoos and animal parks. She suggested that I write to you explaining our situation and requesting an exemption.

"Briefly, in recent years we have been breeding only clouded leopards (*neofelis nebulosa*) under the AZA SSP program, which determines what bloodlines will be bred and when, and where placement of offspring will be, to further enhance the breeding program. We recently lost our last breeding male. Because my husband is now retired and the majority of our remaining cats are either not housed as pairs or are elderly, we had already made the decision to not acquire anymore animals, but just to house and maintain those cats now in our possession for the remainder of their lives. Our last litter of kittens was born here August 13, 1998. They are no longer in our possession, having been placed with San Diego Zoo and Oakhill Breeding Center, by SSP. Animals in our care now range from age nineteen to four.

"As a member of the Director's Working Committee that formulated regs in the late 1980's, there was much discussion as to permit categories. In reviewing these now, I see that the only category into which I fall is that of Animal Care. I am requesting an exemption to allow this change, as we have in our remaining collection of 19 cats, four cats who were acquired by us after 1992 - two cats in 1993 and two in 1996. In every other way we now qualify for an Animal Care Permit.

"I would be most appreciative of your reviewing our situation and our request and permitting us to be issued and Animal Care Permit for the duration of time that we will continue to house the cats now in our possession."

Department Recommendation

"Ms. Penny Andrews has maintained a Breeding Permit for restricted species since 1978. Her main purpose was breeding wild cats for zoos and animal parks, and in more recent years, specifically breeding clouded leopards, an endangered species. In January 1999, Ms. Andrews lost her male clouded leopard and has decided she no longer wishes to be in the breeding business. She requests to change from a Breeding Permit to an Animal Care Permit and maintain only the animals in her current inventory for the duration of the animals' lives.

"Animal Care Permits are issued to persons who were in legal possession of the animal(s) prior to January 1992. While a majority of Ms. Andrew's animals meet this criteria, there are four cats that were acquired after 1992. Specifically, Ms. Andrews requests an exemption to the regulations to maintain these four cats, in addition to her other cats, for the remainder of the animals' lives.

"The Department of Fish and Game recommends approval of Ms. Andrew's request for an exemption to the regulations governing Animal Care Permits."

31. CONSIDERATION OF CERTIFICATION OF ENVIRONMENTAL DOCUMENT AND RE: UPLAND GAME AND ADOPTION OF PROPOSED CHANGES TO SECTION 300, TITLE 14, CCR, RE: SAGE GROUSE.

Note: By statute, public recommendations for changes in the Resident and Migratory Upland Game Bird and Migratory Nongame Bird (American Crow only) Regulations are considered only in even-numbered years. Therefore, no public recommendations will be received this year. In odd-numbered years, the Department of Fish and Game only recommends permit quota changes or urgency changes to the regulations. The Department is preparing environmental documents for its no-change recommendation for the other upland game species and will be circulating those documents for public review.

Summary of Issue

The Commission, at its May 5, 1999, meeting in Sacramento authorized its staff to publish notice of Commission intent to consider proposed changes in the 1999-2000 Resident and Migratory Upland Game Bird and Migratory Nongame Bird (American crows only) Regulations. By statute, the Commission receives recommendations from the public pertaining to these regulations only in even-numbered years. In odd-numbered years, the Department only recommends permit quota changes or urgency changes to the regulations. This year the Department is only recommending a change in the sage grouse quota. The Commission received testimony on the proposed quota changes at its June 18, 1999, meeting in Point Reyes Station.

Concurrent with the regulatory adoption process, will be the Commission's compliance with the provisions of the California Environmental Quality Act. Appropriate Draft Environmental Documents relating to the proposed changes and the continuance of any regulations not amended, repealed or added by the Commission during this year, will be provided to the Commission at a future date. Those documents will also be made available to the public for a 45-day public review comment period.

The Department's proposal can be summarized as follows:

"Existing regulations [Section 300(a)(1-2)(D)(4)] allow 300 permits for the East Lassen Zone, 125 permits for the Central Lassen Zone, 10 permits for the North Mono Zone, and 10 permits for the South Mono and Inyo zone. Under the current regulatory cycle, the first Fish and Game Commission notice hearing date for sage grouse regulation changes occurs in May. However, the final sage grouse population survey results necessary for setting hunting quotas are not available until June. To allow the Department of Fish and Game to recommend appropriate hunting permit quotas which reflect the results of population surveys, ranges of permit quotas similar to those used for other game species were proposed at the preliminary stage in the regulation review process. The originally proposed regulation provided ranges of 10 to 375 permits for the East Lassen Zone, 10 to 175 permits for the Central Lassen Zone, 10 to 375 permits for the North Mono Zone, and 10 to 175 permits for the South Mono and Inyo Zone.

"Existing regulations [Section 300(a)(2-3)(D)(2)] provide a statewide hunting season for sage grouse of the first Saturday in September extending for two consecutive days and a bag limit of two birds per day and two birds per season for each permittee. In order to maximize hunter opportunity and provide a more equitable allocation between hunt zones, the Department proposes a bag and season limit of one bird in the North Mono and the South Mono and Inyo hunt zones while maintaining the bag and season limit of two birds in the Lassen County hunt zone. Field reports have indicated that hunters would rather harvest only one bird in order to increase their chance to be drawn, due to the limited number of permits allocated in the North Mono and the South Mono and Inyo zones."

Commissioners were provided with a copy of the Initial Statement of Reasons and Pre-adoption Statement with the text of the regulations in ~~strikeout~~/underline format.

Action

Executive Director Treanor introduced the consent calendar and asked if anyone in the audience wished to speak on any item. There was no response.

It was then:

MOVED BY MR. CHRISMAN, SECONDED BY MR. MCGEOGHEGAN, THAT THE FISH AND GAME COMMISSION CERTIFIES THAT THE FINAL ENVIRONMENTAL DOCUMENT ON RESIDENT GAME BIRDS AND MIGRATORY NONGAME BIRD (AMERICAN CROW), BAND-TAILED PIGEONS AND DOVE HAVE BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, THAT THEY WERE PRESENTED TO THE COMMISSION AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE FINAL ENVIRONMENTAL DOCUMENT PRIOR TO APPROVING THE PROJECT. THE CERTIFIED ENVIRONMENTAL DOCUMENT PROVIDES THAT THERE ARE NO SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS RESULTING FROM THE PROPOSED PROJECT. THE COMMISSION FINDS THAT, ON THE BASIS OF FACTS IN THE RECORD AND THE ENVIRONMENTAL DOCUMENT, THE

PROPOSED PROJECT AND ALTERNATIVES WILL HAVE NO SIGNIFICANT ADVERSE IMPACTS.

PASSED UNANIMOUSLY.

AND

MOVED BY MR. CHRISMAN, SECONDED BY MR. MCGEOGHEGAN, THAT THE FISH AND GAME COMMISSION, PURSUANT TO SECTION 21080.5 OF THE PUBLIC RESOURCES CODE, HEREBY ADOPTS THE PROPOSED PROJECT FOR THE PROPOSED REGULATORY ACTION RELATING TO SAGE GROUSE HUNTING.

PASSED UNANIMOUSLY.

AND

MOVED BY MR. CHRISMAN, SECONDED BY MR. MCGEOGHEGAN, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE AUTHORITY VESTED BY SECTIONS 200, 202, AND 203 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SECTIONS 200, 202, 203, 208 AND 220 OF SAID CODE, HEREBY AMENDS SECTION 300, TITLE 14, CCR, REGARDING SAGE GROUSE. (NOTE: THE REGULATORY LANGUAGE WILL BE INCLUDED AS AN APPENDIX IN THE COMMISSION OFFICE MASTER MINUTES.)

PASSED UNANIMOUSLY.

32. ADOPTION OF THE PROPOSED CHANGES TO SECTIONS 550-552, TITLE 14, CCR, RE: STATE AND FEDERAL WILDLIFE AREAS.

Summary of Issue

The Commission, at its May 5, 1999, meeting in Sacramento, authorized its staff to publish notice of its intent to amend sections 550-552, Title 14, CCR, regarding State and Federal Wildlife areas. The Commission received public testimony on the proposed regulations at its June 18, 1999, meeting in Point Reyes Station.

Commissioners were provided with copies of the Department's Initial Statement of Reasons and the Pre-adoption Statement with the text of the regulations in ~~strikeout~~/underline format.

The Department's proposals can be summarized as follows:

"Existing regulations in sections 550, 551, and 552 of Title 14, CCR, provide for various types of public uses on wildlife areas administered by the Department of Fish and Game.

"The State acquired the San Felipe Valley Wildlife Area in 1995. The area consists of 566 acres in San Diego County and will be managed to protect and enhance wildlife habitat and to provide for compatible wildlife-related public uses. Wildlife area designation in Title 14, CCR, is needed to assure that the Department of Fish and Game has clear authority to enforce regulations that provide for protection of resources and appropriate public uses.

"Ownership of the Yucca Flat Wildlife Area has been transferred to the BLM. The Department will no longer have management responsibility for this property, and removal from Title 14 is appropriate.

"Subsection 550(a) would be modified to add wildlife area designation to San Felipe Valley Wildlife Area, and to delete Yucca Flat Wildlife Area, as described above.

"Subsection 550(b)(2) would be amended to make it more clear that no person shall enter portions of wildlife areas that have been closed to the public.

"Subsection 550(b)(6)(A) would be amended to make it clear that the Department can control where people may park vehicles and trailers on wildlife areas, and that the Department may designate which parking lots may be used. This clarification is needed to provide orderly parking that does not impede other visitors.

"Subsection 550(b)(7)(B) would be amended to clarify that the prohibition against removing or damaging signs applies to all signs on wildlife areas, rather than only signs placed in conjunction with roads.

"Subsection 550(b)(19) would be amended to clarify that hunting and firearms possession is prohibited on some units of the Petaluma Marsh Wildlife Area. This subsection would then be consistent with subsection 551(q)(52)(E).

"Subsections 551(g)(2) and (4), which address fees for hunting on Type A and Type B wildlife areas, would be amended for clarity and convenience of the public. One-day entry permit fees and two-day passes for Type A areas would be set (consistent with projected fees) at \$12 and \$20, respectively.

"Subsection 551(h)(3) would be amended to make it more clear that hunters are required to report the number and species of game taken before leaving a wildlife area. This is necessary to allow the Department to compile accurate data regarding game taken on wildlife areas.

"Subsection 551(j)(4) would be amended to make it more clear that reservations are not transferable, either among individual hunters or among wildlife areas.

"Subsection 551(m) would be amended to make it clear that the Department has authority to designate where hunters will park on Type A and B areas. This is needed to help provide a reasonable level of dispersal of hunters.

"Subsection 551(q) would be amended to add San Felipe Valley Wildlife Area to those areas that have special regulations for public uses. (These regulations and the need for them will be described in a following section.)

"Subsection 551(q)(2) (Bass Hill Wildlife Area) would be amended to allow additional public access. This is a popular area for hunting quail and for hunting deer during a special weapons hunt, and the Department has determined that increasing the period of access will have no deleterious effects.

"Subsection 551(q)(6) (Fay Slough Wildlife Area) would be amended to restrict hunting to Saturdays, Sundays, and Wednesdays. This change is needed to increase use by waterfowl and to increase the quality of waterfowl hunting. Experience with numerous other waterfowl hunting areas managed by the Department indicates that hunting would be better at Fay Slough if it was restricted to three days per week. This change was requested by a number of hunters using the area.

"Subsection 551(q)(15) (Tehama Wildlife Area) would be amended to delete reference to the Carley Range Unit of the wildlife area relative to public access. Although the Department holds a conservation easement on the property within the Carley Range Unit, terms of that easement do not allow public access.

"Subsection 551(q)(39) (Upper Butte Basin Wildlife Area) would be amended to make it clear that deer could be hunted during the Little Dry Creek Junior Deer Hunt. This subsection also would be amended to delete the prohibition of dove hunting west of Little Dry Creek on the Little Dry Creek Unit. Dove hunting originally was restricted because of the remote possibility of yellow-billed cuckoos (a listed species) being taken inadvertently by dove hunters. Monitoring for several years has found no cuckoos on the wildlife area. This subsection also would be amended to make it clear that, within the assigned blind unit at the Little Dry Creek Unit, hunters may hunt only from assigned blinds. This is necessary to properly distribute hunters.

"Subsection 551(q)(44) (Grizzly Island Wildlife Area) would be amended to extend the restriction on access by boat to all users, in addition to hunters. This is needed to help prevent disturbance to wildlife by fishermen, bird watchers, and others.

"Subsection 551(q)(52) (Petaluma Marsh Wildlife Area) would be amended to require that dogs be on leashes at all times on the Day Island, Green Point, Novato Creek, Point Sonoma, and Rush Creek units. These units are small and relatively close to housing developments. Loose dogs are a potential problem for ground nesting birds, including the endangered California clapper rail.

"Subsection 551(q)(60) (Los Banos Wildlife Area) would be amended to delete the prohibition against hunting rabbits during waterfowl and pheasant seasons. The Department has determined that additional rabbit hunting could be allowed, and that no significant conflicts with other hunters are expected. This subsection also would be amended to clarify that, for hunting zones with blinds, each reservation will assure entry of only the number of people that would fill a blind.

"Subsection 551(q)(62) (North Grasslands Wildlife Area) would be amended to change hunt days for doves during the early dove season. Presently, doves may be hunted during the entire early dove season, which for the last several years has been the first 15 days in September. Last year, a trial program was initiated at North Grasslands to improve the quality of dove hunting. This was done by limiting the number of hunters through a permit system, and through prohibiting hunting from the opening day, which fell on a Tuesday, until the next Saturday. This caused more doves to remain in the area, and provided more successful hunting on the first Saturday of the season, when the area was again open for dove hunting. The proposed amendment would clarify that hunt days for doves are limited as described above for North Grasslands.

"Subsection 551(q)(62) (North Grasslands Wildlife Area) also would be amended to extend the period of time available for rabbit hunting from the end of waterfowl season to the end of rabbit season, which is now the last Sunday in January. This would provide additional hunting opportunity.

"Subsection 551(q)(68) (Imperial Wildlife Area) would be amended to provide pheasant hunting on Thursdays in addition to the present pheasant hunt days, which are Mondays only. This change will allow additional pheasant hunting opportunity to take advantage of an increasing pheasant population, and would not conflict with other uses.

"Additional regulations for the San Felipe Valley Wildlife Area would now be added in Subsection 551(q)(70).

"Regulations proposed for this subsection include a method of take restriction prohibiting rifles and pistols in a portion of the area for safety reasons. Hunt days proposed would include the period of September 1 through January 31 and the spring turkey season. Authorized species would include all legal species. These proposals would allow optimal hunting opportunity. Camping and trailers would be prohibited, since no camping facilities exist or are planned for the area. Horse and bicycle use would be limited to designated routes to reduce disturbance to wildlife, including deer during the fawning period. Dog training would be limited to designated areas and to the period from September 1 through February. This restriction is proposed to minimize disturbance to ground-nesting birds and other wildlife.

"Subsections 552(a)(1)(D) (Colusa National Wildlife Refuge), 552(a)(2)(E) (Delevan National Wildlife Refuge), 552(a)(5)(E) (Sacramento National Wildlife Refuge), and 552(a)(8)(D) (Sutter National Wildlife Refuge) would all be amended to delete the words 'and trailers' from existing wording which is: 'Camping and Trailers: Not allowed.' Camping would continue to be prohibited. However, at all four of these areas, hunters are allowed to wait overnight in the main parking lot to hunt the next day, and, since adequate parking space is available at these areas, are allowed to stay in campers and motor homes. It is inconsistent to prohibit the use of trailers. No significant problems are anticipated if trailers are allowed.

"Subsection 552(a)(2) and 552(a)(5) (Delevan and Sacramento National Wildlife Refuges) would be amended to clarify that pheasant hunting is allowed in the assigned blind area only during the first Monday of the pheasant season.

"Subsections 552(a)(2), (4), (5), and (7) (Delevan, Merced, Sacramento, and San Luis National Wildlife Refuges) would be amended to clarify the number of people assured entry on a single reservation for each area."

Action

Executive Director Treanor introduced the consent calendar and asked if anyone in the audience wished to speak on any item. There was no response.

It was then:

MOVED BY MR. CHRISMAN, SECONDED BY MR. MCGEOGHEGAN, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE AUTHORITY VESTED BY SECTIONS 200, 202, 203, 355, 713, 1526, 1530, 1570-1572, 1765 AND 10504 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SECTIONS 355, 711, 713, 1055.3, 1526, 1528, 1530, 1570-1572, 1585, 1764, 1765, 2006 AND 10504 OF SAID CODE, HEREBY AMENDS SECTIONS 550-552, TITLE 14, CCR, REGARDING STATE WILDLIFE AREAS AND STATE-OPERATED PUBLIC HUNTING AREAS. THE COMMISSION HEREBY DIRECTS ITS STAFF TO PREPARE A NOTICE OF DETERMINATION CONSISTENT WITH THE APPROVAL OF THIS PROJECT AND ADOPTION OF ASSOCIATED REGULATIONS. THIS NOTICE OF DETERMINATION IS TO BE FILED WITH THE SECRETARY FOR RESOURCES PURSUANT TO SECTION 781.5, TITLE 14, CCR, AND SECTION 21080.5 OF THE PUBLIC RESOURCES CODE. (NOTE: THE REGULATORY LANGUAGE WILL BE INCLUDED AS AN APPENDIX IN THE COMMISSION OFFICE MASTER MINUTES.)

PASSED UNANIMOUSLY.

33. REQUEST OF U.S. FISH AND WILDLIFE SERVICE, PURSUANT TO SECTION 10680 OF THE FISH AND GAME CODE, FOR AUTHORIZATION TO ACQUIRE LANDS WITHIN THE APPROVED BOUNDARY OF THE LOWER KLAMATH NATIONAL WILDLIFE REFUGE (3,152 ACRES), SISKIYOU COUNTY.

Summary of Issue

Pursuant to Section 10680 of the Fish and Game Code, the Commission has the authority to approve the acquisition of lands deemed necessary to carry out the provisions of the Migratory Bird Conservation Act of 1929. In a letter dated July 8, 1999, the U.S. Fish and Wildlife Service provides the following information:

"We are presently working with the Siskiyou County Board of Supervisors to grant approval to the U.S. Fish and Wildlife Service (Service) to acquire the fee simple

interest in two parcels of land belonging to Ralph Stearns and Gary Orem consisting of approximately 1,069 and 2,083 acres, respectively. These parcels (map enclosed) are located within the State and Federally approved boundary for the Lower Klamath National Wildlife Refuge.

"In accordance with the California Fish and Game Code (Section 10680), we are requesting that the Commission approve the acquisition of the lands by the Service. Enclosed for your signature is our standard certificate with an added line that states that this approval is subject to Siskiyou County Approval. Once signed, this certificate will allow us to proceed with this acquisition.

"We would appreciate it if the Commission would put our request on the agenda for their next meeting. We are requesting that you approve this acquisition prior to the Siskiyou County approval so that we can meet the deadlines required in order to present this at the September 15 Migratory Bird Conservation Commission Meeting."

Commissioners were provided with a copy of the map indicating the location of the parcel and the U.S. Fish and Wildlife Service's standard certificate referred to in the above letter.

34. APPROVAL OF PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA LICENSE (1999-2004) AND 1999-2000 MANAGEMENT PLAN FOR:
- (A) CORNING LAND AND CATTLE COMPANY, TEHAMA COUNTY
 - (B) DIAMOND BACK RANCH, TEHAMA COUNTY
 - (C) MARTIN RANCH, MENDOCINO COUNTY
 - (D) ROOSTERCONE RANCH, STANISLAUS COUNTY
 - (E) ROSENDAHL RANCH, MODOC COUNTY
 - (F) SCHNEIDER RANCH, MENDOCINO COUNTY
 - (G) WILLIAMS RANCH, SHASTA COUNTY
-

Summary of Issue

The following applicants have requested Private Lands Habitat Enhancement and Wildlife Management Area (PLM) licenses (1999-2004) and approval of their 1999-2000 Management Plans. The required applications and management plans have been submitted to the Department. The license period would be for five years and run from 1999-2004. The Department has determined that these plans conform to the regulations provided in Section 601, Title 14, CCR, and to the Commission's policy related to Private Lands Wildlife Management Areas. The Department has reviewed the annual reports for these ranches and recommends that the Commission approve their Management Plans for the coming year. Should the Commission desire a complete packet which was included with the applications, please advise the Commission office.

Department Recommendation

"The Department of Fish and Game has reviewed the new management plans and applications for the following PLM areas:

<u>PLM Area</u>	<u># of Acres</u>	<u>County</u>
Northern California - North Coast Region		
Coming Land and Cattle Company	6,000	Tehama
Diamond Back Ranch	3,243	Tehama
Rosendahl Ranch	340	Modoc
Williams Ranch	6,600	Shasta
Central Coast Region		
Martin Ranch	1,840	Mendocino
Schneider Ranch	5,222	Mendocino
San Joaquin Valley - Southern Sierra Region		
Roostercone Ranch	4,862	Stanislaus

"The management plans for these areas are in compliance with Commission policy requirements for private lands management. The applicants have identified the location where records will be kept and made available for inspection. Habitat improvements accomplished under these plans will enhance and maintain wildlife resources on and around the PLM areas. The goals and objectives stated in the management plans are compatible with Department management plans for appropriate species in these areas. In addition, access to public lands will not be diminished under implementation of these management plans.

"The Williams Ranch and Schneider Ranch were previously licensed in the PLM Program under different ownership. In light of that fact and the habitat enhancement previously performed, the Department supports the applicants' request to harvest buck deer in an extended season during the initial year. Department staff have analyzed the harvest requests and determined that there will be no significant adverse effects on wildlife populations resulting from the recommended hunting programs.

"Postharvest wildlife population surveys were completed for game populations surrounding PLM areas. Additionally, harvest on PLMs has been considered together with public harvest figures in preparing the various hunting environmental documents. Analysis using these surveys, harvest figures, and the proposed 1999 harvest for each PLM area show no significant adverse effects on wildlife populations resulting from the recommended hunting programs.

"A public notice for each area was published in a local newspaper, and certified letters were mailed to adjacent landowners with notification of the applicants' intent to enter the program. The Department received two letters of opposition regarding Schneider Ranch. Regional personnel reviewed, in detail, the issues raised by the individuals and

responded, in writing, to all of the concerns. Based on its analysis, the Department believes that the issues have been clarified and the concerns addressed. No other letters of concern/opposition were received.

"The Department recommends that the Commission approve the specified wildlife management plans, applications, and the 1999 harvest programs under conditions specified in the attached table."

(A) CORNING LAND AND CATTLE COMPANY, TEHAMA COUNTY

"Authorized Harvest: 13 buck deer, 4 antlerless deer, 300 quail

- Issue 13 buck deer tags to take forked horn or better buck deer for the period of August 28 through December 5, 1999.
- Issue 4 antlerless deer tags for the period of August 28 through December 5, 1999.
- No more than 7 buck deer may be taken after November 1, 1999.
- Issue 300 quail seals for the period of September 1, 1999, through February 28, 2000.

Habitat Improvement Program

- Maintain 15 acres of permanent irrigated pasture planted in grain/vetch/forbs combination.
- Continue reduced livestock numbers and deferred grazing.
- Eradicate invasive star thistle on approximately 10 acres."

(B) DIAMOND BACK RANCH, TEHAMA COUNTY

"Authorized Harvest: 5 buck deer, 5 bear

- Issue 5 buck deer tags to take forked horn or better buck deer for the period of September 18 through October 24, 1999.
- Issue 5 bear tags for the period of September 18 through December 31, 1999.

Habitat Improvement Program

- Establish 13 acres of forage plots exclusively for wildlife.
- Build and establish 8 'living' brush piles for wildlife.
- Install 14 wood duck nesting boxes.
- Install 9 'henhouse' waterfowl nesting cones.
- Improve 1 spring for wildlife at Powers Flat.
- Rebuild and improve 1 wildlife pond to increase water availability and size."

(C) MARTIN RANCH, MENDOCINO COUNTY

"Authorized Harvest: 22 buck deer

- Issue 22 buck deer tags to take forked horn or better buck deer for the period of August 14 through September 26, 1999.

Habitat Improvement Program

- Develop 1 spring to provide water to wildlife. A cattle exclusion fence will be set around the spring box.
- Plant one-half acre with 10 pounds of purple vetch seed in an area not grazed by cattle.
- Plant 10 pounds of rose clover and subclover on a one-half acre plot.
- Construct 2 brushpiles for use by wildlife.
- Plant 100 red and yellow willow cuttings in riparian areas with perennial water and sparse riparian vegetation.
- Investigate the feasibility of a burn program in cooperation with the Department of Forestry to periodically burn annual grass and underburn oak woodlands."

(D) ROOSTERCONE RANCH, STANISLAUS COUNTY

"Authorized Harvest: 6 buck deer

- Issue 6 buck deer tags to take forked horn or better buck deer for the period of August 14 through September 26, 1999.

Habitat Improvement Program

- Mechanically clear 15 acres of brush and reseed with grass, forb, and desirable browse species for wildlife.
- Dryland farm up to 120 acres of cropland with pea, vetch, and grass for use by wildlife.
- Maintain cattle stocking levels below range carrying capacity.
- Maintain existing developed water sources for use by wildlife."

(E) ROSENDAHL RANCH, MODOC COUNTY

"Authorized Harvest: 2 buck deer, 1 antlerless deer

- Issue 2 buck deer tags to take forked horn or better buck deer for the period of September 24 through November 20, 1999.
- Issue 1 antlerless deer tag for the period of September 24 through November 20, 1999.

Habitat Improvement Program

- Plant willows in Kaiser Creek and Little Canyon Creek.
- Thin junipers.
- Plant sweet clover seed.
- Maintain livestock exclusion on a 40-acre parcel of wheatgrass and alfalfa.
- Maintain the reduction in livestock use established in 1989."

(F) SCHNEIDER RANCH, MENDOCINO COUNTY

"Authorized Harvest: 8 buck deer

- Issue 8 buck deer tags to take forked horn or better buck deer for the period of August 14 through November 30, 1999.
- No more than 3 buck deer may be taken after October 24, 1999.

Habitat Improvement Program

- Remove one-quarter mile of barbed wire fencing to facilitate the movement and reduce the entanglement of wildlife.
- Develop 2 springs to provide water for use by wildlife.
- Reduce the population of feral horses by capturing and transplanting four individuals.
- Plant 50 alder and willow cuttings in two suitable locations at a rate of 25 cuttings per area."

(G) WILLIAMS RANCH, SHASTA COUNTY

"Authorized Harvest: 14 buck deer

- Issue 14 buck deer tags to take forked horn or better buck deer for the period of August 21 through December 5, 1999.
- No more than 10 buck deer may be taken after October 24, 1999.

Habitat Improvement Program

- Clear 5 miles of fire trails in preparation of planned burns.
- Develop Northwest Arbuckle Spring.
- Treat (spray/burn) 10 acres for invasive star thistle control.
- Seed and plant 10 treated acres with native and perennial grasses and forbs.
- Establish a 10-acre wildlife forage plot and livestock enclosure.
- Provide 20 pounds of mineral supplements broadcast for wildlife.
- Crush 10 acres of brush to increase amount of early successional stage habitats."

35. APPROVAL OF ANNUAL REPORT AND 1999-2000 PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA PLANS FOR:

- (A) BIG MORONGO SPRINGS RANCH, SAN BERNARDINO COUNTY
- (B) CLOUD'S WILLOW CREEK RANCH, MODOC COUNTY
- (C) HATHOWAY OAK RUN RANCH, SHASTA COUNTY
- (D) ISLAND MOUNTAIN TRINITY RANCH, MENDOCINO/TRINITY COUNTY
- (E) SANTA CATALINA ISLAND, LOS ANGELES COUNTY

(Applications submitted for the above two items have been analyzed by Department staff and a determination made that they are within the scope of the Hunting Program Environmental Documents prepared for the affected species pursuant to the California Environmental Quality Act.)

Summary of Issue

The following 5 applicants have requested renewal of their Private Lands Habitat Enhancement and Wildlife Management Area (PLM) licenses and approval of their 1999-2000 Management Plans. The Department has reviewed the annual report for each of these ranches and recommends that the Commission approve the Management Plans for the coming year. The Department has determined that the activities on the ranches unless otherwise specified, have been completed as proposed in the 1998-99 objectives. For your information, the Department has developed a new format for the summary of activities and recommendations for these ranches. If the Commissioners would like copies of the complete annual reports and full management plans, please contact the Commission office.

Department Recommendation

The Department of Fish and Game has reviewed the annual reports, management plans, and renewal applications for the following PLM areas:

<u>PLM Area</u>	<u># of Acres</u>	<u>County</u>
Northern California - North Coast Region		
Cloud's Willow Creek Ranch	2,189	Modoc
Hathaway Oak Run Ranch	6,755	Shasta
Central Coast Region		
Island Mountain Trinity Ranch	5,905	Mendocino/Trinity
South Coast Region		
Santa Catalina Island	42,135	Los Angeles
Inland Deserts - Eastern Sierra Region		
Big Morongo Springs Ranch	7,272	San Bernardino

"These PLM areas were previously licensed under Commission regulations under Section 601, Title 14, California Code of Regulations. Full payment was made for all tags used in 1998, and all habitat work was completed.

"The management plans for these areas are in compliance with Commission policy requirements for private lands management. The applicants have identified the location where records will be kept and made available for inspection. Habitat improvements accomplished under these plans will enhance and maintain wildlife resources on and around the PLM areas. The goals and objectives stated in the management plans are compatible with Department management plans for appropriate species in these areas. In addition, access to public lands will not be diminished under implementation of these management plans. Routine field inspections revealed that the applicants are in full compliance with posting requirements.

"The Department recommends that the Commission approve the specified wildlife management plans, annual reports, renewal applications, and the 1999 harvest programs under conditions specified in the attached table.

(A) BIG MORONGO SPRINGS RANCH, SAN BERNARDINO COUNTY

"Authorized Harvest: 12 buck deer, 6 bear

- Issue 12 buck deer tags to take forked horn or better buck deer for the period of September 18 through December 5, 1999.
- No more than 6 buck deer may be taken after October 31, 1999.
- Issue 6 bear tags to take bear for the period of September 18 through December 5, 1999.

Habitat Improvement Program

- Thin approximately 2 acres of brush by hand on Doe Flats.
- Install ½ mile of pipeline and a trough to extend from Jack Pot Springs to the southwest corner.
- Continue non-use of livestock.
- Establish nest box program adjacent to riparian stringer south of the ranch house.
- Maintain installed escape ramps and screens at all water sources for birds, small mammals, and reptiles.
- Donate 1 hour of aerial flight time toward bighorn sheep survey.
- Take deer tooth from each harvested buck and send to the Department for aging program.
- Seed 5 acres to grass and forb.
- Initiate Vegetation Management Plan with the Department of Forestry."

(B) CLOUD'S WILLOW CREEK RANCH, MODOC COUNTY

"Authorized Harvest: 4 buck deer, 1 antlerless deer

- Issue 4 buck deer tags to take forked horn or better buck deer for the period of September 18 through November 30, 1999.
- No more than 2 buck deer may be taken after October 31, 1999.

- Issue 1 antlerless deer tag for the period of September 18 through November 30, 1999.
- No person shall take more than 1 buck deer and 1 antlerless deer.

Habitat Improvement Program

- Maintain 60 acres of livestock exclosures.
- Maintain 10 goose nesting platforms.
- Maintain 343 acres of established alfalfa.
- Maintain 5 water sources plus all springs and troughs.
- Maintain 20 acres of fawning cover and riparian zones/willow thickets.
- Install an additional water source."

(C) HATHAWAY OAK RUN RANCH, SHASTA COUNTY

"Authorized Harvest: 10 buck deer

- Issue 10 buck deer tags to take forked horn or better buck deer for the period of September 18 through November 30, 1999.
- No person may take more than 1 buck deer.

Habitat Improvement Program

- Develop 1 spring to provide year-round free flowing water.
- Install 2 wood duck boxes annually along Oak Run Creek.
- Retain identified cover patches for wildlife.
- Establish a forage plot for wildlife in association with a spring.
- Construct 1 living brush pile.
- Modify ½ mile of woven wire fence to improve passage for wildlife.
- No commercial oak wood cutting will occur for the life of the license."

(D) ISLAND MOUNTAIN TRINITY RANCH, MENDOCINO/TRINITY COUNTY

"Authorized Harvest: 8 buck deer, 4 antlerless deer

- Issue 12 buck deer tags to take forked horn or better buck deer for the period of August 14 through November 30, 1999.
- Issue 4 antlerless deer tags for the period of August 14 through November 30, 1999.
- No more than 6 buck deer may be taken after October 24, 1999.
- Upon request of the licensee on or before October 3, 1999, the licensee may request up to 6 additional buck deer tags to accomplish the authorized harvest.

Habitat Improvement Program

- Develop 1 spring with a gravel and perforated pipe collection system and a 300-gallon storage tank to provide water for wildlife.
- Develop 1 brushpile near water with legume seeding for wildlife.

- Establish and maintain at least 1 wood duck nest box.
- Maintain 6 mineral stations with selenium rich mineral supplement for use by deer."

(E) SANTA CATALINA ISLAND, LOS ANGELES COUNTY

"Authorized Harvest: 80 buck deer, 170 antlerless deer

- Issue 80 either-sex deer tags for the period of August 14 through December 15, 1999.
- Issue 90 antlerless deer tags for the period of August 14 through December 15, 1999.
- Upon request of the licensee in writing on or before November 15, 1999, the licensee may request up to 50 additional either-sex tags to accomplish the authorized harvest.

Habitat Improvement Program

- Develop overall conservation and land use plan.
- Reduce and mitigate environmental damage caused by an overpopulation of deer.
- Protect and recover threatened or ecologically significant ecosystems and plant and animal species.
- Remove and control non-native herbivore.
- Remove and/or control invasive plant species.
- Reduce the impacts of agricultural operations.
- Promote proper pollution and waste management.
- Set priorities for conservation of rare species based on current knowledge."

36. DEPARTMENT REQUEST FOR AUTHORIZATION TO ACCEPT A CONSERVATION EASEMENT AS MITIGATION FOR THE MUZZY RANCH, SOLANO COUNTY.

Summary of Issue

The Department requests Commission authorization to accept a conservation easement on one parcel. Commissioners were provided with a copy of the location map showing the project area and a detailed transaction summary. The Department's request can be summarized as follows:

"Muzzy Ranch, Sacramento Valley and Central Sierra Region:

"We request that the Commission authorize the acceptance of a conservation easement to a 161.38 acre parcel located southwest of the City of Dixon in Solano County. The property will provide part of the wetlands and federally listed species mitigation required for the Vaca Valley Business Park located at the intersection of Highways 80 and 505. The subject parcel is characterized by high quality vernal pool and native grassland habitats. Fee title of the subject property is currently held by Chevron Land and Development Company, who will be responsible for the management of the parcel. The land is close to existing DFG property and is easily reached for occasional monitoring."

37. ANNOUNCEMENT OF FUTURE MEETINGS.

1999 FISH AND GAME COMMISSION MEETING SCHEDULE

DATE	LOCATION
August 26-27	Memorial Hall Bryant and School Streets Bridgeport
October 7-8 * (Discuss Sportfishing Recommendations)	City Council Chambers 1313 California Street Redding
November 4-5 * (Discuss Sportfishing Recommendations)	Hubbs-Sea World Research Institute 2595 Ingraham Street San Diego
December 2-3 * (Adopt Sportfishing Regulations)	Resources Building Auditorium 1416 Ninth Street Sacramento

* Meeting location and/or date set in Fish and Game Code

There being no further business, the Fish and Game Commission meeting was adjourned at 12:40 p.m.

300. UPLAND GAME BIRDS.

(a) Resident Upland Game Birds

(1) General Seasons: Shotgun; Crossbow; and Pistol/Revolver for Blue/Ruffed Grouse Only; Bag and Possession Limits and Open Areas

(see Authorized Methods of Take, Section 311)

Species	1. Seasons	2. Daily Bag and Possession Limits
(A) Pheasants	The second Saturday in November extending for 30 consecutive days	Bag Limit: 2 males per day for the first 2 days of the season; 3 males per day after the first two days of the season Possession Limit: double the daily bag limit
3. Area: Statewide		
Species	1. Seasons	2. Daily Bag and Possession Limits
(B) Quail [including California (valley) quail, mountain quail, and Gambel's (desert) quail] Mountain Quail only: All species: All species: All species:	See area zone descriptions for details a. Early Mountain Quail Season (Zone A) - The second Saturday in September extending through the Friday prior to the third Saturday in October General Quail Season (Zone A) - The third Saturday in October extending through the last Sunday in January b. Early Coastal Season (Zone B) - The last Saturday in September extending through the last Sunday in January c. Balance of the State Season (Zone C) - The third Saturday in October extending through the last Sunday in January	Bag Limit: 10 quail in any combination of species per day Possession Limit: double the daily bag limit

QUAIL HUNTING ZONE AREA DESCRIPTIONS

3. Area Zone Descriptions:

a. Zone A:

The early mountain quail season hunting zone includes the counties of Alpine, Butte, Del Norte, Glenn, Humboldt, Inyo, Lassen, Modoc, Mono, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity, and those portions of Amador, Calaveras, El Dorado, Fresno, Madera, Mariposa, Nevada, Placer, Tuolumne, Tulare, and Yuba counties lying east of the western boundary of the national forests.

b. Zone B:

The early coastal quail season (all species) hunting zone includes the counties of Marin, Napa, Solano, Sonoma, Lake, and Mendocino.

c. Zone C:

The balance of the state season (all species) hunting zone includes the remaining land area not included in Zone B (the counties of Marin, Napa, Solano, Sonoma, Lake, and Mendocino).

Species	1. Seasons	2. Daily Bag and Possession Limits
(C) Chukar (Red-Legged Partridges)	The third Saturday in October through the last Sunday in January	Bag Limit: 6 chukar per day Possession Limit: double the daily bag limit

3. Area:

Statewide

Species	1. Seasons	2. Daily Bag and Possession Limits
(D) Sage Grouse	The first Saturday in September extending for two consecutive days	Bag Limit: 2 sage grouse per day Possession Limit: 2 per season <u>See area open zone descriptions (Section 300(a)(1)(D)3.)</u> <u>East Lassen and Central Lassen zones:</u> <u>Bag Limit: 2 sage grouse per day</u> <u>Possession Limit: 2 sage grouse per season</u> <u>North Mono and South Mono and Inyo zones:</u> <u>Bag Limit: 1 sage grouse per day</u> <u>Possession Limit: 1 sage grouse per season</u>

SAGE GROUSE HUNTING ZONE DESCRIPTIONS AND PERMIT PROCESS

3. Area Open Zone Descriptions:

a. **East Lassen Zone:**

That portion of Lassen County beginning at the intersection of Highway 395 and County Road 502 in the town of Ravendale; north and east on County Road 502 to County Road 526 (Buckhorn Road); east on County Road 526 to the Nevada state line; south along the Nevada state line to its intersection with County Road 320 (Wendel-Flanigan Road); northwest on County Road 320 to its intersection with Highway 395 between Wendel and Litchfield north on Highway 395 to the point of beginning.

b. **Central Lassen Zone:**

That portion of Lassen County beginning at the intersection of Highway 139 and County Road 513 (Termo-Grasshopper Road); east on County Road 513 to its intersection with County Road 523 (Westside Road); north on County Road 523 to its intersection with County Road 525 (Brockman Road); east on County Road 525 to its intersection with Highway 395; south on Highway 395 to its intersection with Highway 36 in the town of Johnstonville; west on Highway 36 to its intersection with Highway 139 in Susanville; north on Highway 139 to the point of beginning.

c. **North Mono Zone:**

That portion on Mono county beginning at the intersection of Highway 182 and the California-Nevada state line; south and east along the California-Nevada state line to Highway 167; west along Highway 167 to Highway 395; north along Highway 395 to Highway 182 at Bridgeport; north along Highway 182 to the point of beginning.

d. **South Mono and Inyo Zone:**

That portion of Mono and Inyo counties beginning at the intersection of Highway 167 and the California-Nevada state line; south and east along the California-Nevada state line to the second crossing of Highway 266; west along Highway 266 to Highway 168; south and west along Highway 168 to Highway 395; north along Highway 395 to Highway 167; east along Highway 167 to the point of beginning. **The following area within this open zone is closed to hunting sage grouse:** That portion of Mono County beginning at the intersection of U.S. Highway 395 and Benton Crossing Road; north and east along Benton Crossing Road to State Highway 120; north and east on State Highway 120 to U.S. Highway 6; south on U.S. Highway 6 to U.S. Highway 395; north and west on U.S. Highway 395 to the point of beginning.

No open season in the balance of the state not included in the above open zones.

4. Number of Permits:

- a. **East Lassen Zone:** 300 permits
- b. **Central Lassen Zone:** 125 permits
- c. **North Mono Zone:** ~~40~~20 permits
- d. **South Mono and Inyo Zone:** ~~40~~20 permits

5. Permit Process:

The free sage grouse hunting permits shall be issued by public drawing. All applicants shall apply either on a postcard or through the Internet at the License and Revenue Branch Home Page at <http://www.dfg.ca.gov/lrb> and select sage grouse drawing. All applicants must provide their name, address, zip code, hunting license number, and the zone they wish to hunt. Applicants shall submit only one drawing application for either the East Lassen Zone, Central Lassen Zone, North Mono Zone, or the South Mono and Inyo Zone. Up to four hunters

may apply as a party. All hunters' names, addresses, and hunting license numbers must be included on the application. Postcard applications for all hunts shall be mailed to the Department of Fish and Game, License and Revenue Branch, 3211 S Street, Sacramento, California, 95816. Applications must be received before the close of the business day on the second Monday of August for all open zones (East Lassen Zone, Central Lassen Zone, North Mono Zone, or the South Mono and Inyo Zone). Successful applicants will be notified by mail prior to the opening date of the season. Permits are nontransferable. Any permits remaining after the drawing will be issued on a first-come, first-served basis and will be advertised by news release following each drawing. Applications for remaining permits shall be mailed to the above address with the same required information. Successful drawing applicants previously selected, or hunt party members, may not apply for remaining permits.

6. Falconry Only Permits:

Applicants desiring to use a sage grouse permit during the falconry-only season must declare upon the application that the permit is for falconry only.

Species	1. Seasons	2. Daily Bag and Possession Limits
(E) Blue and Ruffed Grouse	The second Saturday in September extending for 31 consecutive days	Bag Limit: 2 grouse per day Bag Limit Makeup: <ul style="list-style-type: none"> • up to 2 blue grouse • up to 2 ruffed grouse • or one of each Possession Limit: <ul style="list-style-type: none"> • double the daily bag limit (4 grouse)

BLUE AND RUFFED GROUSE HUNTING ZONE DESCRIPTIONS

3. Area Open Zone: The open hunting zone for blue and ruffed grouse includes the following counties: Alpine, Amador, Butte, Calaveras, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Lake, Lassen, Madera, Mariposa, Mendocino, Modoc, Mono, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity, Tulare, Tuolumne, and Yuba. All other counties are closed to the taking of blue or ruffed grouse.

Species	1. Seasons	2. Daily Bag and Possession Limits
(F) White-Tailed Ptarmigan	The second Saturday in September extending for nine consecutive days	Bag Limit: 2 ptarmigan per day Possession Limit: 2 per season

PTARMIGAN HUNTING ZONE DESCRIPTIONS

3. Area Open Zone: The open hunting zone for ptarmigan includes Alpine County and that portion of Mono County lying north and west of a line beginning at the intersection of Highway 203 and the Madera County line; east on Highway 203 to Highway 395; and north on Highway 395 to the Nevada state line.

Species	1. Seasons	2. Daily Bag and Possession Limits
(G) Wild Turkeys	a. Fall Season - The second Saturday in November extending for 16 consecutive days	Bag Limit: 1 either-sex turkey per day Possession Limit: 1 per season
	b. Spring Season - The last Saturday in March extending for 37 consecutive days	Bag Limit: 1 bearded turkey per day Possession Limit: 3 per season (A bearded turkey is one having a beard visible through the breast feathers.)
3. Area: a. Fall Season: All counties except San Diego County b. Spring Season: Statewide including State Game Refuge 1G, located in Tehama County		

(2) Archery Seasons, Bag and Possession Limits and Open Areas

(see Authorized Methods of Take, sections 311 and 354)

Species	1. Seasons	2. Daily Bag and Possession Limits
(A) Pheasants	The second Saturday in November extending for 60 consecutive days	<p>Bag Limit: 2 pheasants per day for the first 2 days of the season; 3 pheasants per day after the first two days of the season</p> <p>Possession Limit: double the daily bag limit; the daily archery bag may contain not more than one female pheasant</p>
3. Area: Statewide		
Species	1. Seasons	2. Daily Bag and Possession Limits
<p>(B) Quail (all species)</p> <p>Mountain Quail only:</p> <p>All species:</p> <p>All species:</p> <p>All species:</p>	<p>The third Saturday in August extending for 21 consecutive days and during the general seasons as follows:</p> <p>a. Early Mountain Quail Season (Zone A) - The second Saturday in September extending through the Friday prior to the third Saturday in October</p> <p>General Quail Season (Zone A) - The third Saturday in October extending through the last Sunday in January</p> <p>b. Early Coastal Season (Zone B) - The last Saturday in September extending through the last Sunday in January</p> <p>c. Balance of the State Season (Zone C) - The third Saturday in October extending through the last Sunday in January</p>	<p>Bag Limit: 10 quail in any combination of species per day</p> <p>Possession Limit: double the daily bag limit</p>
3. Area: Statewide		

Species	1. Seasons	2. Daily Bag and Possession Limits
(C) Chukar	The third Saturday in August extending for 21 consecutive days and during the general season	Bag Limit: 6 chukar Possession Limit: double the daily bag limit
3. Area: Statewide		
Species	1. Seasons	2. Daily Bag and Possession Limits
(D) Sage Grouse	The first Saturday in September extending for 2 consecutive days	Bag Limit: 2 sage grouse per day Possession Limit: 2 per season <u>See area open zone descriptions (Section 300(a)(1)(D)3.)</u> <u>East Lassen and Central Lassen zones:</u> <u>Bag Limit: 2 sage grouse per day</u> <u>Possession Limit: 2 sage grouse per season</u> <u>North Mono and South Mono and Inyo zones:</u> <u>Bag Limit: 1 sage grouse per day</u> <u>Possession Limit: 1 sage grouse per season</u>
3. Area: Open Zone: see open zone descriptions for details. [Section 300(a)(1)(D)3], which include portions of Lassen, Mono, and Inyo counties. Hunting by free permit only; see permit process section for details.		
Species	1. Seasons	2. Daily Bag and Possession Limits
(E) Blue and Ruffed Grouse	The third Saturday in August extending for 21 consecutive days and during the general season from the second Saturday in September extending for 31 consecutive days	Bag Limit: 2 grouse per day Bag Limit Makeup: <ul style="list-style-type: none"> • up to 2 blue grouse • up to 2 ruffed grouse • or one of each Possession Limit: <ul style="list-style-type: none"> • double the daily bag limit (4 grouse)

3. Area: Open Zone: see open zone descriptions for details [Section 300(a)(1)(E)3], which include northern and eastern portions of the state		
Species	1. Seasons	2. Daily Bag and Possession Limits
(F) White-Tailed Ptarmigan	The second Saturday in September extending for nine consecutive days	Bag Limit: 2 ptarmigan per day Possession Limit: 2 per season
3. Area: Open Zone: see open zone descriptions for details [Section 300(a)(1)(F)3], which include portions of Alpine and Mono counties		
Species	1. Seasons	2. Daily Bag and Possession Limits
(G) Wild Turkeys	a. Fall Season - The second Saturday in November extending for 16 consecutive days	Bag Limit: 1 either-sex turkey per day Possession Limit: 1 per season
	b. Spring Season - The last Saturday in March extending for 37 consecutive days	Bag Limit: 1 bearded turkey per day Possession Limit: 3 per season (A bearded turkey is one having a beard visible through the breast feathers.)
3. Area:		
a. Fall Season: All counties except San Diego County		
b. Spring Season: Statewide including State Game Refuge 1G, located in Tehama County		

(3) Falconry Seasons, Bag and Possession Limits and Open Areas

(see Authorized Methods of Take, Section 311)

Species	1. Seasons	2. Daily Bag and Possession Limits and Hawking Hours
<p>(A) Pheasants (B) Quail (C) Chukar (D) Blue and Ruffed Grouse (E) White-Tailed Ptarmigan</p>	<p>October 1 extending through the last day in February</p>	<p>Bag and Possession Limits: same as general season regulations by species. The daily falconry bag may contain birds of either sex.</p> <p>Hawking hours are sunrise to sunset.</p>
<p>3. Area: See open zone descriptions for details on each species [Section 300(a)(1)]</p>		
Species	1. Seasons	2. Daily Bag and Possession Limits
<p>(F) Sage Grouse</p>	<p>The first Saturday in November extending for 60 consecutive days, and during the general season</p>	<p><u>Bag Limit:</u> 2-sage-grouse-per-day</p> <p><u>Possession Limit:</u> 2-per-season</p> <p><u>See area open zone descriptions (Section 300(a)(1)(D)3.)</u></p> <p><u>East Lassen and Central Lassen zones:</u> <u>Bag Limit: 2 sage grouse per day</u></p> <p><u>Possession Limit: 2 sage grouse per season</u></p> <p><u>North Mono and South Mono and Inyo zones:</u> <u>Bag Limit: 1 sage grouse per day</u></p> <p><u>Possession Limit: 1 sage grouse per season</u></p> <p>Hawking hours are sunrise to sunset.</p>
<p>3. Area: See open zone descriptions [Section 300(a)(1)(D)3]; hunting by free permit only; see permit process section for details.</p>		

Species	1. Seasons	2. Daily Bag and Possession Limits
(G) Wild Turkeys	a. Fall Season - The second Saturday in November extending for 16 consecutive days	Bag Limit: 1 either-sex turkey per day Possession Limit: 1 per season
	b. Spring Season - The last Saturday in March extending for 37 consecutive days Statewide including State Game Refuge 1G, located in Tehama County	Bag Limit: 1 bearded turkey per day Possession Limit: 3 per season (A bearded turkey is one having a beard visible through the breast feathers.)
3. Area: a. Fall Season: All counties except San Diego County b. Spring Season: Statewide including State Game Refuge 1G, located in Tehama County		

(b) Migratory Upland Game Birds

(1) Shotgun, Archery, and Falconry Seasons and Bag and Possession Limits

(see Authorized Methods of Take, Section 507)

Species	1. Seasons	2. Daily Bag and Possession Limits
(A) Band-Tailed Pigeons	<p>a. Northern Zone - The third Saturday in September extending for 9 consecutive days</p> <p>b. Southern Zone - The third Saturday in December extending for 9 consecutive days</p>	<p>Bag Limit: 2 band-tailed pigeons per day</p> <p>Possession Limit: 2 in possession</p>
BAND-TAILED PIGEON HUNTING ZONE DESCRIPTIONS		
<p>3. Area Open Zone Descriptions:</p> <p>a. Northern Zone: Includes the counties of Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity.</p> <p>b. Southern Zone: Includes the balance of the state not included in the northern zone described above.</p>		
Species	1. Seasons	2. Daily Bag and Possession Limits
(B) Doves (Mourning doves, white-winged doves, spotted doves, and ringed turtle doves)	September 1 - 15 and from the second Saturday in November extending for an additional 45 days	<p>Bag Limit: Spotted doves and ringed turtle doves shall be included in the bag and possession limit set for the mourning doves and white-winged doves.</p> <p>10 doves per day in aggregate of the above listed dove</p> <p>Possession Limit: double the daily bag limit in aggregate of the above listed dove</p>
<p>3. Area:</p> <p>Note: There is no open hunting season on common ground-doves, ruddy ground-doves, and Inca doves.</p>	<p>Statewide for mourning doves.</p> <p>White-winged doves may be taken only in Imperial, Riverside, and San Bernardino counties.</p>	

Section 550, Title 14, CCR, is amended to read:

550. Regulations for General Public Use Activities on All State Wildlife Areas Listed Below.

- (a) State Wildlife Areas:
- (1) Antelope Valley Wildlife Area (Sierra County)(Type C);
 - (2) Ash Creek Wildlife Area (Lassen and Modoc counties)(Type B);
 - (3) Bass Hill Wildlife Area (Lassen County), including the Egan Management Unit(Type C);
 - (4) Battle Creek Wildlife Area (Shasta and Tehama counties);
 - (5) Big Lagoon Wildlife Area (Humboldt County)(Type C);
 - (6) Big Sandy Wildlife Area (Monterey and San Luis Obispo counties)(Type C);
 - (7) Biscar Wildlife Area (Lassen County)(Type C);
 - (8) Buttermilk Country Wildlife Area (Inyo County)(Type C);
 - (9) Butte Slough Wildlife Area (Sutter County)(Type C);
 - (10) Butte Valley Wildlife Area (Siskiyou County)(Type B);
 - (11) Cache Creek Wildlife Area (Colusa and Lake counties), including the Destanella Flat and Harley Gulch management units (Type C);
 - (12) Camp Cady Wildlife Area (San Bernardino County)(Type C);
 - (13) Cantara/Ney Springs Wildlife Area (Siskiyou County)(Type C);
 - (14) Cedar Roughs Wildlife Area (Napa County)(Type C);
 - (15) Cinder Flats Wildlife Area (Shasta County)(Type C);
 - (16) Collins Eddy Wildlife Area (Sutter and Yolo counties)(Type C);
 - (17) Colusa Bypass Wildlife Area (Colusa County)(Type C);
 - (18) Coon Hollow Wildlife Area (Butte County)(Type C);
 - (19) Cottonwood Creek Wildlife Area (Merced County), including the Upper Cottonwood and Lower Cottonwood management units (Type C);
 - (20) Crescent City Marsh Wildlife Area (Del Norte County);
 - (21) Crocker Meadow Wildlife Area (Plumas County)(Type C);
 - (22) Daugherty Hill Wildlife Area (Yuba County)(Type C);
 - (23) Decker Island Wildlife Area (Solano County)(Type C);
 - (24) Doyle Wildlife Area (Lassen County)(Type C);
 - (25) Dutch Flat Wildlife Area (Modoc County)(Type C);
 - (26) East Walker River Wildlife Area (Mono County)(Type C);
 - (27) Eel River Wildlife Area (Humboldt County)(Type C);
 - (28) Elk Creek Wetlands Wildlife Area (Del Norte County);
 - (29) Elk River Wildlife Area (Humboldt County)(Type C);
 - (30) Eureka Slough Wildlife Area (Humboldt County)(Type C);
 - (31) Fay Canyon Wildlife Area (Alpine County)(Type C);
 - (32) Fay Slough Wildlife Area (Humboldt County)(Type C);
 - (33) Feather River Wildlife Area (Sutter and Yuba counties), including the Abbott Lake, Lake of the Woods, Marysville, Morse Road, Nelson Slough, O'Connor Lakes, and Star Bend management units (Type C);
 - (34) Fremont Weir Wildlife Area (Yolo County)(Type C);
 - (35) Grass Lake Wildlife Area (Siskiyou County)(Type C);
 - (36) Gray Lodge Wildlife Area (Butte and Sutter counties)(Type A);
 - (37) Green Creek Wildlife Area (Mono County)(Type C);
 - (38) Grizzly Island Wildlife Area (Solano County), including the Cordelia Slough, Crescent (Type A), Gold Hills (Type B), Goodyear Slough (Type B), Grey Goose (Type C), Grizzly Island (Type A), Island Slough (Type B), Joice Island (Type A), and Montezuma Slough management units;
 - (39) Hallelujah Junction Wildlife Area (Lassen and Sierra counties)(Type C);
 - (40) Heenan Lake Wildlife Area (Alpine County)(Type C);
 - (41) Hill Slough Wildlife Area (Solano County);

- (42) Honey Lake Wildlife Area (Lassen County)(Type B);
- (43) Hope Valley Wildlife Area (Alpine County)(Type C);
- (44) Horseshoe Ranch Wildlife Area (Siskiyou County)(Type C);
- (45) Imperial Wildlife Area (Imperial County), including the Wister Management Unit (Type A) and Finney Ramer Management Units (Type C);
- (46) Indian Tom Wildlife Area (Siskiyou County)(Type C);
- (47) Indian Valley Wildlife Area (Lake County)(Type C);
- (48) Kelso Peak and Old Dad Mountains Wildlife Area (San Bernardino County)(Type C);
- (49) Kinsman Flat Wildlife Area (Madera County)(Type C);
- (50) Knoxville Wildlife Area (Napa County)(Type C);
- (51) Laguna Wildlife Area (Sonoma County)(Type C);
- (52) Lake Berryessa Wildlife Area (Napa County)(Type C);
- (53) Lake Earl Wildlife Area (Del Norte County)(Type C);
- (54) Lake Sonoma Wildlife Area (Sonoma County)(Type C);
- (55) Little Panoche Reservoir Wildlife Area (Fresno County)(Type C);
- (56) Los Banos Wildlife Area (Merced County)(Type A);
- (57) Lower Sherman Island Wildlife Area (Sacramento County)(Type C);
- (58) Mad River Slough Wildlife Area (Humboldt County)(Type C);
- (59) Marble Mountains Wildlife Area (San Bernardino County)(Type C);
- (60) Mendota Wildlife Area (Fresno County)(Type A);
- (61) Merrill's Landing Wildlife Area (Tehama County)(Type C);
- (62) Miner Slough Wildlife Area (Solano County)(Type C);
- (63) Monache Meadows Wildlife Area (Tulare County)(Type C);
- (64) Morro Bay Wildlife Area (San Luis Obispo County)(Type C);
- (65) Moss Landing Wildlife Area (Monterey County)(Type C);
- (66) Mouth of Cottonwood Creek Wildlife Area (Shasta and Tehama counties)(Type C);
- (67) Mud Lake Wildlife Area (Siskiyou County)(Type C);
- (68) Napa-Sonoma Marshes Wildlife Area (Solano, Napa, and Sonoma counties), including the American Canyon, Coon Island, Dutchman Slough, Huichica Creek, Napa River, Ringstrom Bay, Tolay Creek, White Slough, and Wingo management units(All Type C, except White Slough;
- (69) North Grasslands Wildlife Area (Merced and Stanislaus counties), including the China Island, Gadwall, and Salt Slough management units (Type A);
- (70) O'Neill Forebay Wildlife Area (Merced County)(Type C);
- (71) Oroville Wildlife Area (Butte County), including the Thermalito Afterbay Management Unit (Type C);
- (72) Petaluma Marsh Wildlife Area (Marin and Sonoma counties), including the Black John Slough, Burdell, Day Island, Green Point, Novato Creek, Petaluma River, Point Sonoma, and Rush Creek management units (Type C);
- (73) Pickel Meadow Wildlife Area (Mono County)(Type C);
- (74) Pine Creek Wildlife Area (Modoc County)(Type C);
- (75) Point Edith Wildlife Area (Contra Costa County)(Type C);
- (76) Putah Creek Wildlife Area (Solano County)(Type C);
- (77) Rector Reservoir Wildlife Area (Napa County)(Type C);
- (78) Red Lake Wildlife Area (Alpine County)(Type C);
- (79) Sacramento Bypass Wildlife Area (Yolo County)(Type C);
- (80) Sacramento River Wildlife Area (Butte, Colusa, and Glenn counties)(Type C);
- (81) San Felipe Valley Wildlife Area (San Diego County)(Type C);
- ~~(8482)~~ San Jacinto Wildlife Area (Riverside County)(Type A);
- ~~(8283)~~ San Luis Obispo Wildlife Area (San Luis Obispo County);
- ~~(8384)~~ San Luis Reservoir Wildlife Area (Merced County)(Type C);
- ~~(8485)~~ San Pablo Bay Wildlife Area (Marin and Sonoma counties)(Type C);

- (8586) Santa Rosa Wildlife Area (Riverside County)(Type C);
 - (8687) Shasta Valley Wildlife Area (Siskiyou County)(Type B);
 - (8788) Sheepy Ridge Wildlife Area (Siskiyou County)(Type C);
 - (8889) Silver Creek Wildlife Area (Lassen County)(Type C);
 - (8990) Slinkard-Little Antelope Wildlife Area (Mono County)(Type C);
 - (9091) Smithneck Creek Wildlife Area (Sierra County)(Type C);
 - (9192) South Fork Wildlife Area (Kern County)(Type C);
 - (9293) Spannus Gulch Wildlife Area (Siskiyou County)(Type C);
 - (9394) Spenceville Wildlife Area (Yuba and Nevada counties)(Type C);
 - (9495) Surprise Valley Wildlife Area (Modoc County)(Type C);
 - (9596) Sutter Bypass Wildlife Area (Sutter County)(Type C);
 - (9697) Tehama Wildlife Area (Tehama County), including the Carley Range Management Unit (Type C);
 - (9798) Truckee River Wildlife Area (Placer and Nevada counties), including the Boca, Polaris, Union Ice, and West River management units (Type C);
 - (9899) Upper Butte Basin Wildlife Area (Butte and Glenn counties), including the Howard Slough, Little Dry Creek, and Llano Seco management units (Type A);
 - (99100) Volta Wildlife Area (Merced County)(Type A);
 - (400101) Walker River Wildlife Area (Mono County)(Type C);
 - (401102) Waukell Creek Wildlife Area (Del Norte County)(Type C);
 - (402103) Warner Valley Wildlife Area (Plumas County)(Type C);
 - (403104) West Hilmar Wildlife Area (Stanislaus County)(Type C);
 - (404105) White Slough Wildlife Area (San Joaquin County)(Type C);
 - (405106) Willow Creek Wildlife Area (Lassen County)(Type B);
 - ~~(406) Yucca Flat Wildlife Area (Tulare County)(Type C);~~
 - (107) Yolo Bypass Wildlife Area (Yolo County).
- (b) Area Regulations:
- (1) Regional Manager's Authority: The regional manager shall have the authority to regulate public use of State wildlife areas where such use is not provided for in these regulations or in sections 551 and 552 of this title.
- (2) Entry Restrictions. The department may limit the number of persons entering any area listed in section 550 or 551 of this title during any period for safety reasons, to reduce crowding, to provide for the limited take of a species, or may close portions of areas or close areas entirely to public entry or to specific activities. No person shall enter an area that has been closed to the public, except by written permission of the regional manager. On wildlife areas where entry and exit sites are designated by the department, no person shall enter or leave except at designated sites.
- (3) Procedures for Issuing Entry Permits. In the event that the department elects to limit the number of hunters, trappers, or other users, entry permits will be issued on a first-come, first-served basis, or by a drawing to be held at a designated department office. The department shall inform the commission in writing and the public via the news media of any implementation of the provisions of this subsection, when limits imposed under this subsection differ substantially for a specific area from the prior year. Such notification shall include: the State wildlife area affected, the time period, the reason for the limitation or closure, the number of entry permits to be issued, and the method of issuance.
- (4) Permit Requirements. No person shall enter any State wildlife area or portion thereof where the department has limited public entry without a valid entry permit in their immediate possession. [See subsections 551(f), (g), and (h) for regulations regarding general requirements and costs for individual entry permits. See subsection 551(q) for entry permit requirements for specific areas.]
- (5) Use Permits for Organized Events. Any person organizing an event or gathering to be conducted on a State wildlife area shall obtain a use permit from the appropriate regional manager. Such events or gatherings shall be compatible with wildlife area objectives.
- (6) Motor Driven Vehicles.

(A) No person shall drive, operate, leave, place, or stop any motor driven vehicle or trailer on any State wildlife area except on public or established roads or on designated jeep trails and such other areas as designated by the Department. No person shall park or leave any motor driven vehicle or trailer in any area where signs prohibiting parking are posted. The Department may designate the parking lot where a person must park a vehicle while on the wildlife area.

(B) No person shall drive a vehicle carelessly in willful disregard of the rights or safety of others, or without due caution or at a speed or in a manner likely to endanger any person, property, or wildlife.

(7) Signs, Traffic and Road Closures.

(A) Drivers of motor driven vehicles operated within the wildlife areas shall comply with the directions of traffic signs posted in the area by the department.

(B) No person shall ~~break down~~damage, remove, or destroy any barrier, sign, signpost, or signboard erected ~~or placed~~ on any road, jeep trail, or unimproved road-wildlife area.

(8) Boats.

(A) The department may restrict the use and operation of boats on State wildlife areas, department administered national wildlife refuges, and State recreation areas to protect natural resources or provide for the orderly operation of hunting and fishing programs on these areas. Boating restrictions may include, but not be limited to, limiting boat speeds, limiting motor size and type, or prohibiting the use of motors. During the times waterfowl are present, the provisions of Section 251 of this Title will also apply.

(B) Except as prohibited in subsection 551(q), boats may be used under the following regulations on State wildlife areas, department administered national wildlife refuges, and State recreation areas.

1. When launch sites are designated by the department, all boats must be launched and removed from those sites.

2. All persons shall remove their boats from the waters when instructed to do so by an employee of the department.

3. The use of boats may be restricted to certain zones designated by the department.

4. Boat speed shall not exceed five miles per hour.

(9) Vandalism and Litter.

(A) No person shall tamper with, damage, or remove any property not his own when such property is located within a State wildlife area.

(B) No person shall leave, deposit, drop, bury, or scatter bottles, broken glass, feathers, hides, wastepaper, cans, sewage, or other rubbish in any State wildlife area except in a receptacle or area designated for that purpose, and no person shall import and deposit any rubbish or toxic substance into State wildlife areas from other places. Where no designated receptacles are provided, any refuse resulting from a person's use of the area must be removed from the area by such person.

(10) Trees and Minerals.

(A) No person shall dig up, cut, damage, or remove from a wildlife area any trees, shrubs, vines, plants or wood, except that vegetation may be cut and used for the purpose of building blinds, unless otherwise directed by the area manager.

(B) No person shall dig up or remove any humus, soil, sand, gravel, or rock.

(11) Bottle and Artifact Collecting. No person shall collect or remove bottles or artifacts, or dig or otherwise disturb the soil to locate or remove bottles or artifacts, from any Wildlife Area.

(12) Camping and Unattended Personal Property. No person shall camp in any part of a State wildlife area except in areas designated by the department. (See subsection 551(q) for additional camping restrictions on specific areas). Camping on wildlife areas shall be limited to not more than seven consecutive days, and not more than 14 days total in any calendar year, except by written permission of the Regional Manager. Personal property may not be left on State wildlife areas for camping or other purposes, except at authorized locations. Decoys may not be left in the field overnight, except as provided in subsection 551(q). Any hunting blinds on wildlife areas shall be available on a first-come, first-served basis.

(13) Fires. From April 30 through October 30 on Type C areas, and during the entire year on Type A and B areas, no person shall build or maintain fires except in portable gas stoves or in fireplaces at sites developed by the department. No fire shall be left unattended and all fires shall be extinguished with water before leaving. (See subsection 551(q) for additional fire restrictions.)

(14) Use of Dogs and Field Trials. The department may prohibit or restrict the use of dogs on any State wildlife area [see subsection 551(q)]. Except as further prohibited in subsection 551(q), dogs are allowed only for hunting or when under immediate control. Dogs must be leashed at designated campsites and check station areas. Special permits are required for field trials. Dog training is allowed only in areas designated by the department.

(15) Pesticides Use. No person, other than authorized federal, state, or local employees conducting a pest control program approved by the department, shall apply any pesticide in any State wildlife area.

(16) Livestock. No person shall permit livestock, including but not limited to cattle, horses, sheep, goats, and hogs, to browse, graze, bed, cross, or otherwise trespass on any State wildlife area except under an authorized grazing permit issued by the department. The recreational use of horses is allowed, except as designated in subsection 551(q). Persons who fail to remove their livestock from any State wildlife area within 48 hours after receiving official notice of trespass by the regional manager through certified mail, shall be in violation of this section.

(17) Fish and Frogs. Frogs may not be taken for commercial purposes [see subsection 551(q) for specific area regulations].

(18) Hunting and Trapping. Hunting and trapping shall be allowed on State wildlife areas during the regular open seasons subject to subsections 550(b)(19), 551(b), and 551(q), and such other area use regulations as specified by the regional manager.

(19) Special Restrictions (Areas where hunting and possession of firearms and archery equipment is prohibited).

No person, except authorized personnel, shall possess or discharge a firearm, bow and arrow, air or gas gun, spear gun, or other propulsive device of any kind in the following areas: Battle Creek, Crescent City Marsh, Elk Creek Wetlands, and Hill Slough wildlife areas; Cordelia Slough and Montezuma Slough management units of Grizzly Island Wildlife Area; ~~and White Slough Unit of Napa-Sonoma Marshes Wildlife Area; and Day Island, Green Point, Novato Creek, Point Sonoma, and Rush Creek units of the Petaluma Marsh Wildlife Area.~~

(20) Ejection. The department may eject any person from a State wildlife area for violation of any of these rules or regulations or for disorderly conduct, intoxication, or when a department employee determines that the general safety or welfare of the area or persons thereon is endangered. The decision, in such respect, of any department employee assigned management or enforcement responsibilities for the area shall be final.

(21) User Responsibility for Knowing Regulations. All wildlife area users shall be responsible for area-specific regulations listed under subsection 551(q). Failure to comply with any of the area-specific regulations shall be a violation of this subsection.

NOTE

Authority: Sections 200, 202, 203, 355, 713, 1526, 1528, 1530, and 10504, Fish and Game Code.

Reference: Sections 355, 711, 1055.3, 1526, 1528, 1530, 1585, 1764, 1765, and 10504, Fish and Game Code.

Section 551, Title 14, CCR, is amended to read:

551. Hunting, Firearms, and Archery Equipment Use and Permit Requirements on State and Federal Areas.

- (a) The following regulations apply to areas listed below:
- (1) State wildlife areas listed in Section 550. (See subsection 550 (b)(19) for areas where possession and use of firearms and archery equipment are completely prohibited.)
- (2) Areas operated in cooperation with the U.S. Fish and Wildlife Service (for additional regulations for Federal areas, see Section 552):
- (A) Colusa National Wildlife Refuge, Type A (Colusa County);
- (B) Delevan National Wildlife Refuge, Type A (Colusa County);
- (C) Kern National Wildlife Refuge, Type A (Kern County);
- (D) Merced National Wildlife Refuge, Type A (Merced County);
- (E) Sacramento National Wildlife Refuge, Type A (Glenn and Colusa counties);
- (F) Salton Sea National Wildlife Refuge, Type A (Imperial County) (operated with the Imperial Wildlife Area);
- (G) San Luis National Wildlife Refuge, Type A (Merced County) including the San Luis, Kesterson, and Blue Goose Units;
- (H) Sutter National Wildlife Refuge, Type A (Sutter County).
- (3) Areas operated in cooperation with other Federal agencies:
- (A) Baldwin Lake, Type C (San Bernardino County);
- (B) Volta Wildlife Area, Type A (Merced County);
- (C) Lake Sonoma Wildlife Area, Type C (Sonoma County).
- (4) Areas operated in cooperation with other State agencies:
- (A) Lake Earl Project Area, Type C (Del Norte County) (Unclassified land administered by the Department of Parks and Recreation);
- (B) O'Neill Forebay Wildlife Area, Type C (Merced County);
- (C) San Luis Reservoir Wildlife Area, Type C (Merced and Santa Clara counties);
- (D) Little Panoche Reservoir Wildlife Area, Type C (Fresno County);
- (E) Perris Reservoir State Recreation Area, area day use fee (Riverside County).
- (F) Clifton Court Forebay, Type C (Contra Costa County).
- (b) Method of Take.
- (1) Firearms and Archery Equipment, General: Except as otherwise provided, no person shall possess in the field or discharge a firearm, bow and arrow, air or gas gun, or other propulsive device of any kind on any wildlife area.
- (2) Except as otherwise provided, no shotguns larger than twelve gauge and no rifles, pellet guns, combination rifle-shotguns, pistols, archery equipment, or revolvers shall be possessed in the field or discharged on any Type A or Type B areas. All legal firearms and archery equipment may be used on Type C areas unless prohibited (see subsection 551(q)).
- (3) Shotgun shells shall not contain shot size larger than size BB in lead and size T in steel. On those areas where big game species may be hunted, shotguns with slugs may be used.
- (4) At Grizzly Island Wildlife Area and on all national wildlife refuges listed in Section 552, only steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service may be used or possessed in the field.
- (5) Archery equipment shall not be used during the waterfowl and pheasant seasons on Type A and B areas, unless provided for in subsection 551(q).
- (6) Loaded firearms, as defined in Section 2006 of the Fish and Game Code, are prohibited in the parking lots on all wildlife areas and on national wildlife refuges listed in Section 552.
- (7) On Type C areas, raptors may be used to take legal game in accordance with general hunting regulations.
- (8) On Type A and B state wildlife areas, raptors may be used to take legal game only from the first Saturday following the end of the general waterfowl season through the end of the falconry pheasant season. Raptors may be used only on Saturdays, Sundays, and Wednesdays.
- (c) Nonhunting Uses of Firearms and Archery Equipment:
- (1) Except at designated shooting sites or with a special permit, possession in the field and use of firearms and archery equipment is permitted only for the purpose of hunting on all wildlife areas and on national wildlife refuges listed in Section 552.
- (2) No glass or porcelain targets shall be used on any wildlife area. Clay targets shall be used only at designated sites where their use is permitted.

(d) Hunting Days:
(1) Except as provided for in subsection 551(q), waterfowl may be taken on Type A and Type B areas only on Saturdays, Sundays, and Wednesdays.

(2) All Type A and Type B areas shall be closed to hunting on Christmas Day, except for the following Type B areas: Island Slough and Gold Hills units of Grizzly Island Wildlife Area. These areas will be open to hunting on Christmas Day when Christmas occurs on a Wednesday, Saturday, or Sunday.

(3) On Type C areas, hunting days shall be daily except as noted in subsections 551(b) and 551(q).

(e) Shooting Hours: Waterfowl: Except as provided for in subsection 551(q), shooting hours on all Type A and Type B areas shall be the legal waterfowl shooting hours as designated by the U.S. Fish and Wildlife Service. Other Species: Except as noted in subsection 551(q), other species may be taken only during the hours designated for the taking of each species under the regulatory powers of the Fish and Game Commission or U.S. Fish and Wildlife Service.

(f) Requirements for Entry Permits and Trespass: No person shall enter upon any area listed in sections 550 or 551 of this Title where the department requires a valid daily entry permit without the required entry permit in their immediate possession, or unless otherwise authorized by the department. Entry must be made at locations designated by the department. Daily entry permits are required to hunt during the waterfowl and pheasant seasons on Type A and B areas. Daily entry permits also may be required at other times on Type A and B areas or on Type C areas (see subsection 551(q)).

(g) Season Pass, Two-day Pass, and Entry Permit Fees:

(1) To obtain a daily entry permit to hunt during the waterfowl and pheasant seasons on Type A areas, possession of a season pass, a two-day pass, or payment of a daily fee is required, except as provided in subsection 551(q).

(2) ~~The base fee for a Type A season pass is \$75; the base fee for a two-day pass is \$15; and the base fee for a one-day entry permit that is obtained without using a season or two-day pass is \$10; and the base fee for a Type B season pass is \$25. All these fees shall be adjusted annually, as required under Fish and Game Code Section 713, except that the one-day entry permit fee shall be rounded to the nearest dollar, following the computation of the annual adjustment as required by Fish and Game Code Section 743. Holders of junior hunting licenses are exempt from these fees.~~

(3) On Type B areas during the waterfowl and pheasant seasons, a Type B season pass or a Type A season pass is required to obtain a daily entry permit for all hunting, unless otherwise provided in subsections 551(q) or 551(l)(3).

(4) ~~The base fee for a Type B season pass is \$25, as adjusted under Section 743. Holders of junior hunting licenses are exempt from this fee. The fee for a one-day entry permit is \$12 and the fee for a two-day pass is \$20. Holders of junior hunting licenses are exempt from these fees.~~

(5) At State recreation areas included in subsection 551(a)(4), the entry permit fee for hunting shall be the recreation area day-use fee.

(6) On Type C areas (all wildlife areas not listed as Type A, Type B, or State recreation areas in Section 551), no fees for hunting are required.

(7) On some areas (see subsection 551(q)), day use passes are required for all public access. Fees may be charged (see Fish and Game Code Section 1765).

(h) Issuance of One-day Entry Permits:

(1) Hunters with season passes shall not receive priority in the issuance of daily entry permits over hunters who do not have season passes.

(2) Holders of junior hunting licenses will be issued entry permits only when accompanied by a person at least 18 years old. A person who is at least 18 years old may be accompanied by up to two junior hunters. On Type A and B areas, adults must accompany junior hunters in the field.

(3) Entry permits must be returned, as required by the department, when departing the area. Hunters are required to report the number and species of all game taken, as required by the Department, before departing the area.

(4) No person shall apply for, obtain, use, or have in his or her possession while hunting, any one-day entry permit which has not been issued to that person by the department or which is a duplicate, forgery, or alteration of an official department form; or which has been obtained by use of a non-validated or fraudulent application or advance reservation form. Any person who violates this section shall be barred from all State-operated areas for the entire waterfowl season following the date of discovery of the violation by the department.

(5) Any person who violates regulations governing drawing procedures for hunting opportunities on State-operated areas, other than reservation drawings described in subsection 551(j), shall not be issued a permit for that day, or shall be ejected for that day if a permit has been issued, and shall be denied entry for the remainder of the season.

(i) Daily Entry Permit Revocations, Refusals, and Ejections: On Type A and Type B areas the

department is authorized to refuse to issue a one-day entry permit to anyone and to revoke this permit and eject the holder forthwith from the area for disorderly conduct, intoxication, or for any other reason when it appears that the general safety or welfare of the area, or persons thereon, is endangered. Decision of the Department employee in charge of the area in such respect shall be final. Any person whose entry permit has been revoked shall not be entitled to hunt on any wildlife area during the current hunting year. Persons affected by this section may appeal such actions to the Commission.

(j) Reservations:

(1) Advance reservations for waterfowl and pheasant hunting will be available for certain areas as specified under subsections 551(q) and 552(a).

(2) Reservations shall be issued by drawing to licensed hunters as follows: Official applications shall be made available to the public through license agents and department offices. Applicants shall purchase either a \$1.05 application card or a \$5.25 application card and submit it to the Department's License and Revenue Branch at the address indicated on the application. Applicants may also apply for every available Saturday, Sunday, and/or Wednesday hunt date for one or more areas by completing a season-long application card and returning it with the appropriate payment to the License and Revenue Branch. Applications must be received in the License and Revenue Branch office at least 17 days prior to the authorized shoot date on which the applicant wishes to hunt. Late, incomplete, or incorrect applications will not be included in the drawing.

(3) Multiple Applications:

(A) The applicant is limited to one application for each area for each authorized shoot date as specified under subsections 551(q) and 552(a), unless otherwise specified in subsection 551(q).

(B) The department may eliminate from any drawing all applications not in compliance with these regulations. Persons who submit more than one application for the same shoot date for the same area may be barred from hunting on State-operated areas for a period of one year following the date of discovery of the violation by the department. Any reservation issued to any person as a result of such improper submission, or to any person already barred from the State-operated areas, shall be void and of no force and effect.

(4) Priorities: Upon paying the appropriate fee for a one-day entry permit or presenting a two-day pass or the appropriate season pass, successful applicants shall be granted a one-day entry permit during the waterfowl or pheasant season, provided ~~they present themselves and their reservation~~ the reservation they present was issued by the Department in their name and for the area they are requesting to enter, at the appropriate checking station, on the hunt date and at least one and one-half hours before waterfowl shoot time, unless otherwise designated on the reservation itself or on information mailed with the reservation. For some areas, reservations will be numbered by the department in the order in which they are drawn. These reservations will be accepted at checking stations in that order, only if the reservation holder is present at the time the number is called.

(5) Except as provided for in subsections 551(j)(6) or 551(q), or Section 552, a reservation shall assure entry for up to six persons. No more than two may be hunters who have adult licenses. (An adult license is that license required of hunters who are 16 years old or older at the time they purchase the license.) Each person who is at least 18 years old may be accompanied by up to two hunters holding junior licenses or two nonshooters irrespective of age, or one of each. Nonshooters are defined as persons who wish to accompany a permittee in the field or remain at a designated parking space. Nonshooters shall not discharge or possess a firearm on the area.

(6) If hunting a special blind area, a reservation will assure entry of no more persons (adult hunters, junior hunters, and/or nonshooters) than will fill the blind.

(7) Unless otherwise provided for in this section, the advance reservation system only serves to assure entry onto the area and does not necessarily constitute a method for prioritization over other users.

(k) Deferred Openings: When the department considers such deferment desirable to protect agricultural crops from waterfowl, it is hereby authorized and directed to defer opening to public access any area until in the opinion of the Department the danger of crop damage in the immediate region is abated.

(l) Species Allowed:

(1) On Type A and Type B areas, only ducks, geese, coots, moorhens, and snipe which are then in season may be legally taken by permittees on designated shooting days during the open waterfowl hunting season; unless otherwise provided under this section or Section 552 of these regulations.

(2) Pheasant Hunting: Pheasant hunting shall be permitted as provided for in subsection 551(q) and Section 552. The regional manager may authorize junior pheasant hunts during or outside the general pheasant season.

(3) Hunting on Type C areas General: Except as provided for in subsection 551(q), hunting is permitted for each authorized species allowed to be hunted on each area, during the open season of that species.

(m) Assigned Hunting Zones: In order to assure proper hunter dispersal and to promote safety, the

Department may subdivide the open hunting portion of any Type A or Type B area into zones and assign hunters to these zones ~~as they are checked in or designate where hunters shall park.~~

(n) Posting Closed Areas: Any portion of any State wildlife area and any adjoining lands under control of the Department, may be closed to hunting or public access by the Department by posting such lands with signs at least five (5) to the mile.

(o) Penalties: Failure to comply with regulations contained in sections 550, 551, or 552 may result in any or all of the following:

- (1) denial of permission to enter a State-operated area; and/or
- (2) revocation of any permit already issued; and/or
- (3) ejection from the area; and/or
- (4) citation under the provisions of the Fish and Game Code or Title 14 of the California Code of Regulations. A proceeding under (1), (2), (3) or (4) will not preclude the invocation of any other remedy.

(p) Enforcement of Regulations: These regulations shall be incorporated by reference into and become a part of all permits.

(q) **ADDITIONAL REGULATIONS FOR SPECIFIC AREAS**

In addition to the regulations in Section 550 and subsections 551(a) through 551(p), the following areas have special regulations which are listed below (see Section 552 for additional regulations on national wildlife refuges on which the Department of Fish and Game manages hunting programs):

- Antelope Valley Wildlife Area, Type C (Sierra County);
- Ash Creek Wildlife Area, Type B (Modoc and Lassen counties);
- Baldwin Lake, Type C (San Bernardino County);
- Bass Hill Wildlife Area, Type C (Lassen County);
- Big Sandy Wildlife Area, Type C (Monterey and San Luis Obispo counties);
- Butte Slough Wildlife Area, Type C (Sutter County);
- Butte Valley Wildlife Area, Type B (Siskiyou County);
- Cache Creek Wildlife Area, including the Destanella Flat and Harley Gulch Management Units, Type C (Colusa and Lake counties);
- Clifton Court Forebay, Type C (Contra Costa County);
- Collins Eddy Wildlife Area, Type C (Sutter and Yolo counties);
- Colusa Bypass Wildlife Area, Type C (Colusa County);
- Cottonwood Creek Wildlife Area, Type C (Merced and Santa Clara counties);
- Daugherty Hill Wildlife Area, Type C (Yuba County);
- Decker Island Wildlife Area, Type C (Solano County);
- Eel River Wildlife Area, Type C (Humboldt County);
- Elk River Wildlife Area, Type C (Humboldt County);
- Fay Slough Wildlife Area, Type C (Humboldt County);
- Feather River Wildlife Area, Type C (Yuba and Sutter counties);
- Fremont Weir Wildlife Area, Type C (Sutter and Yolo counties);
- Gray Lodge Wildlife Area, including the west side and east side units, Type A (Butte County);
- Grizzly Island Wildlife Area, including the Type A Crescent, Joice Island, and Grizzly Island management units, the Type B Gold Hills, Goodyear Slough, and Island Slough management units, the Type C Grey Goose Management Unit, and the Cordelia Slough and Montezuma Slough management units (Solano County);
- Hallelujah Junction Wildlife Area, Type C (Lassen and Sierra counties);
- Heenan Lake Wildlife Area, Type C (Alpine county);
- Honey Lake Wildlife Area, including the Dakin and Fleming units, Type B (Lassen County);
- Hope Valley Wildlife Area, Type C (Alpine County);
- Horseshoe Ranch Wildlife Area, Type C (Siskiyou County);
- Imperial Wildlife Area, including the Type A Wister Unit and the Type C Finney Ramer Unit (Imperial County);
- Indian Valley Wildlife Area, Type C (Lake County);
- Kinsman Flat Wildlife Area, Type C (Madera County);
- Laguna Wildlife Area, Type C (Sonoma County);
- Lake Berryessa Wildlife Area, Type C (Napa County);
- Lake Earl Wildlife Area, Type C (Del Norte County);
- Lake Earl Project Area, Type C (Del Norte County);
- Lake Sonoma Wildlife Area, Type C (Sonoma County);
- Little Panoche Reservoir Wildlife Area, Type C (Fresno County);

Los Banos Wildlife Area, Type A (Merced County);
 Lower Sherman Island Wildlife Area, Type C (Sacramento County);
 Mad River Slough Wildlife Area, Type C (Humboldt County);
 Mendota Wildlife Area, Type A (Fresno County);
 Miner Slough Wildlife Area, Type C (Solano County);
 Morro Bay Wildlife Area, Type C (San Luis Obispo County);
 Moss Landing Wildlife Area, Type C (Monterey County);
 Mouth of Cottonwood Creek Wildlife Area, Type C (Shasta County);
 Napa-Sonoma Marshes Wildlife Area, including the American Canyon, Coon Island, Dutchman Slough, Huichica Creek, Napa River, Ringstrom Bay, Tolay Creek, and Wingo management units, Type C, and White Slough Management Unit (Napa, Solano, and Sonoma counties);
 North Grasslands Wildlife Area, including China Island, Gadwall, and Salt Slough units, Type A (Merced and Stanislaus counties);
 O'Neill Forebay Wildlife Area, Type C (Merced County);
 Oroville Wildlife Area, Type C (Butte County);
 Petaluma Marshes Wildlife Area, Type C (Marin and Sonoma counties);
 Point Edith Wildlife Area, Type C (Contra Costa County);
 Putah Creek Wildlife Area, Type C (Solano County);
 Rector Reservoir Wildlife Area, Type C (Napa County);
 Sacramento Bypass Wildlife Area Type C (Yolo County);
 Sacramento River Wildlife Area, Type C (Glenn, Butte, and Colusa counties);
San Felipe Valley Wildlife Area, Type C (San Diego County);
 San Jacinto Wildlife Area, Type A (Riverside County);
 San Luis Obispo Wildlife Area, \$4 range fee (San Luis Obispo County);
 San Luis Reservoir Wildlife Area, Type C (Merced and Santa Clara counties);
 San Pablo Bay Wildlife Area, Type C (Marin and Sonoma counties);
 Santa Rosa Wildlife Area, Type C (Riverside County);
 Shasta Valley Wildlife Area, Type B (Siskiyou County);
 Spenceville Wildlife Area, Type C (Nevada and Yuba counties);
 Surprise Valley Wildlife Area, Type C (Modoc County);
 Sutter Bypass Wildlife Area, Type C (Colusa and Sutter counties);
 Tehama Wildlife Area, Type C (Tehama County);
 Truckee River Wildlife Area, including the Boca, Polaris, Union Ice, and West River management units, Type C (Placer and Nevada counties);
 Upper Butte Basin Wildlife Area, including the Howard Slough, Little Dry Creek, and Llano Seco units, Type A (Butte and Glenn counties);
 Volta Wildlife Area, Type A (Merced County);
 West Hilmar Wildlife Area, Type C (Merced County);
 White Slough Wildlife Area, Type C (San Joaquin County);
 Willow Creek Wildlife Area, Type B (Lassen County);
 Yolo Bypass Wildlife Area, Type A (Yolo County) (closed to public uses during construction).

REGION 1

- (1) Ash Creek Wildlife Area
- (A) Hunt Days: Waterfowl, coots, moorhens, and snipe: Saturdays, Sundays, and Wednesdays during open seasons. Doves: Daily during the September dove season and on waterfowl hunt days during the late dove season. Pheasants: Sundays only during the pheasant season.
- (B) Authorized Species: Waterfowl, coots, moorhens, doves, pheasants, and snipe. Pronghorn antelope may be taken during junior hunts only.
- (C) Camping and Trailers: Allowed.
- (D) Special Restrictions: Designated portions may be closed to public entry from March 1 through August 15. No person shall enter or leave the wildlife area except at designated entry points. All dogs must be on a leash from March 1 to August 15.
- (2) Bass Hill Wildlife Area
- (A) Hunt Days: Daily during seasons for authorized species, except for Special Restrictions listed below.
- (B) Authorized Species: All legal species.
- (C) Camping and Trailers: Not allowed.

(D) Special Restrictions: ~~No person shall enter Bass Hill Wildlife Area, including the Egan Management Unit, during the period January 1 through April 30 except with prior written permission of the regional manager.~~ The Egan Management Unit of Bass Hill Wildlife Area shall be closed to all entry and hunting from the last Friday in September through the ~~last~~ third Sunday in October.

(3) Butte Valley Wildlife Area

(A) Hunt Days: Waterfowl, coots, moorhens, and snipe: Saturdays, Sundays, and Wednesdays during the waterfowl season. Pheasants: Sundays only during the pheasant season. Doves: Daily during the September dove season and on waterfowl hunt days during the late dove season.

(B) Authorized Species: Waterfowl, coots, moorhens, snipe, pheasants, and doves. Pronghorn antelope may be taken during junior hunts only.

(C) Camping and Trailers: Allowed.

(D) Special Restrictions: Boats with motors are prohibited. Boating and other water-related sports are prohibited from March 1 to September 1. No person shall enter or leave the area except at designated entry points. The area is open to public use only from two hours before sunrise to one hour after sunset. Dogs must be on a leash from March 1 to August 15.

(4) Eel River Wildlife Area

(A) Method of Take Restrictions: No rifles or pistols may be used or possessed.

(B) Hunt Days: Daily, during open seasons for authorized species.

(C) Authorized Species: Waterfowl, coot, and snipe.

(D) Camping and Trailers: Not allowed.

(E) Special Restrictions: Dogs must be on a leash from March 1 through August 15.

(5) Elk River Wildlife Area

(A) Method of Take Restrictions: No rifles or pistols may be used or possessed.

(B) Hunt Days: Daily during open seasons for authorized species.

(C) Authorized Species: Waterfowl, coot, and snipe.

(D) Camping and Trailers: Not allowed.

(E) Special Restrictions: Dogs must be on a leash from March 1 through August 15.

(6) Fay Slough Wildlife Area

(A) Method of Take Restrictions: No rifles or pistols may be used or possessed.

(B) Hunt Days: ~~Daily during open seasons for authorized species.~~ Saturdays, Sundays, and

Wednesdays during open seasons for authorized species.

(C) Authorized Species: Waterfowl, coot, and snipe.

(D) Camping and Trailers: Not allowed.

(E) Special Restrictions: Dogs must be on a leash from March 1 through August 15.

(7) Honey Lake Wildlife Area (Fleming and Dakin Units)

(A) Hunt Days: Waterfowl, coots, moorhens, and snipe: Saturdays, Sundays, and Wednesdays during open seasons. Pheasants: Waterfowl hunt days during the pheasant season. Quail and rabbits: Waterfowl hunt days that occur during the pheasant season. Doves: Daily during the September dove season and on waterfowl hunt days during the late dove season.

(B) Authorized Species: Waterfowl, snipe, coots, moorhens, pheasants, quail, doves, and rabbits.

(C) Camping and Trailers: Allowed.

(D) Special Restrictions: Designated portions of the wildlife area may be closed to all public entry from March 1 through August 15. No person shall enter or leave the area except at designated entry points. Dogs must be on a leash from March 1 to August 15.

(8) Horseshoe Ranch Wildlife Area

(A) Method of Take Restrictions: All authorized methods of take except during the spring turkey season when only shotguns and archery equipment are permitted and during the M-2 deer season when only muzzle loading firearms [as per subsection 353(a)] are permitted.

(B) Hunt Days: Daily during open seasons for authorized species.

(C) Authorized Species: All legal species.

(D) Camping: Camping allowed.

(E) Special Restrictions: Only persons possessing a valid M-2 deer tag may possess a firearm on the wildlife area during the M-2 hunt periods.

(9) Lake Earl Wildlife Area

(A) Method of Take Restrictions: No rifles or pistols may be used or possessed.

(B) Hunt Days: Daily during open seasons for authorized species.

(C) Authorized Species: Waterfowl, coots, snipe, and moorhens.

(D) Camping and Trailers: Not allowed.
(E) Special Restrictions: Possession and use of authorized firearms and archery equipment is permitted only within the first 100 feet of land along the shoreline and on the water surface of Lake Earl and Lake Talawa during the regular open waterfowl season. Boats are allowed, but motors are prohibited during the waterfowl season. Dogs must be on a leash from March 1 through August 15.

(10) Lake Earl Project Area (Lands administered by the Department of Parks and Recreation)

(A) Method of Take Restrictions: No rifles or pistols may be used or possessed.

(B) Hunt Days: Saturdays, Sundays, and Wednesdays during open seasons for authorized species.

(C) Authorized Species: Waterfowl, coots, and moorhens.

(D) Camping and Trailers: Not allowed.

(E) Special Restrictions: Entry for hunting purposes is allowed only from the public access sites on Kellogg Road and Pala Road.

(11) Mad River Slough Wildlife Area

(A) Method of Take Restrictions: No rifles or pistols may be used or possessed.

(B) Hunt Days: Daily during open seasons for authorized species.

(C) Authorized Species: Waterfowl, coot, and snipe.

(D) Camping and Trailers: Not allowed.

(E) Special Restrictions: Dogs must be on a leash from March 1 through August 15.

(12) Mouth of Cottonwood Creek Wildlife Area

(A) Method of Take Restrictions: No rifles or pistols may be used or possessed.

(B) Hunt Days: Daily during open seasons for authorized species.

(C) Authorized Species: All legal species.

(D) Camping and Trailers: Not allowed.

(13) Shasta Valley Wildlife Area

(A) Hunt Days: Waterfowl, snipe, coots, and moorhens: Saturdays, Sundays, and Wednesdays during open seasons. Pheasants: Sundays only during the pheasant season. Quail: Waterfowl hunt days only. Doves: Daily during the September dove season and on waterfowl hunt days during the late dove season.

(B) Authorized Species: Waterfowl, snipe, coots, moorhens, pheasants, quail, and doves.

(C) Camping and Trailers: Allowed.

(D) Special Restrictions: No person shall enter or leave the wildlife area except at designated entry points. Only electric motors are allowed. Dogs must be on a leash from March 1 to August 15. Pheasant hunters must have special permits obtained at the check station.

(14) Surprise Valley Wildlife Area

(A) Hunt Days: Daily during open seasons for authorized species.

(B) Authorized Species: All legal species.

(C) Camping and Trailers: Allowed in south parking area, except during the period April 1 to August

15.

(15) Tehama Wildlife Area

(A) Hunt Days: Daily during open seasons for authorized species, except for Special Restrictions listed below.

(B) Authorized Species: All legal species.

(C) Camping and Trailers: Allowed.

(D) Special Restrictions:

1. No person shall enter the ~~Carley Range Unit~~ or that portion of Tehama Wildlife Area lying south of Hogsback (Belle Mill) Road during the period February 1 through the first Friday in April except with prior written permission of the regional manager.

2. During the Zone G-1 deer season and in the wild pig management area when wild pig hunting is allowed, only persons with Department issued entry permits may enter the Tehama Wildlife Area.

3. During April and May, wild pig hunting will be permitted in designated areas by Department issued entry permits only.

4. Dogs may not be used to hunt wild pigs.

(16) Willow Creek Wildlife Area

(A) Hunt Days: Saturdays, Sundays, and Wednesdays during open seasons for authorized species.

(B) Authorized Species: Waterfowl, snipe, coots, and moorhens.

(C) Camping and Trailers: Not allowed.

REGION 2

(17) Antelope Valley Wildlife Area

- (A) Hunt Days: Daily from July 1 through January 31 during open seasons for authorized species.
 (B) Authorized Species: All legal species.
 (C) Camping and Trailers: Trailers are not allowed. Camping is allowed only from May 1 through October 31.
 (D) Special Restrictions: Hunting is allowed only from July 1 through January 31.
- (18) Butte Slough Wildlife Area
 (A) Method of Take Restrictions: No rifles or pistols may be used or possessed.
 (B) Hunt Days: Daily from September 1 through January 31.
 (C) Authorized Species: All legal species.
 (D) Camping and Trailers: Not allowed.
 (E) Special Restrictions: Area closed to public use from one hour after sunset to one hour before sunrise.
- (19) Clifton Court Forebay
 (A) Method of Take Restrictions: No rifles or pistols may be used or possessed.
 (B) Hunt Days: Saturdays, Sundays, and Wednesdays during open seasons for authorized species.
 (C) Entry Permit: Self-registration is required.
 (D) Authorized Species: Waterfowl, coots, and moorhens.
 (E) Camping and Trailers: Not allowed.
- (20) Collins Eddy Wildlife Area
 (A) Method of Take Restrictions: No rifles, pistols, or archery equipment may be used or possessed.
 (B) Hunt Days: Daily during open seasons for authorized species.
 (C) Authorized Species: Waterfowl, coots, moorhens, and all upland game.
 (D) Camping and Trailers: Not allowed.
- (21) Colusa Bypass Wildlife Area
 (A) Method of Take Restrictions: No rifles or pistols may be used or possessed.
 (B) Hunt Days: Daily during open seasons for authorized species.
 (C) Authorized Species: All legal species.
 (D) Camping and Trailers: Not allowed.
- (22) Daugherty Hill Wildlife Area
 (A) Method of Take Restrictions: During the spring turkey season, only shotguns and archery equipment may be used, and then only for the purpose of turkey hunting.
 (B) Hunt Days: Daily from July 1 through January 31 during open seasons for authorized species and during the spring turkey season.
 (C) Authorized Species: All legal species.
 (D) Camping and Trailers: Not allowed.
 (E) Special Restrictions: Entry permit, issued by special drawing, is required for the first nine days of the spring turkey season. Hunting is allowed only from July 1 through January 31 and during the spring turkey season, when only turkeys may be hunted. Dogs are allowed only for hunting. Horses and bicycles are allowed only from May 1 to September 15.
- (23) Decker Island Wildlife Area
 (A) Method of Take Restrictions: No rifles or pistols may be used or possessed.
 (B) Hunt Days: Daily during open seasons for authorized species.
 (C) Authorized Species: All legal species.
 (D) Camping and Trailers: Not allowed.
- (24) Feather River Wildlife Area
 (A) Method of Take Restrictions: No rifles or pistols may be used or possessed.
 (B) Hunt Days: Daily from July 1 through January 31 during open seasons for authorized species and during the spring turkey season.
 (C) Authorized Species: All legal species.
 (D) Camping and Trailers: Not allowed.
 (E) Special Restrictions: No person shall enter that portion of the O'Connor Lakes Management Unit marked as closed to entry from March 1 through June 30 without special authorization of the Department. Hunting is allowed only from July 1 to January 31 and during the spring turkey season, when only turkeys may be hunted.
- (25) Fremont Weir Wildlife Area
 (A) Method of Take Restrictions: No rifles or pistols may be used or possessed.
 (B) Hunt Days: Daily during open seasons for authorized species.
 (C) Authorized Species: Pheasants, doves, quail, and waterfowl.

- (D) Camping and Trailers: Not allowed.
- (E) Special Restrictions: Hunting is allowed only from September 1 through January 31.
- (26) Gray Lodge Wildlife Area
 - (A) Ammunition Restrictions: A hunter shall not possess more than 25 shotgun shells while in the field during the waterfowl season.
 - (B) Hunt Days: Waterfowl, coots, moorhens, and snipe: Saturdays, Sundays, and Wednesdays during open seasons. Pheasant: Every day during the first nine days of the pheasant season. Thereafter, during the regular pheasant season, pheasant hunting will be allowed only on Saturdays, Sundays, and Wednesdays. Doves: Daily during the September dove season and only on waterfowl or pheasant hunt days during the late dove season. Rabbits: Only on pheasant hunt days. Deer: Only during the Gray Lodge Deer Hunt under special permit issued by drawing.
 - (C) Day Use Pass Requirement for Public Access: In addition to a daily entry permit required for hunting during the waterfowl and pheasant seasons, a day use pass or valid annual pass is required of all users except for users that possess a valid California sport fishing license, hunting license, or trapping license, or users that are under 16 years of age, or users that are part of an organized youth or school group, having free permits issued by the appropriate regional office.
 - (D) Authorized Species: Waterfowl, snipe, coots, moorhens, pheasants, doves, rabbits, and deer (special hunt only).
 - (E) Camping and Trailers: Allowed only during the waterfowl season.
 - (F) Special Restrictions: Closed to all nonhunting uses from two weeks before waterfowl season to one week after waterfowl season, except that a wildlife viewing area is open on most days during the entire year. Dove hunting is allowed only in designated portions of the wildlife area. Public entry is allowed only from sunrise to sunset, except by written permission. Horses are restricted to roads only on the east side of the area and are allowed only during July and August. Hunting with falcons is restricted to the east side of the area.
- (27) Hallelujah Junction Wildlife Area
 - (A) Hunt Days: Daily from July 1 through January 31 during open seasons for authorized species.
 - (B) Authorized Species: All legal species.
 - (C) Camping and Trailers: Not allowed.
 - (D) Special Restrictions: Hunting is allowed only from July 1 through January 31 during open seasons for authorized species. Horses and bicycles are prohibited. Dogs are allowed for hunting only.
- (28) Heenan Lake Wildlife Area
 - (A) Hunt Days: Daily during open seasons for authorized species.
 - (B) Authorized Species: All legal species.
 - (C) Camping and Trailers: Not allowed.
 - (D) Special Restrictions: Boats are not allowed unless participating in the controlled entry fishing opportunity.
- (29) Hope Valley Wildlife Area
 - (A) Hunt Days: Daily from the opening of archery deer season through January 31 during open seasons for authorized species.
 - (B) Authorized Species: All legal species.
 - (C) Camping and Trailers: Backpack camping east of Highway 89 only. No open fires allowed.
 - (D) Special Restrictions: Hunting is allowed only from the opening of archery deer season through January 31.
- (30) Lower Sherman Island Wildlife Area
 - (A) Method of Take Restrictions: No rifles or pistols may be used or possessed.
 - (B) Hunt Days: Daily during open seasons for authorized species.
 - (C) Authorized Species: Waterfowl, coots, moorhens, pheasants, doves, and rabbits.
 - (D) Camping: Not allowed.
 - (E) Special Restrictions: The Regional Manager may determine whether decoys may be left in the field.
- (31) Miner Slough Wildlife Area
 - (A) Method of Take Restrictions: No rifles or pistols may be used or possessed.
 - (B) Hunt Days: Daily during open seasons for authorized species.
 - (C) Authorized Species: Waterfowl.
 - (D) Camping and Trailers: Not allowed.
- (32) Oroville Wildlife Area
 - (A) Method of Take Restrictions: No rifles or pistols may be used or possessed, except at the

designated target practice area.

(B) Hunt Days: Daily from September 1 through January 31 during open seasons for authorized species and during the spring turkey season.

(C) Authorized Species: All legal species.

(D) Camping and Trailers: Allowed in designated campsites. Erecting a shelter or parking a vehicle equipped with sleeping accommodations in a designated campsite is considered camping and shall be subject to camping restrictions provided in Subsection 550(b)(12).

(E) Special Restrictions: All legal firearms and archery equipment may be possessed and discharged at the target practice area, which is open all year. Use of the target practice area is permitted only from sunrise to sunset. Entry permits issued by special drawing are required for turkey hunting, which is allowed only during the spring turkey season. Hunting is allowed only from September 1 through January 31 and during the spring turkey season, when only turkeys may be hunted. Fires are allowed only in portable gas stoves at sites designated for camping by the department. Dog training is allowed only in designated areas and only from July 1 through March 15. Horses are restricted to roads open to vehicles and within 25 feet of exterior boundary fences. Bicycles and horse drawn carriages are restricted to roads open to vehicles. No off-highway vehicles are allowed at any time. Public entry is allowed only from one hour before sunrise to one hour after sunset on some portions of the area.

(33) Putah Creek Wildlife Area

(A) Hunt Days: Daily from the opening of deer season through January 31 during open seasons for authorized species.

(B) Authorized Species: All legal species.

(C) Camping and Trailers: Not allowed.

(D) Special Restrictions: Hunting is allowed only from the opening of the deer season through January 31.

(34) Sacramento Bypass Wildlife Area

(A) Method of Take Restrictions: No rifles, pistols, or archery equipment may be used or possessed. Shot shells only. No buckshot or slugs.

(B) Hunt Days: Daily from September 1 through January 31 during open seasons for authorized species.

(C) Authorized Species: Upland game and waterfowl.

(D) Camping and Trailers: Not allowed.

(E) Special Restrictions: Hunting is allowed only from September 1 through January 31.

(35) Sacramento River Wildlife Area

(A) Method of Take Restrictions: No rifles or pistols may be used or possessed.

(B) Hunt Days: Daily from the opening of deer season through January 31 during open seasons for authorized species.

(C) Authorized Species: All legal species.

(D) Camping and Trailers: Not allowed.

(E) Special Restrictions: Hunting is allowed only from the opening of deer season through January 31.

(36) Spenceville Wildlife Area

(A) Hunt Days: Daily from September 1 through January 31 during open seasons for authorized species and during the spring turkey season.

(B) Authorized Species: All legal species.

(C) Camping and Trailers: Allowed in designated campsites during the period September 1 through April 15.

(D) Special Restrictions: Entry permit, issued by special drawing, is required for the first 9 days of the spring turkey season. Hunting is allowed only from September 1 through January 31, and during the spring turkey season, when only turkeys may be hunted. Dog training is allowed only in designated areas and only from July 1 through March 15. Bicycles are allowed only on designated roads. Horses are restricted to designated trails. Fires are allowed only in portable gas stoves at sites designated for camping by the department. All legal firearms and archery equipment may be possessed and discharged at the designated target practice area, which is open all year. Use of the target practice area is permitted only from sunrise to sunset.

(37) Sutter Bypass Wildlife Area

(A) Method of Take Restrictions: No rifles or pistols may be used or possessed.

(B) Hunt Days: Daily during open seasons for authorized species.

(C) Authorized Species: All legal species.

(D) Camping and Trailers: Not allowed.

(38) Truckee River Wildlife Area

(A) Method of Take Restrictions: No rifles or pistols may be used or possessed.

(B) Hunt Days: Daily during open seasons for authorized species.

(C) Authorized Species: All legal species.

(D) Camping and Trailers: Not allowed.

(39) Upper Butte Basin Wildlife Area

(A) Ammunition Restrictions: A hunter shall not possess more than 25 shotgun shells while in the field during the waterfowl season.

(B) Hunt Days: Waterfowl, coots, moorhens, and snipe: Saturdays, Sundays, and Wednesdays during open seasons. Pheasant: Every day during the first five days of the season, and on waterfowl hunt days during the remainder of the pheasant season. Doves and rabbits: Daily during the September dove season, and on waterfowl or pheasant hunt days during the late dove season. Deer: Only during the Little Dry Creek Junior Deer Hunt under special permit issued by drawing.

(C) Authorized Species: Waterfowl, coots, moorhens, snipe, dove, pheasants, and rabbits.

(D) Camping and Trailers: Camping in checking station parking lots at Llano Seco and Howard Slough units only. Trailers not allowed.

(E) Special Restrictions: Closed to all nonhunting uses from two weeks before waterfowl season to one week after waterfowl season. Public entry is allowed only from sunrise to sunset, except by written permission. On the Little Dry Creek Unit, dove hunting is allowed only east of Little Dry Creek. Horses are prohibited. Dogs are allowed for hunting only. Within the assigned blind area at the Little Dry Creek Unit, hunters must hunt from assigned blinds, except to retrieve downed birds.

(40) White Slough Wildlife Area

(A) Method of Take Restrictions: No rifles or pistols may be used or possessed.

(B) Hunt Days: Daily during open seasons for authorized species.

(C) Authorized Species: Waterfowl, pheasants, quail, and doves.

(D) Camping and Trailers: Not allowed.

(E) Special Restrictions: Possession and use of firearms or other propulsive device is prohibited in that portion of White Slough Wildlife Area designated as Pond 9. Horses are not allowed on the wildlife area. Hunting is allowed only from September 1 through January 31.

(41) Yolo Bypass Wildlife Area

(A) Ammunition Restrictions: A hunter shall not possess more than 25 shotgun shells while in the field during the waterfowl season.

(B) Hunt Days: Waterfowl, coots, moorhens and snipe: Saturdays, Sundays and Wednesdays during open seasons. Pheasants: Waterfowl hunt days during the pheasant season. Doves: Daily during the September dove season and on waterfowl hunt days during the late dove season.

(C) Authorized Species: Waterfowl, coots, moorhens, snipe, pheasant, and doves.

(D) Camping and Trailers: Not allowed.

(E) Special Restrictions: Closed to all nonhunting uses from two weeks before waterfowl season to one week after waterfowl season, except areas designated for wildlife viewing purposes which are open on most days during the entire year. Public entry is allowed only from sunrise to sunset, except by written permission. Horses are not allowed. Bicycles are restricted to designated areas only. The Yolo Bypass Wildlife Area is subject to immediate closure due to flooding in the Yolo Bypass.

REGION 3

(42) Big Sandy Wildlife Area

(A) Method of Take Restrictions: No rifles or pistols may be used or possessed.

(B) Hunt Days: Daily during open seasons for authorized species.

(C) Authorized Species: All legal species.

(D) Camping and Trailers: Not allowed.

(43) Cache Creek Wildlife Area

(A) Hunt Days: Daily during open seasons for authorized species.

(B) Authorized Species: All legal species.

(C) Camping and Trailers: Trailers are not allowed. Primitive camping is allowed on all units of the Cache Creek Wildlife Area, except that no camping is allowed within one-quarter mile of designated parking areas.

(D) Special Restrictions: Except for the Destanella Flat and Harley Gulch management units, no person shall enter that portion east of the North Fork and south of the Main Fork of Cache Creek during the elk calving period, April 1 through June 30 except with prior written permission of the regional manager. Use of dogs is restricted (see Section 265). In addition to this restriction, dogs are not allowed for pig hunting at any time of year.

An entry permit for hunting, issued by special drawing, is required for the first two days of the spring turkey season.

(44) Grizzly Island Wildlife Area

(A) Ammunition Restrictions: Shotguns may only be used with steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service, and not more than 25 shot shells may be possessed while in the field during the waterfowl season.

(B) Hunt Days: Crescent and Grizzly Island Units: Waterfowl, coots, moorhens, and snipe: Saturdays, Sundays, and Wednesdays during open seasons. Pheasants: Each day during the first 12 days of the general pheasant season, and only on Saturdays, Sundays, and Wednesdays during the remainder of the pheasant season. Rabbits and doves: Rabbit hunting is allowed daily in July and on pheasant hunt days. Dove hunting is allowed daily during the season in September after the close of the Grizzly Island tule elk hunt and on pheasant hunt days during the late dove season. Joice Island Unit: Waterfowl, coots, moorhens, and snipe: Sundays only when the department determines that the fall flight forecast and/or waterfowl numbers in the Suisun Marsh warrant its opening. Goodyear Slough and Gold Hills units: Waterfowl, coots, moorhens, and snipe: Saturdays, Sundays, and Wednesdays during open seasons. Island Slough and Grey Goose Units: Waterfowl, coots, moorhens, snipe, and pheasants: Saturdays, Sundays, and Wednesdays during open seasons. Cordelia Slough and Montezuma Slough units: No hunting allowed.

(C) Day Use Pass Requirement for Public Access: For the Grizzly Island Unit, in addition to a daily entry permit required for hunting during the waterfowl and pheasant seasons, a day use pass or annual pass is required of all users except for users that possess a valid California sport fishing license, hunting license, or trapping license, or users that are under 16 years of age, or users that are part of an organized youth or school group, having free permits issued by the appropriate regional office.

(D) Authorized Species: Grizzly Island Unit: Waterfowl, snipe, coots, moorhens, elk, rabbits, doves, and pheasants. Crescent, Grey Goose, and Island Slough units: Waterfowl, snipe, coots, moorhens, rabbits, and pheasants. Gold Hills, Goodyear Slough, and Joice Island units: Waterfowl, snipe, coots, and moorhens.

(E) Camping and Trailers: Not allowed except with prior written permission of the area manager during the tule elk hunting season.

(F) Special Restrictions: Cordelia Slough Unit: Closed to public use except with prior written permission from the area manager. Crescent Unit: Closed from October 1 through the end of the general waterfowl season to uses other than hunting. Grizzly Island Unit: Closed to uses other than hunting from the last Monday in July through the end of the Grizzly Island tule elk hunting season and from October 1 through the end of the general waterfowl season. Gold Hills, Goodyear Slough, Gray Goose, and Island Slough units: Closed from October 1 through the end of the general waterfowl season to uses other than hunting. Joice Island Unit: Closed to public use except when permits are issued for waterfowl hunting, or with prior written permission of the area manager and during the special season open to fishing from mid-May to mid-August (contact area Headquarters for details). On all units, horses are allowed only under permit and only during organized dog field trials. On all units, fires are restricted to portable gas stoves throughout the year. The use of boats for hunter-access on all management units of the Grizzly Island Wildlife Area, except the Grey Goose Unit, is prohibited. This shall not prohibit launching of boats at the Grizzly Island and Montezuma Slough management units for access to Montezuma Slough. Boats less than eight feet in length may be used to transport decoys and/or blind materials.

(45) Indian Valley Wildlife Area

(A) Hunt Days: Daily during open seasons for authorized species.

(B) Authorized Species: All legal species.

(C) Camping and Trailers: Camping allowed, but trailers are prohibited.

(D) Special Restrictions: Use of dogs restricted (see Section 265).

(46) Laguna Wildlife Area

(A) Method of Take Restrictions: No rifles or pistols may be used or possessed.

(B) Camping and Trailers: Not allowed.

(C) Special Restrictions: Horseback riding is not allowed from November 15 through June 15. Dogs are not allowed from March 2 through June 30.

(47) Lake Berryessa Wildlife Area

(A) Method of Take Restrictions: As authorized during special hunts.

(B) Hunt Days: As authorized for special hunts.

(C) Camping and Trailers: Not allowed.

(D) Special Restrictions: Campfires are prohibited. Dogs are not allowed between February 15 and July 15.

(48) Lake Sonoma Wildlife Area

(A) Method of Take Restrictions: As authorized during special hunts.

- (B) Hunt Days: As authorized for special hunts.
 - (C) Entry Permit: Entry permit, issued by special drawing, is required. (See subsection 360(C) for deer hunt information.)
 - (D) Daily Hunter Capacity: As authorized for special hunts.
 - (E) Authorized Species: Deer, wild pigs, and turkeys.
 - (F) Camping and Trailers: Allowed in Army Corps of Engineers designated campgrounds only.
 - (G) Special Restrictions: No person, except by special authorization of the Department of Fish and Game, shall enter that portion of the Lake Sonoma Wildlife Area marked by signs as "Critical Habitat" during the period of February 1 through August 1. Dogs are not allowed.
- (49) Morro Bay Wildlife Area
- (A) Ammunition Restrictions: Hunters shall not possess in the field more than 25 shot shells.
 - (B) Hunt Days: Waterfowl may be taken only from the opening day of brant season through the remainder of the waterfowl season.
- (50) Moss Landing Wildlife Area
- (A) Method of Take Restrictions: No rifles or pistols may be used or possessed.
 - (B) Hunt Days: Saturdays, Sundays, and Wednesdays during open seasons for authorized species. Campfires are prohibited.
- (C) Authorized Species: Waterfowl, coots, and moorhens.
 - (D) Camping and Trailers: Not allowed.
 - (E) Special Restrictions: Closed to all hunting on New Years Day. The Salt Ponds are closed to hunting.
- (51) Napa-Sonoma Marshes Wildlife Area
- (A) Method of Take Restrictions: No rifles or pistols may be used or possessed.
 - (B) Hunt Days: Saturdays, Sundays, and Wednesdays during open seasons for authorized species, except that doves and rabbits may be hunted daily during the September dove season.
 - (C) Authorized Species: Waterfowl, coots, moorhens, snipe, rabbits, pheasants, and doves.
 - (D) Camping and Trailers: Not allowed.
 - (E) Special Restrictions: White Slough Unit: Closed to all hunting and firearms and archery equipment use. All units: Dogs are not allowed from March 2 through June 30. Campfires are prohibited.
- (52) Petaluma Marsh Wildlife Area
- (A) Method of Take Restrictions: No rifles or pistols may be used or possessed.
 - (B) Hunt Days: Daily during open seasons for authorized species.
 - (C) Authorized Species: Waterfowl, coots, moorhens, and rabbits.
 - (D) Camping and Trailers: Not allowed.
 - (E) Special Restrictions: Day Island, Green Point, Novato Creek, Point Sonoma, and Rush Creek units: Closed to hunting and firearms and archery equipment use. Dogs must be on a leash at all times. All units: Dogs are not allowed from March 2 through June 30.
- (53) Point Edith Wildlife Area
- (A) Method of Take Restrictions: No rifles or pistols may be used or possessed.
 - (B) Hunt Days: Daily during open seasons for authorized species.
 - (C) Authorized Species: Waterfowl, coots, and moorhens.
 - (D) Camping and Trailers: Not allowed.
- (54) Rector Reservoir Wildlife Area
- (A) Authorized Species: All legal species.
 - (B) Hunt Days: Daily during open seasons for authorized species from the opening of archery deer season through the last day of spring turkey season.
 - (C) Camping and Trailers: Not allowed.
 - (D) Special Restrictions: Campfires are prohibited.
- (55) San Luis Obispo Wildlife Area
- (A) Period of Firearms and Archery Equipment Use: All year. No firearms or other propulsive devices of any kind may be possessed or discharged except at the designated shooting range at such times as the facility is open to the public and under the direction and control of the authorized rangemaster.
 - (B) Days of Operation: Friday through Monday, 8:00 a.m. to 4:30 p.m.
 - (C) Fee: \$4 per day for range fees.
 - (D) Authorized Species: None.
 - (E) Camping and Trailers: Not allowed.
 - (F) Special Restrictions: No person shall enter the San Luis Obispo Wildlife Area except that portion

of the area designated as a public shooting facility under supervision of the authorized rangemaster or with written permission from the regional manager. Alcoholic beverages may not be possessed or consumed on any part of the San Luis Obispo Wildlife Area by any person who officially acts as a rangemaster, or by any person who attempts to discharge a firearm or shoot an arrow.

(56) San Pablo Bay Wildlife Area

- (A) Method of Take Restrictions: No rifles or pistols may be used or possessed.
- (B) Hunt Days: Daily during open seasons for authorized species.
- (C) Authorized Species: Waterfowl, coots, and moorhens.
- (D) Blinds: Shall be available on first-come, first-served basis.

REGION 4

(57) Cottonwood Creek Wildlife Area

(A) Lower Cottonwood Creek Unit.

1. Method of Take Restrictions: No rifles or pistols may be used or possessed. During the archery deer season, wild pigs may be taken only with archery equipment.

2. Hunt Days: Daily from opening of Zone A archery deer season through the last Sunday in January during open seasons for authorized species.

3. Entry Permit: Self registration permit (obtained from Upper Cottonwood, O'Neill, or San Luis Reservoir wildlife areas) required.

4. Authorized Species: All legal species.

5. Camping and Trailers: Not allowed.

6. Special Restrictions: Dogs are not allowed for hunting wild pigs. Horseback riding is not allowed.

(B) Upper Cottonwood Creek Unit.

1. Method of Take Restrictions: Rifles or pistols may be used or possessed only from the opening of the general Zone A deer season through the last Sunday in January. During the archery deer season, wild pigs may be taken only with archery equipment.

2. Hunt Days: Daily from opening of Zone A archery deer season through the last Sunday in January during open seasons for authorized species.

3. Entry Permit: Self registration required. Special permit, obtained by special drawing, is required for all entry during the opening weekend of Zone A firearms deer season.

4. Authorized Species: All legal species.

5. Camping and Trailers: Allowed in parking lot only.

6. Special Restrictions: Dogs are not allowed for hunting wild pigs. Horseback riding is not allowed.

(58) Kinsman Flat Wildlife Area

(A) Method of Take Restrictions: Only shotguns and archery equipment are permitted during the spring turkey season.

(B) Hunt Days: Daily during open seasons for authorized species.

(C) Authorized Species: All legal species.

(D) Camping and Trailers: Not allowed.

(59) Little Panoche Reservoir Wildlife Area

(A) Method of Take Restrictions: No rifles or pistols may be used or possessed.

(B) Hunt Days: Daily during open seasons for authorized species.

(C) Authorized Species: All legal species.

(D) Camping and Trailers: Allowed in parking lot only.

(E) Special Restrictions: Dogs are not allowed for hunting wild pigs. Dogs must be leashed from April 1 through June 30. Horseback riding is allowed during authorized field trials only.

(60) Los Banos Wildlife Area

(A) Ammunition Restrictions: A hunter shall not possess more than 25 shot shells while in the field during the waterfowl season.

(B) Hunt Days: Waterfowl, coots, moorhens, and snipe: Saturdays, Sundays, and Wednesdays during open seasons. Pheasants: Every day during the first nine days of the pheasant season and on Saturdays, Sundays, and Wednesdays during the remainder of the pheasant season and on the day following Thanksgiving. Other authorized species: Daily during open seasons during the periods July 1 through September 15, and from the beginning of waterfowl season through March 31, except that hunt days are limited to waterfowl and pheasant hunt days during the waterfowl and pheasant season. Raccoons and rabbits may not be taken during the waterfowl or pheasant seasons.

(C) Day Use Pass Requirement for Public Access: In addition to a daily entry permit required to hunt during the waterfowl and pheasant seasons, a day use pass or annual pass is required of all users except for users

that possess a valid California sport fishing license, hunting license, or trapping license, or users that are under 16 years of age, or users that are part of an organized youth or school group and having free permits issued by the appropriate regional office.

(D) Authorized Species: Waterfowl, snipe, coots, moorhens, pheasants, doves, raccoons, and rabbits.

(E) Camping and Trailers: House trailers may not be taken beyond the checking station parking lot during the waterfowl and pheasant seasons.

(F) Reservations: For Zone 6, each reservation assures entry of up to three persons. For Zone 6J, each reservation assures entry of one adult and up to two junior hunters.

(FG) Special Restrictions: Closed to all public uses from September 15 until the opening of waterfowl season. However, wildlife observation is allowed in authorized locations on Saturdays, Sundays, and Wednesdays during waterfowl season, and will be permitted daily during the balance of the public use period. Dogs must be on a leash from April 1 through June 30. Special permits are required to hunt Zone 6 and the Mud Slough Unit during the waterfowl season. When assigned blind sites, hunters shall hunt only from their assigned sites, except to retrieve downed birds. Horseback riding is allowed for authorized field trials only.

(61) Mendota Wildlife Area

(A) Ammunition Restrictions: A hunter shall not possess more than 25 shot shells while in the field during the waterfowl season.

(B) Hunt Days: Waterfowl, coots, moorhens, and snipe: Saturdays, Sundays, and Wednesdays during open seasons. Pheasants: Every day during the first nine days of the pheasant season and only on Saturdays, Sundays, and Wednesdays during the remainder of the pheasant season and on the day following Thanksgiving. Other authorized species: Daily during open seasons from July 1 through September 15, and from the beginning of waterfowl season through March 31, except that hunt days are restricted to waterfowl and pheasant hunt days during the waterfowl and pheasant season. Raccoons may not be hunted during the waterfowl season.

(C) Authorized Species: Waterfowl, snipe, coots, moorhens, pheasants, dove, rabbits, and raccoons.

(D) Camping and Trailers: Allowed only at hunter check station during waterfowl season.

(E) Special Restrictions: The designated tour route and fishing site are open all year. The remainder of the area is open to authorized hunting from September 15 to February 1. Dogs must be on a leash from April 1 through June 30.

(62) North Grasslands Wildlife Area

(A) Ammunition Restrictions: A hunter shall not possess more than 25 shot shells while in the field during the waterfowl season.

(B) Hunt Days: Waterfowl, coots, moorhens, and snipe: Saturdays, Sundays, and Wednesdays during open seasons. Snipe also may be taken on pheasant hunt days. Pheasants: Every day during the first nine days of the pheasant season and thereafter on Saturdays, Sundays and Wednesdays during the remainder of the pheasant season and on the day following Thanksgiving. Dove: Opening day of the early dove season, and from the first Saturday of the early dove season through September 15, and on pheasant and waterfowl hunt days during the late dove season. Rabbits: Daily during the open season from July 1 through September 15, and from the day after waterfowl season through the end of rabbit season, and on waterfowl and pheasant hunt days. Other authorized species: Daily during open seasons from July 1 through September 15, and from the beginning of waterfowl season through March 31, except that hunt days are restricted to waterfowl and pheasant hunt days during the waterfowl and pheasant season. Raccoons may not be hunted during the waterfowl season.

(C) Authorized Species: Waterfowl, snipe, coots, moorhens, pheasants, doves, raccoons, and rabbits.

(D) Camping and Trailers: Not allowed beyond checking station.

(E) Special Restrictions: Dogs must be on a leash from April 1 through June 30. Horseback riding is allowed during authorized field trials only. Closed to all public use from September 15 to the opening of waterfowl season.

(63) O'Neill Forebay Wildlife Area

(A) Method of Take Restrictions: No rifles or pistols may be used or possessed.

(B) Hunt Days: Daily during open seasons for authorized species.

(C) Authorized Species: Waterfowl, pheasants, quail, doves, and rabbits.

(D) Camping and Trailers: Allowed in parking lot only.

(E) Special Restrictions: Dogs must be on a leash from April 1 through June 30. Horseback riding is allowed only during authorized field trials.

(64) San Luis Reservoir Wildlife Area

(A) Method of Take Restrictions: No rifles or pistols may be used or possessed.

(B) Hunt Days: Daily during open seasons for authorized species.

(C) Authorized Species: All legal species.

(D) Camping and Trailers: Allowed in parking lot only.
(E) Special Restrictions: Dogs are not allowed for wild pig hunting. Horseback riding is not allowed.
(65) Volta Wildlife Area (U.S. Bureau of Reclamation Lands)
(A) Ammunition Restrictions: A hunter shall not possess more than 25 shot shells while in the field during the waterfowl season.

(B) Hunt Days: Waterfowl, coots, moorhens, and snipe: Saturdays, Sundays, and Wednesdays during open seasons. Pheasants: Every day during the first nine days of the pheasant season and thereafter on Saturdays, Sundays, and Wednesdays during the remainder of the pheasant season and on the day following Thanksgiving. Other Authorized Species: Daily from July 1 through September 15, and from the beginning of waterfowl season through March 31, except that hunt days are restricted to waterfowl and pheasant hunt days during the waterfowl and pheasant season.

(C) Authorized Species: Waterfowl, snipe, coots, moorhens, pheasants, and rabbits. Rabbits may not be taken during the waterfowl season.

(D) Camping and Trailers: Allowed at checking station parking lot during waterfowl season only.

(E) Special Restrictions: Closed to all public use from September 15 until the beginning of waterfowl season, except for fishing in the Volta Wasteway Channel. From September 15 through the Saturday following the end of waterfowl season, fishing is restricted to the Volta Wasteway Channel for a distance of one mile downstream of Ingomar Grade. Except during waterfowl and pheasant seasons, when hunting permittees are allowed to drive to designated parking areas, vehicle access is not allowed.

(66) West Hilmar Wildlife Area

(A) Method of Take Restrictions: No rifles or pistols may be used or possessed.

(B) Hunt Days: Daily during open seasons for authorized species.

(C) Authorized Species: Quail, doves, pheasants, rabbits, and waterfowl.

(D) Camping and Trailers: Not allowed.

REGION 5 AND REGION 6

(67) Baldwin Lake, San Bernardino National Forest

(A) Method of Take Restrictions: No rifles or pistols may be used or possessed.

(B) Hunt Days: Saturdays and Wednesdays during open seasons for authorized species.

(C) Reservations and Entry Permits: Waterfowl hunting reservations, which serve as entry permits, are required for the first seven hunt days (Saturdays and Wednesdays) of duck season. Beginning on the fourth Wednesday of the season, entry permits are not required.

(D) Authorized Species: Waterfowl, coots, and moorhens.

(E) Camping and Trailers: Not allowed.

(F) Special Restrictions: Shore hunting is not allowed. Hunting is permitted only from boats. All boats must be in and completely surrounded by water. All boats must be launched from the designated sites only. Hunting is permitted only in designated areas. A hunter shall not possess more than 25 shot shells while in the field.

(68) Imperial Wildlife Area

(A) Wister Unit

1. Ammunition Restrictions: A hunter shall not possess more than 25 shot shells while in the field during the waterfowl season.

2. Hunt Days: Waterfowl, coots, moorhens, and snipe: Saturdays, Sundays, and Wednesdays during open seasons. Snipe may also be taken on pheasant hunt days. Doves: Daily during the September dove season and on pheasant hunt days. Pheasants: Mondays and Thursdays during the pheasant season. Rabbits: Daily during season, except the waterfowl season. Rabbits may also be hunted on pheasant hunt days. Quail: Only on pheasant hunt days. Raccoons: Daily from August 1 through one week before the waterfowl season.

3. Day Use Pass Requirement for Public Access: In addition to a daily entry permit required for hunting during the waterfowl and pheasant seasons, a day use pass or valid annual wildlife pass is required of all users, except for users who possess a valid California sport fishing license, hunting license, or trapping license or users who are under 16 years of age, or users who are part of an organized youth or school group and having free permits issued by the appropriate regional office.

4. Hunting Party Size and Restrictions: Waterfowl hunting parties may not exceed 6 individuals nor 4 adults. At the Union Tract and Hazard Unit each blind site will be limited to 4 individuals. At the Wister Unit of the Imperial Wildlife Area on waterfowl hunt days, 6 individuals are allowed per reservation with no more than 4 adults.

5. Authorized Species: Waterfowl, snipe, coots, moorhens, doves, pheasants, quail, rabbits, and raccoons.

6. Camping and Trailers: Limited camping in designated area. Campers must obtain a use permit daily. No unattached trailers or tents allowed on the checking station parking lot.

7. Special Restrictions: Waterfowl hunters must hunt from within 100 yards of assigned blind sites. Closed

to all nonhunting uses from one week before waterfowl season through the last day of waterfowl season, except for designated wildlife viewing sites and designated fishing areas. Only hand-portable boats and only electric boat motors may be used.

(B) Finney-Ramer Unit

1. Method of Take Restrictions: No rifles or pistols may be used or possessed.
2. Ammunition Restrictions: A hunter shall not possess more than 25 shot shells while in the field during the waterfowl season.
3. Hunt Days: Daily during open seasons for authorized species during the period July 1 through January 31.
4. Day Use Pass Requirement for Public Access: Daily entry permits are required of all persons hunting or for other area uses. A day use pass or annual wildlife pass is required of all users except for users that possess a valid California sport fishing license, hunting license, or trapping license, or users that are under 16 years of age, or users that are part of an organized youth or school group and having free permits issued by the appropriate regional office.
5. Checking Station: Entry permits are required and will be available at the self-service registration booths at both Finney and Ramer lakes on a first-come, first-served basis.
6. Authorized Species: Waterfowl, snipe, coots, moorhens, quail, doves, pheasants, rabbits, and raccoons.
7. Boats: Boats are required for waterfowl hunting; however, no motor-driven boats, except those with electric motors, shall be permitted.
8. Camping and Trailers: Allowed only in designated area at Finney Lake.
9. Special Restrictions: Waterfowl hunting is allowed only from boats and islands. Dog field trials are allowed only in designated areas.

(69) Perris Reservoir State Recreation Area

- (A) Method of Take Restrictions: No rifles or pistols may be used or possessed.
- (B) Hunt Days: Waterfowl, coots, moorhens, and snipe: Saturdays and Wednesdays during open seasons. Upland game: Daily during respective seasons that fall within the period from the first Saturday following Labor Day through January 31.
- (C) Hunt Hours: Shooting times for migratory waterfowl, snipe, coots, and moorhens will be from one-half hour before sunrise until 12:00 noon. Upland game: as provided in the regulations.
- (D) Entry Permit and Fee: Except for the recreation area day-use fees, there are no additional fees for waterfowl or upland game hunting.
- (E) Authorized Species: Waterfowl, coots, moorhens, doves, pheasants, quail, and rabbits.
- (F) Boats: Boat with motor required.
- (G) Camping and Trailers: Not allowed on hunting area.
- (H) Special Restrictions: Shore hunting for waterfowl, coots, and moorhens not allowed. Upland game may be taken only in designated areas. Fishing shall be permitted in the designated waterfowl hunting area only on non-shoot days.

(70) San Felipe Valley Wildlife Area

- (A) Method of Take Restrictions: No rifles or pistols may be used or possessed south of Highway S-2.
- (B) Hunt Days: Daily from September 1 through January 31 and during the spring turkey season, when only turkeys may be hunted.
- (C) Authorized Species: All legal species.
- (D) Camping and Trailers: Not allowed.
- (E) Special Restrictions: Horse and bicycle use is limited to designated routes. Dog training is allowed only in designated areas from September 1 through February.

(7071) San Jacinto Wildlife Area

- (A) Ammunition Restrictions: A hunter shall not possess more than 25 shot shells while in the field during the waterfowl season.
- (B) Hunt Days: Waterfowl, coots, and moorhens: Saturdays and Wednesdays during the duck season. Upland game: Daily during respective seasons that fall within the period July 1 through January 31. Pheasant: Mondays during the pheasant season.
- (C) Reservations, Entry Permits and Day Use Pass Requirements for Public Access: Reservations are available for waterfowl and pheasant hunting, and are required for pheasant hunting. In addition to a daily entry permit required for hunting waterfowl and pheasants, a day use pass or annual wildlife pass is required of all users except for users that possess a valid California sport fishing license, hunting license, or trapping license, or users that are under 16 years of age, or users that are part of an organized youth or school group and having free permits issued by the appropriate regional office.
- (D) Reservations: Each reservation shall assure entry for up to two adults and two holders of junior

hunting licenses.

(E) Authorized Species: Waterfowl, coots, moorhens, doves, quail, pheasants, snipe, and rabbits.

(F) Camping and Trailers: Not allowed.

(G) Special Restrictions: Upland game (doves, pheasants, quail, snipe, and rabbits) may be taken only in designated areas. A self-issued permit is required to enter the upland game hunting area.

(7472) Santa Rosa Wildlife Area

(A) Hunt Days: Daily during open seasons for authorized species.

(B) Authorized Species: Deer, rabbits, and quail.

(C) Special Restrictions: No person, except authorized personnel, shall possess or discharge a firearm, bow and arrow, air or gas gun, spear gun, or other propulsive device of any kind on that portion of the Santa Rosa Wildlife Area lying within Fish and Game refuge District 4D (see Section 10837, Fish and Game Code).

Authority: Sections 202, 355, 1050, 1526, 1528, 1530, 1570-1572, 1765, and 10504, Fish and Game Code.

Reference: Sections 355, 713, 1050, 1526, 1528, 1530, 1765, 2006 and 10504, Fish and Game Code.

Section 552, Title 14, CCR, is amended to read:

552. Regulations for National Wildlife Refuges Where Hunting Programs are Administered by the Department of Fish and Game.

(a) The power to control entry on the federally owned areas listed in subsection 551(a)(2) is at the discretion of the Director of the U.S. Fish and Wildlife Service. The following lands owned by the U.S. Fish and Wildlife Service are open to hunting by the public under control of the California Department of Fish and Game.

(1) Colusa National Wildlife Refuge.

(A) Area Firearms Restrictions: Shotguns and steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service only. A hunter shall not possess more than 25 shot shells while in the field.

(B) Hunt Days: Waterfowl, coots, moorhens, and snipe: Saturdays, Sundays, and Wednesdays during open seasons. Pheasant: Waterfowl hunt days during the pheasant season.

(C) Authorized Species: Waterfowl, coots, moorhens, snipe, and pheasants.

(D) ~~Camping and Trailers~~: Not allowed.

(E) Bicycles: Not allowed.

(2) Delevan National Wildlife Refuge.

(A) Area Firearms Restrictions: Shotguns and steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service only. A hunter shall not possess more than 25 shot shells while in the field.

(B) Hunt Days: Waterfowl, coots, moorhens, and snipe: Saturdays, Sundays, and Wednesdays during open seasons. Pheasant: First Monday of pheasant season and on waterfowl hunt days during the pheasant season.

(C) Authorized Species: Waterfowl, coot, moorhens, snipe, and pheasants.

(D) Nonreservation Drawing: Nonreservation hunters may enter the drawing for either Delevan or Sacramento, but not both, on any single hunt date.

(E) ~~Camping and Trailers~~: Not allowed.

(F) Bicycles: Not allowed.

(G) Reservations: Each reservation assures entry of up to four individuals, whether adult hunters, junior hunters, or non-shooters.

(GH) Special Restrictions: When assigned hunting sites, hunters shall hunt only within 100 feet of their assigned sites, except to retrieve downed birds. Pheasant hunting is not permitted in the assigned blind area except on the first Monday of the pheasant season.

(3) Kern National Wildlife Refuge.

(A) Area Firearms Restrictions: Shotguns and steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service only. A hunter shall not possess more than 25 shot shells while in the field.

(B) Hunt Days: Waterfowl, coots, and moorhens: Saturdays and Wednesdays during open seasons. Pheasant: Waterfowl hunt days during the regular pheasant season.

(C) Authorized Species: Waterfowl, coots, moorhens, and pheasants. There shall be no hunting of common snipe.

(D) Camping and Trailers: Not allowed.

(4) Merced National Wildlife Refuge.

(A) Area Firearms Restrictions: Shotguns and steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service only. A hunter shall not possess more than 25 shot shells.

(B) Hunt Days: Saturdays and Wednesdays during duck season.
(C) Shooting Hours: Waterfowl shooting hours will be from one-half hour before sunrise until 12:00 noon.

(D) Authorized Species: Waterfowl, coots, and moorhens. There shall be no hunting of common snipe.

(E) Camping and Trailers: Not allowed.

(F) Bicycles: Allowed.

(G) Reservations: Each reservation assures entry of no more than three persons if three-person blinds are available, or no more than two persons, if two-person blinds are available.

(GH) Special Restrictions: Hunters must hunt from assigned blinds, except to retrieve downed birds.

(5) Sacramento National Wildlife Refuge.

(A) Area Firearms Restrictions: Shotguns and steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service only. A hunter shall not possess more than 25 shot shells while in the field.

(B) Hunt Days: Waterfowl, coots, moorhens, and snipe: Saturdays, Sundays, and Wednesdays during open seasons. Pheasants: The first Monday of pheasant season and on waterfowl hunt days during the pheasant season.

(C) Authorized Species: Waterfowl, coots, moorhens, snipe, and pheasants.

(D) Nonreservation Drawing: Nonreservation hunters may enter the drawing for either Delevan or Sacramento, but not both, on any single hunt date.

(E) Camping and Trailers: Not allowed.

(F) Bicycles: Not allowed.

(G) Reservations: Each reservation assures entry of up to four individuals, whether adult hunters, junior hunters, or non-shooters.

(GH) Special Restrictions: When assigned hunting sites, hunters shall hunt only within 100 feet of their assigned sites, except to retrieve downed birds. Pheasant hunting is not permitted in the assigned blind area except on the first Monday of the pheasant season.

(6) Salton Sea National Wildlife Refuge.

(A) Area Firearms Restrictions: Shotguns and steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service only. A hunter shall not possess more than 25 shot shells while in the field. Firearms must be unloaded when being transported between parking areas and blind sites.

(B) Hunt Days: Saturdays, Sundays, and Wednesdays during open seasons.

(C) Authorized Species: Waterfowl, coots, and moorhens. (D) Camping and Trailers: Not allowed.

(E) Special Restrictions: Hunters in the Hazard Unit shall hunt only from within 100 feet of their assigned blind sites or stakes, except to retrieve downed birds. Hunters in the Union Tract shall hunt only from within their blinds, except to retrieve downed birds.

(F) Parties may not exceed four individuals at each blind site.

(7) San Luis National Wildlife Refuge.

(A) Area Firearms Restrictions: Shotguns and steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service only. A hunter shall not possess more than 25 shot shells while in the field.

(B) Hunt Days: Saturdays, Sundays, and Wednesdays during duck season.

(C) Authorized Species: Waterfowl, coots, and moorhens. Hunting for pheasants will

be allowed by permit only at the Kesterson Unit free roam area designated along highway 140, and at the San Luis Unit free roam area. Snipe hunting is allowed only within the San Luis Unit free roam area.

(D) Camping and Trailers: Not allowed on the San Luis National Wildlife Refuge. Trailers are allowed on California's Salt Slough Unit parking lot.

(E) Bicycles: Allowed.

(F) Reservations: For the Kesterson and Blue Goose units, each reservation assures entry of no more than three persons if three-person blinds are available, or no more than two persons if two-person blinds are available. For the Freitas units (north and south), each reservation assures entry of one boat with up to four persons.

(FG) Special Restrictions: Hunters in the Kesterson and Blue Goose units must hunt from assigned blinds, except to retrieve downed birds. Hunters in free roam areas are not restricted to blinds.

(8) Sutter National Wildlife Refuge.

(A) Area Firearms Restrictions: Shotguns and steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service only. A hunter shall not possess more than 25 shot shells while in the field.

(B) Hunt Days: Waterfowl, coots, moorhens, and snipe: Saturdays, Sundays, and Wednesdays during open seasons. Pheasant: Waterfowl hunt days during the pheasant season.

(C) Authorized Species: Waterfowl, coot, moorhens, snipe, and pheasants.

(D) Camping and Trailers: Not allowed.

(E) Bicycles: Not allowed.

NOTE

Authority: Sections 202, 355, 1526, 1528, 1530, 1570-1572, and 10504, Fish and Game Code.
Reference: Sections 355, 1526, 1528, 1530, 1570-1572, and 10504, Fish and Game Code.