

State of California  
FISH AND GAME COMMISSION

MINUTES, MARCH 2-3, 2000

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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

Rebecca Walker provided pictures and discussed the annual fish die-offs at the Salton Sea. She expressed her opinion that it was a very serious health problem that needed immediate attention and clean up. She suggested a health warning be posted at the Salton Sea. She noted that she had contacted the local health department who indicated that it was a Department of Fish and Game problem. She has also requested the county adopt a resolution directing the Department of Fish and Game to take care of the cleanup and is looking into obtaining funding.

President Chrisman indicated he would contact Senator Kelley and the Department regarding possible solutions, responsible agencies and funding for cleanup.

Rudy Walker commented that the die off of fish has occurred over the last 20 years at the Salton Sea. He requested immediate cleanup of the fish and that the Department of Fish and Game needed to work with the public.

John Bosta expressed concerns with problems of the ecosystem statewide, protection of breeding grounds and how to restore species at the Salton Sea. He believed that the Department of Fish and Game's response needed to be quicker.

Stanley Murgia expressed concerns with the deer tag regulations and requested that the Commission allow senior citizens, 65 years and older, the opportunity to hunt in whatever deer zone they prefer during the season.

Dan Platt spoke about the commercial nearshore fishery permit moratorium and the need to start selecting individuals for the advisory panel.

Jim Bassler also spoke about the proposed interim nearshore regulations, and summarized a letter he had sent to the Commission. He requested assurance that the Commission is committed to sustainable fisheries for California.

Paul Weakland commented that the Commission wants public involvement but doesn't follow through, no money is budgeted, and that abalone and other species are disappearing due to diseases.

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 Commission operations.

Action

President Chrisman reported on the completion of a one year report of the Strategic Plan and the hiring of a Marine Consultant.

Paul Weakland commented that the slow pace of the Commission was very frustrating to the public.

3. RECEIPT OF DEPARTMENT LEGISLATIVE REPORT.

Summary of Issue

This item is scheduled to afford the Department an opportunity to discuss proposed legislation which could 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 at that time.

Action

Deputy Director Mansfield provided the Department's written report and a new three page report consisting of the 'hot bills' that the Department was following closely. Deputy Director Mansfield pointed out AB 2356, Assemblyman Keeley, regarding streambed alteration agreement program/CEQA compliance was a Department sponsored bill which addresses issues covered in a recent court decision.

President Chrisman indicated he liked the new reporting format of the 'hot bills'.

4. RECEIPT OF DEPARTMENT INFORMATIONAL ITEMS.

A. UPDATE ON SUGGESTED PARAMETERS AND CRITERIA FOR APRIL 6 HEARING ON FERRETS.

Summary of Issue

This item is to receive the Department's suggested ideas for the April hearing, i.e., what's the risk to native wildlife if the status quo is changed, what are the policy implications, what is the criteria for removing an animal from the list, etc.

### Department Recommendation

"This item was scheduled at the Fish and Game Commission's request to provide the Department an opportunity to present and discuss potential criteria for the Commission to consider when it reviews proposals to remove individual species such as ferrets from the list of restricted species contained in Section 671, Title 14, CCR. It is intended to help focus the discussion at the Commission's April 6 meeting by clearly defining the Department's and Commission's primary intent to protect the State's native wildlife based on existing statutory authority and to provide objective criteria to help predict the potential effects of individual species on native wildlife.

"The Department recommends that the Commission consider the following categories of potential effects of restricted species on native wildlife:

1. Predation;
2. Competition for food, cover, water, and space;
3. Displacement from specialized habitats; and
4. Potential to transmit diseases and parasite.

"This list is not all inclusive and other factors may be considered. It is proposed that each restricted species be reviewed based on its documented life history, biological requirements, and other factors which may be used to predict its potential to conflict with native wildlife.

"In addition to the Department's concerns, it may be appropriate to request input from the departments of Food and Agriculture and Health Services since they have statutory responsibilities related to protecting the State's agricultural industry and public health and safety. The Commission is required by law contained in Fish and Game Code Section 2120 to cooperate with the Department of Food and Agriculture in promulgating regulations to prevent damage to native wildlife and agricultural interests. Department staff will be prepared to discuss the mater and provide additional information at the March 2 meeting."

### Action

Deputy Director Mansfield recapped the Department's recommendations for the Commission to consider specific categories of potential effects of restricted species on native wildlife.

There was discussion on a process and structuring of testimony at the April meeting. It was agreed to allow each side one hour of testimony at the Commission's April 6 meeting. President Chrisman suggested that the requirements of CEQA as they relate to the adoption of regulations be explained at the April meeting.

B. UPDATE ON PUBLIC INVOLVEMENT MEETINGS RE: POTENTIAL  
COMMERCIAL NEARSHORE FISHERY REGULATIONS.

Summary of Issue

This will become a standard informational item to receive the Department's update on its progress with the public involvement meetings on potential commercial nearshore fishery regulations.

Action

LB Boydston recapped the regulation options for consideration for the nearshore commercial fishery and commented that implementation depended on when filing occurred with the Office of Administrative Law. The Department will provide additional regulatory options at the Commission's June meeting.

C. UPDATE ON MEETING WITH LASSEN COUNTY AND MRS. WALKER  
RE: EAGLE LAKE.

Summary of Issue

This item is to receive the Department's report on its meeting with Lassen County Board of Supervisors and Mrs. Walker regarding Eagle Lake. As the Commission may recall, Mrs. Walker has appeared at several Commission meetings complaining about the Department's management of Eagle Lake and its lack of responsiveness to her and others' concerns.

Department Recommendation

"At its February 3, 2000 meeting, the Fish and Game Commission received comments during the Public Forum from Rebecca Walker, a Lassen County resident, regarding fishery management at Eagle Lake in Lassen County. She provided similar comments at the Commission's October meeting and was asked to make her concerns known to the Department's Regional Manager so he could attempt to address them.

"As a result of reviewing Mrs. Walker's comments and discussing the issues with field staff and other local Lassen County residents, the Department cooperated with a member of the Lassen County Board of supervisors to schedule a local public meeting held on February 15, 2000 to review Eagle Lake fishery management and listen to and discuss concerns of local residents. The Department's Regional fishery management staff participated in the meeting.

"The item was scheduled to provide the Department an opportunity to brief the Commission at the February 15 meeting and to respond to potential questions from the Commission."

Action

Deputy Director Mansfield introduced the item and Mr. Randy Benthin of the Department's Northern California and North Coast Region.

Randy Benthin provided a detailed report of the February 15, 2000, meeting with Lassen County Board of Supervisors, Mrs. Walker, John Bosta and other interested parties. Mr. Benthin indicated that Eagle Lake is managed as a trophy trout fishery. Mr. Benthin reported that the Department was requested to study the "strawberry" disease which was determined that it was a red rash, not fatal to fish, was not found in the hatcheries and less than five percent of fish found in Eagle Lake had the disease. Mr. Benthin concluded that the Department believed the meeting was very productive.

John Bosta read a letter, coauthored by Rebecca Walker, into the record. He explained that they are not satisfied with the Lassen County Workshop held on February 15, 2000, and indicated that the presentations were informative, but many questions are still not adequately answered by Department of Fish and Game staff. Mr. Bosta recommended increasing the daily bag limit from two fish to five fish.

Rudy Walker stated that the Department's presentation was very informational, but the workshop was not a good exchange of information and lacked any discussions of Eagle Lake problems. Mr. Walker wants to keep Eagle Lake as a trophy fishery. He spoke about trying to work with the local biologist and the County Fish and Game Commissioners, but there is no interest. He spoke about the fish allotments at Eagle Lake and believed they should be increased. He commented on receiving many different answers from Department staff on the same question.

Rebecca Walker commented that the community/economy of Eagle Lake has been severely impacted and is dying due to the dying fishery. She indicated that she was willing to help raise funds for improvements, establishing an Eagle Lake Foundation, and working with the Department. Mrs. Walker reported that another meeting was scheduled for March 28 with the Lassen County Board of Supervisors.

Deputy Director Mansfield noted that as soon as they receive a summary of the February 15 meeting from the Board of Supervisors, it would be provided to the Commission.

President Chrisman requested the Department of Fish and Game respond to each question in Mr. Bosta and Mrs. Walker's letter. In an effort to resolve the outstanding issues, Regional Manager Don Koch, Mr. Bosta and Mrs. Walker left the meeting to meet and further discuss the issues.

D. FORMATION OF RESTRICTED ACCESS POLICY TEAM (RAPT).

Department Recommendation

"Commissioner Chrisman recommended at your February meeting that the Department form subject team for the purpose of advising the Marine Region on the myriad of

restricted access programs that are slated for development in the near future. An ad hoc team, recommended by Mr. Chrisman, held a phone call and developed a set of recommendations. By this memo, I am endorsing those recommendations which are described below.

"The RAPT will be advisory to the Marine Region and will be composed of the following individuals:

Mr. LB Boydston, Representative, Intergovernmental Affairs Office, DFG  
Dr. Chris Dewees, Sea Grant Advisor, U.C. Davis  
Mr. John Duffy, Assistant Executive Director, Fish and Game Commission  
Mr. Burr Heneman, Private Marine Consultant  
Ms. Julie Oltmann, Representative, Legislative Office, DFG  
Mr. Mike Weber, Marine Consultant to the Fish and Game Commission

"The RAPT will provide input on restricted access issues and advise the Marine Region with regard to the following:

- "1. Priorities for the development of individual programs.
- "2. Time lines for the development of those programs.
- "3. Procedure to follow in receiving public input.
- "4. Composition of advisory panels.
- "5. Format and procedure to follow in conducting advisory panel meetings.
- "6. Data bases and outputs to use in making decisions or providing program options.
- "7. Format and content of program final reports.

"The RAPT will:

- "1. Assign team members to attend and participate in advisory panel meetings.
- "2. Review the progress of individual programs and prepare progress reports to the Commission for my signature.
- "3. Ensure that each proposed program is consistent with the Commission's restricted access policy.
- "4. Endorse final reports and recommended legal language.
- "5. Advise the Department and Commission with regard to implementing the final regulations.

"Marine Region participated in the ad hoc meeting and has assigned Ms. Patty Wolf, Offshore Coordinator, to serve as DFG liaison to RAPT. Also, in the first meeting, the group recommended, and I accept as top priorities for program development: 1) Ocean pink shrimp and 2) Nearshore Fishes. As a first work product, RAPT, has begun development of a procedures document to follow in developing the ocean pink shrimp program. This document will serve as a model for other programs to follow.

"Finally, Mr. Mike Weber chaired the ad hoc meeting, and I recommend that you allow him to chair future meetings of RAPT, during his tenure as Marine Consultant to the

Commission. Commission adoption of the recommendations provided in this memo will serve to notify the public of the procedure the Department and Commission intend to follow in adopting and reviewing future restricted access commercial fishery programs."

Action

LB Boydston reported on the development of the RAPT and its function to provide input on restricted access issues and to advise the Department's Marine Region.

Jim Bassler spoke about limited entry and control dates and supported a moratorium on the issuance of nearshore fishery permits.

5. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.

A. SUBCOMMITTEE REPORTS.

I. MARINE SUBCOMMITTEE.

B. STAFF REPORTS.

I. REPORT ON THE MID-WINTER MEETING OF THE WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES MEETING IN TUCSON, ARIZONA.

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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.

Commissioner Chrisman and Executive Director Treanor will present a report on the January 7-9, 2000, mid-winter WAFWA meeting held in Tucson. Commissioner Chrisman will also report on the most recent Marine Subcommittee meeting.

Action

President Chrisman indicated that LB Boydston had already provided an update on the nearshore fishery and RAPT. President Chrisman then discussed the upcoming PFMC schedule and the quad-state meeting on April 4 in Portland that he, Commissioner Schuchat, and Mr. Treanor would be attending.

President Chrisman reported on the federal legislation, CARA-H.R. 701, and on the 28<sup>th</sup> Annual Fisheries Forum held at the Legislature.

Mr. Treanor indicated he attended the Pacific Marine Conservation Council's meeting in Santa Barbara and would provide a report at the Commission's April meeting. President Chrisman will report on the WAFWA meeting held in Tucson also at the April Commission meeting.

6. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.

Summary of Issue

This item is scheduled to afford any Federal agency an opportunity to brief the Commission on any issue it deems to be of interest or importance.

Action

Executive Director Treanor indicated that Joe Blum, National Marine Fisheries Service, could not attend today's meeting but would be in attendance tomorrow to provide his report.

LB Boydston reminded the Commission that the National Marine Fisheries Service has developed a proposed 4(d) rule for listing of steelhead in northern California. If listed, then all steelhead populations south of the Klamath River would be listed as either endangered or threatened. He added that if there is a listing, a fisheries management plan would be required with extensive monitoring which would be cost prohibitive for the Department.

7. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.

Summary of Issue

This item is scheduled for the Commission's Legal Counsel 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

Deputy Attorney General Christison reported that he had recently been appointed to new a position administering a Training and Professional Development program statewide within the Department of Justice. He noted that he will still be assigned to the Fish and Game Commission.

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8. ANNOUNCEMENT OF FUTURE MEETINGS.

2000 FISH AND GAME COMMISSION MEETING SCHEDULE

DATE	LOCATION
April 6 April 7* (Discuss Mammal Hunting Recommendations)	Resources Building Auditorium 1416 Ninth Street Sacramento

<p>April 27          (Teleconference)</p> <p>(Adopt Mammal Hunting Regulations)</p>	<p>Resources Building          Fish and Game Commission          Conference Room #1320          1416 Ninth Street, Sacramento</p>
<p>May 2 Joint Field Trip w/Board of Forestry          May 3 Joint Meeting w/Board of Forestry/          Commission Field Trip</p> <p>May 4 Commission Meeting</p>	<p>The Pines Resort &amp; Conference Center          Cedar Room, Bass Lake</p> <p>Modesto Irrigation District          Multipurpose Room, 2<sup>nd</sup> Floor          1231 11<sup>th</sup> Street, Modesto</p>
<p>June 15          (Receive Resident Game Bird and Waterfowl Hunting          Recommendations)</p> <p>June 16 Joint Meeting w/Nevada</p>	<p>Best Western Truckee Tahoe Inn          11331 Hwy. 267, Truckee</p> <p>Nevada Division of Wildlife          1100 Valley Road, Reno</p>
<p>August 3          August 4</p> <p>(Adopt Resident Game Bird Hunting Regulations and          Discuss Waterfowl Hunting Recommendations)</p>	<p>City Hall, City Council Chambers          990 Palm Street          San Luis Obispo</p>
<p>August 24          August 25          (Adopt Waterfowl Hunting Regulations)</p>	<p>Elihu Harris State Building          First Floor Auditorium          1515 Clay Street          Oakland</p>
<p>October 19          October 20</p>	<p>Hubbs-Sea World Research Institute          2595 Ingraham Street          San Diego</p>
<p>December 7          December 8</p>	<p>Board of Supervisors Chambers          825 Fifth Street          Eureka</p>

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

March 24-28, 2000 - North American Wildlife Natural Resources/Chicago  
 April 4, 2000 - Portland/Tri State Meeting with Oregon and Washington  
 July 7-12, 2000-WAFWA/Redmond, Oregon  
 September 15-20, 2000-IAFWA/Indianapolis

There being no further business, the meeting recessed at 4:15 p.m. No Executive Session was held.

State of California  
FISH AND GAME COMMISSION

Minutes, Meeting of March 2-3, 2000

Pursuant to the call of the President, the Commission met in the City Council Chambers, 1313 California Street, Redding, California, on March 3, 2000. The meeting was called to order at 8:35 a.m. by President Chrisman.

Note: The Commission did not have a quorum March 2 - 3, 2000; and therefore, met as a Subcommittee.

Persons present:

FISH AND GAME COMMISSION

Mike Chrisman

President

COMMISSION STAFF

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

Executive Director  
Assistant Executive Director  
Executive Secretary

OFFICE OF THE ATTORNEY GENERAL

Randall Christison

Deputy Attorney General

DEPARTMENT OF FISH AND GAME

Terry Mansfield  
LB Boydston  
Gene Fleming  
Dave Zezulak  
Sonke Mastrup  
Neil Manji

Deputy Director, Wildlife & Inland Fisheries  
Intergovernmental Affairs Office  
Chief, Fisheries Programs Branch (FPB)  
Chief, Wildlife Programs Branch (WPB)  
Wildlife Programs Branch  
Northern California and North Coast Region

The following persons were also present and heard:

Paul Kirk

Humboldt County Supervisor/Klamath Fishery  
Coalition

Zeke Grader  
E. B. Duggan

PCFFA  
Trinity River Fishing Guide/Willow Creek Chamber  
of Commerce

Jay Overholtzer  
Delbert Craig  
Dr. J. Rod McGinnis  
Frances Poole  
Todd Brown  
Joe Becker  
Stephen Abbott  
Bill Heins  
John Rice

Glenn County Fish and Game Commissioner  
Modoc County Fish and Game Commissioner  
CBH/SAA  
CA Houndsmen for Conservation  
Archery Hunter  
California Bowman Hunters  
Straight Arrow Bowhunters  
CBH/SAA  
Concerned Deer Hunter

Ken Williams  
Dick Vermillion

California Trappers Association  
Concerned Deer Hunter

President Chrisman introduced Commission staff, Directorate and Randall Christison of the Attorney General's Office. He also introduced Paul Kirk, Humboldt County Supervisor and Joe Blum, National Marine Fisheries Service.

9. 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 held; therefore, nothing to report.

10. CONSIDERATION OF ADOPTION OF AN ALLOCATION POLICY FOR THE HARVEST OF KLAMATH RIVER FALL CHINOOK SALMON. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO AMEND SECTION 7.50(b)(91.1), TITLE 14, CCR, RE: KLAMATH/TRINITY RIVER SPORT FISHING REGULATIONS.

Summary of Issue

The Commission, at its February 4, 2000, meeting in Long Beach, made a tentative policy decision to consider an inriver allocation range of 15-20 percent for the Klamath River fall chinook salmon fishery for 2000. This item is scheduled for the Commission to decide on the specific allocation and to authorize its staff to publish notice of its intent to amend Section 7.50(b)(91.1), Title 14, CCR, regarding the Klamath/Trinity River Sport Fishing Regulations.

The Commission has agreed to make a decision regarding the above subject at its March 2000 meeting. The decision is needed for setting the river sport fishery quota, formulating river fishing regulations, and use by the Pacific Fishery Management Council (Council) in setting ocean fishing regulations. Klamath River fall chinook is a key stock in the management of Council salmon fisheries. Availability of the stock to coastal fisheries has a major impact on the ability of those fisheries to access the more abundant salmon stocks, such as Sacramento River fall chinook.

Preliminary stock projections indicate ocean abundance of Klamath chinook will be higher than in 1999. The fisheries, both in the ocean and river, will be managed to meet the escapement floor for the stock of 35,000 naturally spawning adult fish. The preliminary projections indicate the tribal and non-tribal sectors will each be able to harvest about 28,000 adult fish. At the February meeting, the Commission decided to make a policy decision with regard to the allocation of fish to the river sport fishery within the range of 15-20 percent of the non-tribal share. For the river sport fishery, this sets the harvest level at between 4,200 and 5,600 fish.

During 1986-1998, the allocation of fish to the river sport fishery was increased by the Commission from 12 percent to 15 percent. Last year, the Commission initially agreed to allocate 15 percent to the river sport fishery (2,500 adults), but increased it to 19 percent (2,900 adults) when it was determined that the ocean fisheries could not harvest the available fish. This was due, in large part, to endangered species constraints (specifically Sacramento

winter chinook and Oregon coastal naturally spawning coho).

Most Klamath chinook harvested in the ocean are taken in the ocean commercial fisheries off Oregon, north of Cape Blanco, and off California, south of Point Arena. (The large ocean area in between these two points is the area of greatest abundance of the stock, but has been essentially closed to ocean commercial fishing to protect Klamath salmon since about 1991). The ocean sport fishery harvests very few Klamath chinook except in the Klamath Management Zone (KMZ), the area from Horse Mountain (near Shelter Cove in southern Humboldt County) to Humbug Mountain (near Port Orford in southern Oregon). The KMZ sport fishery has been allocated 17 percent of the ocean share of Klamath fall chinook by the Klamath Fishery Management Council in recent years.

The Klamath Ocean Harvest Model was used to estimate the impact of allocating 15 and 20 percent of the fish to the river sport fishery. The model was calibrated using preliminary ocean abundance estimates for the key chinook salmon stocks that occur in the ocean off Oregon and California. The commercial season structure was modified from 1999 to utilize the additional Klamath River fish available in 2000 in the California commercial fishery south of Point Reyes and the Oregon commercial fishery north of Cape Blanco and to stay within allowable impacts for Sacramento River winter chinook. Fishing time was adjusted during the month of June south of Point Reyes to meet our sport fishery allocation objectives. This modeling (which is purely hypothetical at this point in the process) indicates the ocean fisheries may be able to fully utilize the available Klamath fall chinook, if the Commission decides to allocate 15 or 20 percent to the river sport fishery and the ocean fishery off Oregon can sustain increased impacts on Oregon coho compared to 1999.

The estimated impacts on the California commercial fishery are:

- (A) Under 15 percent, the projected catch south of Point Arena is 337,800 fish, weighing about 3.4 million pounds.
- (B) Under 20 percent, the catch drops to 304,700 fish, weighing about 3.0 million pounds.
- (C) Under the 20 percent allocation, the California commercial fishery has to be closed the entire month of June in the area from Pt. Reyes to Pedro Point (Gulf of the Farallones) and for 10 days in the area from Pedro Point to Pigeon Point (Half Moon Bay).

The large (10 percent) decrease in commercial catch stems from the relatively low abundance of Klamath chinook in the ocean south of Point Arena. Their abundance is highest during the month of June at 5.4 percent (1 in 19 fish). In terms of maturing fish, about half are destined to return to the river to spawn in the current year. Thus, fishing opportunity for about 33,000 chinook must be forgone in the ocean south of Point Reyes to increase the river sport catch by 1,400 adult fish.

An additional 1,400 fish in the river would provide a significant boost to the river sport fishery, which has been constrained in recent years due to low quota levels. In 1999, for example, anglers could retain only one salmon or steelhead per day and the river mouth was closed to preclude early quota attainment in the lower river (below Coon Creek falls). A 4,200-fish quota (15 percent allocation) would represent a 45 percent increase over the 1999 quota; a 5,600 fish quota (20 percent allocation) would represent a 93 percent increase. Under either allocation, the 2000 quota will be third largest since 1989.

The Department has no recommendation with regard to this issue. There are good reasons for retaining the 15 percent allocation in the river sport fishery, and for increasing it. The Commission also has the option of selecting a river allocation within the range of 15-20 percent. Allocation of resources is always difficult, especially at low stock abundance levels. The Klamath situation for 2000 is no exception.

Finally, the Commission should be aware that the final actual quota level for the river sport fishery will be determined after the ocean fishing regulations have been modeled and endangered species objectives are taken into account. If the ocean fisheries are not able to fully utilize their preseason allocation of Klamath fall chinook, the Department will be prepared to recommend an adjusted quota level in time for the upcoming river fishing season, as it did last year.

It is suggested that the Commission conduct one or two hearings within the Klamath River area to receive public comments on the proposed changes. Staff suggests mid-April for the meetings as it will consider adoption of the proposals at its May 4, 2000, meeting in Modesto.

Commissioners were provided with a copy of the Department's Initial Statement of Reasons.

In a memo dated February 29, 2000, the Department provides the following information:

"The Klamath Fishery Management Council (KFMC) met February 23-24, 2000, in Brookings, Oregon, and discussed the Department's input and recommendations regarding subject agenda items. A summary of its discussions and recommendations follows:

"Allocation of Klamath Fall Chinook to the River Sport Fishery. The KFMC discussed the Commission's policy decision to consider allocating 15-20 percent of the non-tribal harvest of Klamath River fall chinook to the river sport fishery. A motion was made to recommend that the Commission adopt a 15 percent allocation to the river sport fishery. The motion did not achieve group consensus (which is required of all KFMC recommendations). A subsequent motion was made to recommend that the Commission allocate any maturing adult fall chinook to the river sport fishery that are available for harvest but are not utilized in the ocean fisheries. This motion passed with the understanding that any such transfer of fish to the river sport fishery would: 1) continue to achieve 50/50 sharing by the tribal and non-tribal sectors based on fish-for-fish accounting, 2) meet the 35,000 escapement goal for naturally spawning adults, and 3) be analyzed immediately following the April 2000 meeting of the Pacific Fishery Management Council to determine the exact levels of harvest that will be available to the various fishing groups in 2000. These fish would be in addition to those that Commission decides to allocate to the river sport fisher at its March 3, 2000, meeting.

Klamath River Fishing Regulations. Concern was expressed that the Department's catch reporting for the 1999 river sport fishery was misleading. The Department committed to clarifying that the 1999 preseason impact quota was 2,900 fish (not 2,200 fish) and that the post-season estimate of fishery impact should be expressed as: 1) the actual number of adult fish landed in the fishery (2,265), and 2) the number of adult fish that died due to non-retention fishing following quota attainment in the lower river fishery (still to be estimated by Region 1). The non-retention estimate should appear as a footnote.

"The river fishermen present during the discussion agreed that the 10 percent quota set-aside used by the Department in 1999 was a good approach for ensuring that the impact quota would not be exceeded while allowing for non-retention fishing following quota attainment.

"The river fishermen also appeared to be in agreement with the range of alternatives recommended for consideration by the Commission (two alternatives for re-opening the spit, a maximum leader length when fishing at the spit, and a basin-wide two-fish daily bag limit).

"In recent years, the Department has coordinated with the Yurok tribe in determining when to start counting chinook salmon catches in the lower river to apply toward the fall chinook quotas. This has been necessary because there is considerable overlap in the runs of spring and fall chinook through the lower river in some years. The Yurok tribal representative at the meeting expressed concern that the existing re-opening date for recreational salmon fishing in the lower river of October 15 was not the same as the tribal fishery re-opening date of December 1. It was agreed that a statement in Commission regulations would help meet this concern by clarifying that 'tribal and non-tribal accounting of fall chinook harvest would be closely coordinated between the Department and the Yurok and Hoopa tribes during August-November of each year.' The Department has also conferred in this matter and agreed that it would be less confusing to the public and the other fishing groups if the Commission would amend Subsection 7.50 (b)(91.1)(C)(5.)(A.)(i) and (ii), Title 14, to replace October 14 with November 30 (thus, reopening December 1).

"At your March meeting, we would like to discuss possible meeting dates during April 2000 and locations in the local area to receive public input on the proposed regulations."

#### Action

Executive Director Treanor commented that this item would have two parts. The first part was consideration of adoption of an allocation policy for the harvest of Klamath River fall chinook salmon and the second part was the request to publish notice of the Commission's intent to amend Section 7.50(b)(91.1) which deals with the Klamath/Trinity sport fishing regulations. Mr. Treanor reported that the Commission was considering an allocation range of 15-20 percent for the Klamath inriver sport fishery.

LB Boydston reported that this year there will be a higher catch allowance in the river and ocean because of improved stock abundance. Mr. Boydston described the estimated impacts on the California commercial fishery.

Executive Director Treanor recapped the Commission's timeline for adoption.

Paul Kirk thanked the Commission for moving up its regulatory process and providing the public additional opportunities to comment. Mr. Kirk, on behalf of the Klamath Fisheries Coalition, recommended a 15 percent allocation.

Zeke Grader recommended a 15 percent allocation, but leaving it open if surplus fish are available they could be rolled into the Klamath inriver allocation. He suggested providing some flexibility to guides and resort owners when considering regulations.

E. B. Duggan recommended a minimum 15 percent allocation and that any extra fish be given to the sport inriver allocation.

Executive Director Treanor asked if anyone else wished to speak on the allocation issue for the inriver Klamath/Trinity River. There was no response.

Subcommittee recommended a 15 percent allocation.

It was then:

RECOMMENDED BY THE SUBCOMMITTEE THAT THE FISH AND GAME COMMISSION HEREBY SELECTS AN INRIVER ALLOCATION FOR KLAMATH RIVER FALL CHINOOK OF 15 PERCENT. FURTHER, THE SUBCOMMITTEE RECOMMENDED THAT COMMISSION AUTHORIZES ITS STAFF TO PUBLISH NOTICE OF COMMISSION'S INTENT TO ADOPT REGULATIONS FOR THE KLAMATH/TRINITY RIVER SPORT FISHERY.

Executive Director Treanor indicated that the next part of this item was to receive recommendations from the Department and the public for any changes to the Klamath/Trinity sport fishing regulations.

Neil Manji provided the Department's recommendation on the Klamath/Trinity inriver sport fishing regulations. Mr. Manji indicated that based on a 15-20 percent allocation, there would be between 4200 and 5600 fish available. This would be an increase over the 1999 regulations and with this increase the Department believed there was an opportunity to liberalize the regulations to allow additional fishing opportunities on the Klamath River.

Mr. Manji reported on two specific recommendations: 1) open the mouth to provide more fishing, and 2) change the bag limits. He added that the Department's preferred alternative had three components: 1) to increase the take of chinook salmon to two fish, only one adult over 22 inches and also allow one hatchery steelhead or one hatchery trout; 2) the closure at the river mouth would only be applied from August 1 through the Saturday preceding Labor Day and that the area affected by the closure include only the area within 100 yards of the channel flowing through the spit formed at the mouth; and 3) gear restrictions of a maximum leader length of 36 inches, using a drop weight line between 12 and 24 inches.

Mr. Manji then described the Department's second alternative which also had three components: gear restrictions and increase in bag limit remain the same; the closure in the spit area would take effect after 15 percent of the quota for the Klamath River basin recreational fishery had been taken in the area below the Highway 101 bridge. Mr. Manji also mentioned that last year was the first year that once the quota had been met, fishing was allowed for adult fish after October 14. He stated that the Department was now recommending that date be changed to November 30 to coincide with the tribal fishery.

LB Boydston reported that a statement would be included in the Commission regulations to clarify that tribal and non-tribal accounting of fall chinook harvest would be closely coordinated between the Department and the Yurok and Hoopa tribes during August-November of each year.

Paul Kirk commented that he appreciated the Department's responses to the public's expressed concerns.

Executive Director Treanor indicated that the Commission had received a letter from Virginia Bostwick representing the Klamath River Basin Task Force providing their recommendations on sport fishing regulations.

E. B. Duggan submitted a one page letter of recommendations on the general sport fishing regulations.

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

LB Boydston commented that Mr. Duggan's recommendations were outside the scope of this agenda item and suggested Mr. Duggan's comments be considered as a separate item or during the regular two-year sport fishing regulatory cycle.

President Chrisman agreed that it should be considered during the regular two-year sport fishing regulatory cycle and that Mr. Duggan's comments be reviewed and responded to appropriately.

11. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTION 27.80, TITLE 14, CCR, RE: OCEAN SALMON FISHING REGULATIONS, NORTH OF POINT ARENA.

Summary of Issue

The Commission, at its February 4, 2000, meeting in Long Beach, authorized its staff to publish notice of Commission intent to amend Section 27.80, Title 14, CCR, regarding ocean salmon fishing regulations. That legal notice has been published.

This item is scheduled to receive public comments on this issue. The adoption hearing is scheduled for April 7, 2000, in Sacramento, or if necessary, by teleconference call later in April after the Pacific Fishery Management Council has adopted its regulations.

The Department's proposal can be summarized as follows:

"The Pacific Fishery Management Council (PFMC) annually reviews the status of west coast salmon populations. As part of that process it recommends ocean fishing regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Salmon Fishery Management Plan.

"The PFMC is expected to adopt regulation recommendations, similar to recent years, for the recreational ocean salmon fisheries in Federal waters (3 to 200 miles offshore) off the states of Washington, Oregon, and California for 2000. The various alternatives the PFMC will examine in the process of adopting the management options on March 10, 2000 for public review may include:

- "1. Minimum size of salmon that may be retained;
- "2. the number of rods anglers may use (e.g., one, two, or unlimited);
- "3. the type of bait and/or terminal gear that may be used (e.g., amount of weight, hook type, and type of bait or no bait);
- "4. the number of salmon that may be retained per angler-day or period of days;

"5. allowable fishing dates and areas; and

"6. the overall number of salmon that may be harvested, by species and area.

"The final regulation recommendations will be made by the PFMC on April 7, 2000. Upon approval of the PFMC's management recommendations by the Secretary of Commerce, the State must move in a timely manner to conform its ocean sport fishing regulations for salmon in State waters (0 to 3 miles offshore) to those agreed upon by the PFMC; otherwise preemption of State regulatory authority by the Secretary of Commerce may occur.

"The regulations covered in this proposal only apply to recreational salmon fishing north of Point Arena. Regulations south of Point Arena are being addressed in a separate regulatory action."

Commissioners were provided with a copy of the Department's Initial Statement of Reasons.

#### Action

Executive Director Treanor summarized the item and the Commission's timeline for adoption of the proposed changes.

LB Boydston described the Pacific Fishery Management Council's process of selecting the different management options for public review. Mr. Boydston commented that based on the current stock projections and the various constraints that are in place for endangered species impacts, the regulations would probably remain status quo.

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

#### 12. DISCUSSION OF PROPOSALS FOR CHANGES IN THE 2000-2002 MAMMAL HUNTING AND TRAPPING REGULATIONS.

##### Summary of Issue

To aid the Commission and the audience in following the discussion of the proposals, Commissioners were provided with a copy of the Department's latest proposed changes in numerical order for the mammal hunting and trapping regulations and includes those regulations submitted by the public in which the Department either concurs entirely, or in part. This exhibit will also be available to the audience on March 3.

Commissioners were also provided with copies of the recommendations of the Department and a summary of the oral and written recommendations received from the public through February 4, 2000. In addition to the summary of public recommendations, as required by law, the correspondence is provided which explains the rationale behind the public proposals. The Fish and Game Code mandates that the proposals presented at the February 4 meeting shall be open to the public for discussion and presentation of objections to

or in support of such proposals.

After considering testimony at this meeting, the Commission shall announce the regulations it intends to add, amend, or repeal in relation to game mammals, fur-bearers and nongame mammals. Following acceptance of proposed regulations by the Commission, your staff will prepare and distribute a formal announcement of the regulations you intend to consider for adoption.

At the third meeting, which will be held in Sacramento on April 7, 2000, the Commission will hear and consider any objections to these proposed regulations and, at that time, the Commission will announce the finalized proposed regulations which will be considered for final adoption at its special teleconference meeting in Sacramento on April 27, 2000. No public testimony will be heard at the April 27, 2000, meeting. Regulations adopted by the Commission on April 27 will generally become effective on July 1, 2000.

Commissioners were also provided with copies of the Department's Initial Statements of Reasons and the regulations in strikeout/underline format. They were also provided with copies of the Clarification Statement. Correspondence received, since the February 4, 2000, meeting, pertaining to the proposed changes has been summarized and that summary will be provided at the meeting. Copies of the correspondence will be available at the Commission meeting. Commissioners were provided with the timetable for the adoption of the 2000-2002 Mammal Hunting and Trapping Regulations in compliance with NEPA, CEQA, APA and CESA. Commissioners were also provided with a copy of a newspaper article pertaining to feeding wildlife.

Under separate cover, Commissioners have been provided with copies of the Department's environmental documents regarding the proposed hunting and trapping regulations. In addition, copies of these documents will be available at the meeting.

As you will recall, the Commission has published notice of its intent to receive written comments from the public on the associated environmental documents until 5:00 p.m. on March 20, 2000. The public will also be afforded an opportunity to provide oral or written testimony on the draft environmental documents at the Commission's March 3, 2000, meeting. The Commission will also receive public testimony on the proposed regulations at both the March 3 meeting in Redding and the April 7 meeting in Sacramento.

#### Action

Executive Director Treanor provided a brief introduction and review of the regulation process.

Deputy Director Mansfield summarized the Department's proposed regulation changes and commented that one proposal was not included in the numerical listing regarding Section 465.5, proposal to require trappers to kill trapped mammals with a firearm as long as local ordinances or private landowners permit such activity and where safety and property damage are not an issue.

Sonke Mastrup provided a slide presentation on the deer tag draw system and fielded

the following questions from the audience: how will the survey be conducted for choice of draw system; will survey results be implemented; why is California trying to reinvent the model while other states already have deer tag draw systems in place; will the survey results be made public; why is the Department changing to a deer tag draw system this year and then change again in two years; and how will the Department control bias in the survey?

Deputy Director Mansfield indicated that the Department will report back to the Commission at its February 2001 meeting on its survey results and will be prepared to present proposed regulation changes at the Commission's February 2002 meeting when it considers the regular two-year mammal hunting and trapping regulation changes. He stated that the Department will be implementing the draw-by-choice deer tag system this year.

Jay Overholtzer recommended extending the A-zone archery season to five weeks, two deer tags in the A-zone and one deer tag for the balance of the state, increase the number of zone choices from three to five for deer applications, and non-residents not be eligible for special drawings, only general seasons.

Delbert Craig recommended no doe antelope tags be issued in any antelope zones. He supported and indicated that he has proposed a preference point system since 1997. He also supported the Department's draw-by-choice tag system being implemented this year.

Dr. J. Rod McGinnis provided handout material to the Commissioners and reviewed the CBH/SAA's proposals. He had questions on two Department proposals: 1) would consolidation of the D-3, D-4, and D-5 areas result in a shorter season; and 2) if the G-11 Vandenberg Antlerless Deer Hunt was a military only hunt? Dr. McGinnis supported junior hunts, increasing the number of junior hunts and requested the Commission establish a policy on youth hunting. He opposed the Department's proposed new Section 555 regarding cooperative elk hunting areas. He requested that the Commission again review the CBH/SAA's 20 proposals and highlighted their top two proposals. He briefly summarized their proposals as follows: 1) the creation of four new archery hunts; 2) establishment of an archery elk season; 3) increase tag quotas for junior hunts at Ash Creek and Honey Lake wildlife areas; and 4) the creation of an archery-only bobcat season that would run concurrent with existing archery deer seasons. Dr. McGinnis recommended that decisions on all proposals should be based on a biological, scientific basis, not on a political basis.

Frances Poole recommended raising the in-season bear closure quota to 1750.

Todd Brown recommended the big game draw be held earlier in the year to provide archers more time to scout the areas and plan vacations. He expressed concerns about season openers overlapping with the rifle antelope season and X-zones. He requested establishing late season archery hunts.

Joe Becker recommended more opportunities be provided for archers. He recommended establishing late season bear hunts in game refuges with restrictions to use of archery, muzzleloaders, and handguns. He supported eliminating the quota on the number of bear tags sold and increasing the number of bears harvested to 1,650.

Stephen Abbott concurred with Dr. J. Rod McGinnis's comments and deferred his time to Dr. McGinnis.

Bill Heins recommended free roaming archery tags and more consideration given to youth hunts. He then deferred the rest of his time to Dr. McGinnis.

Dr. J. Rod McGinnis recapped the CBH/SAA's top two priority proposals.

John Rice opposed late season Zone B-1 muzzleloader deer hunts and opposed any deer hunts in the rut.

Ken Williams opposed the proposed change in Section 465.5 regarding shooting of animals in live cage traps as it may not be the most humane method of killing the animal and the danger of a ricocheting bullet.

Dick Vermillion supported a preference point system in special zones only. He then stated that it was unfair that a rifle hunter could roam the C-Zones while an archer can not.

Don Solis opposed the proposed change in Section 465.5 regarding shooting of animals in live cage traps as it may be too restrictive and suggested the use of lethal injection.

The following comments were received during the Public Forum the previous day:

Stanley Murgia expressed concerns with the deer tag regulations and requested that the Commission allow senior citizens, 65 years and older, the opportunity to hunt in whatever zone they prefer during the season.

Dr. J. Rod McGinnis also spoke about the deer tag draw system and recommended that an additional three percent of the tags in all deer zones be set aside for junior hunters.

Since the Commission did not have a quorum and met as a Subcommittee, there was no action to adopt any intentions at this meeting.

## CONSENT CALENDAR

Items 13 through 16 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:

SUBCOMMITTEE RECOMMENDED TO ACCEPT THE CONSENT CALENDAR.

13. RECEIPT OF DEPARTMENT STATUS REVIEW REPORT AND RECOMMENDATION ON PETITION TO LIST THE VENTURA MARSH MILK-VETCH (*Astragalus pycnostachyus* var. *lanosissimus*) AS AN ENDANGERED SPECIES. (HEARING SCHEDULED FOR APRIL 6, 2000, MEETING IN SACRAMENTO.)
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### Summary of Issue

This item is scheduled to receive the Department's status review report and recommendation on the petition to list the Ventura Marsh Milk-Vetch (*Astragalus pycnostachyus* var. *lanosissimus*) as an endangered species. The hearing to consider this matter and for the Commission to make a finding of whether or not the petitioned action is warranted pursuant to Section 2075.5 of the Fish and Game Code is scheduled for the Commission's April 6, 2000, meeting in Sacramento.

Commissioners were provided with a copy of the Department's report.

14. DEPARTMENT REQUEST FOR AUTHORIZATION TO ACCEPT FEE TITLE OF 2,280 ACRES AS MITIGATION FOR THE TUSCARORA GAS/SIERRA PACIFIC POWER COMPANY ALTURAS INTERTIE AND TUSCARORA LINE PROJECTS.

Summary of Issue

The Department requests Commission authorization to accept fee title ownership to 2,280 acres from Sierra Pacific Power Company and Tuscarora Gas Transmission Company. The properties to be transferred to the Department are located in Lassen and Modoc counties and were purchased to provide part of the mitigation required for the Alturas Intertie and Tuscarora Line projects. These lands provide compensation for the loss of upland wildlife habitats consistent with the mitigation requirements for these projects. Tuscarora and Sierra Pacific shall cover all costs of acquisition including transfer costs and agree to pay the Department enhancement funds in the amount of \$223,900, and provide an endowment fund in the amount of \$1,052,000 to manage these lands in perpetuity.

Commissioners were provided with location maps showing the project areas and a detailed transaction summary.

15. 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 SAN FERNANDO VALLEY SPINEFLOWER (*Chorizanthe parryi* var. *fermandina*) AS AN ENDANGERED SPECIES.

Summary of Issue

On December 8, 1999, the Commission office received a petition to list the San Fernando Valley Spineflower (*Chorizanthe parryi* var. *fermandina*) 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. On February 7, 2000, 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 to allow the Department more time to evaluate all aspects of the petition and to prepare a thorough report and recommendation for the Commission.

16. REQUEST TO PUBLISH NOTICE OF INTENT TO AMEND SECTION 7.50(b)(62), TITLE 14, CCR, TO ALLOW UNRESTRICTED FISHING AND BOATING 24 HOURS A DAY BELOW THE "KEEP OUT" BUOY LINE.

Summary of Issue

In a letter dated January 4, 2000, Edward A. Armbruster provides the following information:

"Current regulations at Eastman Lake prohibit night fishing from a floating device. The prohibition against night boating was originally adopted to help prevent the spread of hydrilla, a noxious weed infesting the upper portion of the lake.

"Due to the success of hydrilla eradication efforts made by the California Department of Food and Agriculture (CDFA), we were recently granted permission to open the lake 24 hours to boating. Currently our shoreline is open to fishing, but fishing from a floating device is still prohibited. We request permission to allow unrestricted fishing and boating 24 hours below the 'Keep Out' buoy line."

Department Recommendation

"Under the current regulation (subsection (b)(1)(B) of Section 3.00 and subsection (b)(62) of Section 7.50), night fishing from a floating device in Eastman Lake (Madera and Mariposa counties) is prohibited. The night floating device fishing restrictions were adopted to help the United States Corps of Engineers (Corps) and the State Department of Food and Agriculture (DFA) prevent the spread of hydrilla, a noxious aquatic weed which, until recently, has infested the upper portion of the lake.

"Due to recent success of the hydrilla eradication program, neither the Corps nor DFA now believes that the night boat fishing restrictions are necessary. Consequently, the Department is supporting a Corps proposal to eliminate these night fishing restrictions in the portion of the lake open to fishing."

Commissioners were provided with a copy of the Department's Initial Statement of Reasons.

There being no further business, the Fish and Game Commission was adjourned at 11:50 a.m.