

State of California
FISH AND GAME COMMISSION

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State of California
FISH AND GAME COMMISSION

Minutes, Meeting of October 31, 1985

Pursuant to the call of the President, the Commission met in the Auditorium, Room B-109, State Building, 1350 Front Street, San Diego, California, on October 31, 1985. The meeting was called to order at 1:20 p.m. by President Burke.

Persons present:

FISH AND GAME COMMISSION

William A. Burke	President
Brian J. Kahn	Vice President
Albert C. Taucher	Member
Robert A. Bryant	Member

COMMISSION STAFF

Harold C. Cribbs	Executive Secretary
Robert R. Treanor	Assistant Executive Secretary

ATTORNEY GENERAL'S OFFICE

Denis Smaage	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

Jack C. Parnell	Director
Robert Fox	Deputy Director
Eldridge Hunt	Chief, Wildlife Management Branch
Terry Mansfield	Wildlife Management Supervisor

The following persons were also present and heard:

Jan Riffe	Chief, Division of Wildlife Research, U.S. Fish and Wildlife Service
Bud Hemman	Central Valley Sportsmen
Carl Nettleton	National Coalition for Marine Conservation

President Burke introduced members of the Commission, its staff, Director Parnell, Deputy Director Fox and Denis Smaage of the Attorney General's office.

The Executive Secretary stated that Mr. Carl Nettleton, Executive Director, National Coalition for Marine Conservation, Pacific Region, was present and had requested an opportunity to submit a report to the Commission regarding the "Economic Assessment of Marine Recreational Fishing In Southern California," which they had prepared for the National Marine Fisheries Service. Mr. Nettleton thanked the Commission for allowing him the opportunity to make this presentation. He stated that over one million anglers participate annually in marine recreational fishing in southern

California. He noted that the principle objective of their study was to develop baseline economic data on the marine recreational fishery occurring in southern California. He said they accomplished this by analyzing the economic importance of each component activity. He pointed out that the research was conducted in two phases with phase one including a thorough review of existing information on angler participation effort and catch for each mode of fishing activity. He noted that phase two was a survey of 1,383 anglers by mail during the summer of 1984 to collect demographic and socioeconomic information and data on their expenditures for marine sport fishing. Mr. Nettleton stated that he would be present at the Commission's January 3 meeting to answer any questions the Commissioners may have regarding his organization's report.

Dr. Burke thanked Mr. Nettleton for providing copies of his organization's report to the Commission for its review.

The Executive Secretary then introduced Dr. Elizabeth Venrick who had been a Commissioner from 1976 through 1981. He noted that she was present to hear the discussion regarding the condor issue.

DISCUSSION ITEMS

1. DEPARTMENT REPORT RE: ISSUES RELATED TO HABITAT IMPROVEMENT AND PUBLIC ACCESS ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS. (NO PUBLIC TESTIMONY)

Mr. Cribbs reminded the Commission that at its August 30, 1985 meeting in San Rafael, it had asked the Department several questions concerning issues related to habitat improvement and public access on Private Lands Wildlife Management Areas. He noted that the Commission had asked the Department to report back to the Commission at its November meeting. Mr. Cribbs pointed out that the Commissioners had been provided with copies of the Department's response to those questions.

Terry Mansfield stated that in response to the Commission's request relating to requiring minimum levels of habitat improvement and examining options for providing public access to areas licensed pursuant to Section 601, Title 14, CAC, the Department developed the following four questions:

1. Should the Department and the Commission develop a policy or guidelines to require some minimum level of habitat improvement above the condition which existed on the area at the time of application?
2. If some minimum level of habitat improvement is required, what criteria, such as percentage increase or threshold level needed to produce more animals than harvested, would be appropriate?
3. Would it be practical to require some level of free public access to areas as a clear benefit to the public in exchange for benefits extended to area operators?
4. If some level of public access to these areas is practical, what criteria or threshold levels, such as percentage of tags, would be appropriate?

Mr. Mansfield stated that the Department had contacted its regional personnel and all 21 licensees to receive their responses to these four questions. He noted that the general consensus of all respondees was that it would be difficult, if not impossible, to develop a specific guideline or a minimum level of habitat improvement requirement which could be applied to all Private Lands Wildlife Management Areas. He stated that in theory each area plan should describe the existing conditions on the property in terms of wildlife species and habitat.

Mr. Mansfield further stated that the Department had determined that it would be impractical and inappropriate for the Commission to require some level of free public access to areas licensed under the subject program. He indicated that based on the Department's experience with both the pilot program conducted during 1980 through 1983, and under the current program since 1984, one of the most important features of the program to both potential and active participants was the ability to select individuals entering and using their property. He noted that the issue of accepting liability for "public" hunters without compensation was a commonly cited problem by the current licensees.

In summary, Mr. Mansfield stated that placing mandatory requirements based on general guidelines for habitat improvement and public access had the potential to severely limit the number of landholders entering the program. He stated that the effect could result in limiting the amount of valuable fish and wildlife habitat which may otherwise be maintained, protected, and where practical, enhanced, under the program.

In closing, he stated that unfortunately biopolitics had been brought into the review of the Private Lands Wildlife Management Area Licenses, i.e. the issues of late season buck and antlerless hunts.

Commissioner Kahn asked how many of the 21 licensees responded to the Department's questionnaire. Mr. Mansfield stated that eight had responded by letter and four by telephone. Commissioner Bryant asked if any sportsmen's groups were contacted. Mr. Mansfield stated that the Department had held meetings with several sportsmen's groups, county fish and game commissions and had also been in contact with the National Rifle Association.

Commissioner Kahn asked if the four questions were asked to the Tehama County and the Yolo County sportsmen's groups and were their comments in the report. Terry Mansfield stated that the sportsmen's comments were not contained in the Department's report.

Commissioner Kahn stated that he believed some general guidelines should be required for a minimum level of habitat improvement above the condition which existed on an applicant's property when he entered the program. He stated that the Department should not reject this requirement based on the excuse that if an applicant had previously been in a fee hunting program and had provided some habitat protection in the past, that it would be difficult to institute some minimum levels of habitat improvement for the existing program. He noted that guidelines could be established and that these few individuals could be provided with exceptions to those guidelines by recognizing their past accomplishments.

Commissioner Kahn also stated that he believed it was an inaccurate conclusion that the licensees would not participate in the program if there was some form of free public access as a condition of their license. He noted that the owners would give their approval when they accepted the terms and conditions of their license. He noted that it may be beneficial for the Commission to set up some policies regarding the Private Lands Wildlife Management Area, but thought it was best to wait until later to discuss this issue.

Mr. Mansfield stated that the Department had made a concerted effort to inform the public about the Private Lands Wildlife Management Area concept, and that in all of their discussions, they pointed out that the Department would be carefully monitoring these 21 licensees.

Deputy Director Fox stated that initially the Department may not have adequately educated the public, but as Mr. Mansfield had pointed out, the Department was now making a concerted effort to inform the public of these issues. He noted that one individual that had opposed the concept in the beginning, now supports the program.

2. DEPARTMENT PROPOSAL RE: PUBLIC HUNTING PROGRAM ON SAN JACINTO WILDLIFE AREA, RIVERSIDE COUNTY. (NO PUBLIC TESTIMONY)

The Executive Secretary reminded the Commission that at its October 4, 1985 meeting in Los Angeles, there had been a discussion pertaining to the establishment of a public hunting program on the San Jacinto Wildlife Area, Riverside County. He pointed out that the Commissioners had been provided with the background information on this issue. Mr. Cribbs noted that Commissioners Taucher and Bryant and he had met with Department personnel in Sacramento on October 11 to discuss the proposed program and to identify procedures for implementation of that program. Mr. Cribbs stated that Commissioner Taucher was ready to provide a report to the Commission on those discussions.

Commissioner Taucher stated that the October 11 meeting in Sacramento was very positive and lasted for approximately two and one half hours. He said that because the program was new, there were some things that needed to be modified. He noted that there needed to be a management plan developed for the San Jacinto Wildlife Area and that Region 5 was now preparing that plan. He noted that the Department anticipated providing the Commission with that management plan at the Commission's December 6 meeting in Sacramento. Commissioner Taucher indicated that he and Commissioner Bryant had also met with Mr. Allen Craig, manager of the San Jacinto Wildlife Area, on October 30 to discuss the program and the management plan. He added that meeting had also been very positive.

3. REPORT ON CONDOR MORTALITY ISSUES, ACTIONS AND RECOMMENDATIONS. (NO PUBLIC TESTIMONY)

The Executive Secretary reminded the Commission that at its October 4, 1985 meeting in Los Angeles, there had been a discussion concerning the California Condor Captive Breeding and Radio Telemetry Programs. He stated that at that time, the Commission had received a report which was jointly prepared by the U.S. Fish and Wildlife Service and the Department regarding

condor mortality issues, actions and recommendations. He noted that because the report was handed out at the meeting, there was no opportunity for Commission review prior to discussion; therefore, the matter had been scheduled for discussion for this meeting. Mr. Cribbs pointed out that in response to direction from the Commission at its October 4, 1985 meeting, a letter was sent out to Secretary of Interior, Donald Hodel, which set forth the Commission's position concerning the continuation of the California Condor Captive Breeding and Radio Telemetry Programs. He pointed out that the Commissioners had been provided with a copy of that letter and that the U.S. Fish and Wildlife Service had two representatives in attendance to respond to any questions that the Commission may have regarding the report.

Commissioner Kahn stated he had copies of two letters sent from the federal government dated October 16, 1985, one signed by Mr. Hester and one signed by Mr. Hadley. He asked if one or both letters represented the federal government's position on the condor issue. Jan Riffe stated that both letters represented the federal government's position. He stated that the U.S. Fish and Wildlife Service (USFWS) appreciated the patience of the Commission on this issue and apologized for their delays.

Mr. Riffe then restated the USFWS's position regarding the condor recovery program, starting with the position presented to the Commission at its May 16 meeting in Palm Springs. He also noted that the USFWS believed that the young condors held at the zoos were to be held in isolation preparing them for release back into the wild. He noted that when it was discovered that procedure was not occurring, an inspection team was formed to check the zoos for compliance with their permit terms. He then presented the Commission with a copy of the inspection team's report, and noted that the team had visited the San Diego Wild Animal Park on Monday, October 28, 1985 and the Los Angeles Zoo on Tuesday, October 29, 1985. He stated that the inspection team unanimously agreed that there were no birds in captivity that were suitable for release at this time.

Mr. Riffe stated that the USFWS's position at this time was to immediately begin trapping three of the remaining six adult birds left in the wild, and to begin the programming of three captive birds for possible release in the spring of 1986. He stated that the inspection team would select this new complement of captive birds. He pointed out that the inspection team believed that there were two birds at the San Diego Wild Animal Park and one at the Los Angeles Zoo that could possibly be retrained for release in the spring of 1986. He noted that if the birds were not ready by the spring of 1986, then the zoos would continue the retraining program with the intention of releasing the birds in the spring of 1987. He further stated that the Department of Interior was prepared to protect the Hudson Ranch for six to twelve months but wanted to avoid purchase of the ranch until the successful release of condors into the wild.

Mr. Riffe then reiterated the U.S. Fish and Wildlife Service's current position as being the immediate capture of three wild condors, the preparation of three captive birds for release into the wild during the spring of 1986 and the modification of the federal permit terms for the San Diego and Los Angeles Zoos regarding how the zoos hold the captive condors and rehabilitate the birds that had been improperly taken out of the isolation cages.

Commissioner Bryant asked if two or all three of the released birds died, what would then be the plans of the Fish and Wildlife Service. Mr. Riffe stated that they would reevaluate the situation. One possibility would be to trap all remaining wild birds. He noted that if the release was unsuccessful, the Department of Interior would not pursue the purchase of the Hudson Ranch.

Commissioner Kahn stated that since the Commission now understood the current federal position regarding the Condor Recovery Program, he requested an emergency executive session because of the potential for litigation in this matter.

Denis Smaage concurred that Commissioner Kahn's request conformed to the requirements for an emergency executive session. The Commission recessed at 2:10 p.m. and entered into an emergency executive Session.

President Burke reconvened the Commission at 2:55 p.m. and stated that the Commission would be prepared to make a statement tomorrow morning regarding its position on the Condor Recovery Program.

4. DEPARTMENT REPORT RE: IMPLICATIONS OF THE GOVERNOR'S VETO OF SENATE BILL 76 (MOUNTAIN LION LEGISLATION).

The Executive Secretary stated that the Department had requested an opportunity to brief the Commission on the possible implications of the Governor's recent veto of Senate Bill 76 authored by Senator Presley relating to the take of mountain lions. Mr. Cribbs pointed out that the Commissioners had copies of the Department's statement on this issue and that the Department was prepared to answer any questions the Commission may have on this matter.

Deputy Director Fox stated that because of the Governor's veto of Senate Bill 76, Chapter 10.5, Sections 4850-4856, Fish and Game Code, will sunset effective January 1, 1986. He pointed out that Chapter 10, sections 4800-4808, Fish and Game Code, would then become effective January 1, 1986, once again making the mountain lion a big game species and returning management control to the Fish and Game Commission.

Mr. Fox stated that the major impact on the Department's ability to manage the mountain lion, resulting from this change in statutes, related to the opportunity for a greatly liberalized mountain lion take under depredation situations. He pointed out that the newly effective statutes would not provide for the gathering of data from mountain lions taken as a result of depredation. He noted that the Department also anticipated difficulty in securing sufficient funds to gather adequate information on the status of the state's mountain lion population.

Mr. Fox stated that Section 4800 of the Fish and Game Code stated that it was unlawful to take any mountain lion except as provided in Section 4189 without first procuring a license tag authorizing the take of a mountain lion. He noted that on January 1, 1986 Section 4189 of the Fish and Game Code would allow any owner, tenant or the agent of the owner or tenant of land or property that is being damaged or destroyed by mountain lions to take lions at any time except by means of poison or traps. He noted that under this section, the taking of a mountain lion would have to be reported in writing within 30 days to the Department.

Mr. Fox stated that the significance of Section 4189 of the Fish and Game Code was that a landowner did not have to show proof of damage before taking an animal, that no depredation permits were required nor were there procedures required for disposing of the carcasses. He noted that probably the greatest significance was that the agent of the owner or tenant would be able to take a depredating animal. He stated that this could be interpreted to mean that landowners could sanction the hunting of lions without involving the Commission or the Department unless changes were made in Section 4189 of the Fish and Game Code by the Legislature or its provisions were superseded by the Commission. Mr. Fox stated that the Department would be preparing recommendations for Commission action and also legislative action to clarify the intent of Section 4189 of the Fish and Game Code.

Commissioner Kahn asked if the Department could present recommendations to the Commission regarding the definition of depredation. Mr. Fox asked the Executive Secretary if the Commission had authority to act and if so, how rapidly could the Commission act on this issue. Mr. Cribbs stated that if the Department provided a pre-publication of notice to the Commission office by November 5, the Commission could notice its intent to hear this issue and it could be heard at the Commission's January 3, 1986 meeting in Ventura. Deputy Director Fox stated that the Department could provide the necessary documents to the Commission office by the afternoon of November 5, 1985.

The Executive Secretary stated that the Commission office had received a request from Mr. Bud Hemman of the Central Valley Sportsmen's Association requesting that the Commission take emergency action and institute a mountain lion season effective January 4, 1986 through May 31, 1986 in order to protect the state's declining deer herds from depredating mountain lions.

Commissioner Kahn asked if there was an emergency and when could a season and bag limit would be instituted. Deputy Director Fox stated that the Department did not believe there was an emergency situation and that a season or bag limit would not be effective until the Commission took action.

The Executive Secretary reminded the Commission that since there was no emergency, the Commission could act on this matter during its normal time frame when determining mammal hunting and trapping regulations in the spring of 1986.

Commissioner Taucher stated that he did not think that there was any problem waiting until March and April to act on this issue.

Commissioner Kahn noted that the Governor's veto gave the authority to the Commission to regulate the take of mountain lions, and that the Commission should act in a timely manner to fulfill that authority.

Commissioner Taucher stated that the Governor's veto returned the mountain lion to a big game species; and therefore, its season and bag limit should be determined at the same time as the other big game species.

Deputy Director Fox stated that it may be appropriate for the Commission to authorize the Department to gather appropriate data on the mountain lion's status statewide, including any depredation problems. Commissioner Taucher stated that he did not think it was wise to put a time restriction on the Department in order to prepare that information.

Mr. Cribbs requested that the Commission take an appropriate action on Mr. Hemman's request.

Bud Hemman stated that the emergency season was to protect the deer fawning period and urged the Commission to act on his emergency request. He stated that some people believed he was rushing the mountain lion issue, but he noted that the Department had 13 years in which to study the issue when there was a moratorium on mountain lion hunting. He stated that the best way to get the necessary data was to have a season for three to five years. He pointed out that some people thought 1,000 or more mountain lions would be taken during a hunting season, but that it was his opinion that only about 250 would be taken. He said that after the enthusiasm had worn off, only about 70 to 80 mountain lions would be taken per year.

Mr. Hemman stated that the predator and prey species should grow together, but that the predator numbers must be reduced so that the prey species can rebound. He noted if that happened, then California could have the best game populations in the United States.

It was then:

MOVED BY MR. KAHN, SECONDED BY MR. BRYANT, THAT
THE FISH AND GAME COMMISSION HEREBY POSTPONES
ACTION REGARDING THE REQUEST OF BUD HEMMAN,
SANGER, PERTAINING TO AN EMERGENCY MOUNTAIN LION
SEASON FROM JANUARY 4, 1986 THROUGH MAY 31, 1986
UNTIL THE DEPARTMENT PROVIDES A REPORT TO THE
COMMISSION.

PASSED UNANIMOUSLY.

5. REQUEST OF BUTTE CREEK PROPERTIES, SISKIYOU COUNTY, FOR PRIVATE LAND WILDLIFE MANAGEMENT AREA LICENSE AND APPROVAL OF 1985-86 MANAGEMENT PLAN.

The Executive Secretary stated that Mr. James H. Britt, Sunnymead, had submitted an application for a Private Lands Wildlife Management Area License for 696 acres known as the Butte Creek Properties, Siskiyou County. Mr. Cribbs pointed out that Commissioners were provided with a copy of that plan. He stated that the Department had reviewed the management plan and application, and noted that it conformed with the appropriate deer management statutes and policies of the Commission. He further noted that the Department had also determined that the nine deer tags requested by the applicant, along with the recommended habitat improvements, were intended to maintain a healthy deer herd and in balance with its food and cover requirements.

Mr. Cribbs stated that the Department recommended Commission approval of this request under the following conditions:

1. Nine buck tags to be issued to take no more than nine buck deer, forked-horn or better.
2. The season on the Butte Creek Properties described in the plan shall run from November 15 to December 15, 1985.

Commissioner Bryant asked how the number of permits were determined for a Private Lands Management Area, i.e., was it based on the number of deer, number of acres in the proposal and/or if the deer herd was migratory?

Terry Mansfield stated that it was a combination of factors and that the number of tags recommended was always on the conservative side. He pointed out that the harvest in prior years had been approximately 20 bucks per year. He noted that this harvest rate was considered high and it was recommended that the take be reduced until it was determined how effective the habitat enhancement features would be.

Commissioner Kahn asked if the habitat enhancement features would be implemented during the first year. Mr. Mansfield answered affirmatively.

Commissioner Taucher asked when the regular deer season ended for that area. Mr. Mansfield stated that he believed it was mid-October, but did not have the exact date. He noted that the number of bucks taken during the regular season would be deducted from the nine requested tags. Commissioner Bryant stated that he believed December 1 should be the end of the season and that the applicant would have plenty of opportunity to take the nine deer by that time. Mr. Mansfield stated that the applicant did not want to put all of the hunters in the field at one time and would like to spread it out over several weekends.

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF THE BUTTE CREEK PROPERTIES, SISKIYOU COUNTY, FOR A PRIVATE LANDS MANAGEMENT AREA LICENSE UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND CONCURRED IN BY THE COMMISSION AND FURTHER, IF NO BUCKS WERE TAKEN DURING THE REGULAR DEER SEASON, THEN THE SPECIAL SEASON WOULD END DECEMBER 15, 1985, HOWEVER, IF BUCKS WERE TAKEN DURING THE REGULAR DEER SEASON, THEN THE SPECIAL SEASON WOULD END DECEMBER 1, 1985.

PASSED UNANIMOUSLY.

Deputy Director Fox asked if it would be appropriate for the Department to expedite the issuance of the tags in order for the applicant to start hunting prior to November 15 to allow Mr. Britt a longer season. The Commission stated that there would be no problem with issuing the tags as soon as possible.

6. REQUEST OF FITZPATRICK RANCH, PALO CEDRO, FOR AMENDMENT OF 1985 PRIVATE LANDS WILDLIFE MANAGEMENT AREA PLAN.

The Executive Secretary reminded the Commission that at its June 28, 1985 meeting, it approved Mr. David Fitzpatrick's application and management plan to operate a Private Lands Wildlife Management Area on his ranch. Mr. Cribbs noted that the Commission had authorized the Department to issue Mr. Fitzpatrick a license to operate under specific conditions, including a season to harvest up to 16 buck deer and 6 antlerless deer. He pointed out that copies of the plan and license were provided to the Commissioners.

Terry Mansfield stated that there was some confusion between the Department's Region 1 office and its Sacramento headquarters in reviewing the plan and supporting documents for Mr. Fitzpatrick's application. He pointed out that Mr. Fitzpatrick's application requested a deer hunting season extending through December 31 and it was agreed to by the Region 1 office, however, the Sacramento Headquarter's office in preparing the recommendation for Commission action, made a clerical error and recommended a deer hunting season corresponding to the normal season for Zone D-2. He stated that the Department was now requesting authorization to correct that clerical error and provide Mr. Fitzpatrick with a deer hunting season extending through December 31, 1985, as originally proposed by the applicant. He noted that this action would not increase the take of deer on the area, but merely allow flexibility to hunt over a longer period of time with no detrimental effect on the deer resource.

Commissioner Kahn asked why the season should be extended through December. Mr. Mansfield stated that the Cow Creek deer herd was migratory and that the deer are available on Mr. Fitzpatrick's property during the winter. He noted that by extending the season through December, it would spread out the use and provide the applicant with a chance to hunt quality bucks.

Commissioner Bryant stated that he felt the season should end on December 1.

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF DAVID FITZPATRICK, SHASTA COUNTY, FOR AN AMENDMENT TO HIS 1985 PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND CONCURRED IN BY THE THE COMMISSION, EXCEPT THAT THE DEER SEASON SHALL END DECEMBER 1, 1985.

PASSED UNANIMOUSLY.

7. READING AND APPROVAL OF MINUTES OF AUGUST 30, 1985 MEETING.

The Executive Secretary stated that the minutes of the August 30, 1985 meeting had been distributed to members of the Commission and the Commission staff knew of no errors or omissions therein and suggested that the minutes be approved as distributed.

It was then:

MOVED BY MR. KAHN, SECONDED BY MR. TAUCHER, THAT INASMUCH AS THE MINUTES OF THE AUGUST 30, 1985 MEETING HAD BEEN DISTRIBUTED TO MEMBERS OF THE COMMISSION AND THERE ARE NO KNOWN ERRORS OR OMISSIONS THEREIN, READING BE DISPENSED WITH AND THEY BE APPROVED AS DISTRIBUTED.

PASSED UNANIMOUSLY.

8. DEPARTMENT INFORMATIONAL ITEMS.

Mr. Cribbs stated that this item was scheduled to afford the Director an opportunity to present the Commission with informational items which may be of interest to it. Director Parnell stated that in order to save time, the Department had prepared a written report on informational items it felt would be of interest to the Commission, including an update on a humpback whale which took a wrong turn and entered the Sacramento River, legislation, hydrilla, legislative interim hearings and the natural heritage section.

Commissioner Taucher asked the Department if it could provide copies of its proposed legislation at the same time it submitted it to the agency for review. Director Parnell stated that the Department had no problem in fulfilling that request.

Commissioner Taucher also requested that when an author was selected for a proposed bill, that the legislator's financial report also be sent to the Commission. Director Parnell acknowledged that the Department would also honor that request.

Director Parnell stated that normally the Department's annual report was due to the Commission at the end of the calendar year. He noted, however, that he had requested all of his administrative staff to write down objectives that they were to accomplish for each budget year, which ran on a fiscal year cycle. He, therefore, requested that the Commission allow the Department to submit its annual report at the end of the fiscal year in order for the report to be more comprehensive in describing the Department's achievements.

It was then:

MOVED BY MR. KAHN, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF THE DEPARTMENT FOR THE ACCEPTANCE OF THE DEPARTMENT'S ANNUAL REPORT ON A FISCAL YEAR BASIS BEGINNING WITH FISCAL YEAR 1985-86.

PASSED UNANIMOUSLY.

There being no additional items before the Commission, the meeting was recessed at 4:00 p.m. Mr. Cribbs stated that it would be reconvened at 8:00 a.m. on November 1 in State Building, Room B-109, 1350 Front Street, San Diego, where agenda items 9-43 would be considered.

State of California
FISH AND GAME COMMISSION

Pursuant to the call of the President, the Commission met in the Auditorium, Room B-109, State Building, 1350 Front Street, San Diego, California, on November 1, 1985. The meeting was called to order at 8:15 a.m. by President Burke.

Persons present:

FISH AND GAME COMMISSION

William A. Burke	President
Brian J. Kahn	Vice President
Abel C. Galletti	Member
Albert C. Taucher	Member
Robert A. Bryant	Member

COMMISSION STAFF

Harold C. Cribbs	Executive Secretary
Robert R. Treanor	Assistant Executive Secretary

ATTORNEY GENERAL'S OFFICE

Denis Smaage	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

Jack C. Parnell	Director
Robert Fletcher	Deputy Director
Robert Fox	Deputy Director
Eldridge Hunt	Chief, Wildlife Management Branch
DeWayne Johnston	Chief, Wildlife Protection Branch
Robert Rawstron	Chief, Inland Fisheries Division
Al Petrovich	Chief, Marine Resources Division
Terry Mansfield	Wildlife Management Supervisor

The following persons were also present and heard:

Dale Bassett	Central Valley Sportsmen
Richard May	California Trout
Gene Parnell	Central Valley Sportsmen
Bud Hemman	Central Valley Sportsmen
Vic Benton	Imperial County Fish and Game Commission
Earl Hansel	King Salmon Resort
Marv Cooper	Sportsman
John Kutsenda	Bucktail Subdivision
Bill Nott	Sportfishing Association of California
Raymond Dennis	Herpetologist
Jim Edmondson	Pasadena Casting Club
Frank Mason	Research Director, Western Fishboat Owners Association
Rob Ross	California Seafood Institute

Mike Massingill
Jeff Jones
Ted Dunn
Frank Polisky
Carl Nettleton
Joe Harn
Zeke Grader

Thomas Tomlinson
Kenneth Keeney
Richard Powers
Robert Jongewaard
James Tamulski
Ilson New

Aquatic Systems, Inc.
San Diego Sportfishing Association
San Diego Sportfishing Association
Sportfishing Partyboat Owner
National Coalition for Marine Conservation
U.S. Forest Service
Pacific Coast Federation of Fishermen's
Association
Commercial Fisherman
Commercial Fisherman
Commercial Passenger Boat Owner
Herring Buyer
Attorney
Attorney

President Burke introduced members of the Commission, its staff, Director Parnell, Deputy Directors Robert Fox and Robert Fletcher and Denis Smaage of the Attorney General's office.

9. COMMISSION STAFF REPORT AND RECOMMENDATIONS RE: COMMISSION OFFICE ADMINISTRATIVE PROCEDURES.

The Executive Secretary reminded the Commission that at its August 29, 1985 Executive Session in San Rafael, it directed its staff to prepare administrative policies concerning office procedures. He pointed out that those proposed administrative policies had been drafted and had been submitted to the Commissioners for their review. He stated that the Commission staff was prepared at this time to discuss the rationale behind those proposals.

Commissioner Kahn provided some technical wording clarification for the following administrative policies: monitoring of Commission policies, executive session and Commission/Department staff communications.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. TAUCHER, THAT
THE FISH AND GAME COMMISSION HEREBY ADOPTS ADMINIS-
TRATIVE POLICIES WHICH ARE AS FOLLOWS:

Legislation

It is the administrative policy of the Fish and Game Commission that the following procedures shall be adhered to by the Commission staff and Department regarding Legislative issues:

Commission Sponsored Legislation

1. The Executive Secretary, with the concurrence of at least two Commissioners, shall draft proposed Commission legislation and transmit copies to each Commissioner and to the Director at least 30 days prior to a scheduled Commission meeting.
2. The proposed legislation will then be formally approved, or disapproved, by the Commission at the next scheduled hearing and before it is sent to the Legislative Counsel's office or an author for the legislation is sought. The Department shall carry all Commission sponsored legislation unless the Director informs the Commission that it would be inappropriate for the Department to do so. When the Director informs the Commission that it would be inappropriate for the Department to carry the Commission sponsored legislation, the Executive Secretary will carry the bill for the Commission.
3. Any substantive amendment to the approved Commission sponsored legislation will be coordinated by the Executive Secretary with the Director or his designee and then telephonically approved by at least three Commissioners. If substantive amendments are necessary to move the bill during a committee hearing, the bill will not be scheduled for its next hearing unless those amendments are coordinated with the Director or his designee and telephonically approved by at least three Commissioners.
4. The Executive Secretary shall keep the Commission apprised of the status of all Commission sponsored legislation.
5. The Executive Secretary, with the Commission's approval and notice to the Director, shall actively address legislative issues which would:
 - a. Modify the Commission's authority or procedures as set forth in the Fish and Game Code or other codes;
 - b. Involve a major fish and wildlife or habitat policy issue; or
 - c. Involve a significant fish and wildlife issue on which the Department feels it cannot pursue an active role or become involved with, as a result of administrative direction from the Resources Agency or the Governor's office.

Department Sponsored Legislation

1. The Department shall include the Executive Secretary in the development of the Department's legislative program and positions on bills in order that the Commission, through its staff, can monitor Commission policy implementation.

2. The Department shall keep the Commission and the Executive Secretary current and informed on the status of legislation being carried or followed by the Department.

Monitoring of Commission Policies

It is the administrative policy of the Fish and Game Commission that:

The Executive Secretary shall monitor fish and wildlife related activities to determine adherence to Commission policies. The Executive Secretary in carrying out this responsibility shall:

- (1) Review legislation, county ordinances, state agency regulations, etc.
- (2) Review Department correspondence, reports, publications, etc.
- (3) Review Department management programs and activities; and
- (4) Review news media information, press clippings, etc.

When the Executive Secretary determines that a Department activity is or may be in conflict with Commission policy he shall as expeditiously as possible:

- (1) Notify the appropriate branch chief or regional manager or their designee of the matter and attempt to resolve the issue at that level.
- (2) Notify the appropriate deputy director if the matter is not resolved by contacting the branch chief or regional manager.
- (3) Notify the Director, in writing, with copies to the Commissioners, if the matter is not resolved at the deputy director level.
- (4) With the concurrence of three Commissioners, schedule any policy matter not resolved at Directorate level as a discussion item at a special meeting involving two Commissioners appointed by the President of the Commission, the Executive Secretary and the Director.
- (5) With the concurrence of one Commissioner schedule the matter for discussion at the next Commission meeting if the issue is still unresolved.

When the Executive Secretary determines that a non-Departmental activity is or may be in conflict with Commission policy, he shall:

- (1) Notify, in writing, the Commissioners, the Director and the Deputy Attorney General assigned to the Commission.
- (2) Work with the Director or his designee and the Deputy Attorney General to resolve the matter. The Commission shall be kept current on the matter.

Notice to Commissioners Regarding Informational Items

It is the administrative policy of the Fish and Game Commission that:

The Executive Secretary shall keep the Commission informed of Commission related issues. In implementing this policy, the Executive Secretary shall:

- (1) Notify all commissioners as expeditiously as possible by telephone on important policy issues affecting the Commission. Written followup notification and/or available background information if requested by a Commissioner shall be sent out by mail by the end of the next work day; and
- (2) Unless specifically requested to do otherwise, provide the Commissioners with routine informational materials such as reports, newspaper clippings, correspondence, invitations, etc., by mail sent out twice weekly.

Executive Session

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

Comply with appropriate Government Code provisions regarding the holding of closed executive sessions:

The Commission may only hold closed executive sessions for one or more of the following reasons:

- 11126(a) To consider the appointment, employment or dismissal of an employee or to hear complaints or charges brought against that employee.
- 11126(b) To prepare, approve, grade or administer examinations.
- 11126(c) To prevent unwarranted invasion of the privacy of an individual licensee or applicant by an advisory body of a state agency if it does not include a quorum of the members of the state body it advises.
- 11126(d) To deliberate on a decision relating to an adjudicatory administrative hearing conducted pursuant to sections 11500 et seq. of the Government Code.
- 11126(g) To consider conferring of honorary degrees or gifts, donations and bequests which the donor or proposed donor has requested in writing to be kept confidential.
- 11126(q) To confer with legal counsel on pending litigation when discussion in open session would adversely affect or be detrimental to the public interests.

Therefore, executive sessions shall only be scheduled by the Executive Secretary if he has:

- (1) Made a determination after consultation with the Attorney General's office that there is a lawful basis for holding the proposed executive session;
- (2) Notified all Commissioners and the Director in writing of the necessity and legal basis for scheduling the executive session;
- (3) Arranged a conference call with the Director or his designee, the Deputy Attorney General and all available Commissioners if requested to do so by any of the above; and
- (4) Complied with (1) through (3) above and has obtained approval to schedule the matter from at least three Commissioners.

Emergency Executive Sessions

Emergency executive sessions shall only be scheduled after the Executive Secretary has received concurrence from three Commissioners. The Executive Secretary shall, as expeditiously as possible, notify all Commissioners and the Director, by telephone, with a followup memorandum of the purpose, time and location of the Executive Session. The provisions of Section 11125.5 of the Government Code shall be strictly adhered to.

All executive sessions shall be duly noticed as required by sections 11126.3 and 11129 of the Government Code.

All executive sessions shall be taped and the Executive Secretary shall be the custodian of those confidential tapes.

Commissioner/Department Staff Communications

It is the administrative policy of the Fish and Game Commission that:

A Commissioner shall notify the appropriate regional manager or branch chief about communicating with Department staff on policy or regulatory issues.

The Director, deputy directors, regional managers and branch chiefs shall keep the Commission's Executive Secretary informed of their contacts with Commissioners on similar matters.

Commission Agenda

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

The agenda of all meetings of the Commission shall close at 5:00 p.m., 18 25 days prior to the meeting date, provided, however, that any Commissioner or the Executive Secretary may add any emergency item or items to the agenda within two days of the meeting date. All Department initiated agenda items shall be submitted to the Commission office no later than 18 25 days prior to the meeting date. The Department's comments on all other agenda items shall be submitted to the Commission office no later than 15 days prior to the meeting date.

Notwithstanding the deadlines specified above, by January 30 of each year, the Executive Secretary shall provide the Director with a schedule for indicating the deadlines for receiving materials relating to the receipt, discussion and adoption of sport fishing and hunting and trapping regulations.

Receipt of Additional Agenda Materials

It is the administrative policy of the Fish and Game Commission that:

The Commission staff shall include appropriate background information on agenda items in the analysis folders, which shall be sent out to the Commission members at least nine days before the scheduled meeting. Should the Department find it necessary, due to circumstances beyond its control, to provide additional agenda-related materials to the Commission, such materials shall be made available to the Executive Secretary by noon on the date the agenda analysis is mailed to the Commissioners. Should the Department find it necessary to modify or add to the materials sent to the Commission in its analysis, it shall immediately notify the Executive Secretary of that fact and provide him with a copy of that material. It will then be the responsibility of the Director or his designee to provide the Commissioners with copies of that additional material at least 12 hours prior to the meeting when the item is discussed.

Should the Executive Secretary determine that the materials submitted by the Department after the analysis has been mailed to the Commissioners is substantive in nature, and that the time interval between receipt of the information and consideration of the matter at the Commission meeting is insufficient for Commission review, the Executive Secretary will recommend to the Commission that the matter be put over to the next Commission meeting for consideration.

It should be noted that by law the Commission must receive all written comments on scheduled regulatory actions. It should be recognized, however, that the Commission will not have the opportunity to carefully review written comments that are submitted late.

Consent Calendar

It is the administrative policy of the Fish and Game Commission that:

The Executive Secretary shall carefully review proposed agenda items to discern which of those items should appropriately appear on the Commission's consent calendar. In making this determination, the Executive Secretary shall consult with the branch chief responsible for review of the proposal, determine the sensitivity of the issue and consider any written or oral communication received by him on the issue. The Executive Secretary shall prepare a draft of the consent calendar and transmit it to the Commissioners and the Director 23 days before the Commission meeting. Unless notified to the contrary by 5:00 p.m., 18 days before the meeting, the consent calendar shall be deemed approved for publication. It is understood that any Commissioner, the Director, the Executive Secretary or any member of the public may request that an item be removed from the consent calendar at the meeting and open the matter to discussion.

Once the consent calendar has been set, the agenda analysis will be finalized. The consent calendar items will then be summarized in the analysis. Unless specifically requested by a Commissioner, the background information on consent calendar items will not be included as exhibits but will be made available to the Commission upon request at the meeting by the Executive Secretary.

Procedures for Commission Approval/Notification
of Correspondence on Major Policy Issues

It is the administrative policy of the Fish and Game Commission that:

1. A Commissioner may request that the Executive Secretary prepare a draft of correspondence on major policy issues.
2. The Executive Secretary shall prepare a draft of the correspondence as expeditiously as possible and send copies to each of the Commissioners. With telephonic concurrence of three Commissioners, a copy of the draft correspondence shall be provided to the Director.
3. After each of the Commissioners has received a copy of the draft correspondence, the Executive Secretary shall poll the Commissioners by phone. If any Commissioner requests that a conference call be held to discuss the issue, the Executive Secretary shall schedule the call as soon as practical. If there is no objection to the transmittal of the correspondence, the Executive Secretary shall finalize the draft and transmit it, as appropriate, with copies to each of the Commissioners. If there is not concurrence from at least three Commissioners on the content of the proposed correspondence, it shall not be transmitted.
4. The Director, through the surname process, shall keep the Commission's Executive Secretary informed of correspondence on issues which are specifically addressed by Commission policies.

Miscellaneous Procedures

It is the administrative policy of the Fish and Game Commission that:

1. With the exception of the sport fishing and the hunting regulations, the Commission shall discontinue the practice of routinely scheduling regulatory actions for public discussion and that it follow the procedures set forth in Section 11346.8 of the Government Code (see attached). In summary, Section 11346.8 of the Government Code provides that, while the Commission must receive written comments on a proposed regulatory action, it is not obligated to receive oral testimony unless it receives a written request to do so at least 15 days prior to the close of the written comment period. Those regulatory items for which there are no comments in opposition would be placed on a special consent calendar and would not be subject to additional public comment at the Commission meeting.
2. When appropriate, the Commission will schedule miscellaneous Department agenda nonemergency items for hearings at its meetings in January, February, March, May, early August and October. This will result in shorter agendas for critical meetings pertaining to the mammal hunting and trapping regulations and the sport fishing regulations.
3. With the exception of correspondence from governmental agencies, specific organizations, legislators or similar entities, or unless such correspondence directly requests information or asks a specific question regarding such agenda items, it not be acknowledged in writing.
4. Preparation of the Fish and Game Code shall either be contracted out to private enterprise or part-time funding be allocated to accomplish this work.

PASSED UNANIMOUSLY.

10. COMMISSION STAFF RECOMMENDATIONS FOR 1986 LEGISLATION.

The Executive Secretary stated that annually at the Commission's December Executive Session regarding staff performance, it considers work objectives for the coming year. He stated that in order to prepare for that meeting, it was necessary for the Commission to tentatively consider the thrust of its proposed legislation for 1986. He pointed out that the Commissioners had been provided with copies of the suggested legislation for Commission consideration under the recommended policies set forth in Item No. 9 above. Mr. Cribbs stated that with Commission concurrence, its staff would draft the proposed legislation which would then be provided to the Department for its consideration. He noted that should the Department be unable to carry that legislation, it would be appropriate for the Commission to consider at its December meeting as a discussion item, the suggested Commission legislative package. Mr. Cribbs pointed out that the purpose of this agenda item was to seek concurrence from the Commission to proceed with drafting the legislation for final Department and Commission consideration.

President Burke asked if the Commissioners had any questions or comments regarding the proposed legislative package and there was no response. President Burke then directed the Commission staff to prepare drafts of the proposed legislation and report back to the Commission at its December 6 meeting in Sacramento.

11. PROPOSED CHANGES IN SPORT FISHING REGULATIONS FOR 1986 AND ANNOUNCEMENT OF REGULATIONS THE COMMISSION INTENDS TO ADOPT RELATING TO FISH, AMPHIBIA, REPTILES AND INVERTEBRATES.

Mr. Cribbs stated that Commissioners had before them a summary of the correspondence and a list of recommendations received from the public concerning fishing regulations for 1986. He reminded the Commission that the Department's pre-publication of notice statements for each of the proposed changes, along with the proposed regulations in strike-out and underline format, were provided to the Commission at its October 4 meeting in Los Angeles. The Executive Secretary stated that the Commission was also provided with copies of the Department's responses to the public recommendations, which either recommended acceptance, acceptance with modification or rejection of the proposals. He noted that where the Department recommended acceptance of a proposal, a pre-publication of notice statement was also provided. Mr. Cribbs pointed out that the pre-publication of notice statements provided a review of the environmental concerns involved in each issue.

Mr. Cribbs then pointed out that at the Commission's fall meetings it opens to review its regulations in Part I, (Fish, Amphibians and Reptiles); Chapter 1 (General Provisions and Definitions); Chapter 2 (Statewide Regulations for Fishing and Frogging in Inland Waters); Chapter 3 (District Trout, Salmon and Special Regulations); Chapter 4 (Ocean Fishing); and Chapter 5 (Native Reptiles and Amphibians). He stated that the fact the Commission was conducting this review and was holding hearings on these regulations was noted in the administrative register. Mr. Cribbs pointed out that each proposed regulation change submitted by the Department would be discussed and if the Commission elected to depart from the Department recommendation, a vote on the issue would be in order. He noted that a summary of all correspondence

received in the Commission office, either in support of or opposition to the recommendations under consideration, were provided to the Commission. Mr. Cribbs stated that the original correspondence received in the Commission office was also available for Commission review.

The Executive Secretary then suggested that after the Commission had gone through the list of Department recommendations, it then received public testimony on other recommendations discussed at the October 4, 1985 meeting and the Commission concurred.

Mr. Cribbs reminded the Commission that on October 16, 1985, it held a special hearing in Eureka to receive testimony concerning the Department's proposed regulation changes involving the Klamath River drainage and the north coast salmon fishery. He pointed out that the Commissioners were provided with copies of the minutes of that special hearing.

The Executive Secretary then proceeded through the proposed changes in the sport fishing regulations and the following discussions took place:

With respect to Section 1.08, Artificial Fly and Section 1.11, Artificial Lure, Dale Bassett stated that he had provided detailed written comments on these sections. He stated that briefly he had recommended eliminating the current sections and replacing them with a new section as follows: "Any artificial fly, artificial lure and bait that is used to attract fish for the purpose of taking them on those wild streams and lakes where regulations are imposed for fly artificial lures only. The only hook that may be used is a single barbless hook, size 10 or less. In the case that hook is swallowed and not easily removed, and that fish is not to be taken, then the hook must be cut off the line and the fish returned to the water immediately with the hook remaining in the fish."

With respect to Section 3.00, Fishing Hours, Richard May stated that opening new waters to night fishing would be placing a burden on the Department's wardens. He pointed out that the Department was shorthanded and by opening these waters to night fishing, he felt would be placing an added burden on the fish and wildlife protection personnel.

Commissioner Kahn asked Mr. May if he was opposed to the proposal.

Mr. May stated that he was not opposed to the recommendation, but just wanted to make the Commission aware of the potential burden that may be placed on the Department's warden personnel.

With respect to Section 5.00, Black Bass, Messrs. Gene Parnell, Dale Bassett and Bud Hemman recommended that a slot size limit of 12 to 14 inches be instituted in order to protect the black bass breeding stock. They indicated that bass less than 12 inches would be stockpiled in numerous reservoirs and because they were of illegal size, it would discourage many sportsmen from fishing those reservoirs. They also pointed out that all biological factors should be investigated before regulations are changed every year.

Robert Rawstron stated that he agreed with the three gentlemen in that not all reservoirs needed a 12 inch minimum size limit on black bass. He indicated that the Department had recommended several reservoirs with a slot size limit and/or no minimum size limit on black bass.

With respect to Section 5.05, Bullfrogs, Vic Benton opposed the Department's early season for the Colorado River District and the Southern District. He reminded the Commission that many years ago, the bullfrog populations in southern California, especially Imperial County, were very low. However, for the last eight years when the season was from July 1 through November 30, it allowed the bullfrogs to spawn before the frogging season and brought the bullfrog populations back to a higher level. He recommended that the Commission not make any change in the late season for southern California.

President Burke asked him if he had discussed his concerns with the Department. Mr. Benton stated that he had not discussed his concerns with the Department.

Commissioner Kahn asked the Department why they were proposing the change. Robert Rawstron stated that it was a matter of regulation simplification to have a uniform bullfrog season statewide.

It was then:

MOVED BY MR. KAHN, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY DELETES THE DEPARTMENT'S PROPOSED STATEWIDE BULLFROG SEASON OF MAY 1 THROUGH NOVEMBER 30 AND RETAINS THE JULY 1 THROUGH NOVEMBER 30 BULLFROG SEASON IN THE COLORADO RIVER DISTRICT AND THE SOUTHERN DISTRICT.

PASSED UNANIMOUSLY.

With respect to Section 8.21, Mississippi Lake Trout Restrictions (Santa Clara County), Richard May stated that he interpreted the proposed regulations as a one-fish limited and asked if you had to stop fishing after taking one fish.

DeWayne Johnston stated yes and that there were several reasons for this, but the main reason was to prevent wastage of fish. He indicated that a person may catch an 18 or 19 inch trout, put it on a stringer and keep fishing. If he catches a larger fish an hour or two later, he would keep that fish and try to release the earlier caught fish, but more than likely that fish would have died; and therefore, the fishermen would have exceed the bag limit and/or thrown that dead fish away.

With respect to Section 9.10, Trout and Salmon (North Central District), and Section 9.52, Sonoma Creek, Commissioner Kahn asked the Department for an update on the proposed Sonoma Creek regulations.

Robert Rawstron stated that the Department had met with all interested parties on October 23, 1985, and that the following were the Department's proposed regulation changes: (1) That portion of Sonoma Creek below the

Highway 121 Bridge would be open to fishing year round. (2) That portion above the County Bridge and Adobe Canyon Road and between the Arnold Drive Bridge and the town of Glen Ellen to the Highway 121 Bridge would open on the Saturday preceding Memorial Day and remain open through November 15 with a three-trout limit. He noted that the bag limit had been changed during the meeting with Friends of Sonoma Creek, and therefore, was different than what the Commissioners had before them in the Department's pre-publication of notice.

It was then:

MOVED BY MR. KAHN, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY TENTATIVELY MODIFIES SECTION 9.52 TO PROVIDE: (1) THAT PORTION OF SONOMA CREEK, SONOMA COUNTY, BELOW THE HIGHWAY 121 BRIDGE WOULD BE OPEN TO FISHING YEAR ROUND; (2) THAT PORTION ABOVE COUNTY BRIDGE AND ADOBE CANYON ROAD AND BETWEEN THE ARNOLD DRIVE BRIDGE AND THE TOWN OF GLEN ELLEN TO THE HIGHWAY 121 BRIDGE WOULD OPEN ON THE SATURDAY PRECEDING MEMORIAL DAY AND REMAIN OPEN THROUGH NOVEMBER 15.

PASSED UNANIMOUSLY.

With respect to Section 11.64, Truckee River Trout Restrictions, Nevada County, Mr. Cribbs stated that the Commission office had received correspondence from Richard May requesting that a portion of the Truckee River be designated as a wild trout stream. Mr. Cribbs stated that the Commission would hear this item at its December 6 meeting in Sacramento as it would be a change in the Commission's wild trout policy and not a regulation change.

With respect to Section 12.17, Bear Creek Closure, Merced County, the Executive Secretary stated that the Commission office had received numerous letters and telephone calls requesting the Commission take emergency action to close Bear Creek, Merced County, to all fishing from the Highway 99 bridge to the Merced-Mariposa bridge through December 31. Mr. Cribbs noted that because of low water this year, the spawning salmon were particularly vulnerable. He pointed out that the Commissioners had been provided with copies of all correspondence on this matter.

Deputy Director Fletcher stated that the Department concurred with the request.

It was then:

MOVED BY MR. KAHN, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE FILING OF AN EMERGENCY AMENDMENT TO SECTION 12.17, TITLE 14, CAC, REGARDING THE CLOSURE OF BEAR CREEK, MERCED COUNTY, TO ALL FISHING UNTIL DECEMBER 31, 1985 TO PROTECT SPAWNING SALMON, AS FOLLOWS:

Section 12.17, Title 14, is added to read:

12.17. Bear Creek Closure (Merced Co.).

Bear Creek from Highway 99 bridge upstream to the Merced/Mariposa County line is closed to all fishing from October 1 through December 31.

Authority: Sections 200, 202, 205, 210, 219, 220 and 240, Fish and Game Code.

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

PASSED UNANIMOUSLY.

With respect to Section 13.35, Klamath River Closures (Siskiyou and Humboldt counties), Messrs. Earl Hansel and Marv Cooper provided written statements to the Commission and briefly stated that they were opposed to the Department's proposed angling regulations for the Klamath River system. They recommended that if any closure had to be imposed, that it not be Monday and Tuesday, but possibly a Wednesday and Thursday. They noted, however, that they did not feel any closure was necessary for the sport fishermen. They recommended that the following alternatives to a total closure below the Highway 101 Bridge be considered: (1) implement a punch card system similar to that of the State of Oregon; (2) reduce catch limits to one adult salmon per day; (3) require the use of barbless hooks and require the release of adult chinook salmon; (4) close the lower river to the take of adult chinook salmon but increase the limit of jack salmon from two to five in possession; (5) implement a closure on the take on adult chinook salmon not to exceed two days per week; and (6) place an adequate number of wardens on the lower river so that traditional regulations may be enforced.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT
THE FISH AND GAME COMMISSION HEREBY TENTATIVELY
DELETES THE DEPARTMENT'S PROPOSED ANGLING REGULATIONS
FOR THE KLAMATH RIVER AND THEREBY RETAINS THE 1985
REGULATIONS FOR SECTION 13.35.

PASSED UNANIMOUSLY.

Commissioner Taucher asked the Department to comment on the proposed punch card system and the reduction in chinook salmon bag limits.

Deputy Director Fletcher stated that the Department was reviewing the punch card system and would report back to the Commission.

With respect to Section 13.85, Trinity River Closures (Trinity County), Mr. Cribbs suggested that in keeping with its previous actions on the Klamath River, he suggested that the Commission adopt a similar motion for the Trinity River.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY TENTATIVELY DELETES THE DEPARTMENT'S PROPOSED ANGLING REGULATION CHANGES FOR SECTION 13.85 AND THEREBY RETAINS THE 1985 REGULATIONS FOR THE TRINITY RIVER.

PASSED UNANIMOUSLY.

John Kutsenda stated that Bucktail Hole was closed for approximately five and one half months a year and the Commission had left the closure of 880 yards adjacent to private property in the Bucktail Subdivision. He noted that the Bucktail Hole had filled in and no longer presented a problem to illegal snagging.

It was then:

MOVED BY MR. KAHN, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION HEREBY MODIFIES SECTION 13.85(e) TO DELETE THE FISHING CLOSURE OF BUCKTAIL HOLE ON THE TRINITY RIVER.

PASSED UNANIMOUSLY.

With respect to Section 27.65, Filleting of Fish on Vessels, Bill Nott indicated that his organization had conducted several experiments and had determined that it was almost impossible to fillet baracuda and calico bass on board a sport fishing vessel and meet the Commission's required minimum fillet size. He recommended that the baracuda fillet size be reduced from 18 inches to 17 inches in length and that calico bass be reduced from 7 inches to 6-1/2 inches in length.

Deputy Director Fletcher stated that the Department had also studied the issue and had determined that there was a problem with meeting the required fillet lengths; and therefore, the Department agreed with Mr. Nott's recommendations.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. KAHN, THAT THE FISH AND GAME COMMISSION HEREBY MODIFIES SECTION 27.65 AND TENTATIVELY APPROVES THE MINIMUM FILLET SIZE OF KELP BASS, SAND BASS, SPOTTED BASS, OCEAN WHITE FISH AND ALL BROWNE SKIN ROCK FISH TO BE 6-1/2 INCHES IN LENGTH AND THE MINIMUM FILLET SIZE OF BARACUDA TO BE 17 INCHES IN LENGTH.

PASSED UNANIMOUSLY.

With respect to Section 27.80, Salmon, the Executive Secretary stated that the Commission needed to make a motion in order to delete the Department's proposed ocean sport fishing regulations for the north coast area and reinstate the 1985 regulations.

It was then:

MOVED BY MR. KAHN, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY TENTATIVELY DELETES THE DEPARTMENT'S PROPOSED REGULATIONS FOR SECTION 27.80 AND THEREBY RETAINS THE 1985 REGULATIONS FOR SECTION 27.80.

PASSED UNANIMOUSLY.

With respect to Section 40.15, Reptiles, Except Protected Reptiles, Raymond Dennis supported the Department's proposed regulation changes. He stated that he was opposed to the sale of the state's native reptiles for commercial purposes.

Mr. Cribbs then asked if there were any other members of the public who wished to testify on the 1986 sport fishing regulations and the following discussion took place:

Mr. Jim Edmondson recommended that the upper Owens River from Highway 395 to the Alpers Owens Ranch be closed to all fishing from November 1 through the Friday preceding Memorial Day. He indicated that there was a run of rainbow trout spawners that enter the Owens River from Crowley Lake and that their spawning period should be protected. He noted that his organization had agreed to conduct a creel census on opening weekend at the Big Springs Area and presented that information to the Commission.

Commissioner Kahn asked what evidence existed to indicate that there was an overharvest of the spawners.

Robert Rawstron stated that the Department was engaged in a study of the regulations to determine their effectiveness in conserving the overall fishery resource of the Owens River. He noted that the study would include further investigation of the Big Springs Area to give the Department a better insight into whether or not the run of spawning fish in recent years was of a temporary nature or whether it was becoming a dependable yearly occurrence. He stated that because of the complexity of the existing regulations, it would be unwise to add anything which could prove later to be unnecessary. He pointed out that the Inyo National Forest plans to alter the Big Springs culvert to permit the upstream migration of fish. Mr. Rawstron stated that the Department would provide its study results and any recommended angling regulation changes to the Commission at its October 1986 meeting.

Deputy Director Fletcher suggested that the Commission wait until next year to take action on this matter when the Department has completed its study.

Mr. Bud Herman recommended that the Sierra District be closed to all angling from November 16 to the last Saturday in April.

Mr. Dick May recommended that the Commission tentatively adopt the Owens River recommendations as provided by Mr. Edmondson. He also recommended that the Commission amend its existing wild trout policy for Yellow Creek, Plumas County, to designate an additional five miles of Yellow Creek as wild trout water.

He pointed out that the wild trout reach would then extend from Big Springs in Humbug Valley to the confluence of the North Fork of the Feather River.

The Executive Secretary stated that Mr. May's request regarding Yellow Creek would be heard at the Commission's December 6, 1985 meeting in Sacramento when it considers amending its wild trout policy to include a portion of the Truckee River.

Mr. May further recommended that the portion of Crystal Lake, Shasta County, within 250 feet of its outlet to Baum Lake be closed to all angling. He noted that this area was regularly used as a spawning area for wild trout. Mr. May also recommended the adoption of special trout restrictions for a four mile stretch of the Merced River between Red Bud Bridge and the Yosemite National Park boundary. He suggested a bag limit of two trout with a minimum size of 14 inches in total length and the method restricted to artificial lures with a single barbless hook. He noted that the Department had stopped stocking the area and were treating it as a wild trout stream. He further stated that there was enough available data to decide an angling regulation change, but did not know if the reduced bag limit would provide for larger fish in the river.

Robert Rawstron stated that the Department believed it would be premature to adopt Mr. May's proposed regulations for the Merced River for the 1986 season. He indicated that the Department had not completed their analysis and evaluation of the data collected on the trout populations of the Merced River. He stated that the Department planned to repeat the population survey in 1986. He pointed out that the Department intended to make recommendations regarding angling regulations for the Merced River for possible adoption for the 1987 fishing season.

Commissioner Kahn asked if the Department's regulations could be more restrictive than Mr. May's. Mr. Rawstron indicated that they could be, but it all depended on their evaluation of the completed studies.

There being no further recommendations for changes in the sport fishing regulations, the Executive Secretary stated that a motion was necessary to announce the tentative approvals of the Fish and Game Commission with respect to changes proposed in the sport fishing regulations for 1986.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. KAHN, THAT WILLIAM A. BURKE, PRESIDENT, ANNOUNCES THE FOLLOWING TENTATIVE APPROVALS OF THE FISH AND GAME COMMISSION WITH RESPECT TO PROPOSED CHANGES IN THE SPORT FISHING REGULATIONS FOR 1986 TO BE CONSIDERED FOR ADOPTION ON DECEMBER 6, 1985 IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 200, 202, 205, 210, 219, 220, 315, 315.3, 315.5, 5508, 5509, 5510, 8391 AND 10711 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SECTIONS 200-202, 203.1, 205-222, 315-315.5, 5508-5510, 8490, 8391, AND 10711 OF SAID CODE AFTER REVIEW AND CONSIDERATION BY THE FISH AND GAME

COMMISSION OF ALL THE RECOMMENDATIONS SUBMITTED AT
ITS OCTOBER 4, 1985 MEETING AND A PUBLIC DISCUSSION
THEREOF AT ITS NOVEMBER 1, 1985 MEETING:

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS.

- (1) Section 1.05 is amended to read: (Clarifies definition of "Angling.")

1.05. Angling.

~~The taking of, or attempting to take,~~ To take fish by hook and line with the line held in the hand, or ~~by hook and line~~ with the line attached to a pole or rod ~~which is~~ held in the hand or closely attended in such manner that the fish voluntarily takes the bait or lure in its mouth.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 2, 15, 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

- (2) Section 1.08 is amended to read: (Makes technical change to definition of "Artificial Fly.")

1.08. Artificial Fly.

Any fly constructed by the method known as fly tying, ~~including dry fly,~~
~~wet fly and nymph.~~

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210, 215-222, and 5516, Fish and Game Code.

(3) Section 1.11 is amended to read: (Makes technical change to definition of "Artificial Lure.")

1.11. Artificial Lure.

Any man-made lure or fly that is man-made, in imitation of imitates or as a substitute for natural bait, ~~used to attract fish for the purpose of taking them, and shall include artificial flies. This section does not include salmon eggs or other chemically treated or processed foods.~~

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

Reference: Sections 200-202, 203.1, 205-210, 215-222 and 5516, Fish and Game Code.

(4) Section 1.17 is amended to read: (Clarifies definition of "Bag and Possession Limit.")

1.17. Bag and Possession Limit.

No more than one daily bag limit of each kind of fish, amphibian, reptile, mollusk or crustacean named in these regulations may be taken or possessed by any one person unless otherwise authorized; regardless of whether they are such fish, amphibian, reptile, mollusk or crustacean is in a fresh, condition or frozen, cold-packed, canned, dried, salted, pickled, smoked or otherwise preserved.

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

Reference: Sections 18, 45, 62, 86, 200-202, 203.1, 205-210, 215-222 and 5516, Fish and Game Code.

(5) Section 1.51 is renumbered 5.86.

~~1.51.~~ 5.86. Hoopa Indian Salmon Regulation.

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

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

(6) Section 1.52 is renumbered 5.87.

~~1.52.~~ 5.87. Marking Requirements for Salmon Taken by Other than Commercial Means.

Authority: Section 7708, Fish and Game Code.

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

(7) Section 1.72 is repealed: (Deletes definition of "Outrigger or Outrigger Pole.")

~~1.72. Outrigger or Outrigger Pole.~~

~~Includes any pole, spar, boom, davit, beam, device commonly known as a downrigger or performing a similar function, or any other device or equipment affixed to a boat or any part thereof which is capable of holding a fishing line or weight more than 48 inches out from the side of the boat.~~

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

(8) Section 1.80 is amended to read: (Clarifies the definition of "Take.")

1.80. Take.

~~Hunting, pursuing, catching, capturing or killing, or attempting to hunt,~~
Hunt, pursue, catch, capture or kill fish, amphibians, reptiles, mollusks,
crustaceans or invertebrates or attempting to do so.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 86, 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

(9) Section 1.87 is added to read: (Provides for prohibition on wastage of fish.)

1.87. It is unlawful to cause or permit any deterioration or waste of any fish taken in the waters of this state.

CHAPTER 2. STATEWIDE REGULATIONS FOR FISHING AND FROGGING IN INLAND WATERS.

Article 1. Fishing Methods and Gear Restrictions

(10) Section 2.10 is amended to read: (Clarify those provisions pertaining to "Fishing Methods - Exceptions" and to prohibit the use of a weight below the hook on specified rivers and streams which contain anadromous fish.)

2.10. Fishing Methods--Exceptions.

(a) Baited or unbaited single or multiple hooks may be used except that no person shall use:

~~(1)~~ Any any multiple hook with:

(1) the The shank longer than two inches.

(2) Any multiple hook with the The distance between hook points more than 1-1/4 inches.

(3) Any multiple hook with any Any weight exceeding one-half ounce attached either to the hook or line, directly or indirectly, within 18 inches of the hook.

~~(4)~~ (b) No person shall use Any any multiple hook with a distance larger than 1/4 inch measured from the hook point to the shank, or any single hook larger than 1/2 inch measured from the hook point to the shank, or any hook with a weight attached, either directly or indirectly, to the hook or line within 18 inches of the hook, or any weight attached to the line below or beyond the hook in the following waters:

(A) All year in rivers and streams in Mendocino, Sonoma and Marin counties, (except the Russian River) and the Sacramento River between Keswick Dam and the Deschutes Road Bridge and all tributaries to the Sacramento River below Shasta Dam in Shasta and Tehama counties.

~~(A) (B) From November 16 through February 28 in Any any stream in Monterey, San Luis Obispo, San Mateo, Santa Clara and Santa Cruz counties, except the San Lorenzo River, from November 16 through February 28.~~

~~(B) (C) From October 1 through March 31 in the American River from the Hazel Avenue bridge upstream to Nimbus Dam, from October 1 through March 31.~~

~~(C) (D) From August 15 through December 31 in Bel River including the North and South Forks, from August 15 through December 31.~~

~~(D) Mad River and tributaries from the mouth upstream to Ruth Dam, from August 15 through December 31.~~

~~(E) Mattole River, from August 15 through December 31.~~

~~(F) Redwood Creek and all tributaries (Humboldt Co.), from August 15 through December 31.~~

~~(G) the Russian River, and all rivers and streams in the Trinity, Humboldt, Del Norte and Siskiyou counties west of Interstate Highway 5. from August 15 through December 31.~~

~~(H) Sacramento River between Keswick Dam and the Deschutes Road bridge and all tributaries to the Sacramento River below Shasta Dam in Shasta and Tehama counties, all year.~~

~~(I) Salmon River including all tributaries, from August 15 through December 31.~~

~~(J) Scott River including all tributaries, from August 15 through December 31.~~

~~(K) Shasta River including all tributaries, from August 15 through December 31.~~

~~(L) Smith River including all tributaries, from August 15 through December 31.~~

~~(M) Trinity River from Weitchpec upstream to the old Lewiston bridge and its tributaries, the New River and the North and South Forks, from May 15 through November 15.~~

~~(N) Van Duzen River including the South Fork, from August 15 through December 31.~~

(E) From October 16 through December 31 in the

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

(F) From October 16 through the last Saturday in April in

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

(G) From October 1 through December 31 in the

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

~~(b)~~ (c) Gaffs three feet or less in length may be used to land legal-sized fish while angling from a boat only in the following areas (this supersedes Section 5513 of the Fish and Game Code):

(1) The Sacramento River below Deschutes Road bridge, exclusive of tributaries.

(2) The American River below Nimbus Dam.

~~(e)~~ (d) No device capable of being used to view under water may be used on or in any stream in the South Central District from November 16 through February 28 for the taking of fish by any one or more persons acting in unison.

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

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

Article 2. Fishing Hours

(11) Section 3.00 is amended to read: (Permits night fishing in more areas of the state. Also clarifies and simplifies this section.)

3.00. Fishing Hours.

(a) Daylight Hours Defined: One hour before sunrise to one hour after sunset. Remaining hours are night hours.

~~(b) Irrespective of district regulations, all fish may be taken day or night in the following waters or areas:~~

~~(1) Apollo Lake (Los Angeles Co.)~~

~~(2) Berryessa Lake (Napa Co.)~~

~~(3) Camp Far West Lake (Nevada, Placer and Yuba cos.)~~

~~(4) Castaic Lake Afterbay east side only (Los Angeles Co.)~~

~~(5) Coachella Valley (Riverside Co.)~~

~~(6) Collins Lake (Yuba Co.)~~

- ~~(7) Corona Lake (Riverside Co.)~~
- ~~(8) Coyote Lake (Santa Clara Co.)~~
- ~~(9) Dixon Lake (San Diego Co.)~~
- ~~(10) Elsinore Lake (Riverside Co.)~~
- ~~(11) Evans Lake (Riverside Co.)~~
- ~~(12) Hansen Lake (Los Angeles Co.)~~
- ~~(13) Hemet Lake only from shore (Riverside Co.)~~
- ~~(14) Irvine Lake (Orange Co.)~~
- ~~(15) Legg Lake (Los Angeles Co.)~~
- ~~(16) Mendocino Lake (Mendocino Co.)~~
- ~~(17) Nacimiento Lake (San Luis Obispo Co.)~~
- ~~(18) Oroville Lake (Butte Co.)~~
- ~~(19) Perris Lake (Riverside Co.)~~
- ~~(20) Peway Lake (San Diego Co.)~~
- ~~(21) Puddingstone Lake (Los Angeles Co.)~~
- ~~(22) San Antonio Lake (Monterey Co.)~~
- ~~(23) Sycamore Lake (San Bernardino Co.)~~
- ~~(24) Silverwood Lake (San Bernardino Co.)~~
- ~~(25) Vandenberg Air Force Base (Santa Barbara Co.)~~
- ~~(26) Wildwood Lake (Nevada Co.)~~

~~(c) District Regulations:~~

- ~~(1) Southern District and South Central District: Fish may be taken only during daylight hours.~~
- ~~(2) Colorado River District: All fish may be taken day or night.~~
- ~~(3) Sierra District: All fish may be taken day or night except as follows:~~
 - ~~(A) Shasta, Siskiyou, Lassen and Modoc Counties: All fish except trout and salmon may be taken day or night.~~
 - ~~(B) Mono County (except Topaz Lake): Fish may be taken only during daylight hours.~~

~~(C) Lake Tahoe (Placer and El Dorado Cos.) and Topaz Lake (Mono Co.): Fish may be taken only from one hour before sunrise to two hours after sunset.~~

~~(D) See Section 10.73 for Heenan Lake fishing hours.~~

~~(4) Valley District:~~

~~(A) North of Interstate 80: All fish except trout and salmon may be taken day or night.~~

~~(B) South of Interstate 80 (except American River between Business 80 and Nimbus Dam): All fish may be taken day or night.~~

~~(C) American River between Business 80 and Nimbus Dam: Fish may be taken only during daylight hours.~~

~~(5) North Central District and North Coast District: Fish may be taken only during daylight hours except as follows:~~

~~(A) Lake County, the Russian River from Healdsburg bridge downstream to Highway 1 bridge (Sonoma Co.), Ruth Lake (Trinity Co.) and Trinity Lake (Trinity Co.): All fish except trout and salmon may be taken day or night.~~

(b) All fish may be taken day and night except as follows:

(1) Lake Tahoe (Placer and El Dorado cos.) and Topaz Lake (Mono Co.): Fish may be taken only from one hour before sunrise to two hours after sunset.

(2) Mono County, Sierra District (except Topaz Lake): Fish may be taken only during daylight hours.

(3) Heenan Lake, Sierra District: See Section 10.73.

(4) Trout and salmon may be taken only during daylight hours in the following areas:

(A) North Coast District, North Central District, except Berryessa Lake (Napa Co.) and Mendocino Lake (Mendocino Co.) where all fish may be taken day or night, South Central District except Coyote Lake (Santa Clara Co.) where all fish may be taken day or night, and Valley District north of Interstate 80 except Camp Far West Lake (Nevada, Placer, and Yuba cos.), Collins Lake (Yuba Co.), Oroville Lake (Butte Co.) and Wildwood Lake (Nevada Co.) where all fish may be taken day or night.

(B) American River between Business 80 and Nimbus Dam (Sacramento Co.).

(C) Shasta, Siskiyou, Lassen and Modoc counties.

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

Article 3. Bait Regulations for Inland Waters

- (12) Section 4.00 is amended to read: (Simplification of Regulations (also see Sections 4.10, 4.15, 4.20, 4.75 and 4.30), permit the use of dead ocean fish in seven additional waters, and permit the use of crickets at Shasta Lake.

4.00. Bait--General.

Legally acquired and possessed invertebrates, mollusks, crustaceans, amphibians (see Chapter 5 for protected amphibians), fish eggs and treated and processed foods may be used for bait (this supersedes Section 5504 of the Fish and Game Code), except:

- ~~(a) Crickets may not be used or possessed for use as bait in Shasta Lake;~~
~~(b)~~ (a) See Section 5.35 for restrictions on crayfish;
~~(c)~~ (b) See Section 10.69 for restriction on bait collecting on Hat Creek;
and
~~(d)~~ (c) No trout may be maintained or possessed in a live condition in any container on or attached to any boat; and
(d) Except for restrictions listed under special regulations, dead ocean fish may be used as bait statewide. This section supersedes the provisions of sections 4.10, 4.15, 4.20, 4.25 and 4.30.

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

- (13) Subsection (a) of Section 4.10 is amended to read: (See item No. 10 above - Permits use of dead ocean bait in the Southern District.)

4.10. Bait Fish Use in the Southern District.

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

- (a) Threadfin shad, and longjaw mudsucker, and dead ocean fish.
(b) Live threadfin shad may be used only at the location where taken.
(c) Golden shiner and red shiner may be used in San Diego County.

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

(14) Subsections (a) and (c) of Section 4.15 are amended and subsection (d) is repealed to read: (See item No. 12 above. Permits use of dead ocean bait and to permit the collection of bait in all of the Colorado River District.)

4.15. Bait Fish Use in the Colorado River District.

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

(a) Golden shiner, fathead minnow, red shiner, mosquitofish, longjaw mudsucker, threadfin shad, carp, goldfish, sunfish, molly, sargo, and bairdiella and dead ocean fish.

(b) Live carp may be used only at the location where taken.

(c) Tilapia may be used only in the Salton Sea, and may be taken for bait only within the area bounded by Highway 111 on the north and east and Highway 86 on the west and south ~~(except as in (d) below)~~.

~~(d) Special Bait Restriction for Portion of Imperial County: No bait of any kind may be taken from the All-American Canal from Central Main Turnout west, nor from any waters in Imperial County west of the Salton Sea and New River.~~

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

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

(15) Subsection (a) of Section 4.20 is amended to read: (See item No. 12 above. Permits use of dead ocean bait in the Valley and the South Central Valley districts.

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

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

(a) Golden shiner, fathead minnow, mosquitofish, longjaw mudsucker, threadfin shad, Mississippi silverside, lamprey, and staghorn sculpin and dead ocean fish. Red shiner may be used only in the Valley District north of Interstate 580 and Highway 132. Oriental gobies may be used in the Valley District only in those areas described in subsection (b) below.

(b) In addition, except for trout and salmon, fin fish lawfully acquired may be used only in the following areas:

(1) Carquinez Strait and Suisun Bay and their tributaries and saltwater tributaries.

(2) Sacramento River and tidewater of tributaries downstream from Interstate 80 bridge.

(3) San Joaquin River and tidewater of tributaries downstream from Interstate 5 bridge.

(c) Live threadfin shad, Mississippi silverside and lamprey may be used only at the location where taken.

(d) Fin fish may not be used in Keller Lake (Glenn Co.), Letts Lake (Colusa Co.), Merced Lake (San Francisco Co.), Upper and Lower Plaskett Meadow Ponds (Glenn Co.), Whale Rock Reservoir (San Luis Obispo Co.) and Lake Isabella and its tributaries (Kern Co.)

Authority: Sections 200, 202, 205, 210 and 315, Fish and Game Code.
Reference: Sections 200, 202, 203.1, 205, 210, 5504 and 5505, Fish and Game Code.

(16) Section 4.25 is amended to read: (See item No. 12 above. Permits use of dead ocean bait in the North Central District.)

4.25. Bait Fish Use in the North Central District.

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

~~(a) Dead ocean fish:~~

~~(b)~~ (a) Golden shiner, fathead minnow, red shiner, mosquitofish, longjaw mudsucker and staghorn sculpin may be used in Marin, Napa and Sonoma counties, in Lake County except for the Eel River and its tributaries, and in Lake Mendocino (Mendocino Co.).

~~(c)~~ (b) Live threadfin shad, Mississippi silverside and lamprey may be used only at the location where taken.

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

(17) Section 4.30 is amended to read: (See item No. 12 above. Permits use of dead ocean fish in the Sierra and North Coast districts.)

4.30. Bait Fish Use in the Sierra and North Coast Districts.

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

~~(a) Dead ocean fish:~~

~~(b)~~ (a) In Donner, Fallen Leaf and Tahoe lakes Lahontan redbside, tui chub, Tahoe sucker, Lahontan speckled dace, mountain sucker and Paiute sculpin may be used only in the same lake where taken.

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

Article 4. Species Regulations

(18) Section 5.00 is amended to read: (Impose a statewide minimum size limit of 12 inches for black bass.)

5.00. Black Bass.

(a) Open season: All year, except for closures listed under special regulations.

(b) Limit: Five, except as follows:

(1) Colorado River and its backwaters: Ten.

(2) Trinity Lake (Trinity Co.): Two during March and April, five for remainder of year.

(3) At Hensley Lake (Madera Co.) and Oroville Lake (Butte Co.), no fish between twelve and fifteen inches total length may be possessed. The limit is five fish of which no more than one may be over fifteen inches.

(c) Minimum size: ~~No size limit, except twelve~~ Twelve inches total length, in the following lakes except as follows:

~~(1) Anderson (Santa Clara Co.)~~

~~(2) Anza (Contra Costa Co.)~~

~~(3) Berryessa (Napa Co.)~~

~~(4) Buchanan (Eastman) (Madera Co.)~~

~~(5) Cachuma (Santa Barbara Co.)~~

~~(6) Camanche (Amador, Calaveras and San Joaquin cos.)~~

~~(7) Castaic (Los Angeles Co.)~~

~~(8) Chabot (Alameda Co.)~~

~~(9) Chesbro (Santa Clara Co.)~~

~~(10) Clear (Lake Co.)~~

~~(11) Collins (Yuba Co.)~~

~~(12) Contra Loma (Contra Costa Co.)~~

~~(13) Cottonwood (Santa Clara Co.)~~

~~(14) Coyote (Santa Clara Co.)~~

~~(15) Coyote Percolation Basin (Santa Clara Co.)~~

- ~~(16) Cull Canyon (Alameda Co.)~~
- ~~(17) Cunningham (Santa Clara Co.)~~
- ~~(18) Del Valle (Alameda Co.)~~
- ~~(19) Don Castro (Alameda Co.)~~
- ~~(20) Don Pedro (Tuolumne Co.) See Section 12.36 for special closure.~~
- ~~(21) Folsom (Sacramento, El Dorado and Placer cos.)~~
- ~~(22) Grant Ranch (Santa Clara Co.)~~
- ~~(23) Jordan Pond (Alameda Co.)~~
- ~~(24) Kaweah (Terminus) (Tulare Co.)~~
- ~~(25) Lafayette (Contra Costa Co.)~~
- ~~(26) Lake Ranch (Santa Clara Co.)~~
- ~~(27) Lexington (Santa Clara Co.)~~
- ~~(28) Lopez (San Luis Obispo Co.)~~
- ~~(29) McClure (Merced Co.)~~
- ~~(30) Mendocino (Mendocino Co.)~~
- ~~(31) Millerton (Fresno and Madera cos.)~~
- ~~(32) Nacimiento (San Luis Obispo Co.)~~
- ~~(33) New Hogan (Calaveras Co.)~~
- ~~(34) New Melones (Calaveras and Tuolumne cos.)~~
- ~~(35) Perris (Riverside Co.)~~
- ~~(36) Pine Flat (Fresno Co.)~~
- ~~(37) Piru (Ventura Co.)~~
- ~~(38) Ralphine (Sonoma Co.)~~
- ~~(39) Ruth (Trinity Co.)~~
- ~~(40) San Antonio (Monterey Co.)~~
- ~~(41) San Pablo (Contra Costa Co.)~~
- ~~(42) Sandy Wool (Santa Clara Co.)~~

- ~~(43) Santa Fe Regional Park (Los Angeles Co.)~~
- ~~(44) Santa Margarita (San Luis Obispo Co.)~~
- ~~(45) Shadow Cliffs (Alameda Co.)~~
- ~~(46) Shasta (Shasta Co.). See Section 4.00 for bait restrictions.~~
- ~~(47) Shinn Pond (Alameda Co.)~~
- ~~(48) Skinner (Riverside Co.)~~
- ~~(49) Spring (Sonoma Co.)~~
- ~~(50) Stevens Creek (Santa Clara Co.)~~
- ~~(51) Success (Tulare Co.)~~
- ~~(52) Temoseal (Alameda Co.)~~
- ~~(53) Trinity (Trinity Co.)~~
- ~~(54) Tulloch (Calaveras and Tuolumne cos.)~~
- ~~(55) Uvas (Santa Clara Co.)~~
- ~~(56) Vasena (Santa Clara Co.)~~

~~(d) Special restrictions at Hensley (Hidden) Lake (Madera Co.) and Oroville Lake (Butte Co.): Five bass may be possessed but only one may be over 15 inches total length. No fish between 12 and 15 inches total length may be possessed. (See Section 230 for fishing tournament exceptions.)~~

~~(e) Special restriction on Colorado River and backwaters from California-Nevada boundary downstream to Parker Dam (San Bernardino Co.). Minimum size: Thirteen inches total length.~~

(1) No minimum size in the Colorado River District, except thirteen inches in the Colorado River and its backwaters from the California-Nevada boundary downstream to Parker Dam (San Bernardino Co.).

(2) No minimum size in the Southern District, except in the following lakes where the minimum size is twelve inches total length: Cachuma (Santa Barbara Co.), Castaic (Los Angeles Co.), Perris (Riverside Co.), Piru (Ventura Co.), Santa Fe Regional Park (Los Angeles Co.) and Skinner (Riverside Co.).

(3) No minimum size in Modoc and Lassen counties.

Authority: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200-202, 203.1, 205-210, 215-222, 1740 and 1743, Fish and Game Code.

(19) Section 5.10 is amended to read: (Modifies the provisions regarding the take of candlefish.)

5.10. Candlefish or Eulachon.

(a) Open season: All year, except for closures listed under special regulations.

(b) Limit: Twenty-five pounds.

(c) Methods of take: Candlefish may be taken with dip nets. ~~at any time of the day or night in Klamath River, Redwood Creek from its mouth upstream to the confluence of Prairie Creek, Little River from its mouth upstream to the county road bridge at Crannell, Mad River from its mouth upstream to railroad bridge at Essex, Eel River from its mouth upstream to cement arch bridge at Fernbridge and Smith River from its mouth upstream to the confluence of Rowdy Creek.~~

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

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

(20) Section 5.55 is repealed: (Deletes specific reference to seasons and bag limit for mullet which is covered in Section 5.95.)

~~5.55. Mullet.~~

~~(a) Open season: All year.~~

~~(b) Limit: No limit.~~

~~(c) Methods of take: Mullet may be taken only by hand, hook and line, spear, bow and arrow fishing tackle or dip net.~~

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

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

(21) Section 5.60 is repealed: (Deletes specific reference to seasons and bag limits for Sargo and Bairdiella which are covered in Section 5.95.)

~~5.60. Sargo and Bairdiella in the Salton Sea.~~

~~(a) Open season: All year.~~

~~(b) Limit: No limit.~~

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

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

(22) Section 5.75 is amended to read: (Simplify and clarify regulations and modify provisions to provide for a two-fish limit and an 18-inch minimum size limit in all state waters except within the Colorado River District [ten fish, no size limit] and at San Luis Reservoir, O'Neill Forebay, Pyramid Lake, Silverwood Lake and all canals of the state and federal water projects south of highways 132 and 580 [five fish, no size limit].)

5.75. Striped Bass.

(a) Open season: All year except for closures listed in special regulations.

(b) Minimum size: 18 inches except in waters listed in (d) below.

(c) Limit: Two, except in waters listed in (d) below.

(d) Exceptions to general minimum size and bag limits:

~~(1) In the following districts: North Coast, North Central, South Central, and Valley south of Highway 132 and east of Highway 99 and the following waters: Camp Far West (Placer Co.), New Hogan (Calaveras Co.) and Thermalito Afterbay (Butte Co.).~~

~~(A) Limit: Three.~~

~~(B) Minimum size: 16 inches total length.~~

~~(2) (1) In the Colorado River District.~~

~~(A) Limit: Ten.~~

~~(B) Minimum size: No size limit.~~

(2) In San Luis Reservoir, O'Neill Forebay, Pyramid Lake, Silverwood Lake and all canals of the state and federal water projects south of highways 132 and 580.

(A) Limit: Five.

(B) Minimum size: No size limit.

~~(3) Southern District.~~

~~(A) Limit: Three.~~

~~(B) Minimum size: None.~~

~~(4) In the Valley District south of Highway 132 and Interstate 580 and west of Highway 99.~~

~~(A) Limit: Five (see Section 12.72 for special limit in Tulare, Kings and Kern counties).~~

~~(B) Minimum size: None.~~

~~(5) In ocean waters south of Point Conception.~~

~~(A) Limit: Two.~~

~~(B) Minimum size: None.~~

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

CHAPTER 3. DISTRICT TROUT, SALMON AND SPECIAL REGULATIONS

Article 2. Colorado River District

(23) Section 7.10 is repealed: (Deletes "Hydrilla" fishing and bait collecting closures in Imperial County.)

~~7.10. Imperial County Special Closure.~~

~~The All-American Canal from the Central Main Turnout west, and all waters west of the Salton Sea and New River are closed to all fishing and all bait collecting (see Section 4.15).~~

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

Article 3. South Central District

(24) Section 8.21 is added to read: (Provides for special trout restrictions at Mississippi Lake, Santa Clara County of one trout, 18-inch minimum size, artificial lures with single barbless hooks.)

8.21. Mississippi Lake Trout Restrictions (Santa Clara Co.).

(a) Limit: One.

(b) Minimum size: Eighteen inches total length.

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

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

Article 4. North Central District

(25) Subsection (c)(17) of Section 9.10 is amended to read: (Closes a portion of Sonoma Creek to all fishing during the period November 16 through the Friday preceding Memorial Day.)

9.10. Trout and Salmon.

Exceptions to the following seasons and limits are found under special regulations beginning with Section 9.15.

(a) All lakes and reservoirs:

(1) Open season: All year.

(2) Limit: Five trout.

(b) The following streams are open only from the last Saturday in April through November 15. Limit: Five trout.

(1) All tributaries above the following lakes:

(A) Berryessa (Napa Co.)

(B) Hennessey (Napa Co.)

(C) Kent (Marin Co.)

(D) Mendocino (Mendocino Co.)

(E) Nicasio (Marin Co.)

(F) Pillsbury (Lake Co.)

(G) Sonoma (Sonoma Co.)

(H) Soulajoule (Marin Co.)

(2) Cache Creek and tributaries (Lake Co.)

(c) The following waters are open to fishing all year. All tributaries of the following waters, the remaining portions of their main stems and all tributaries thereof are closed to all fishing. Limit: Three trout or salmon in combination, but no more than two salmon.

(1) Albion River (Mendocino Co.) below the confluence of North Fork Albion.

(2) Alder Creek (Mendocino Co.) below Tramway Gulch.

(3) Big River (Mendocino Co.) below the confluence of Two Log Creek.

(4) Brush Creek (Mendocino Co.) below Lawson Bridge.

(5) Cottoneva Creek (Mendocino Co.) below the confluence of South Fork Cottoneva Creek.

(6) Elk Creek (Mendocino Co.) below the confluence of South Fork Elk Creek.

(7) Garcia River (Mendocino Co.) below the Eureka Hill Road bridge.

(8) Greenwood Creek (Mendocino Co.) below the log bridge approximately 1-1/4 miles east of Highway 1.

(9) Gualala River (Mendocino and Sonoma cos.) below the confluence of Wheatfield and South Forks (see Section 9.37).

(10) Lagunitas Creek (Marin Co.) below the Highway 1 bridge.

- (11) Napa River (Napa Co.) below the Lincoln bridge in Calistoga.
- (12) Navarro River (Mendocino Co.) below the Greenwood Road bridge.
- (13) Noyo River (Mendocino Co.) below the Silverado Area Boy Scout Camp (see Section 9.40 for special closure).
- (14) Russian Gulch (Sonoma Co.) below the confluence of the East Branch.
- (15) Russian River (Sonoma and Mendocino cos.) below the confluence of the East Branch.
- (16) Salmon Creek (Sonoma Co.) below the Highway 1 bridge.
- (17) Sonoma Creek (Sonoma Co.) below the ~~Arnold Drive Bridge at the town of Glen Ellen~~ Highway 121 bridge.
- (18) Ten Mile River (Mendocino Co.) below the confluence with the Ten Mile River North Fork and the Ten Mile River North Fork below the confluence with Bald Hill Creek.
- (19) Usal Creek (Mendocino Co.) below the Usal-Shelter Cove Road.
- (20) Walker Creek (Marin Co.) below the Highway 1 bridge.
- (d) The tidewaters of all streams in the District:
 - (1) Open season: All year.
 - (2) Limit: Three trout or salmon in combination, but no more than two salmon.
- (e) Sonoma Creek between the Arnold Drive bridge at Glen Ellen and the Highway 121 bridge and ~~All~~ all waters not described in (a), (b), (c) and (d) above.
 - (1) Open season: Saturday preceding Memorial Day through November 15.
 - (2) Limit: Three trout or salmon, but no more than two salmon.

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

Article 5. Sierra District

- (26) Section 10.20 is added to read: (Closes By-Day Creek and tributaries, Mono County, to all fishing.)

10.20. By-Day Creek and Tributaries Closures (Mono County).

By-Day Creek and tributaries are closed to all fishing.

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

(27) Section 11.64 is amended to read: (Modifies trout limit in Truckee River, Nevada County, in the area between Trout Creek and Gray Creek.)

11.64. Truckee River Trout Restrictions (Nevada Co.). ~~Only from the confluence of Trout Creek to the Glenshire Drive Bridge.~~

(a) Truckee River from the confluence of Trout Creek to the Boca Bridge.

(1) Limit: Two.

~~(b)~~ (2) Minimum size: Fifteen inches total length.

~~(c)~~ (3) Methods of take: For all species, only artificial lures with a single barbless hook may be used.

(b) Truckee River from Boca Bridge to the confluence of Gray Creek.

(1) Limit: Two.

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

Article 6. Valley District

(28) Section 12.17 is added to read: (Closes portion of Bear Creek, Merced County, to all fishing from October 1 through December 31.)

12.17. Bear Creek Closure (Merced Co.).

Bear Creek from Highway 99 bridge upstream to the Merced/Mariposa County line is closed to all fishing from October 1 through December 31.

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

(29) Section 12.19 is amended to read: (Opens Cold Creek, Glenn County, to year-round angling with a five-trout limit.)

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

The Black Butte River and its tributaries, except Cold Creek, are closed to all fishing.

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

(30) Subsection (b) of Section 12.60 is amended to read: (Provides for a year-round three trout or salmon limit in combination, but no more than two salmon in the Sacramento downstream from Keswick Dam.)

12.60. Sacramento River Trout and Salmon Season and Limit.

(a) There is no closed season for trout or salmon in the Sacramento River downstream from Keswick Dam, except as listed in Sections 12.58 and 12.59.

(b) Limit: Three trout or salmon in combination, but no more than two salmon, ~~except that from the last Saturday in April through November 15 the limit is five trout or salmon in combination, but no more than two salmon.~~

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

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

(31) Section 12.72 is repealed: (Deletes no bag limit, no size limit provisions for white bass and striped bass in Tulare Lake and surrounding waters and thereby the take of these species is specifically provided for in sections 5.75 and 5.90.)

~~12.72. Tulare, Kings and Kern Counties Special Limit.~~

~~Notwithstanding the provisions of Sections 5.75 and 5.90, in the counties of Tulare, Kings, and Kern, except for Success Lake, there is no bag limit or size limit on striped bass or white bass. (See Section 5.75(a)(1) for restrictions at Success Lake.)~~

Authority: Section 315, Fish and Game Code.

Reference: Sections 315 and 315.5, Fish and Game Code.

Article 7. North Coast District

(32) Subsection (a) of Section 13.10 is amended to read: (Provides for a fishing closure on the Eel River below the mouth of the Van Duzen River if the Eel River Flow near Scotia is less than 300 cfs. on October 15.)

13.10. Stream Closures: Special Drought Conditions.

(a) Eel River: The Eel River from the mouth to the junction with the Van Duzen River shall be closed to all angling on ~~November 1~~ October 15, if the flow at the gauging station near Scotia is less than 300 cfs. This portion of the Eel River shall reopen to angling when the flow at the Scotia gauging station exceeds 300 cfs.

(b) Van Duzen River: The Van Duzen River from its junction with the Eel River to the Highway 36 bridge near Bridgeville shall be closed to all angling on November 1, if the flow at the gauging station near Grizzly Creek State Park is less than 100 cfs. This portion of the Van Duzen River shall reopen to angling when the flow at the Grizzly Creek State Park gauging station exceeds 100 cfs.

(c) Mad River: The Mad River from the mouth to the North Fork Mad River shall be closed to all angling on November 1, if the flow at the gauging station at the Highway 299 bridge is less than 150 cfs. This portion of the Mad River shall reopen to angling when the flow at the 299 bridge gauging station exceeds 150 cfs.

(d) Mattole River: The Mattole River from the mouth to Honeydew Creek, shall be closed to all angling on November 1, if the flow at the gauging station near Petrolia is less than 125 cfs. This portion of the Mattole River shall reopen to angling when the flow at the Petrolia gauging station exceeds 125 cfs.

(e) Redwood Creek: Redwood Creek from the mouth to its confluence with Prairie Creek shall be closed to all angling on November 1, if the flow at the gauging station at the 101 bridge is less than 200 cfs. This portion of Redwood Creek shall reopen to angling when the flow at the 101 gauging station exceeds 200 cfs.

(f) Smith River: The Smith River from the mouth to its confluence with Patrick Creek; the South Fork Smith River from the mouth to the confluence with Jones Creek and the North Fork Smith River from the mouth to its confluence with Stony Creek shall be closed to all angling on November 1, if the flow at the Highway 101 gauging station is less than 400 cfs. These portions of the Smith River shall reopen to angling when the flow at the Highway 101 gauging station exceeds 400 cfs.

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

(33) The title of Section 13.38 is amended to read: (Editorial correction adds Trinity County to title.)

13.38. Klamath River Tributary Trout Restrictions (Humboldt, and Siskiyou and Trinity cos.): No more than one trout over 15 inches total length may be possessed in Klamath River tributary drainages below Iron Gate or Lewiston dams from the Saturday preceding Memorial Day to November 15, with the following exceptions:

(a) Main Stem Trinity River downstream from the old Lewiston bridge.

(b) Trinity River South Fork, downstream from the Highway 36 bridge at Forest Glen.

(c) Salmon River System, only from mouth to and including the North and South Forks.

(d) Scott River, only from mouth to the Fort Jones-Greenview bridge.

(e) Shasta River, only from mouth upstream to Interstate 5 bridge.

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

(34) Section 13.39 is added to read: (Provides for a three-trout limit, artificial lures, single barbless hook for Klopp Lake, Humboldt County.)

13.39. Klopp Lake Trout Restrictions (Humboldt Co.).

(a) Limit: Three.

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

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

(35) Subsections (c) and (e) of Section 13.85 are amended to read: (Provides for instream closures on the Trinity River.)

13.85. Trinity River Closures (Trinity Co.).

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

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

(c) Trinity River from the mouth upstream to Tish-Tang-A-Tang Creek (downstream from Willow Creek) is closed to salmon fishing on Mondays and Tuesdays from August 1 through September 30, not including Labor Day Holiday.

(d) Trinity River from Hawkins Bar bridge (Road to Denny) upstream to the Highway 299 West bridge at Cedar Flat is closed to all fishing from September 1 through November 15.

~~(e) Trinity River from Brown Mountain Road bridge downstream for 880 yards (Bucktail Hole) is closed to all fishing from September 1 through November 15.~~

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

CHAPTER 4. OCEAN FISHING

Article 1. Ocean and San Francisco Bay District

(36) Subsection (b) of Section 27.65 is amended to read: (Provides for 17-inch minimum fillets for barracuda.)

27.65. Filleting of Fish on Vessels.

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

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

(b) Barracuda: Fillets must be a minimum of ~~10~~ 17 inches in length. Each fillet shall bear intact a one-inch square patch of silver skin.

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

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

(e) Pacific bonito: No more than 10 fillets of any length may be possessed. All bonito fillets possessed shall be considered a part of the allowable undersized tolerance of five bonito per day less than 24 inches fork length or weighing less than five pounds as provided in Section 28.32 of these regulations. All fillets shall bear intact a one-inch square patch of skin.

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

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

Authority: Sections 200, 202, 205, 210, 219, 220, 5508 and 5509, Fish and Game Code.

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

(37) Subsection (d) of Section 27.80 is amended to read: (Editorial correction.)

27.80. Salmon.

(a) Methods of take:

(1) Only by angling as defined in Section 1.05. No sinkers or weights exceeding four pounds may be used, except that a fishing line may be attached to a sinker or weight of any size if such sinker or weight is suspended by a separate line and the fishing line is released automatically by a mechanical device from the sinker or weight when any fish is hooked. See Sections 1.72, 28.65 and 28.70.

(2) Only single barbless hooks may be used to take salmon in the ocean.

(b) Open season:

(1) Tomales and Humboldt Bays: All year.

(2) All other waters of the ocean and San Francisco Bay District from the Saturday nearest February 15 through the Sunday nearest November 15.

NOTE: The length of the salmon season in ocean waters is subject to change depending upon action taken by the U.S. Secretary of Commerce. The Department shall notify the public of any change in the salmon regulations through the news media.

(c) Limit: two.

(d) Minimum size: Twenty inches total length, except. ~~There~~ there is no size limit for salmon in Tomales Bay south of Hog Island.

Authority: Sections 200, 202, 205, 210, 307 and 315, Fish and Game Code; and Title 50, Part 661, Code of Federal Regulations.

Reference: Sections 200, 202, 205, 210, 307 and 315, Fish and Game Code; and Title 50, Part 661, Code of Federal Regulations.

(38) Subsection (b)(1) of Section 29.05 is amended to read: (Provides for the take of mussels in state parks, beaches, recreation areas, underwater parks and reserves, and national parks, monuments and seashores. Provides for the take of worms incidental to the take of mussels.)

29.05. General.

(a) Except as provided in this article there are no closed seasons, closed hours or minimum size limits for any invertebrate. The bag limit on all invertebrates for which the take is authorized and for which there is not a bag limit otherwise established in this article is 35. In San Francisco and San Pablo bays and saltwater tributaries east of the Golden Gate Bridge invertebrates may not be taken at night except from the shore.

(b) Tidal invertebrates may not be taken in any tidepool or other areas between the high tide mark (defined as Mean Higher High Tide) and 1,000 feet seaward and lateral to the low tide mark (defined as Mean Lower Low Water) except as follows:

(1) In state parks, state beaches, state recreation areas, state underwater parks, state reserves, national parks, national monuments or national seashores: Only abalones, chiones, clams, cockles, rock scallops, mussels, native oysters, crabs, lobsters, ghost shrimp and sea urchins may be taken. Worms may be taken except that no worms may be taken in any mussel bed, nor may any person disturb or damage mussels while taking worms. Mussels may be taken in Point Reyes National Seashore and in state beaches unless worms are taken incidental to the harvesting of mussels.

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

(3) Special Closure. No invertebrates shall be taken on the mainland shore within the boundaries of Ano Nuevo State Reserve between the high tide mark and 100 feet beyond the low tide mark between November 30 and April 30. Public access to Ano Nuevo State Reserve is subject to change and anglers are advised to contact the Reserve office (415) 879-0595 prior to fishing. No invertebrates may be taken between the high tide mark and 1000 feet beyond the low tide mark along the lee side of Santa Catalina Island between Lion Head Point and Arrow Point.

(c) Measuring Devices. Every person while taking invertebrates which have a size limit shall carry a device which is capable of accurately measuring the size of the species taken.

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

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

Reference: Sections 200, 202, 205 and 210, Fish and Game Code.

CHAPTER 5. NATIVE REPTILES AND AMPHIBIANS

(39) Subsection (e) of Section 40.15 is amended to read: (Modifies provisions for possession of rattlesnakes.)

40.15. Reptiles Except Protected Reptiles.

(a) General:

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

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

(b) Open season: All year.

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

- (1) Spiny softshell turtle (Trinoyx spiniferus): Five.
- (2) Chuckwalla (Sauromalus obesus): One.
- (3) California legless lizard (Anniella pulchra): One.
- (4) California mountain kingsnake (Lampropeltis zonata): One.
- (5) San Joaquin whipsnake (Masticophis flagellum ruddocki): One.
- (6) Two-striped garter snake (Thamnophis couchi hammondi): One.

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

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

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

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

(e) Methods of take:

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

(A) Lizard nooses.

(B) Snake tongs.

(C) Snake hooks.

(2) Rattlesnakes may be taken by any method. ~~However, rattlesnakes may not be possessed alive except under permit issued by the department pursuant to Sections 41, 650, 651 or 671.1.~~

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

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

(5) It is unlawful to take reptiles by means of traps, including pit traps, can traps and funnel traps.

(f) Special closures:

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

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

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

PASSED UNANIMOUSLY.

12. ADOPTION OF SECTION 231, TITLE 14, CAC, RE: SPORT CAUGHT FISH PROCESSOR'S PERMITS.

The Executive Secretary reminded the Commission that at its August 30, 1985 meeting in San Rafael, it considered adding Section 231 to Title 14, CAC, regarding sport caught fish processors permits. Mr. Cribbs stated that the required legal notice on this issue had been published. He pointed out that the Commissioners had copies of the Department's pre-publication of notice and pre-adoption statements as well as the revised text of regulations as prepared by the Department in strike-out and underline format. He noted that the Commissioners were also provided copies of a summary of the correspondence received by the Commission on this issue, a legislative counsel's opinion prepared for Assemblyman Larry Stirling dated August 29, 1985 on this issue and also a response from Deputy Attorney General Denis Smaage to that opinion dated October 1, 1985. Mr. Cribbs stated that the position taken by Mr. Smaage was that the Commission does, in fact, have the authority to adopt the proposed regulations. He stated that all legal requirements had been met on this issue and that the Department recommended Commission approval.

Frank Mason, Research Director, Western Fishboat Owners Association, read a prepared statement to the Commission. He stated that his organization had reviewed the proposed regulations and that the present wording of the proposed regulations were overly broad and they believed seriously flawed. He further pointed out that it was his association's opinion that the present regulations would not survive any intensive review by the Office of Administrative Law. He noted that his association's concern was that the sport caught fish could possibly show up in the commercial market and that different species of fish could be traded for canned tuna.

Mr. Mason stated that his organization had some proposed wording changes for the regulations and that he would like to work with the Commission to produce a regulation which would meet the intent to provide for an exchange of sport caught fish and at the same time prevent or minimize any injury to the commercial fishing industry. He noted, however, that his group also recommended that the problem be returned to the Legislature in order to clarify this issue of exchanging sport caught fish for canned or smoked fish.

Rob Ross, California Seafood Institute, stated that his organization understood the sport fishermen's problem and that his group did not want to see any waste of fish. He noted, however, that most of the species listed in the proposed regulations, would not be accepted by the canneries. He gave as an example striped bass, skipjack and yellowtail. He stated that since there was no canned market for those species, the canneries were not prepared to can those species.

Commissioner Taucher stated that the regulations did not address the selling of the fish, but just the canning of the fish and trading them back to the sport fishermen.

Zeke Grader, Pacific Coast Federation of Fishermen's Associations, Inc., stated that his organization did not disagree with the concept, but that the proposed regulations had many difficulties. He stated that salmon and striped bass should be removed from the proposed regulations. He stated that he was very concerned about the possibility of sport caught salmon entering the

commercial market. He gave as an example the closing of the commercial salmon fishing season on the north coast this year together with the excellent sport fishing season, he believed that the sport caught fish could enter the commercial market. He stated that the regulations did not address if the fish were dressed or in the round; and therefore, the regulations needed to be more specific.

President Burke interrupted the proceedings to present a draft letter to Mr. Michael Scott in response to the U.S. Fish and Wildlife Service's new position on the California condor which they presented at the Commission's October 31, 1985 meeting. Dr. Burke informed Mr. Scott that the Commission did not have its official letterhead at this meeting; and therefore, they would be sending a formalized letter to Mr. Hester on the Commission's official letterhead next week.

It was then:

MOVED BY MR. KAHN, SECONDED BY MR. BRYANT, THAT
THE FISH AND GAME COMMISSION HEREBY AUTHORIZES
ITS STAFF TO SEND A LETTER TO THE U.S. FISH AND
WILDLIFE SERVICE OUTLINING ITS COMMENTS REGARDING
THE U.S. FISH AND WILDLIFE SERVICE'S NEW POSITION
ON THE CALIFORNIA CONDOR RECOVERY PROGRAM.

PASSED UNANIMOUSLY.

The following discussion then continued on the sport caught fish processors permits:

Bill Nott stated that the problem the party boat fishermen faced was that the canneries have closed down in southern California and that Starkist cannery was the only one which would exchange the sport caught fish with a canned product. He noted, however, that the cannery was in Puerto Rico. He said that the fish must be shipped there and canned, and then shipped back to California for distribution. He noted that this makes the exchange rate very prohibitive for the sport fishermen. In addition, he stated that the sport fishermen were giving up their fish, plus paying an exorbitant rate for the canned tuna. He stated the most desirable solution was to allow the fishermen to trade their fish to the primary processor in a ratio wherein there would be no charge to the fishermen, but also allow the cannery to recover costs and to make an acceptable profit. He noted that this ratio would be approximately four pounds of round fish for one 6.5 oz. can of tuna. He further pointed out that the commercial catch of albacore last year was 7,700 tons; whereas, the sport caught catch of albacore was only 267 tons. From this, he said that there was little chance of any competition between the sport caught albacore and the commercial industry.

Commissioner Galletti asked that if a sport passenger boat came back with a load of tuna and the skipper traded the sport caught fish for canned fish, how could the Department know that the traded fish would not make its way into the fresh market, but would be canned.

Bill Nott indicated that there would be a paper trail, but that Deputy Director Fletcher could probably provide a more indepth answer.

Deputy Director Fletcher stated that immediately upon receiving fish, a permittee must record the number and weight of all fish received by species on receipts furnished by the Department. He further pointed out that the permittee must keep and maintain all records required by these regulations at their place of business, and make them available to authorize Department personnel upon demand.

Commissioner Galletti stated that it was unclear to him how the Department could assure that the sport caught fish would end up at a cannery and not be sold to the fresh market to compete with the commercial industry.

Deputy Director Fletcher stated that the proposed regulations would only allow for those sport caught fish to be canned. He stated that if the regulations were violated, then the permittee could have his permit revoked.

Messrs. Jeff Jones, Ted Dunn and Frank Polisky all recommended Commission approval of the proposed regulations. They all indicated that the main threat to the U.S. commercially-caught albacore was the foreign imported fish and not the sport caught fish. They indicated that the present exchange rate was too high and unfair to the sport fishermen.

Carl Nettleton stated that there was a clear need for the proposed regulations. He stated there needed to be a mechanism to allow sport caught fish to be exchanged for canned or smoked fish. He indicated that he believed safeguards were built in to the proposed regulations and urged Commission approval.

Commissioner Galletti stated that it was his opinion that the proposed regulations were vague and needed to be strengthened to assure that the sport caught fish would end up at the cannery and not compete with the commercial fishing industry. He was concerned that if the fish were sold outside of California, then how could the Department assure compliance with the regulations.

Deputy Director Fletcher stated that it would be a violation of the permittee's requirements and also a violation of the Lacey Act. He again pointed out that if the regulations were violated, the permittee could have his permit revoked.

Commissioner Taucher stated that he concurred with the Department's proposed regulations except that he believed four pounds of fish should be exchanged for one can of fish with no charge for the can. He also indicated the money option should be left in with no ceiling proposed.

Commissioner Kahn suggested the wording for the exchange rate could be "up to four pounds." He stated that he was also concerned with excess fish entering the fresh market and competing with the commercial industry.

Deputy Director Fletcher stated that an exchange rate of two pounds for one can of fish was better than four pounds for one can of fish.

Commissioner Kahn suggested the Department look at the economics of the matter and also pursuant to Mr. Grader's comments as to which species should be included in the proposed regulations. He indicated that the Department's proposals should also include Mr. Taucher's proposal, and that the Department should report back to the Commission at its December 6 meeting in Sacramento.

Deputy Director Fletcher stated that the Department would be able to fulfill that request.

Commissioner Galletti stated that a meeting should be set up to further discuss the proposal and suggested that he and Mr. Taucher meet with representatives from the Department, the commercial industry and the sport fishing industry within the next two or three weeks.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BRYANT, THAT
THE FISH AND GAME COMMISSION HEREBY MODIFIES THE
PROPOSED REGULATIONS FOR SECTION 231, TITLE 14,
CALIFORNIA ADMINISTRATIVE CODE, TO INCLUDE
ALTERNATE EXCHANGE RATES OF UP TO FOUR POUNDS OF
FISH FOR ONE CAN AT NO CHARGE.

PASSED UNANIMOUSLY.

13. AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO AMEND SECTION 135, TITLE 14, CAC, RE: TRANSPORTATION, POSSESSION AND SALE OF IMPORTED STURGEON, STRIPED BASS, STEELHEAD TROUT AND SHAD.
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The Executive Secretary reminded the Commission that at its April 26, 1985 meeting in Sacramento, there had been a discussion regarding the intent of the provisions of Section 135, Title 14, CAC, relating to the transportation, possession and sale of imported sturgeon, striped bass, steelhead trout and shad. Mr. Cribbs pointed out that the Commission, after listening to testimony on the matter, directed its staff and the Department to work together with the industry to resolve the remaining issues. He noted that the Commissioners were provided with a copy of the pre-publication of notice statement as submitted by the Department at the Commission's June 28, 1985 meeting in South Lake Tahoe. Mr. Cribbs stated that the Commission's intention at that meeting was to authorize publication of notice regarding consideration of this matter. However, the item was removed from the consent calendar at the request of the industry and the Department with no action being taken.

The Executive Secretary stated that the matter before the Commission at this time was for its consideration of authorizing its staff to publish notice of its intent to amend Section 135, Title 14, CAC, regarding the transportation, possession and sale of imported sturgeon, striped bass, steelhead trout and shad. He further stated that should the Commission concur in the publication of notice, the matter would be scheduled for Commission consideration at its January 3, 1986 meeting in Ventura.

Commissioner Galletti asked the Department if each supermarket in a large chain needed to have its own separate permit or would the parent corporation be issued the permit.

DeWayne Johnston stated that under the proposed regulations, each supermarket, restaurant and/or fish market would need an individual permit.

The Executive Secretary stated that a new pre-publication of notice would be drafted to incorporate the modifications and would be circulated for public review and comment.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. TAUCHER, THAT
THE FISH AND GAME COMMISSION HEREBY AUTHORIZES ITS
STAFF TO PUBLISH NOTICE OF ITS INTENT TO AMEND
SECTION 135, TITLE 14, CAC, REGARDING THE TRANSPOR-
TATION, POSSESSION AND SALE OF IMPORTED STURGEON,
STRIPED BASS, STEELHEAD TROUT AND SHAD.

PASSED UNANIMOUSLY.

Mike Massengill requested that the Commission amend Section 240, Title 14, CAC, to reflect the aquaculturists' ability to import eggs and fry for aquaculture purposes.

DeWayne Johnston stated that the Department had met with the aquaculture community and would be submitting an amendment to Section 240, Title 14, CAC, to the Commission for its consideration.

14. REQUEST OF PAUL AND GLORIA HIMMELBERGER, SAN DIEGO, FOR AUTHORIZATION TO POSSESS FEMALE FERRETS.

The Executive Secretary reminded the Commission that at its August 2, 1985 meeting in Long Beach, it received testimony concerning the request of Paul and Gloria Himmelberger, San Diego, for authorization to possess two female ferrets for pet purposes. Mr. Cribbs pointed out that the Commission, after considering the testimony presented at that time, continued the matter until its November 1, 1985 meeting in San Diego. He noted that the Commissioners were provided with copies of a letter from the Himmelberger's attorney, Mr. Robert L. Smith, regarding their proposal, as well as letters from the Department of Food and Agriculture and the Department of Health Services regarding this matter. He stated that the Department had provided the following information and recommendation:

"On September 3, 1985 the Department requested position statements from the Directors of the departments of Health Services and Food and Agriculture regarding a proposed change in regulations prohibiting the importation and possession of domesticated ferrets. This request resulted in formal statements from both Departments.

"The position statement from the Department of Food and Agriculture, dated September 30, 1985 recommended no change in the existing regulation that allowed only neutered males.

"The Department of Health Services statement, dated October 7, 1985, also recommended no change. Both statements provided the rationale for their decisions.

"The Department concurs with the recommendations from these two allied agencies. The Department pointed out the ease of identification of male versus female ferrets compared to the difficulty for field enforcement personnel to distinguish between neutered and unneutered female ferrets. Under the proposed change, ability to make this distinction would be expected of regulating agencies, particularly at agricultural inspection stations at ports of entry in California.

"The Department states that this is an unreasonable and unworkable request. They note that relying on a certificate of neutering surgery from an out-of-state veterinarian has had a history of serious abuse and constitutes an exercise in futility.

"In addition to the stated concerns of the departments of Food and Agriculture and Health Services, the Department of Fish and Game anticipates excessive competition between native mustellids and feral ferrets to the detriment of native skunks, weasels, and mink. Studies in the state of Washington lists the ferret (mustela putorius) as a feral population that is increasing in numbers and "believed to be responsible for reducing native mink (mustela vison) numbers in recent years." A phone call to the Washington Department of Game on October 11, 1985 verified the continual existence of a feral population of ferrets on the San Juan Islands. They report that their introduced population of European rabbits that was listed as a social, economic and biological pest in 1979 is now decimated due to intense predation from ferrets.

"Literature from ferret owner associations claim that domestic ferrets do not survive in the wild. Documented evidence of wild populations of ferrets in New Zealand and Washington state contradict that position. A very recent report of a person live trapping ferrets in the Roseville area of Placer County is being investigated. An official report from the Department of Parks and Recreation and Warden Gary Hobgood, Region 2, verified the capture of two ferrets in the Granite Bay area, Folsom Lake State Park, Placer County. One was a male and the other was a female ferret. The male is being held, however, the female ferret managed to escape. This incident occurred in mid-September, 1985.

"The Department is serious in its desire to prevent the establishment of feral ferret populations in California; therefore, it strongly recommends that the Commission not weaken the existing regulations restricting the importation and possession of ferrets."

The Executive Secretary stated that the Commission office had also received letters from Assemblywoman Sunny Mojonier and Assemblyman Robert C. Frazee regarding the Himmelberger's request. He pointed out that copies of these letters had been provided to the Commissioners for their review as well as copies of previous Commission minutes dealing with the issue of importation or possession of female ferrets.

Deputy Director Fox stated that the Department had just met with the Himmelberger's and their attorney and the Department wished to change its recommendation in this matter. He stated that one of the female ferrets was an albino and it was decided that if it escaped into the wild, it would not be able to survive. He further noted that the Himmelbergers informed the Department that both ferrets had been neutered.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. KAHN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF PAUL AND GLORIA HIMMELBERGER, SAN DIEGO, FOR AUTHORIZATION TO POSSESS TWO SPAYED FEMALE FERRETS FOR PET PURPOSES UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

The Commission then directed the Department to fully review the question of "domesticated" ferrets establishing feral populations in the wild, their competition with native mustellids and ground nesting birds, and to report back to the Commission at its March 7, 1986 meeting in Sacramento with a recommendation regarding maintaining or eliminating the Commission's present policy regarding the importation and possession of spayed female ferrets.

15. REVIEW OF THE STURGEON COLLECTION AND BREEDING PERMIT PROGRAM FOR AQUACULTURE PURPOSES.

The Executive Secretary stated that the Department had provided the following information on this matter:

"The following registered aquaculturists were approved in November, 1984 for participation in the 1985 program:

1. Arrowhead Fisheries, Inc., Red Bluff.
2. Calaveras Trout Farms, Inc., Snelling.
3. California Sunshine Fisheries, Sacramento.
4. Down to Earth Fisheries, Oakdale.
5. Rancho del Pescado, Gerber.
6. Reef Falls Enterprises, Woodland.
7. S and L Fishery, Modesto.
8. The Fishery, Elk Grove.
9. Whitewater Sturgeon, Sacramento.

"In mid-January, Mr. Ray Ross of Down to Earth Fisheries indicated that Down to Earth Fisheries was not interested in participating in the 1985 program. On March 28, 1985 the Department determined that white sturgeon were not among the species approved on Down to Earth Fisheries registered aquaculturist permit. The Department recommends that Down to Earth Fisheries not be approved for participation in the 1986 program unless they show cause why they should not be disapproved.

"S and L Fishery never responded to the Department in 1985 regarding the issuance of their 1985 permit and no 1985 permit was issued. The Department recommends that S and L Fishery not be approved for participation in the 1986 program unless they show cause why they should not be disapproved.

"Mr. Ron Lipton, at Whitewater Sturgeon, was not issued a 1985 permit because he indicated he was not interested in taking fish from the wild in 1985, and that he wanted to concentrate his 1985 efforts on fish on hand. Mr. Lipton did, however, respond to the Department's request for a written report on his operations. Mr. Lipton has indicated that he would like to be included among the permittees approved for participation in the 1986 broodstock collection program. The Department recommends that Mr. Lipton be approved for participation in the 1986 program.

"Reef Falls Enterprises collected three adult sturgeon in 1985, one female and two males. They successfully spawned the female. They were not, however, able to hatch any of the resulting eggs and, as a result, were unable to comply with the 1985 permit requirement for juvenile sturgeon planting. They did comply in all other ways with terms of their 1985 permit, including the requirement for reporting on forms provided by the Department. The Department recommends that Reef Falls Enterprises be approved for participation in the 1986 program.

"All the remaining five registered aquaculturists participating in 1985 (listed below) apparently complied with all of the terms of their 1985 permits. The Department recommends that all five be approved for participation in the 1986 program.

Arrowhead Fisheries, Inc.
Calaveras Trout Farms, Inc.
California Sunshine Fisheries
Rancho del Pescado
The Fishery

"On August 13, 1985 the Department reviewed the 1985 permits with registered aquaculturists and discussed changes we were considering for the 1986 permits. Minutes of this meeting with a resulting draft of the proposed 1986 permits are also attached.

"Some of the registered aquaculturists participating in the White Sturgeon Broodstock Development Program have requested that their final reports not be made available to the public or other aquaculturists."

Mr. Cribbs stated that certified letters had been sent to Down to Earth Fisheries, Oakdale, and S and L Fisheries, Modesto notifying them of the Commission meeting and their opportunity to show cause why they should be granted a permit to collect white sturgeon broodstock during the coming year.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. TAUCHER, THAT
THE FISH AND GAME COMMISSION HEREBY AUTHORIZES
REISSUANCE OF THE WHITE STURGEON BROODSTOCK COLLECTION

PERMITS ISSUED TO ARROWHEAD FISHERIES, INC., RED BLUFF; CALAVERAS TROUT FARM, INC., SNELLING; SUNSHINE FISHERY, SACRAMENTO; RANCHO DEL PESCADO, GERBER; REEF FALLS ENTERPRISES, WOODLAND; THE FISHERY, ELK GROVE; AND WHITEWATER STURGEON, SACRAMENTO; UNDER THE SAME TERMS AND CONDITIONS AS THE PREVIOUS PERMITS AND DENIES. ISSUANCE OF SIMILAR PERMITS TO DOWN TO EARTH FISHERIES, OAKDALE AND S AND L FISHERY, MODESTO.

PASSED UNANIMOUSLY.

16. DEPARTMENT REPORT RE: PROGRAM FOR MONITORING ACTIVITIES OF EXPERIMENTAL GEAR PERMITTEES.

The Executive Secretary reminded the Commission that at its October 4, 1985 meeting in Los Angeles, it asked the Department to provide it with a report concerning a proposed monitoring program for those activities associated with experimental gear permits. Mr. Cribbs pointed out that the Commissioners were provided with a copy of the Department's response and that the Department was prepared to answer any questions the Commissioners may have on this issue.

Commissioner Bryant asked the Department if they would have the necessary personnel to monitor all experimental gear permits.

Director Parnell stated that the Department has limited personnel and it was always a concern to them if they could adequately monitor the experimental gear permits. He noted that the Department would be working with the National Marine Fisheries Service to do the best job that they could in monitoring the experimental gear permits.

Al Petrovich stated that the Department could not effectively monitor 100% of the experimental gear permits, but had to rely on sampling a portion of the permittees. He indicated that the Department's goal was to achieve a 25% monitoring effort. He indicated that in the Department's opinion, that level of monitoring in most cases would provide sufficient evaluation.

Commissioner Kahn suggested that the Commission consider a policy to not approve any experimental gear permits unless the Department indicated they would have the capabilities to monitor such a permit. He noted that the Commission should establish a standard by which to evaluate all proposed experimental gear permits.

Commissioner Galletti did not agree and believed that each proposal should be handled on a case by case basis.

Commissioner Kahn recommended that the Department report back to the Commission at its December 6 meeting in Sacramento with a position on whether or not the Department wanted a policy on monitoring experimental gear permits, and if so, they should be prepared to make a recommendation at that time.

Carl Nettleton expressed some concern that there would not be any monitoring of the recent longline experimental gear permits that the Commission had issued. He indicated that the monitoring program relieved some social concerns; and therefore, recommended the continued monitoring of all experimental gear permits.

17. REQUEST OF THOMAS D. TOMLINSON, MOSS BEACH, FOR EXPERIMENTAL GEAR PERMIT TO USE TRAPS WITHOUT "ESCAPE PORTS" TO TAKE ROCK CRABS IN DISTRICTS 7 AND 10.

The Executive Secretary stated that Thomas D. Tomlinson, Moss Beach, had requested an experimental gear permit to allow him to fish for rock crabs in Fish and Game districts 7 and 10 utilizing traps without escape ports. He pointed out that the Commissioners had been provided with a copy of Mr. Tomlinson's request dated September 25, 1985. He noted that the Department had reviewed Mr. Tomlinson's request and had provided the following information and recommendation:

"Fish and Game Code Section 9011 requires that all traps used to take crabs north of District 118.5 have two escape openings no less than 4-1/4 inches in diameter. This requirement was established to reduce the take of Dungeness crabs less than the 6-1/4-inch legal size limit.

"On two different occasions, the Fish and Game Commission has authorized the issuance of experimental gear permits to use traps to take rock crabs without the required escape openings. The traps were authorized to be used in Fish and Game District 17 north of Santa Cruz, and District 10 from the San Mateo County line to Point Reyes. The two prior permittees expended very little fishing effort under the auspices of their experimental gear permits and did not seek renewal.

"Dungeness crabs increase in abundance north of San Francisco Bay in Fish and Game District 10. Therefore, to provide the greatest possible protection for Dungeness crabs and still allow for an experimental rock crab fishery, the Department recommends approval of an experimental gear permit to take rock crab subject to the following conditions:

1. Permittee may not use more than 100 traps under the privileges of this permit.
2. This permit is only valid for the period March 15, 1986 to October 31, 1986.
3. This permit is only valid within Fish and Game Districts 10 and 17 between Point Santa Cruz and the mouth of the Gualala River.
4. All traps shall be marked with buoys. Marker buoys must be on the surface of the water and bear the experimental gear permit number in a color which contrasts with that of the buoys. If multiple

connected traps are used, the connecting line shall be buoyed at each end. The specified identification number shall be at least one and one-half inches in height and one-quarter inch in width.

5. Permittee must notify the Department's Ocean Area Unit Manager, Mr. Philip Swartzell, 411 Burgess Drive, Menlo Park, CA 94025, telephone (415) 326-0324, prior to undertaking fishing operations. An observer may be assigned to determine the effect of the fishing operations upon the Dungeness crab resource.
6. Each trap shall have at least one of the following destruction devices incorporated in each trap:
 - a. Trap lid strap hooks formed of soft steel rod, not greater than one-quarter inch in diameter; or
 - b. Trap lid strap hooks attached to tie down straps with a single loop of untreated cotton twine or other natural fiber no larger than 120 thread; or
 - c. Any modification of the top or upper half of a trap, secured with a single strand of untreated cotton twine or other natural fiber not larger than 120 thread which when removed, will create an opening of at least five inches in diameter.
7. Traps fished under the terms of this permit shall be operated in waters no greater than 10 fathoms (60 feet) in depth.
8. Permittee and all other persons who assist in fishing under the terms of this permit shall have valid California commercial fishing licenses prior to fishing and shall obey all other applicable laws in addition to the conditions of this permit.
9. Permittee shall not possess any Dungeness crab (Cancer magister) aboard any vessel, while such vessel is being used to take rock crab under the terms of this permit.
10. Permittee shall maintain a full and accurate record of the fishing operations on forms supplied by the Department. The completed forms will be forwarded to the Department of Fish and Game, 411 Burgess Drive, Menlo Park, CA 94025.
11. The number on this permit shall be displayed in 14-inch high by 2-inch wide black Roman alphabet and Arabic numerals on a white background on both sides of the top forward section of the fishing vessel being used.

Mr. Tomlinson stated that it would not be a true experiment unless he was allowed to fish during the Dungeness crab season. He noted that he had fished for rock crab in southern California with no escape ports in his traps and found that he had no adverse impacts to the lobster population.

Deputy Director Fletcher stated that the impact to the Dungeness crab population would be to the necessary handling in removing the Dungeness crabs from Mr. Tomlinson's traps. He stated that to lessen the impacts to the Dungeness crab populations, the Department's terms and conditions were necessary.

Commissioner Galletti indicated that the Dungeness crab populations off of the California coast have been severely impacted, and that to meet the local demand, crabs had to be imported from Alaska.

Commissioner Kahn asked Mr. Tomlinson that if the Commission approved his request with the Department's terms and conditions, would he utilize this experimental gear permit.

Mr. Tomlinson stated that he would prefer the chance to start fishing as soon as possible and not wait until the Department's proposed starting date of March 15, 1986. He indicated that he had made a substantial investment in purchasing traps; and therefore, he had no choice but to abide by the Department's terms and conditions. He reiterated his request, however, that the Commission allow him to fish during the Dungeness crab season.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION PURSUANT TO THE PROVISIONS OF SECTION 8606 OF THE FISH AND GAME CODE, HEREBY APPROVES THE REQUEST OF THOMAS D. TOMLINSON, MOSS BEACH, FOR AN EXPERIMENTAL GEAR PERMIT WHICH WOULD ALLOW HIM TO USE TRAPS WITHOUT ESCAPE PORTS TO TAKE ROCK CRABS IN DISTRICTS 7 AND 10 UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

18. DEPARTMENT REPORT RE: STATUS OF RESOURCE MANAGEMENT ON NATIONAL FOREST LANDS.

The Executive Secretary stated that Mr. Joe Harn, Director of Fish and Wildlife, U.S. Forest Service, was prepared to respond to any questions the Commission may have concerning the status of resource management on national forest lands. Mr. Cribbs pointed out that the Commissioners had copies of the Commission's policy concerning the National Forest Land Management Planning in California and a copy of the Forest Service's annual report concerning resource management on their lands. He noted that this was the first report to be issued by the U.S. Forest Service under the Commission's policy.

Commissioner Kahn stated that the Department had indicated in their response that the Forest Service's report was not the type of report the Commission policy had envisioned. He noted that the report indicated the accomplishments of what had been completed, but did not discuss specific Forest Service plans that may have impacts on fish and wildlife resources or their habitat. He asked Mr. Harn why the Forest Service could not provide the Department the type of report outlined in the Commission's policy, and what could the Forest Service do about correcting the situation.

Mr. Harn stated that since this was the first report, the Forest Service felt that it was a shakedown period. He pointed out that since February when the report first came out, they had been working closely with the Department in order to fulfill the requirements of the Commission's policy.

Commissioner Bryant indicated that there needed to be a good liaison between the Forest Service and the Department regarding logging operations on national forest lands.

Mr. Harn stated that the Forest Service had an existing policy regarding that issue, and that the Department and the Forest Service had a good exchange of information prior to any logging activity on national forest lands.

Commissioner Kahn stated that the Forest Service managed approximately 20 million acres in California; and therefore, had the potential to impact California's fish and wildlife resources to the greatest extent. He stated that he would like the Department to inform the Commission of specific plans from different national forests that are, or maybe, adversely impacting fish and wildlife resources. He noted that level of specificity was not in the Forest Service's report. He also noted that the Forest Service's viable population objectives could mean a minimum population that could just barely survive in a given area.

Mr. Harn indicated that the Forest Service's definition of a viable population was one that could reproduce and continue to flourish on national forest lands.

Commissioner Kahn recommended that the Department, in the near future, report back to the Commission on whether the Department was satisfied or not with the definition of a viable population and any other serious concerns identified in its analysis of the Forest Service's report. Deputy Director Fox stated that the Department would be able to fulfill the Commission's request.

19. REQUEST OF ROBERT E. RUTHERFORD, PRESIDENT, MARINE ECOLOGICAL INSTITUTE, REDWOOD CITY, FOR A SCIENTIFIC COLLECTING PERMIT.

The Executive Secretary stated that Robert E. Rutherford, President, Marine Ecological Institute, Redwood City, had requested a modification of the Department's regulations concerning issuance of scientific collecting permits. Mr. Cribbs pointed out that Mr. Rutherford had requested a scientific collecting permit be issued to the Marine Ecological Institute and not a specific instructor. He stated that Mr. Rutherford had requested Commission

action be postponed until its December 6 meeting in Sacramento. Mr. Cribbs pointed out that the Department had recommended denial of Mr. Rutherford's request and suggested that the Commission postpone action on this issue until its December 6, 1985 meeting in Sacramento. The Commission concurred.

20. REQUEST OF RICHARD SYLVESTER, MORRO BAY, FOR EXPERIMENTAL GEAR PERMIT TO USE A MODIFIED HALIBUT TRAWL IN OCEAN WATERS BETWEEN BIG SUR AND POINT SAL.

The Executive Secretary stated that Mr. W. F. "Zeke" Grader, Jr., Executive Director of the Pacific Coast Federation of Fishermen's Associations, Inc., Sausalito, had submitted a request for experimental gear permits to allow several fishermen to use a modified halibut trawl in ocean waters between Big Sur and Point Sal and between Monterey Bay and Waddell Creek. Mr. Cribbs suggested that the Commission combine both items 20 and 21 as they were related. He pointed out that the Commissioners had been provided with the necessary background information on Items 20-23. He noted that the Department had provided the following information and recommendations on these matters:

"Subject applicants seek alternative fishing methods to the use of gill and trammel nets. The proposed alternatives are being pursued in an effort to mitigate the impacts of closures enacted to eliminate the accidental entanglement and drowning of sea otters in gill and trammel nets.

"Senate Bill 89, enacted as an emergency measure on May 24, 1985, primarily impacted halibut gill and trammel net fishing operations in Fish and Game District 18 between Yankee Point (Monterey County) and north of Point Sal (Santa Barbara County), where no previous restrictions existed to the use of such gear. The imposition of a 15-fathom gill and trammel net closure had an immediate and direct impact on halibut gill and trammel net fishermen operating out of Morro Bay and Port San Luis. Also, SB 89 required the Department to explore alternatives to the use of gill and trammel nets, and to determine what fishing gear and methods might be used to take California halibut in areas closed by this legislation. SB 89 further provided that the Department shall consider issuing experimental gear permits pursuant to Fish and Game Code Section 8606 for authorizing the use of alternative fishing gear and methods for the California halibut fishery in the affected areas. (Section 8664.5(f), Fish and Game Code.)

"There is not total agreement among the fishermen on whether the use of trawl gear is appropriate. Also, there is concern that the use of trawl gear is not compatible with other types of nearshore fishing gear (gill and trammel nets used outside 15 fathoms, crab traps) and may result in gear conflicts.

"The Commission has before it three separate requests pertaining to this issue and to the Department's knowledge, Mr. Ewing is the only applicant who currently possesses a vessel and gear capable of immediately undertaking experimental trawl fishing operations. The requests for permits to use Danish seines (Ewing, Radon and Rebeck) are contingent upon the applicants receiving future federal grants to

purchase and/or construct such gear. Mr. Sylvester, whose vessel and hydraulic gear will require modification before being capable of conducting trawl fishing operations, requests that a permit be granted before he makes any financial commitment.

"The Department supports the general development of alternative fishing methods to the use of gill and trammel nets. However, given the intent of SB 89, it is our feeling that the experimental use of trawl gear and Danish seines should be initially restricted to halibut gear and trammel net fishermen who have been directly displaced by the recent gill and trammel net closures in Fish and Game District 18, north of Point Sal. Also, we believe that the number of experimental fishing gear permits should be initially limited (1 or 2) to allow the Department the opportunity to concentrate our monitoring efforts on the proposed experimental fishing activities.

"Further, as regards Mr. Stan Long's request for an experimental gear permit in Monterey Bay, we would like to point out that a 10-fathom net closure was initially enacted in 1982 in Monterey Bay and was subsequently increased to 15-fathom closure in 1984. Therefore, the provisions of SB 89 had minimal impact on existing fishermen and fisheries in Monterey Bay. Also, the impact of the gill and trammel net restrictions in Monterey Bay have been more gradual, thereby allowing many fishermen an opportunity to adjust or switch their fishing activities accordingly. Also, many Monterey Bay fishermen were able to relocate their fishing activities to adjacent fishing grounds outside the closure area, an option not generally available to fishermen in Morro Bay and Port San Luis. Therefore, given the intent of SB 89, the resultant impacts of this legislation on fishermen in the Morro Bay and Port San Luis areas, and in order to maximize the Department's observer efforts, we believe that the issuance of experimental gear permits should be limited, at this time, to Messrs. Ewing, Radon, Rebeck and Sylvester."

Mr. Grader stated that the basis for their request was the recent 15 fathom gill and trammel net closure. He pointed out that they pattern their requests after the trawl fishery for halibut within one mile of shore along the Santa Barbara/Ventura coast line. He indicated that if the Commission issued two experimental gear permits, the fishermen would be willing to work with the Department in determining which fishermen would receive the permits.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION PURSUANT TO THE AUTHORITY VESTED BY SECTION 8606 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SAID SECTION OF SAID CODE, HEREBY APPROVES THE ISSUANCE OF TWO EXPERIMENTAL GEAR PERMITS TO BE ISSUED BY THE DEPARTMENT TO ALLOW TWO COMMERCIAL FISHERMEN TO USE A MODIFIED HALIBUT TRAWL IN OCEAN WATERS BETWEEN BIG SUR AND POINT SAL UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSISON.

PASSED UNANIMOUSLY.

21. REQUESTS OF STAN LONG, APTOS; FRED ARROWSMITH, MONTEREY; TONY ELISIO, CASTROVILLE; ERNIE PAGAN, WATSONVILLE; AND BRAD POSEY, SANTA CRUZ, FOR EXPERIMENTAL GEAR PERMITS TO USE A MODIFIED HALIBUT TRAWL IN OCEAN WATERS BETWEEN MONTEREY BAY AND WADDEL CREEK.
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The background information and the majority of the discussion on this item is found in Item 20 above.

Mr. Grader recommended that Mr. Stan Long, Aptos, be issued an experimental gear permit for the Monterey Bay area and that one other permit be issued at large.

Deputy Director Fletcher stated that the Department would agree to that recommendation.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE AUTHORITY VESTED IN SECTION 8606 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SAID SECTIONS OF SAID CODE, HEREBY APPROVES THE ISSUANCE OF TWO EXPERIMENTAL GEAR PERMITS, ONE TO MR. STAN LONG, APTOS, AND ONE TO BE DETERMINED BY THE DEPARTMENT WHICH WOULD ALLOW THE FISHERMEN TO USE A MODIFIED HALIBUT TRAWL IN OCEAN WATERS BETWEEN MONTEREY BAY AND WADDEL CREEK UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND CONCURRED IN BY THE COMMISSION.

PASSED UNANIMOUSLY.

22. REQUEST OF EDWARD EWING, MORRO BAY, FOR EXPERIMENTAL GEAR PERMITS TO USE A MODIFIED HALIBUT TRAWL IN OCEAN WATERS BETWEEN POINT PIEDRAS BLANCAS AND BIG SUR RIVER AND TO USE DANISH AND SCOTTISH SEINES INSIDE THREE MILES.
-

The Executive Secretary stated that Mr. Edward Ewing, Morro Bay, had requested an experimental gear permit which would allow him to use a modified halibut trawl from Point Piedras Blancas to Big Sur River and for a permit which would allow him to use Danish and Scottish seines inside three miles for research purposes. Mr. Cribbs pointed out that the Commissioners had been provided with a copy of Mr. Ewing's request dated September 7, 1985.

Al Petrovich stated that Mr. Ewing was the first fishermen to request an experimental gear permit for the use of a modified halibut trawl inside of three miles. He noted, however, that Mr. Ewing may not qualify as a displaced fishermen under Senate Bill 89 since Mr. Ewing has been a trawl fishermen for the past several years.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION PURSUANT TO THE AUTHORITY

VESTED BY SECTION 8606 OF THE FISH AND GAME CODE, HEREBY GIVES THE DEPARTMENT DISCRETIONARY POWER TO ISSUE MR. EDWARD EWING, MORRO BAY, ONE OF THE APPROVED EXPERIMENTAL GEAR PERMITS IF IT IS CONCLUDED THAT MR. EWING WOULD BE PRECLUDED FROM PARTICIPATION IN THIS EXPERIMENTAL FISHERY AS A RESULT OF LIMITATION BY THE MADDY BILL. FURTHER, IT APPROVES THE REQUEST OF MR. EDWARD EWING FOR THE USE OF DANISH AND SCOTTISH SEINES INSIDE THREE MILE UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

23. REQUEST OF MICHAEL RADON AND STEVEN REBUCK, ATASCADERO, FOR AN EXPERIMENTAL GEAR PERMIT TO USE A MODIFIED DANISH OR SCOTTISH SEINE IN THE AREA OF ESTERO BAY.
-

The Executive Secretary stated that Messrs. Michael Radon and Steven Rebeck, Atascadero, had requested an experimental gear permit which would allow them to use a modified Danish or Scottish seine in the area of Estero Bay. Mr. Cribbs pointed out that the Commissioners had been provided copies of Messrs. Radon and Rebucks proposal and that the Department had recommended approval.

It was then:

MOVED BY GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION PURSUANT TO THE AUTHORITY VESTED BY SECTION 8606 OF THE FISH AND GAME CODE, HEREBY APPROVES THE REQUEST OF MESSRS. MICHAEL RADON AND STEVEN REBUCK, ATASCADERO, FOR AN EXPERIMENTAL GEAR PERMIT WHICH WOULD ALLOW THEM TO USE A MODIFIED DANISH OR SCOTTISH SEINE IN THE AREA OF ESTERO BAY UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

CONSENT CALENDAR

The Executive Secretary noted that items 24-34 were placed on the Commission's consent calendar. Mr. Cribbs pointed out, however, that Item 32 had been withdrawn because Mr. Jaime E. Francisco had not supplied all of the necessary information to the Department on which the Department could complete an evaluation of Mr. Francisco's request and provide a recommendation to the Commission. Mr. Cribbs also pointed out that the staff knew of no opposition to the remaining proposals other than as specified in the analysis and that the Department had provided a recommendation on each of those items which either called for approval or modified approval by the Commission. He noted that any item could be removed from the consent calendar by the Commission or upon request of the Department or someone in the audience who wished to speak

on that item. He stated that copies of a summary of the consent calendar items were available to the public. Mr. Cribbs said that one overall motion was appropriate for approval of these items.

24. AMENDMENT OF SECTION 122, TITLE 14, CAC, RE: LOBSTERS, METHOD OF TAKE.

At the Commission's August 30, 1985 meeting in San Rafael, it authorized its staff to publish notice of its intent to amend Section 122, Title 14, CAC, regarding the method of take of lobsters in order to avoid any unnecessary burden and/or financial impact on lobster fishermen.

The proposed amendments would: (1) change the size of the numbers/letters required on lobster buoys in order to provide for an increase in the number of characters (numbers and/or letters) assigned to permittees; (2) provide that legally marked lobster traps may be placed in the water six days prior to the opening of the lobster season if the doors on such traps are wired open.

Commissioners were provided with the Department's pre-publication of notice and pre-adoption statements as well as the text of the regulations in strike-out and underline format. The Commission office has received no correspondence on this matter and the Department recommends final adoption.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION PURSUANT TO THE AUTHORITY VESTED BY SECTIONS 8254, 9005 AND 9006 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SECTIONS 8250-8258 AND 9000-9006 OF SAID CODE, HEREBY AMENDS SECTION 122, TITLE 14, CAC, REGARDING THE METHOD OF TAKE OF LOBSTERS AS FOLLOWS:

Amendments to Section 122, Title 14, CAC:

(1) Section 122(h) is amended to read:

(h) Each buoy shall bear the permit number of the fisherman in a color which contrasts with that of the buoy. The permit number shall be at least one ~~and one half (1 1/2)~~ (1) inches in height and all markings shall be at least ~~one quarter (1/4)~~ one-eighth (1/8) inch in width.

(2) Section 122(k) is amended to read:

(k) During the closed season for the taking of spiny lobster, no buoy attached to any trap may be marked in such manner as to identify the trap or buoy as a lobster trap or buoy. Except that legally marked lobster traps may be placed in the water six (6) days before the opening of the season if the door or doors to such traps are wired open.

Authority: Sections 8254, 9005 and 9006, Fish and Game Code.

Reference: Sections 8250-8358 and 9000-9006, Fish and Game Code.

PASSED UNANIMOUSLY.

25. AMENDMENT OF SECTION 551(u)(2), TITLE 14, CAC, RE: WATERFOWL HUNTING ON
MERCED NATIONAL WILDLIFE REFUGE.

The Department has requested that the Commission amend subsection 551(u)(2), Title 14, CAC, to permit waterfowl hunting on Merced National Wildlife Refuge beginning on the Saturday nearest to December 1, 1985 (November 30, 1985) through the end of the waterfowl season (January 12, 1986).

Existing regulations permit hunting at Merced National Wildlife Refuge beginning the second Saturday in December through the end of the waterfowl season (December 14, 1985 through January 12, 1986). This would provide seven shoot days of Saturdays and Wednesdays excepting Christmas and New Year's Day. Under the proposed regulations, hunting would commence on the Saturday nearest December 1 and extend through the last day of the waterfowl season (November 30, 1985 through January 12, 1986). This will provide an additional four shoot days.

Merced National Wildlife Refuge is in a multi-year study to evaluate the effects of hunting during the second half of the season. New federal regulations have changed the season dates so that the 1985-86 season will not be comparable to 1984-85 in terms of season length if opening day at Merced is not changed. Commissioners were provided with the Department's pre-publication of notice statement on this issue. The Commission office has received no correspondence on this matter, and the Department recommends final adoption.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION PURSUANT TO THE AUTHORITY VESTED BY SECTIONS 355, 1526, 1528, 1530 AND 10504 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SECTIONS 355, 1526, 1528, 1530 AND 10504 OF SAID CODE, HEREBY AMENDS SECTION 551(U)(2), TITLE 14, CAC, REGARDING WATERFOWL HUNTING ON MERCED NATIONAL WILDLIFE REFUGE AS FOLLOWS:

Subsection (u)(2) of Section 551, Title 14, CAC, is amended to read:

(2) Waterfowl hunting will be allowed from the ~~second~~ Saturday ~~in~~ closest to December 1 until the end of the regular waterfowl season.

Authority: Sections 355, 1526, 1528, 1530 and 10504, Fish and Game Code.
Reference: Sections 355, 1526, 1528, 1530 and 10504, Fish and Game Code.

PASSED UNANIMOUSLY.

26. APPROVAL OF TRANSFER OF STATE DUCK STAMP FUNDS FROM TAYLOR MARSH PROJECT TO THE PROUTY LAKE PROJECT, ALBERTA, CANADA.

The Department has recently been notified by Ducks Unlimited Canada that the Taylor Marsh project in Alberta has been cancelled due to a proposed change in land ownership. In order to fully utilize duck stamp appropriations, the Department would like to request a transfer of the \$26,000 allocated for this project to the already approved Prouty Lake project, also in Alberta. The total allocation for Prouty Lake would then be \$310,500.

27. CONFIRMATION OF ADMINISTRATIVE AUTHORIZATION TO ISSUE SURVIVAL TRAINING PERMIT TO THE U.S. AIR FORCE, MC CLELLAN AIR FORCE BASE.

On October 9, 1985, the Commission authorized the Department to issue a survival training permit to the United States Air Force, McClellan Air Force Base, California. Commissioners were provided with a copy of that permit. The matter before the Commission is for confirmation of the authorization given to the Department on October 9, 1985.

28. CONFIRMATION OF ADMINISTRATIVE AUTHORIZATION TO ISSUE PERMIT TO TRACY S. VILLANUEVA, CITICOPTERS, INC., CALABASAS, TO FLY A HELICOPTER OVER THE CALIFORNIA SEA OTTER REFUGE.

On September 23, 1985, the Commission authorized the Department to issue a permit to Mr. Tracy Villanueva, Citicopters, Inc., Calabasas, which permitted him to fly and land a helicopter within the California Sea Otter Refuge for the purpose of videotaping the coastline from that vicinity. Commissioners were provided with a copy of the permit issued to Mr. Villanueva. The matter before the Commission is for confirmation of that earlier action. The Department has recommended that the Commission confirm its September 23, 1985 emergency action.

29. CONFIRMATION OF ADMINISTRATIVE AUTHORIZATION TO ISSUE PERMIT TO DONALD E. BERRY, REDWOOD HEATING AND SHEET METAL CO., MONTEREY, TO FLY A HELICOPTER OVER THE CALIFORNIA SEA OTTER REFUGE.

On October 11, 1985, the Commission authorized Mr. Donald E. Berry, Redwood Heating and Sheet Metal Co., Monterey, to obtain a permit from the Department which would allow him to fly over the sea otter sanctuary off of Monterey-Carmel coast in order to place a gazebo on a construction site by Cypress Helicopters, Ltd. on October 21, 1985. Commissioners were provided with a copy of Mr. Berry's request. The Department recommends confirmation of the October 11, 1985 emergency action by the Commission.

30. RECEIPT OF DEPARTMENT REPORT: OCEAN RANCHING IN CALIFORNIA - SILVER KING OCEANIC FARMS

Commissioners were provided with a copy of the Department's annual report regarding ocean ranching in California - SilverKing Oceanic Farms, dated May 1985. The purpose of the report is to bring the Commission up to date on SilverKing Oceanic Farms operations.

31. REQUEST OF LELA THOMPSON, LOOMIS, FOR PERMIT TO POSSESS A RACCOON FOR PET PURPOSES.

Ms. Lela Thompson, Loomis, has requested authorization to possess a raccoon for pet purposes. Her letter of October 1, 1985 reads as follows:

"This letter is to request permission for my husband and I to acquire possession of a raccoon from Frank and Lori Morales. They have just purchased a new home in a residential area and no longer have room to keep him. We live in Loomis on 2-1/2 acres and have already invested over \$600.00 to build him a new cage which has constant running water and a pool.

"This raccoon is an 11th generation domesticated raccoon and is very gentle. We would very much appreciate your permission to keep him."

The Department provides the following recommendation:

"Mr. Morales acquired the raccoon in 1981 and held it under a now expired permit and the Department has no objections to this request.

"If this request is approved, permanent possession will be contingent upon Ms. Thompson immediately applying for and maintaining an animal welfare permit which is dependent upon inspection and approval of the raccoon holding facilities by a Department representative."

32. REQUEST OF JAIME E. FRANCISCO, SACRAMENTO, FOR PERMIT TO IMPORT AND POSSESS A MARMOSET FOR PET PURPOSES.

This item was withdrawn at the request of the Department.

33. REQUEST OF ROBERT BLANKENSHIP, REDDING, FOR PERMIT TO IMPORT AND POSSESS BLACKBUCK (Antelope cervicarpa) FOR PET PURPOSES.

Mr. Robert Blankenship, Redding, has requested authorization to possess blackbuck (Antelope cervicarpa) for captive breeding purposes. Commissioners were provided with a copy of Mr. Blankenship's request. The Department has inspected and approved Mr. Blankenship's animal holding facilities and recommends that the Commission authorize the importation and possession of blackbuck for captive breeding purposes subject to the terms and conditions recommended by the Department.

34. REQUEST OF SUSAN CLARK, SAN DIEGO, FOR PERMIT TO IMPORT AND POSSESS ARCTIC FOX FOR PET PURPOSES.

Ms. Susan M. Clark, San Diego, has requested authorization to import and possess an arctic fox for pet purposes. The Department has inspected and approved Ms. Clark's fox holding facilities and recommends that the Commission authorize the importation of the arctic fox subject to the terms and conditions recommended by the Department.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. TAUCHER, THAT
THE FISH AND GAME COMMISSION HEREBY APPROVES ITEMS
24-31 AND 33-34 ON THE NOVEMBER 1, 1985 CONSENT CALENDAR.

PASSED UNANIMOUSLY.

LICENSE AND PERMIT CONSIDERATIONS

35. REVOCATION OF PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE ISSUED TO PETE VOSSLER.

The Executive Secretary stated that on October 5, 1985, Pete Vossler, Susanville, was cited for failure to properly tag a deer and for violating the conditions of his license to operate a Private Lands Wildlife Management Area pursuant to Section 601, Title 14, CAC. Mr. Cribbs noted that pursuant to the provisions of Section 601, Title 14, CAC, the Department made a finding that Mr. Vossler had not met the terms of his license and recommended that the Commission immediately suspend Mr. Vossler's license and that all hunting activities authorized pursuant to the license be suspended until such time as he appears before the Commission to show cause why his license should not be permanently revoked. He pointed out that on October 10, 1985, Mr. Vossler was notified, by a certified letter, of the suspension of his license and further that he would be afforded an opportunity to appear at the Commission's November 1, 1985 meeting in San Diego to show cause why that license should not be permanently revoked. He noted that the Commissioners had been provided with copies of Section 601, Title 14, CAC, the Department's findings and the Commission's letter of October 10, 1985 to Mr. Vossler.

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

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. GALLETTI, THAT
THE FISH AND GAME COMMISSION HEREBY AFFIRMS THE
DEPARTMENT'S SUSPENSION OF THE PRIVATE LANDS WILDLIFE
MANAGEMENT AREA LICENSE ISSUED TO PETE VOSSLER,
SUSANVILLE, FOR THE SUSAN HILLS RANCH, LASSEN COUNTY,
UNTIL SUCH TIME AS HE APPEARS BEFORE THE COMMISSION
TO SHOW CAUSE WHY HIS PRIVATE LANDS WILDLIFE MANAGE-
MENT AREA LICENSE SHOULD BE REINSTATED.

PASSED UNANIMOUSLY.

36. REINSTATEMENT OF COMMERCIAL HERRING FISHING PRIVILEGES OF KENNETH R. KEENEY.

The Executive Secretary stated that Mr. Kenneth R. Keeney, Santa Rosa, had requested an opportunity to appear before the Commission to show cause why his commercial herring fishing privileges should be reinstated. Mr. Cribbs reminded the Commission that at its May 17, 1985 meeting in Palm Springs, it revoked Mr. Keeney's commercial herring fishing privileges until such time as

he appeared before the Commission on the matter. He pointed out that Commissioners were provided with a copy of Mr. Keeney's letter regarding this matter.

Mr. Cribbs stated that after the Commission took action on Mr. Keeney's commercial herring fishing privileges at its May 17, 1985 meeting in Palm Springs, the Commission staff sent him a certified letter notifying him of the Commission's action. He noted that letter was returned to the Commission and a duplicate was then sent to Mr. Keeney in October when his correct address was provided to the Department.

The Executive Secretary stated that the Commission's May 17, 1985 action was predicated upon the following information:

On December 11, 1984, Mr. Kenneth R. Keeney, Santa Rosa, was cited by a Department warden for a violation of Section 8550 of the Fish and Game Code, illegal use of a net while fishing for herring inside of District 2.

On March 15, 1985 in the San Rafael Municipal Court, Mr. Keeney pled guilty to a violation of Section 2000 of the Fish and Game Code, was placed on one year's probation and fined \$250.00. He has no prior violations.

DeWayne Johnston stated that this case was similar to one that the Commission acted on at their last meeting and that the Department recommended that Mr. Keeney's commercial herring fishing privileges be suspended for the first three days of the 1985-86 herring fishery.

Mr. Keeney stated that he did not know that he was fishing in a closed area, and that he had set his nets outside of District 2. He stated, however, that the current had caused him to drift into the closed area.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT
THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE
COMMERCIAL HERRING FISHING PERMIT OF KENNETH R. KEENEY,
SANTA ROSA, FOR THE FIRST THREE DAYS OF THE 1985-86
COMMERCIAL HERRING FISHING SEASON.

PASSED UNANIMOUSLY.

Mr. Keeney stated that he had not received the Commission's first letter notifying him of the Commission's May 17 meeting. He noted that the Department had always had his correct address.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT
THE FISH AND GAME COMMISSION HEREBY REOPENS THE REQUEST
OF KENNETH R. KEENEY, SANTA ROSA, FOR REINSTATEMENT OF
HIS COMMERCIAL HERRING FISHING PRIVILEGES.

PASSED UNANIMOUSLY.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE COMMERCIAL HERRING FISHING PERMIT OF KENNETH R. KEENEY, SANTA ROSA, FOR THE FIRST DAY OF THE 1985-86 COMMERCIAL HERRING FISHING SEASON.

PASSED UNANIMOUSLY.

37. REVOCATION OF COMMERCIAL PASSENGER FISHING BOAT LICENSE OF RICHARD STEVEN POWERS.

The Executive Secretary stated that the Department had requested that the Commission revoke the commercial passenger fishing boat license issued to Richard Steven Powers, Oakland. Mr. Cribbs pointed out that a certified letter was sent to Mr. Powers notifying him of the possible action to be taken by the Commission.

Mr. Cribbs stated that the Department's request was predicated upon the fact that on October 2, 1984, Richard Powers, as owner and operator of the party boat "New Sea Angler" possessed sport taken fish within a fishing business. Mr. Powers also possessed an overlimit of rockfish aboard and hidden in compartments of the boat "New Sea Angler." A total of 189 fish were found on the boat.

On April 23, 1985 in the Sonoma County Municipal Court, Mr. Powers pled nolo contendere to a violation of Fish and Game Code Section 7121, possessing sport fish within a fish business and Section 225.7(h), Title 14, CAC, possessing an overlimit of rockfish on a sport fishing vessel. He was placed on one year's summary probation and fined \$505.

Richard Powers stated that he had spent two thirds of his life in the fishing business and that he had received his commercial fishing license at the age of 19. He stated that he had been very active in community affairs and in working with the Department of Fish and Game. He provided several letters in support of his character and his community activities. Mr. Powers noted that he had carried over 50,000 passengers on his commercial passenger fishing boat. He pointed out that his attorney had told him that if he pled nolo contendere this issue would be resolved and all he had to do was pay his fine. Mr. Powers noted, however, that the federal government also fined him over \$2,000.00 in this case.

Mr. Powers stated that the mackerel found in the fish market was to be used for bait on his boat, and that it was not placed in the fish business for sale. He pointed out that the 189 rock fish had been taken on three previous fishing trips and had been put on ice for safe keeping. He stated that they would be used for filling out the limits of passengers who had gotten sea sick and were unable to fish. He noted that it was very difficult to keep track of his passengers limits because they used multiple hooks. He indicated that now if it was determined that there were over limits on board his boat, those fish are thrown overboard and no longer utilized. He stated that in the past, he had also given extra fish to the Coast Guard for their use.

Mr. Robert Powers stated that he was Richard's father and that the Commission should consider all of the good things that his son had accomplished. He pointed out that his son had paid his fine and should only get a letter of warning from the Commission.

DeWayne Johnston stated that the Department had considered all of the facts in the case, and recommended that Mr. Richard Powers' commercial passenger fishing boat license be suspended for 30 days.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE COMMERCIAL PASSENGER FISHING BOAT LICENSE OF RICHARD STEVEN POWERS, OAKLAND, FOR A PERIOD OF SEVEN DAYS STARTING NOVEMBER 2, 1985 THROUGH NOVEMBER 8, 1985.

PASSED UNANIMOUSLY.

38. REVOCATION OF HERRING BUYER'S PERMIT ISSUED TO FISHERMEN'S FEDERATION, PRINCE RUPERT, BRITISH COLUMBIA, CANADA.

The Executive Secretary noted that Items 38 and 39 were related and suggested that the Commission discuss both items at the same time. Mr. Cribbs stated that the Department had requested that the Commission revoke the herring buyer's permit issued to Fishermen's Federation, Prince Rupert, British Columbia, Canada. He stated that a certified letter had been sent to Michael Florian, Chief Executive Officer, Fishermen's Federation, notifying him of the possible action to be taken by the Commission. He noted that the Department predicated its request upon the following information:

On February 15, 1985, Robert Bernardus Jongewaard, operating as an agent for Fishermen's Federation, Inc., Prince Rupert, British Columbia, Canada, was cited for failure to complete a Fish and Game receipt at the time herring was received, landed and weighed.

On May 24, 1985 in San Francisco Municipal Court, Mr. Jongewaard pled guilty to a violation of Section 8011 of the Fish and Game Code, failure to complete Fish and Game receipt. He was fined \$1,252.00, considered jointly with case No. L06105(8015FG/163(j))(2)(CAC) dismissed). He has no prior violations.

Mr. Cribbs pointed out that the background information on this item had been provided to the Commissioners.

Mr. Tamulski stated that Mr. Jongewaard was the only herring buyer for the Fishermen's Federation last year and that the company's problem arose when Mr. Jongewaard had no help to unload the herring as it came in. He stated that Mr. Jongewaard had worked 36 straight hours and had not anticipated that the herring would be landed as quickly as they were. He noted that the Fishermen's Federation was a coop of several fishermen and was a nonprofit organization. He stated that it was not the Federation's intent to rape California's resource, but to work within the regulations.

Mr. Tamulski stated that the Federation recognized the mistakes that were made and promised to have more people on the dock in 1986, if the Commission granted them their permit. He noted that they would have at least one additional buyer and four or five other people on the dock available to unload the fish and mark the bins. He reemphasized that the Federation made a mistake by allowing Mr. Jongewaard to work alone and that Mr. Jongewaard had pled guilty. He stated that the Federation requests that the Commission allow them and Mr. Jongewaard to work in California during the 1986 herring season.

DeWayne Johnston stated that there were six different charges against Mr. Jongewaard, and that he had pled guilty to one charge of not marking the bins and filling out the pink ticket. Mr. Johnston stated that on February 15, 1985, 72,000 pounds of herring had been unloaded and made ready for transportation out of state. He stated that 14 hours after the fish had been unloaded, the pink ticket had not been completely filled out. Mr. Johnston emphasized the fact that the Department needed accurate and complete reports in order to keep from exceeding the herring quota. He stated that the quota could have been exceeded because of the failure to properly fill out the pink ticket.

Mr. Johnston stated the Department recommended that the Fishermen Federation's herring buyer's permit and Mr. Jongewaard's herring buyers permit be revoked for a period of one year.

Mr. Galletti asked the Department how they knew there was 72,000 pounds of herring that was unreported. Mr. Johnston stated that the warden had found the dock tally sheet which had the weight indicated.

Commissioner Galletti stated that he did not believe it was intentional on Mr. Jongewaard's part to try and defraud the state by not filling out the pink ticket in a timely manner. He stated that he knew the Federation and that they were a reputable company.

Mr. Jongewaard stated that a dock tally had been made out on February 15, but that the pink ticket had not been completely filled out. He said that he had no help and that the crew members helped him unload the fish, but had to leave in order to return to their fishing activities.

Commissioner Kahn asked Mr. Jongewaard that if the Fishermen's Federation was such a large company, why didn't they provide him with more help. Mr. Jongewaard stated that he did not anticipate the herring being landed as rapidly as it happened, and he could not get the people down from Washington quickly in order to help out.

Commissioner Galletti stated that he could not support the Department's recommendation as he thought it was just negligence on the part of the Fishermen's Federation by not providing adequate help for Mr. Jongewaard.

Mr. Tamulski stated that the Fishermen's Federation was willing to do anything the Department recommended in order to work in California during the 1986 fishing season.

Commissioner Galletti stated that he believed the Commission should issue the Fishermen's Federation and Mr. Jongewaard a severe letter of warning in this matter.

Commissioner Taucher stated that since the Fishermen's Federation was such a large organization and the herring fishery was such a lucrative business, he believed the Federation could have provided the extra manpower. He noted that it was his opinion that there could be more to the story than had been told.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BRYANT, THAT
THE FISH AND GAME COMMISSION HEREBY REVOKES THE
COMMERCIAL HERRING BUYER'S PERMIT OF FISHERMEN'S
FEDERATION, PRINCE RUPERT, BRITISH COLUMBIA,
CANADA, FOR A PERIOD OF ONE YEAR OR UNTIL
NOVEMBER 2, 1986.

AYES: COMMISSIONERS TAUCHER AND BRYANT
NOS: COMMISSIONER GALLETTI

39. REVOCATION OF HERRING BUYERS PRIVILEGES OF ROBERT BERNARDUS JONGEWAARD.

The Executive Secretary noted that the discussion on this item had taken place under Item 38 above.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BRYANT, THAT
THE FISH AND GAME COMMISSION HEREBY REVOKES THE
HERRING BUYER'S PRIVILEGES OF ROBERT BERNARDUS
JONGEWAARD, PRINCE RUPERT, BRITISH COLUMBIA,
CANADA, FOR A PERIOD OF ONE YEAR, OR UNTIL
NOVEMBER 2, 1986.

AYES: COMMISSIONERS TAUCHER AND BRYANT
NOS: COMMISSIONER GALLETTI

40. REINSTATEMENT OF EXPERIMENTAL GEAR PERMIT OF EDWARD STETLER TO USE POWER TRAWL AND HAWAIIAN THROW NET TO TAKE THREADFIN SHAD.

The Executive Secretary stated that Mr. Edward Stetler, Stockton, had requested reinstatement of his experimental gear permit to use a power trawl and Hawaiian throw net to take threadfin shad. He pointed out that the Commissioners had been provided with a copy of Mr. Stetler's request and the Department's recommendation. Mr. Cribbs pointed out that Mr. Stetler was issued an experimental gear permit No. X-1324 in January 1984 to take threadfin shad with a throw net. He noted that according to Department records, Mr. Stetler did not report any fishing activity during 1984 and that his permit expired on December 31, 1984. He pointed out that the permit was not renewed because of Mr. Stetler's failure to report.

Mr. Cribbs stated that the Department recommended that Mr. Stetler be placed on the waiting list.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE DEPARTMENT TO PUT MR. EDWARD STETLER, STOCKTON, ON THE WAITING LIST FOR AN EXPERIMENTAL GEAR PERMIT TO ALLOW HIM TO USE A POWER TRAWL AND HAWAIIAN THROW NET TO TAKE THREADFIN SHAD.

PASSED UNANIMOUSLY.

41. REQUESTS OF 1984-85 COMMERCIAL HERRING PERMITTEES FOR OPPORTUNITY TO APPEAL DEPARTMENT'S DENIAL OF COMMERCIAL HERRING PERMIT APPLICATIONS FOR 1985-86.

The Executive Secretary stated that Section 163, Title 14, CAC, provided for the commercial take of herring under revocable, nontransferable permits. He pointed out that Commissioners had before them copies of the subject regulation. Mr. Cribbs noted that permits were renewed annually and that applications for renewal were required to be submitted to the Department of Fish and Game prior to 5:00 p.m. on the first Friday in October. Mr. Cribbs further noted that the regulations stated that any application received or postmarked after the above deadline would not be eligible for consideration. He stated that any person denied a permit for 1985-86 under these regulations may request a hearing before the Commission to show cause why the permit should not be denied.

Mr. Cribbs stated that the five individuals filing late applications or failing to submit an application to date were notified that they were ineligible for consideration for a 1985-86 herring permit. He also pointed out that these individuals were informed that they could petition to the Commission to grant them an appeal hearing to allow them an opportunity to show cause why their permit should not be denied. The Executive Secretary noted that the Department recommended that the Commission take whatever action it deemed appropriate on each of these individuals. He stated that in cases where the background information was provided by the permittee, copies were made and presented to the Commission.

Late Applications

Vittorio Lombardo

Deputy Director Fletcher stated that Mr. Lombardo had indicated that he had mailed his application on September 1, 1985, however, the Department had not received his application. He noted that on October 9, 1985 Mr. Lombardo was advised by the Department that it had not received his herring permit application. Mr. Fletcher then indicated that Mr. Lombardo then submitted his herring permit application on October 10, 1985.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF VITTORIO LOMBARDO, MONTEREY, THAT HIS 1985-86 COMMERCIAL HERRING FISHING PERMIT APPLICATION BE ACCEPTED BY THE DEPARTMENT, BUT THAT HIS PRIVILEGES BE SUSPENDED FOR THE FIRST DAY OF THE 1985-86 SEASON FOR HIS PERMIT GROUP.

PASSED UNANIMOUSLY.

Josh Sieber

Deputy Director Fletcher stated that Mr. Sieber had failed to submit his herring permit application on time for the 1985-86 season.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF JOSH SIEBER, MILL VALLEY, THAT HIS 1985-86 COMMERCIAL HERRING PERMIT APPLICATION BE ACCEPTED BY THE DEPARTMENT, BUT THAT HIS PRIVILEGES BE SUSPENDED FOR THE FIRST DAY OF THE 1985-86 SEASON FOR HIS PERMIT GROUP.

PASSED UNANIMOUSLY.

John Edling

Ilson New stated that Mr. Edling had relied upon Mr. Dick Johnson, president of J-X Fisheries, to submit his herring permit application to the Department on October 3, 1985. Mr. New noted, however, that Mr. Johnson failed to submit Mr. Edling's application in a timely manner; and therefore, requested that the Commission approve Mr. Edling's request for his 1985-86 commercial herring fishing permit without any penalty.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF JOHN EDLING, BELLINGHAM, WASHINGTON, THAT HIS 1985-86 COMMERCIAL HERRING PERMIT APPLICATION BE ACCEPTED BY THE DEPARTMENT BUT THAT HIS PRIVILEGES BE SUSPENDED FOR THE FIRST DAY OF THE 1985-86 SEASON FOR HIS PERMIT GROUP.

PASSED UNANIMOUSLY.

No Application Received

Rinaldo Albini

Deputy Director Fletcher stated that the Department had not received Mr. Albini's 1985-86 herring permit application.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE DEPARTMENT TO DENY RINALDO ALBINI A 1985-86 COMMERCIAL HERRING FISHING PERMIT UNTIL SUCH TIME AS HE APPEARS BEFORE THE COMMISSION TO SHOW CAUSE WHY HIS PERMIT SHOULD BE ISSUED.

PASSED UNANIMOUSLY,

Sebastiano Aliotti

Deputy Director Fletcher stated that the Department had not received a 1985-86 herring permit application from Mr. Sebastiano Aliotti.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE DEPARTMENT TO DENY SEBASTIANO ALIOTTI A 1985-86 COMMERCIAL HERRING FISHING PERMIT UNTIL SUCH TIME AS HE APPEARS BEFORE THE COMMISSION TO SHOW CAUSE WHY HIS PERMIT SHOULD BE ISSUED.

PASSED UNANIMOUSLY.

OTHER

42. ANNOUNCEMENT OF FUTURE MEETINGS.

December 6	Auditorium, Resources Building, 1416 Ninth Street Sacramento, 9:00 a.m.
January 3	County of Ventura Hall of Administration Lower Plaza Assembly Room 800 So. Victoria Ventura, 8:00 a.m.
February 6	California Department of Forestry Conference Room 2221 Garden Road Monterey, 1:00 p.m.

February 7

Monterey Conference Center
Portola Plaza
Colton Rooms I and II
Monterey, 8:00 a.m.

March 7

Auditorium, Room 102
Office Building 7, 744 P Street
Sacramento, 9:00 a.m.

April 4

Auditorium, Room B-109
State Building
1350 Front Street
San Diego, 9:00 a.m.

43. COMMISSION INFORMATIONAL ITEMS.

The Executive Secretary stated that this item had been scheduled for the Commission to receive informational items from its staff and to afford the Commission the opportunity to discuss items with the Department. No items were received or brought up for discussion.

There being no additional items before the Commission, the meeting was adjourned at 2:30 p.m.

(Note: Copies of the environmental reports with respect to items considered by the Commission at this meeting and responses to alternatives proposed by the public are available upon request from the Fish and Game Commission office, 1416 Ninth Street, Sacramento, California 95814).