

State of California  
FISH AND GAME COMMISSION

Aug  
1-2

Minutes, Meeting of August 1-2, 1985

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State of California  
FISH AND GAME COMMISSION

Minutes, Meeting of August 1, 1985

Pursuant to the call of the President, the Commission met in the Courthouse, 215 Sumner, Avalon, California, on August 1, 1985. The meeting was called to order at 9:00 a.m. by President Burke.

Persons Present:

FISH AND GAME COMMISSION

William A. Burke	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

Peter Van der Naillen	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

Robert Fox	Deputy Director
Robert Fletcher	Deputy Director
Eldridge Hunt	Chief, Wildlife Management Branch
DeWayne Johnston	Chief, Wildlife Protection Branch
Terry Mansfield	Wildlife Management Supervisor

The following persons were also present and heard:

Ilson New	Attorney
Gary Smith	National Marine Fisheries Service
Scott Honaker	Commercial Lobster Fisherman
Michael Owen	Commercial Lobster Fisherman

President Burke introduced members of the Commission, its staff, Deputy Directors Robert Fox and Robert Fletcher and Peter Van der Naillen of the Attorney General's office.

DISCUSSION ITEMS

1. READING AND APPROVAL OF MAY 16-17, 1985 MINUTES.

The Executive Secretary stated that the minutes of the May 16-17, 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. TAUCHER, SECONDED BY MR. BRYANT, THAT INASMUCH AS THE MINUTES OF MAY 16-17, 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.

2. RECEIPT OF DEPARTMENT INFORMATIONAL ITEMS.

The Executive Secretary noted 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. Deputy Director Fox stated that in order to save time, the Director had prepared a written report on informational items they felt would be of interest to the Commission, including an update on the implementation of Deer Herd Management Plans, Bighorn Sheep Relocation, The Steel Shot/ Lead Shot Issue and the Department's Legislation.

Commissioner Taucher asked why the Commissioners had not received these items before this morning's meeting. Mr. Cribbs stated that the Department had just handed him copies of their informational items before the meeting started. President Burke stated that it was his understanding the Department would try and get this material to the Commissioners the night before the meeting at their motel. He said that since the Commissioners were not staying in motels, the Department was not able to provide them with copies of this information last night.

President Burke then asked the Department for an update on the California condor issue. He said that he had read the Fish and Wildlife Service's last news release and was confused on whether or not the birds they had captured had been released back into the wild.

Eldridge Hunt then stated that the five year old male that was captured was initially sent to the Los Angeles Zoo and is now residing at the San Deigo Zoo. He further stated that the Fish and Wildlife Service had been trying to capture two female condors; however, the birds had been very elusive and they had not been able to capture them.

President Burke then asked if the weather had become too warm for the trapping work. Mr. Hunt stated that up until this past week that temperatures were getting relatively high; however, the last week had been cool and trapping work was able to continue.

The Executive Secretary stated that he had received a telephone call from John Borneman from the Audubon Society seeking Commission support for the purchase of the Hudson Ranch. Mr. Cribbs stated that Mr. Borneman was of the opinion that the Commission's current position regarding removing all of the condors from the wild was adversely affecting the purchase of the Hudson Ranch. Mr. Cribbs stated that Mr. Borneman had requested that the Commissioners have its staff write a letter to Interior Secretary Hodell urging him to go forward with the purchase of the Hudson Ranch. After further discussion, the Commissioners declined to take any action on this request.

President Burke asked when the Memorandum of Understanding regarding the Condor Recovery Program would come before the Commission. Mr. Cribbs stated that that issue would be discussed at the Commission's August 30 meeting in San Rafael. Mr. Hunt then informed the Commissioners that the Condor Recovery Team was scheduled to meet on August 27 in San Rafael, and the Department would be ready to provide a summary of that meeting to the Commissioners at their August 30 meeting.

DeWayne Johnston brought the Commission up to date on the New China undercover operation. He said that ten of the 20 people arrested in the case had pled guilty. He stated that to date, prison sentences had ranged from one or two years in federal prison. There had been six that were ordered to pay up to \$9,000 in restitution and had been instructed not to fish for three years. He further stated that of the ten cases that were awaiting trial.

3. ADOPTION OF THE 1985-86 RESIDENT AND MIGRATORY UPLAND GAME BIRD AND MIGRATORY NONGAME BIRD (COMMON CROW) REGULATIONS.

The Executive Secretary pointed out that this was the last meeting required for receipt, consideration and adoption of changes in the resident and migratory upland game bird and the migratory nongame bird (common crow) regulations. He reminded the Commission that at its May 17 meeting in Palm Springs, the Department provided its recommended changes in the subject regulations and that the Commission also received recommendations from the public on these regulations at its June 28, 1985 meeting in South Lake Tahoe. Mr. Cribbs noted that Commissioners had before them copies of the Department's pre-publication of notice and pre-adoption statements as well as the Department's responses to those recommendations received by the Commission at its June 28 meeting. He pointed out that the Department had recommended some additional changes in the regulations over those proposed on May 17 in Palm Springs. He stated that all legal requirements had been met, and that Commissioners had before them copies of all correspondence received by the Commission relating to the subject regulations.

The Executive Secretary stated that another aspect of this item was confirmation of the Commission's emergency action of July, 26 1985 relating to the approval of the 1985-86 dove and pigeon regulations within the framework submitted to the state by the federal government. He noted that the dove and pigeon framework required the Commission to adopt regulations and submit them to Washington no later than July 26, 1985.

The Executive Secretary asked if there was anyone present who wished to speak to this item, and there was no response.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BRYANT, THAT  
THE FISH AND GAME COMMISSION UNDER THE AUTHORITY VESTED BY  
SECTIONS 200, 202, 203, 214.5, 356 AND 3800 OF THE FISH  
AND GAME CODE AND SECTIONS 20.101-20.107 AND 20.133,  
TITLE 50, FEDERAL CODE OF REGULATIONS, PART 20 AND THE

FEDERAL MIGRATORY BIRD TREATY ACT AND TO IMPLEMENT,  
INTERPRET AND MAKE SPECIFIC SAID SECTIONS OF SAID CODE  
AND SAID FEDERAL REGULATIONS AND ACT, REPEALS, ADDS OR  
AMENDS ITS REGULATIONS IN TITLE 14, CAC, SECTIONS 257, 300,  
301, 302, 304, 304.5, 306, 306.5, 310.5, 311, 354, 472 AND  
485, TITLE 14, CAC, AS FOLLOWS:

(1) Section 257, Title 14, CAC, is amended to read:

257. Resident Small Game Defined.

"Resident small game" means the following resident game birds: Chinese spotted doves, ringed turtledoves of the family Columbidae, California quail and varieties thereof, Gambel or desert quail, mountain quail and varieties thereof, ~~sooty or~~ blue grouse and varieties thereof, ruffed grouse, sage grouse (sage hens), Hungarian partridges, redlegged partridges, including the chukar and other varieties, ring-necked pheasants and varieties, and wild turkeys of the order Galliformes; and the following game mammals: jackrabbits and varying hares (genus Lepus), cottontail rabbits, brush rabbits, pigmy rabbits (genus Sylvilagus), and tree squirrels (genus Sciurus and Tamiasciurus).

Authority: Sections 200, 202, and 203, Fish and Game Code.

Reference: Sections 200-203.1, 206, 207, 211-222, 3800, and 3950, Fish and Game Code.

(2) Section 300(b)(1), Title 14, CAC, is amended to read:

(1) Pheasants may be taken with bow-and-arrow and raptors during the general pheasant season and as follows: The statewide archery (excluding crossbows) and falconry pheasant season shall open on the first Monday following the close of the general pheasant season and extend for a period of 30 consecutive days.

Authority: Sections 200, 202 and 203, Fish and Game Code.

Reference: Sections 200, 202, 203, 206, 214, 214.5 and 220, Fish and Game Code.

(3) Section 301(b)(1), Title 14, CAC, is amended to read:

(1) Valley quail, mountain quail and desert quail may be taken with bow-and-arrow or raptors as specified in 301(a)(1), (2), (3) and (4) above; in addition, these areas shall open to archery (excluding crossbows) and falconry on the last Saturday in August extending through the third Sunday in September.

Authority: Sections 200, 202 and 203, Fish and Game Code.

Reference: Sections 200, 202, 203, 206, 214, 214.5 and 200, Fish and Game Code.

(4) Section 302(b)(1), Title 14, CAC, is amended to read:

(1) Red-legged partridge may be taken with bow-and-arrow or raptors as specified in 302(a)(1) and (2) above and in addition, these areas shall open to archery (excluding crossbows) and falconry on the last Saturday in August extending through the third Sunday in September.

Authority: Sections 200, 202 and 203, Fish and Game Code.

Reference: Sections 200, 202, 203, 206, 214, 214.5 and 220, Fish and Game Code.

(5) Section 304, Title 14, CAC, is amended to read:

304. Sierra Blue and Ruffed Grouse.

Sierra Blue and ruffed grouse may be taken only as follows:

(a) General Season and Areas:

(1) The season in the counties of Alpine, Amador, Butte, Calaveras, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Lake, Lassen, Madera, Mariposa, Mendocino, Modoc, Mono, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity, Tulare, Tuolumne, and Yuba shall open on the second Saturday in September extending for a period of 30 consecutive days, closing on a Sunday except when the following Monday is a holiday, then the season shall close on Monday.

(2) Bag and Possession Limit: Two Sierra blue or ruffed grouse per day, two in possession.

(3) No open season in the balance of the state not included in (a)(1) above.

(b) Archery and Falconry Sierra Blue and Ruffed Grouse Season and Areas:

(1) Sierra Blue and ruffed grouse may be taken with bow-and-arrow and raptors as specified in 304(a)(1) above and in addition these areas shall open to archery (excluding crossbows) and falconry on the third Saturday in August extending for 21 consecutive days.

(2) Bag and Possession Limit: Two Sierra blue or ruffed grouse per day, two in possession.

(3) No open bow-and-arrow or falconry season for Sierra blue or ruffed grouse in the balance of the state not included in 304(a)(1) above.

Authority: Section 200, 202 and 203, Fish and Game Code.

Reference: Sections 200, 202, 203, 206, 214, 214.5, and 220, Fish and Game Code.

(6) The title of Section 304.5, Title 14, CAC, is amended to read:

304.5. Archery and Falconry Sierra Blue and Ruffed Grouse.

Authority: Section 200, Fish and Game Code.

Reference: Sections 200-221, Fish and Game Code.

(7) Section 306, Title 14, CAC, is amended to read:

306. Wild Turkeys.

Wild Turkeys turkeys may be taken only as follows:

(a) Fall Wild Turkey Season and Area:

(1) The fall season in all counties except San Diego shall open on the first second Saturday in November extending for 30 consecutive days. (Shooting hours: 8:00 a.m. to sunset.)

(2) Bag and Possession Limit: One wild turkey, either sex, per day, one in possession.

(b) Spring Wild Turkey Season and Area:

(1) The spring season in all counties except San Diego shall open on the last Saturday in March extending for 37 consecutive days. (Shooting hours: Notwithstanding the provisions of Section 250.5, the shooting hours for spring wild turkey season shall be from one-half hour before sunrise to 12:00 noon Pacific Standard Time throughout the season.)

(2) Bag and Possession Limit: One bearded turkey per day, two per season. (A bearded turkey is one having a beard visible through the breast feathers.)

Authority: Sections 200, 202 and 203, Fish and Game Code.

Reference: Sections 200, 202, 203, 205, 206, 214, 214.5 and 220, Fish and Game Code.

(8) The title of Section 306.5, Title 14, CAC, is amended to read:

306.5. Spring Wild Turkey.

Authority: Section 200, Fish and Game Code.

Reference: Sections 200-221, Fish and Game Code.

(9) Section 310.5, Title 14, CAC, is amended to read:

310.5. Shooting Hours on Resident Game Birds.

The shooting hours for all resident game birds except for pheasants, Chinese spotted doves, ringed turtledoves and wild turkeys during the spring wild turkey season shall be one-half hour before sunrise to one-half hour after sunset. The shooting hours for pheasants and the fall wild turkey season shall be 8:00 a.m. to sunset. Notwithstanding the provisions of Section 250.5, the shooting hours for the spring wild turkey season shall be one-half hour before sunrise to 12:00 noon Pacific Standard Time. The shooting hours for Chinese spotted doves and ringed turtledoves shall be one-half hour before sunrise to sunset.

Authority: Section 3000, Fish and Game Code.

Reference: Section 3000, Fish and Game Code.

(10) Section 311, Title 14, CAC, is amended to read:

311. Methods Authorized for Taking Resident Small Game And Migratory Game Birds.

Only the following may be used to take resident small game and migratory game birds:

(a) Shotguns 10 gauge or smaller using shot shells only and incapable of holding more than three shells in the magazine and chamber combined. If a plug is used to reduce the capacity of a magazine to fulfill the requirements of this section, the plug must be of one piece construction incapable of removal without disassembling the gun;

(b) Shotgun shells may not be used or possessed that contain shot size larger than No. BB, except that shot size larger than No. 2 may not be used or possessed when taking wild turkey. All shot shall be loose in the shell;

(c) Muzzle-loading shotguns;

(d) Falconry;

(e) Bow and arrow (see Section 354 for archery equipment regulations);

(f) Rifles and pistols for taking rabbits and squirrels, except in Los Angeles County, in addition to the weapons listed in (a), (b), (c), (d) and (e) above;

(g) In San Diego County only, rabbits may be taken at any time during the open season by means of box traps. Such traps shall not exceed 24 inches in any dimension, shall be tended at least once every 24 hours, and shall show the name and address of the trap owner. All rabbits taken under this section shall be immediately killed and become a part of the daily bag limit;

(h) Electronic or mechanically-operated calling or sound-reproducing devices are prohibited when attempting to take resident and migratory game birds;

(i) Coursing dogs may be used to take rabbits;

(j) Archers hunting during any archery season may not possess a firearm while in the field engaged in archery hunting during an archery season;

(k) The use of live decoys is prohibited when attempting to take resident and migratory game birds;

(l) Pistols and revolvers may be used to take Sierra blue and ruffed grouse in those counties only and for the season described in Section 304(a)(1);

(m) Crossbows, for taking resident small game mammals (See Section 354(f) except for provisions of Section 354(d) and (g)).

Authority: Sections 200, 202, 203, 355, 3800 and 4150, Fish and Game Code.

Reference: Sections 200-203.1, 206, 207, 211, 212, 213, 355, 356, 3800 and 4150, Fish and Game Code.

- (11) Subsection (a) of Section 354, Title 14, CAC, is renumbered (c), and existing subsection (c) is renumbered (a); subsection (b) is renumbered (d) and a new subsection (b) is added; existing subsections (d), (e), (f) and (g) are renumbered (e), (f), (g) and (h) to read:

354. Archery Equipment and Crossbow Regulations.

~~(c)~~ (a) Bow, as used in these regulations, means long bow, recurve or compound bow any device consisting of a flexible material having a string connecting its two ends and used to propel an arrow held in a firing position by hand only. Bow, includes long bow, recurve or compound bow.

~~(b)~~ (b) Crossbow, as used in these regulations means any device consisting of a bow affixed to a stock, or any bow that utilizes any device attached directly or indirectly to the bow for the purpose of keeping a crossbow bolt, an arrow or the string in a firing position. A crossbow is not archery equipment.

~~(a)~~ (c) For the taking of big game, hunting arrows with a broad head type blade which will not pass through a hole seven-eighths inch in diameter shall be used. For the taking of migratory game birds, resident small game, furbearers and nongame mammals and birds any arrow or crossbow bolt may be used except as prohibited by subsection ~~(b)~~ (d) below.

~~(b)~~ (d) No arrows or crossbow bolt with an explosive head or with any substance which would tranquilize or poison any animal may be used. No arrows or crossbow bolt without flu-flu fletching may be used for the take of pheasants and migratory waterfowl, coots and gallinules game birds.

~~(d)~~ (e) No arrow or crossbow bolt may be released from a bow or crossbow upon or across any highway, road or other way open to vehicular traffic.

~~(e)~~ (f) No bow may be used which will not cast a legal hunting arrow, except flu-flu arrows, a horizontal distance of 130 yards.

~~(f)~~ (g) ~~Except as provided for in Sections 311(m) and 353(f), no crossbows, autoloading crossbows, or any device consisting of a bow affixed to a stock, or any bow that utilizes any device attached directly or indirectly to the bow for the purpose of keeping an arrow or the bowstring in a firing position, may be used for the purpose of taking any game bird or game mammal. Crossbows may not be used to take big game birds and game mammals during archery seasons.~~

~~(g)~~ (h) Archers may not possess a firearm while hunting in the field during any archery season, or while hunting during a general season under the provisions of an archery only tag.

Authority: Sections 200, 202, 203 and 355, Fish and Game Code.

Reference: Sections 200-203.1, 355 and 356, Fish and Game Code.

(12) Section 472(d) and (e), Title 14, CAC, are amended to read:

(d) Common American Crows (Corvus brachyrhynchos) may be taken only by landowners or tenants, or by persons authorized in writing by such landowners or tenants, when common American crows are committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance. Persons authorized by landowners or tenants to take common American crows shall keep such written authorization in their possession when taking, transporting or possessing common American crows. Common American crows may be taken only on the lands where depredations are occurring or where they constitute a health hazard or nuisance. If required by Federal regulations, landowners or tenants shall obtain a Federal migratory bird depredation permit before taking any common American crows or authorizing any other person to take them.

(e) Methods of Take: Common American crows may be taken only by firearm, bow and arrow, or falconry.

Authority: Sections 355 and 4150, Fish and Game Code.

Reference: Sections 355-356 and 4150, Fish and Game Code.

(13) Section 485, Title 14, CAC, is amended to read:

485. Common American crow.

Common American crow (Corvus brachyrhynchos) may only be taken as follows:

(a) General Season and Area: Except as noted in subsection (e) below, common American crows may be taken statewide from the last Saturday in September and extend for a period of 124 consecutive days.

(b) Bag and Possession Limit: 24 crows per day; 24 in possession.

(c) Crows may only be taken by shotguns 10 gauge or smaller using shot shells only and incapable of holding more than three shells in the magazine and chamber combined, bow and arrow, and falconry. Crows may not be hunted from aircraft.

(d) No person shall kill or cripple a crow pursuant to this section without making a reasonable effort to retrieve the bird, and retain it in their actual custody at the place where taken or between that place and either: (1) their automobile or principal means of land transportation; or (2) their personal abode or temporary or transient place of lodging; or (3) a migratory bird preservation facility; or (4) a post office; or (5) a common carrier facility.

(e) Crows may not be taken in the following areas:

(1) Within the boundaries of the Trinity and Mendocino National Forests south of Highway 36.

(2) North and east of a line beginning at the mouth of the Eel River; south along the Eel River to the town of Alton; east on Highway 36 from the town of Alton to Highway 89 west of Chester; south and east on Highways 89 and 395 to Interstate 15 near Hesperia; south on Interstate 15 to Interstate 10; and east on Interstate 10 to the California-Arizona border.

(f) See Section 472(d) for the take of ~~common~~ American crows causing depredation.

Authority: Sections 355, 356 and 3800, Fish and Game Code.

Reference: Sections 355, 356 and 3800, Fish and Game Code.

PASSED UNANIMOUSLY.

4. CONSIDERATION OF AMENDING REGULATIONS RE: STATE WILDLIFE AREAS AND PUBLIC SHOOTING AREAS - SECTIONS 550, 551 AND 552, TITLE 14, CAC.

The Executive Secretary stated that the Department informed the Commission office on July 30 of several changes to the regulations regarding the wildlife areas and public shooting areas; therefore, Mr. Cribbs recommended that the Commission postpone action on this item until its August 30, 1985 meeting in San Rafael.

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY POSTPONES ACTION REGARDING PROPOSED CHANGES IN SECTIONS 550, 551 AND 552, TITLE 14, CAC, UNTIL ITS AUGUST 30, 1985 MEETING IN SAN RAFAEL.

PASSED UNANIMOUSLY.

5. CONSIDERATION OF AMENDING SECTION 163, TITLE 14, CAC, RE: COMMERCIAL HERRING FISHERY FOR 1985-86.

The Executive Secretary stated that at the Commission's May 16-17, 1985 meeting in Palm Springs, it authorized its staff to publish notice of the Commission's intent to amend Section 163, Title 14, CAC, regarding the commercial herring fishery. He noted that legal notice had been published. Mr. Cribbs pointed out that the Commissioners had before them copies of the Department's pre-publication of notice and pre-adoption statements, the proposed regulations in strike-out and underline format, as well as all correspondence related to this matter received by the Commission office prior to this meeting.

Mr. Cribbs noted that the Commissioners had before them the Department's summary of the proposed changes in Section 163, Title 14, CAC, which include:

An overall fishing quota of 7,530 tons for the San Francisco Bay permit area (1984-85 quota was 6,500 tons).

An overall fishing quota of 1,000 tons for the Tomales-Bodega Bay permit area (1984-85 initial quota of 260 tons - subsequently increased to 1,000 tons based on inseason estimates of spawning escapement).

A clarification of the intent of provisions restricting the use of a fishing vessel to one permittee except as otherwise provided.

A change in the vessel identification requirements to make the herring fishery consistent with other fisheries.

An elimination of the 5 percent tolerance on individual boat quotas for lampara and purse seine permittees.

An allowance for lampara vessels to fish in all of District 13 after gill net quotas have been reached.

A reduction in the amount of fishing gear which may be used in Bodega Bay to 130 fathoms of gill net (consistent with gear restrictions in Tomales Bay and San Francisco Bay).

A limitation on the amount of fishing gear which may be used in Crescent City Harbor to 260 fathoms of gill net.

A deletion of the requirement that a permittee and his/her gear must remain together when landing fish in Tomales Bay, Bodega Bay and Humboldt Bay.

An increase in the maximum mesh size from 1-3/4 inches to 2 inches for gill nets used by fresh fish permittees.

Mr. Cribbs stated that subsequent to the Department's preparation of the pre-publication of notice statements on this proposed action, it had recommended additional changes which were summarized as follows:

"Subsections (e)(1) and (j) are amended to provide for the use of a floating tender (boat) by a herring buyer as an unloading and weighing station on the fishing grounds. Such operations shall still be required to have an approved shore base location where all herring received must be landed.

"Existing regulations [Section 163(f)(2), Title 14, CAC] pertaining to Fish and Game District 12 provide that lampara vessels may only fish from one hour before sunrise to one hour after sunset in waters greater than six fathoms in depth as specified. Subsection (f)(2) is amended to waive these restrictions for lampara vessels once gill net quotas have been reached."

Ilson New, attorney for the lampara fishermen, requested that lampara fishermen be permitted to fish during the daytime in Districts 12 and 13. Mr. Cribbs pointed out to Mr. New that the lampara fishermen's initial recommendation was for day and night fishing in all of District 13 and south of the bay bridge portion of District 12. Mr. New stated that he would like to amend their recommendation to reflect their desire to fish during daylight hours in those areas.

Deputy Director Fletcher stated that he would like to review this proposal and, therefore, he said that the Department was not prepared to comment on the recommendation at this time. After additional discussion:

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. TAUCHER, THAT  
THE FISH AND GAME COMMISSION HEREBY POSTPONES ACTION  
ON AMENDING SECTION 163, TITLE 14, CAC, GOVERNING THE  
COMMERCIAL HERRING FISHERY FOR 1985-86 UNTIL ITS  
AUGUST 30, 1985 MEETING IN SAN RAFAEL.

PASSED UNANIMOUSLY.

The Executive Secretary requested that the Department report back to the Commission at its August 30 meeting regarding the Department's ability to ascertain the actual landings of fish within the herring fishery and how that compared with the reported catch. President Burke also expressed concern stating that if this was a substantial practice, it could be impacting the resource and affecting the herring fishery quota system. Deputy Director Fletcher stated that the Department felt that this was not a significant practice. He said that the Department would look into the matter and report back to the Commissioners on August 30 in San Rafael.

The Executive Secretary stated that since there were only two items on the consent calendar, he would go over each one individually.

#### CONSENT CALENDAR

6. CONSIDERATION OF AMENDING SECTION 119, TITLE 14, CAC, RE: USE OF TRAWL NETS INSIDE THE GOLDEN GATE BRIDGE.

Mr. Cribbs stated that at the Commission's May 16-17, 1985 meeting in Palm Springs, it authorized its staff to publish notice of its intent to amend Section 119, Title 14, CAC, regarding the use of trawl nets inside the Golden Gate Bridge. He said that legal notice had been published.

Mr. Cribbs pointed out that the Commissioners had copies of the Department's pre-publication of notice and pre-adoption statements as well as the proposed regulations in strike-out and underline format. He noted that the Commission office had received no correspondence on this matter.

Mr. Cribbs provided the following summary of the proposed action:

"Under current regulations, commercial shrimp trawlers may fish for bay shrimp during the period January 1 to June 30 in that portion of District 2 upstream of the Benicia Bridge (Highway 680), and all year in the balance of Districts 2, 12 and 13. The amendment of Section 119, Title 14, CAC, would extend the upstream boundary of the year-round trawling season in San Francisco Bay into the lower part of Suisun Bay to include the area west of a projected straight line between Point Edith on the south and buoy "6" at the northern end. The amendment would also close the area east of that line to commercial shrimp trawling year round."

Mr. Cribbs stated that the proposed regulation change was expected to significantly reduce the incidental take of young striped bass and salmon taken by the commercial shrimp trawlers.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION PURSUANT TO THE AUTHORITY VESTED BY SECTION 8832 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SAID SECTION OF SAID CODE, HEREBY AMENDS SECTION 119, TITLE 14, CAC, REGARDING THE USE OF TRAWL NETS INSIDE THE GOLDEN GATE BRIDGE AS FOLLOWS:

Subsection (e) of Section 119, Title 14, CAC, is amended to read:

(e) Season. January 1 to June 30 in that portion of District 2 upstream of the Benicia Bridge (Highway 680). All year in the balance of Districts 2, 12, and 13 and that portion of District 2 lying westerly of a projected straight line beginning at Point Edith on the south and extending through Buoy "6" to the shoreline on the north.

Authority: Section 8832, Fish and Game Code.

Reference: Section 8832, Fish and Game Code.

PASSED UNANIMOUSLY.

7. CONSIDERATION OF AMENDING SECTION 147, TITLE 14, CAC, RE: ESTABLISHING QUOTAS FOR THE 1985-86 COMMERCIAL ANCHOVY REDUCTION SEASON.

The Executive Secretary stated that at the Commission's May 16-17, 1985 meeting in Palm Springs, it authorized its staff to publish notice of its intent to amend Section 147, Title 14, CAC, regarding establishing quotas for the 1985-86 commercial anchovy reduction season. He stated that the required legal notice had been published. Mr. Cribbs also noted that the Commissioners had been provided with copies of 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.

Mr. Fletcher stated that based on the biomass estimate of 521,000 metric tons (574,403 short tons) and the quota formula, the total U.S. reduction fishery quota for the 1985-86 season would be 140,000 metric tons (154,350 short tons), with 9,072 metric tons (10,000 short tons) reserved for the northern permit area and the remainder, 130,928 metric tons (144,340 short tons), allocated for the southern permit area quota.

Mr. Fletcher stated that the Department recommended that the Commission adopt the proposed amendments to Section 147, Title 14, CAC, as set forth in the pre-adoption statement which will bring Commission regulations into conformity with federal law, with respect to the quota levels discussed above.

Mr. Cribbs noted that the Commission had received a letter from Carl Nettleton representing the National Coalition for Marine Conservation urging that the Commission consider the Mexican fishery when establishing California's reduction quotas.

Deputy Director Fletcher stated that the National Coalition for Marine Conservation was actively working with Mexico to improve the relationship between that country and the United States. He noted that Gary Smith of the National Marine Fisheries Service was in the audience and that he had knowledge regarding the proposed fishing agreement between the United States and Mexico. Commissioner Bryant asked Mr. Smith how close the two countries were in reaching an agreement. Mr. Smith stated that Secretary of State Schultz and President Reagan would be meeting with Mexico's representatives to discuss the mutual agreement between the two countries to better manage the fishery resources off their coasts. Deputy Director Fletcher pointed out that the Mexican Government would be making the decisions, not the separate states.

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. TAUCHER, THAT  
THE FISH AND GAME COMMISSION PURSUANT TO THE AUTHORITY  
VESTED BY SECTION 8075 OF THE FISH AND GAME CODE AND TO  
IMPLEMENT, INTERPRET OR MAKE SPECIFIC SECTIONS 7708, 8075-  
8080 AND 8188-8190 OF SAID CODE, HEREBY AMENDS ITS REGULATIONS  
IN SECTION 147, TITLE 14, CAC, TO SET THE 1985-86 COMMERCIAL  
ANCHOVY FISHING QUOTAS AND TO MODIFY THE OPENING AND CLOSING  
SEASONS FOR THE TAKE OF ANCHOVIES TO BRING STATE REGULATIONS  
INTO CONFORMITY WITH FEDERAL REGULATIONS AS FOLLOWS:

Subsection 147(a)(3)(F) is amended to read:

(F) Permit Areas and Quotas.

1. Northern Permit ~~Quota and Area.~~ ~~The total tonnage reserved for this area shall be 694 tons per season.~~ The area shall include the waters of the Pacific Ocean between the California-Oregon border and a line extending due west (true) from Point Buchon. Anchovies taken under the provisions of these regulations may be taken in all waters of the northern permit area described above, with the following exceptions: within Districts 2, 8, 9, 11, 12, 13, 15; the waters of Bodega and Tomales Bay; that portion of District 10 lying inshore of a line beginning at Pigeon Point (San Mateo County) northwesterly in a straight line to the U.S. Navigation Light on S.E. Farallon Island, northerly in a straight line to the U.S. Navigation Light on Pt. Reyes (Marin County); that portion of District 16 lying southerly of the Monterey Breakwater magnetic east to shoreline; that portion of District 18 within three miles of shore in the area lying between a line drawn magnetic west of Point Estero and a line drawn magnetic west of Point Buchon; and that portion of District 18 within three miles of shore in that area lying between a line drawn magnetic west of Point San Luis and a line drawn magnetic west of Arroyo Grande Creek.

2. Southern Permit ~~Quota and Area.~~ ~~The total tonnage for this area shall be 6,250 tons per season.~~ The area shall include the waters of the Pacific Ocean between the United States-Mexico International Boundary and a line extending due west (true) from Point Buchon. Anchovies taken under the provisions of these regulations may be taken in all waters of the southern permit area described above, with the following exceptions: within three miles of the mainland shore south of Point Buchon and in all districts or portions of districts where and at such times as the use of round-haul nets is prohibited; within four miles of the mainland shore between lines running 235° magnetic from the steam plant stack at Mandalay Beach and 205° magnetic from the steam plant stack at Ormond Beach; within the area encompassed by a line extending six miles 165° magnetic from Point Fermin, thence to a point located three miles offshore on a line 210° magnetic from Huntington Beach pier; within six miles of the mainland shore south of a line running 210° magnetic from the tip of the outer breakwater of Oceanside Harbor.

3. Quotas. The total tonnage reserved for the northern permit area shall be 10,000 tons per season. The total tonnage for the southern permit area shall be 144,350 tons per season.

→ 4. Adjustments to Quotas. If during the season the maximum quota set by the commission for the northern or southern permit areas should be approached, the commission will consider an increase in the quota for the area approaching its quota. After May 15, any tonnage remaining in the quota for the northern permit area will be made available to southern area permittees.

Authority: Sections 7708 and 8075, Fish and Game Code.  
Reference: Sections 8075, 8076 and 8190, Fish and Game Code;  
and 50 CFR Part 662.

PASSED UNANIMOUSLY.

The Executive Secretary asked the Commission to suspend its rules to hear additional items.

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. TAUCHER, THAT  
THE FISH AND GAME COMMISSION HEREBY SUSPENDS ITS  
RULES TO HEAR ADDITIONAL ITEMS.

PASSED UNANIMOUSLY.

7(a) CONSIDERATION OF REQUEST OF SCOTT HONAKER FOR REINSTATEMENT OF COMMERCIAL  
LOBSTER FISHING PRIVILEGES.

Mr. Cribbs stated that Mr. Scott Honaker had requested an opportunity to appear before the Commission to show cause why his commercial lobster fishing privileges should be reinstated. He reminded the Commissioners that at its June 28 meeting in South Lake Tahoe, it had suspended Mr. Honaker's commercial lobster fishing privileges until he appeared before the Commission.

DeWayne Johnston summarized Mr. Honaker's arrest record as follows:

On January 31, 1985 Scott A. Honaker, Manhattan Beach, was observed using lobster traps and taking lobsters in state waters in Fish and Game District 19A in violation of state law. Mr. Honaker was cited for a violation of Fish and Game Code sections 9000(a), use of traps in District 19A and 2000, take of lobster in District 19A.

On April 2, 1985 in the South Bay Municipal Court, Mr. Honaker pled nolo contendere to a violation of Section 9000(a), he was placed on six months probation and fined \$255. In addition, there was an order for the forfeiture of traps and 45 pounds of lobster (\$202.50). The charge of a violation of Section 2000 of the Fish and Game Code was dismissed.

Prior violations:

October 29, 1982, Section 9002 of the Fish and Game Code, illegal traps, fined \$80, six months summary probation, ten day jail sentence, suspended (no Commission action).

Mr. Johnston stated that the Department recommended the Commission suspend Mr. Honaker's lobster fishing privileges for 90 days.

Mr. Honaker stated that he knew he was wrong when he set his traps in the closed area, but that other fishermen had also fished there and because of his financial difficulties, he had taken a chance and was cited. He stated that his prior violation was for three or four traps that did not have an escape port. He further stated that he knew better and would not violate fish and game laws in the future. President Burke asked him where District 19 waters were. Mr. Honaker stated that it was Malibu Bay. President Burke expressed serious concerns regarding anyone fishing in the closed waters of Malibu Bay.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE COMMERCIAL LOBSTER FISHING PRIVILEGES OF SCOTT HONAKER, MANHATTAN BEACH, FOR THE FIRST 90 DAYS OF THE 1985-86 LOBSTER FISHING SEASON.

PASSED UNANIMOUSLY.

7(b) CONSIDERATION OF REQUEST OF MICHAEL OWEN FOR REINSTATEMENT OF HIS COMMERCIAL LOBSTER FISHING PRIVILEGES.

Michael Owen stated that he was a crewmember of Scott Honaker's, and asked that the Commission afford him an opportunity to have his lobster fishing privileges reinstated. The Executive Secretary stated that the Commission had not received a request from Michael Owen for a hearing, therefore, the Department was not prepared to respond at this time. President Burke stated that since Mr. Owen was present, the Commission would listen to his testimony.

Michael Owen stated that he was a first-year lobster fisherman and that he was a crewmember with Scott Honaker at the time of his arrest. He stated that he had previous commercial fishing licenses and had no prior citations. He further stated that he had learned his lesson and would not violate any fish and game laws in the future. DeWayne Johnston stated that he did not have the backup material on Mr. Owen; however, if the Commission would postpone action on this matter until August 2, the arresting officer would be present at the Commission meeting and would be able to present the necessary information and the Commission concurred.

7(c) CONSIDERATION OF DEPARTMENT REQUEST FOR MODIFICATION OF APPROVED 1985-86 DUCK STAMP PROJECTS.

The Executive Secretary stated that at the Commission's November 13, 1984 meeting, it approved the 1985-86 California Duck Stamp Projects. He stated that in June, 1985 the Department had informed the Commission that due to the unforeseen negotiation difficulties, Ducks Unlimited, Canada, had been unable to consummate the final agreement that would allow the Commissioners approved Granthem Lakes Project, Alberta, to be constructed. He noted that in light of this development, the Commission at its June 28, 1985 meeting, approved the Department's request to modify the approved Duck Stamp Projects by switching the approved Granthem Lakes Project in Alberta with the Twelve Mile Coulee Project, also in Alberta. Mr. Cribbs stated that additional unforeseen difficulties had arisen and the Department informed the Commission that it must again request a modification of the approved 1985-86 Duck Stamp Projects. He stated that the Department requested the substitution of the Prouty Complex Project for the previously approved Twelve Mile Cooy Project at a reduced dollar amount.

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION PURSUANT TO THE PROVISIONS OF SECTIONS 3701-3705 OF THE FISH AND GAME CODE, HEREBY

APPROVES THE DEPARTMENT'S REQUEST TO MODIFY THE APPROVED 1985-86 DUCK STAMP PROJECTS BY SWITCHING THE APPROVED TWELVE MILE COULEE PROJECT IN ALBERTA WITH THE PROUTY COMPLEX.

PASSED UNANIMOUSLY.

#### WORKSHOP

The Executive Secretary stated that at the Commission's June 28, 1985 meeting in South Lake Tahoe, it requested that the Department and the Commission staffs work toward having a workshop related to private lands wildlife management areas at the Commission's August 1 meeting. He noted that the Department was prepared to discuss the private lands wildlife management area issue with the Commissioners. Deputy Director Fox briefly gave an overview of the private lands management area concept and stated that there was a lot of misinformation circulated by the public which the Department was trying to clear up.

Eldridge Hunt stated that the private lands wildlife management area concept had developed over time, and that it had started after World War II and was brought about by the need to address increased trespass problems. He noted that in 1967 the Commission had adopted a policy regarding this issue. Mr. Hunt noted that from the end of World War II to 1968 the state had operated numerous pheasant co-ops and that the private sector had established licensed pheasant clubs and commercial deer and quail hunting clubs. He noted that few, if any of these clubs, did anything for wildlife habitat. He stated that in 1968 the Department first pursued the private lands wildlife management area concept. He noted that the intent was to provide monetary incentives to the private landowner to protect wildlife habitat. He said the program was also intended to provide additional hunting opportunities. He said the obligation of the landowner was that he improve wildlife habitat on his property.

Mr. Hunt stated that this legislation failed in 1968 because of a section in the bill that dealt with the Board of Supervisors veto power on late buck hunts and antlerless hunts. He pointed out that in 1980, Assemblywoman Carol Hallett had carried a bill which became law that provided for the development of pilot programs whereby the hunting seasons corresponded to the surrounding seasons approved by the Fish and Game Commission. He noted that in 1983, Assemblyman David G. Kelley had introduced legislation which revised the private lands wildlife management area concept to what it is today, and that the current program started January 1, 1984.

Terry Mansfield stated that the private lands wildlife management area legislation actively encourages the conservation, utilization and propagation of fish and wildlife on private lands. He noted that the statute offers economic incentives and returns to private landowners who improve habitat for wildlife on their lands. He pointed out that the Department monitors this program and if any violation occurs, that landowner is out of the program. He stated that the licenses are issued for a three-year time period with an annual review. He stated that in that time frame the land must be committed for enhancement of wildlife. Mr. Mansfield said that the Regions were the first to review any proposed management plan and make recommendations to the

Wildlife Management Branch, who in turn, reviewed the plan for compliance to the existing regulations. He noted that the Wildlife Management Branch then makes recommendations to the Commission who schedules the matter for a hearing. He said that the Commission, if it so desired, had a chance to modify the proposed plan. Mr. Mansfield also noted that fee hunting was nothing new; that it had been taking place for many years in California as Mr. Hunt had pointed out earlier. He noted that the private lands wildlife management program had many sensitive issues; for example, antlerless deer hunts and late buck hunts. However, he pointed out that existing hunting regulations also allow for late season hunts. As an example, Zone X-10 has a high buck-doe ratio, and the Commission has approved split seasons within this Zone. Mr. Mansfield noted that period two for this Zone had a season of December 14, 1985 through December 22, 1985 and for period three, the season was from December 28, 1985 through January 5, 1986. He pointed out that deer have a high birth rate and also a high mortality rate, and if they were not utilized, they would be lost.

Commissioner Bryant wanted to know which counties Zone X-11 deer were coming from. Mr. Mansfield provided a map of the East Tehama deer herd, which showed the counties through which the deer migrated. Commissioner Bryant also asked where the highest kill areas were within Zone X-11. Mr. Mansfield stated that he did not have that information with him but would find out and would get back to him. Commissioner Bryant then asked if the buck-doe ratio of 23 to 25 bucks per 100 does applied to each county within Zone X-11. Mr. Mansfield stated that the counts were made on the winter range, and he could not say how the deer would disperse over the summer range. He further noted that additionally, deer used the same areas each year and would distribute randomly over that area. Commissioner Bryant asked what the hunter success was for Zone X-11. Mr. Mansfield stated that in 1982-83 there were 13,000 permits issued with a six to seven percent hunter success rate. He noted that during that time period the buck-doe ratio was seven bucks per 100 does. However, he said last year the hunter success was 18-1/2 percent with a buck-doe ratio of 23 to 25 bucks per 100 does. He further noted that Dye Creek had a hunter success rate last year of 85 percent, and over the years it had averaged approximately 49 percent.

Eldridge Hunt stated that there seemed to be a communication problem within Zone X-11 as not all of the people were aware of the increases that have been made in the deer population.

Deputy Director Fox stated that the Dye Creek opponents believed that eventually all large ranches within Tehama County would come into the private lands wildlife management area program. He noted that it was probably not a bad idea because the Department would have an opportunity to protect or enhance deer habitat.

Commissioner Bryant stated that an important aspect of the program was to see that wildlife was being enhanced. Mr. Mansfield stated that the Department would be willing to set up a field trip for Commissioner Bryant in the fall to show him the Dye Creek Ranch Program.

There being no additional items before the Commission, the meeting was recessed at 12:10 p.m. Mr. Cribbs stated that it would be reconvened at 9:00 a.m. on August 2 in Long Beach City Council Chambers where agenda items 8-28 would be considered.

State of California  
FISH AND GAME COMMISSION

Minutes, Meeting of August 2, 1985

Pursuant to the call of the President, the Commission met in the City Council Chambers, 333 W. Ocean Boulevard, Long Beach, California, on August 2, 1985. The meeting was called to order at 9:00 a.m. by President Burke.

Persons present:

FISH AND GAME COMMISSION

William A. Burke	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

Peter Van der Naillen	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

Robert Fox	Deputy Director
Robert Fletcher	Deputy Director
Eldridge Hunt	Chief, Wildlife Management Branch
DeWayne Johnston	Chief, Wildlife Protection Branch
Bud Laurent	Associate Marine Biologist
Terry Mansfield	Wildlife Management Supervisor
Dan Bosak	Warden

The following persons were also present and heard:

Grey Mc Clure	Morro Bay Wetlands Preservation Coalition
Philip Persohs	President, Morro Coast Audubon Society
Susan Fife	Morro Bay Wetlands Preservation Coalition
Gary Robertshaw	Commercial Ghost Shrimp Fisherman
Catherine Cordero	Commercial Ghost Shrimp Fisherman
Zeke Grader	Pacific Coast Federation of Fishermen's Association
Rod Chamberlain	Aquaculturist
Dov Grajcer	Aquaculturist
Mike McCorkel	Commercial Fisherman
William Magellan	Commercial Fisherman
Thomas M. Crehan	Attorney
Salvatore Russo	Commercial Fisherman

Barbara Effie  
Robert Smith  
Paul Himmelberg  
Lewis Davis

Larry Mansur  
Tim Ferguson

Attorney

Department of Food and  
Agriculture  
Commercial Fisherman  
Commercial Fisherman

President Burke introduced members of the Commission, its staff, Deputy Directors Robert Fox and Robert Fletcher and Peter Van der Naillen of the Attorney General's office.

8. OPENING OF BIDS AND AWARDING OF 1985-86 PERMITS TO HARVEST HERRING EGGS WITH SEAWEED ATTACHED FROM SAN FRANCISCO BAY.

The Executive Secretary stated that the Commissioners were provided with copies of the regulations regarding the harvest of herring eggs contained in Section 164, Title 14, CAC. He noted that among the requirements of this section were provisions for a royalty payment of not less than \$50 per ton of herring eggs taken and for submission of sealed written bids to the Commission's Executive Secretary by 5:00 p.m. on July 10 of each year. Mr. Cribbs noted that the sealed bids must include a performance deposit of 50 percent of the bid price and that the Commission may refuse any and all bids and determine the qualifications of the bidders. He pointed out that the Commission may also specify those areas and quantities for which bids may be accepted. Mr. Cribbs then noted that under the provisions of Section 164, the Commission had allotted 2-1/2 tons each for two permit areas: Allotment "A" and Allotment "B". He also pointed out that the fishery had been limited to San Francisco Bay since 1978. The Executive Secretary then stated that the Commission office had received three bids for Allotment "A" and two bids for Allotment "B" by the July 10 deadline, and that they would be opened at this time.

Mr. Fletcher stated that the Department recommended that the Commission consider and grant permits for the harvest of herring eggs in San Francisco Bay and that the harvest quota be divided into two allotments of 2-1/2 tons each. He noted that all plants and debris taken incidentally to the harvest of herring eggs should be included in the total wet weight. He reminded the Commission that the harvest season would be from November 1 to April 30.

Mr. Fletcher stated that at the August 31, 1984 meeting, the Commission had accepted a bid from ABS Fishing Co. of \$800/ton for herring eggs on seaweed from allotment "A". He said that because no bids were submitted for allotment "B", the Commission had authorized the Department to accept and award a bid of equal value for allotment "B" to the first qualified bidder. Mr. Fletcher subsequently, Mr. Tokihide Ichinose of ABS Fishing Company had submitted a bid in the amount of \$400/ton for allotment "B". Because the bid was substantially less than the amount specified as acceptable by the Commission at its August 31, 1984 meeting, the Commission reconsidered its previous action on this matter at the November 13, 1984 meeting and accepted Mr. Ichinose's bid. Department records indicate that no herring eggs on seaweed were harvested by ABS Fishing Co. from allotment "A" or allotment "B" during the 1984-85 fishing season.

Mr. Cribbs noted that the Commissioners were provided with a synopsis of the bid prices for the period 1969 through the past year as well as the amounts of herring eggs on seaweed harvested by area.

Mr. Cribbs opened the bids for Allotment "A" and the bids were as follows:

ABS Fishing Company, San Francisco	Bid: \$300 per ton
Koi Fishing Company, Corte Madre	Bid: \$500 per ton
Darrell Kapp, Bellingham, Washington	Bid: \$1,650 per ton

Mr. Cribbs then opened the bids for Allotment "B" and the bids were as follows:

ABS Fishing Company, San Francisco	Bid: \$300 per ton
Darrell Kapp, Bellingham, Washington	Bid: \$2,450 per ton

Deputy Director Fletcher stated that the Department recommended that the Commission accept the bids from Darrell Kapp, Bellingham, Washington.

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION, UNDER THE AUTHORITY OF SECTION 8489 OF THE FISH AND GAME CODE AND IN ACCORDANCE WITH THE REGULATIONS IN SECTION 164, TITLE 14, CAC, AWARDS TO DARRELL KAPP A PERMIT TO HARVEST NOT TO EXCEED 2-1/2 TONS OF HERRING EGGS AND MARINE PLANTS COMBINED FROM ALLOTMENT "A", SAN FRANCISCO BAY, AND AGREES UPON A ROYALTY FEE OF \$1,605 PER TON FOR ALLOTMENT "A", AND FURTHER AWARDS TO DARRELL KAPP A PERMIT TO HARVEST NOT TO EXCEED 2-1/2 TONS OF HERRING EGGS AND MARINE PLANTS COMBINED FROM ALLOTMENT "B", SAN FRANCISCO BAY AND AGREES UPON A ROYALTY FEE OF \$2,450 PER TON FOR ALLOTMENT "B", SUCH PERMITS TO BE SUBJECT TO TERMS AND CONDITIONS AGREED UPON BY THE COMMISSION AND INCLUDED IN THE PERMITS.

PASSED UNANIMOUSLY.

9. CONSIDERATION OF REQUEST OF MORRO BAY WETLANDS PRESERVATION COMMITTEE FOR IMPOSITION OF MORATORIUM ON THE HYDRAULIC HARVESTING OF GHOST SHRIMP ON MORRO BAY INTERTIDAL WETLANDS.

The Executive Secretary stated that by letter dated June 10, 1985 the Morro Bay Wetland Preservation Coalition had requested that a moratorium be placed on the hydraulic harvesting of ghost shrimp on Morro Bay intertidal wetlands. He noted that the Commissioners had been provided with copies of all correspondence related to this matter that had been received by the Commission office prior to this meeting. Mr. Cribbs pointed out that the Department had reviewed this proposal and provided the Commission with its written comments.

The Executive Secretary informed the Commission that the City of Morro Bay had indicated its intent to adopt an ordinance prohibiting power pumping of ghost shrimp within its tideland grants. He noted that because of the

pending action of the City, he had asked the Attorney General's office to look into the matter and provide comments back to the Commission. Mr. Cribbs recommended that the Commission hear testimony on the matter, but that it take under submission all of the testimony and correspondence and make its decision after the Attorney General's office had provided their comments on the jurisdictional question.

Greg McClure stated that he was the founder of the Morro Bay Wetlands Preservation Coalition. He provided the Commission with photographs which he said depicted the adverse impacts caused by hydraulic pumping. He also provided the Commission with the Coalition's position paper on the issue. Mr. McClure noted that Morro Bay was rapidly losing viable ghost shrimp habitat and that there were fewer ghost shrimp available to repopulate the area. He stated that the loss of habitat and a destruction of all organisms caused by power pumping were the Coalition's main concerns. He stated that it was his opinion that the effects of hydraulic pumping would take years to actually study. He pointed out that Morro Bay was the only area in which power pumping was now occurring on a commercial level. He said that there were only three islands in Morro Bay totalling approximately 30 acres that supported commercial levels of ghost shrimp populations.

Phillip Persons, President, Morro Coast Audubon Society, stated that his group had provided the Commission with their position in a letter dated June 25 and that his testimony would be brief. He said that a 1966 Department report on the natural resources of Morro Bay and proposal for comprehensive planning called for the maintenance of all natural resources in Morro Bay for their intrinsic and ecological values. He maintained that the ecology of Morro Bay was intricate making it dangerous to tamper with any part of it without fully understanding the eventual results. He further stated that the Department should take the leadership in developing a comprehensive plan for Morro Bay and part of that plan would be the preliminary scientific studies which he believed should follow a moratorium on shrimping.

President Burke asked for Mr. Persons' opinion on the single most devastating action of hydraulic pumping. Mr. Person stated that in his opinion there were still disagreements on the issue and that there was no scientific information upon which to base a decision; therefore, he would be unable to provide an answer.

The Executive Secretary read Section 120.6(e), Title 14, CAC, regarding the requirement that no holes be left in a tideland area by the pumping activities. Robert Fletcher stated that the Department would respond to this issue in their testimony. Commissioner Taucher asked Mr. McClure how long it would take for a hand pump to create the same size of depression that was made with a hydraulic pump. Mr. McClure stated that it was almost impossible to create such a large hole with only a hand pump.

Susan Fife, Morro Bay Wetlands Preservation Coalition, stated that she wished to further respond to Commissioner Taucher's question. She said that she and Mr. McClure had calculated that it would take approximately 800 hand pumping holes to create approximately the size of the hole created by a hydraulic pump. She stated that hydraulic pumping had been occurring in Morro Bay for the last twelve years and that approximately 75 percent of the ghost shrimp habitat had been destroyed. She noted that when she started in

commercial ghost shrimping, that she was a power pumper, but because of the destruction caused by that method, she turned to hand pumping. She noted that it was difficult for ghost shrimp to re-establish themselves in areas that were devastated by power pumping. She stated that the Department should be investigating the re-establishment and rehabilitation of the Morro Bay mudflats and not the effects of power pumping.

Gary Robertshaw stated that he was a commercial hydraulic pumper for ghost shrimp. He pointed out that in the time he had been working in the Morro Bay area there had been an influx of algae and that the Bay was in a constantly changing mode. He stated that the entire ecology of Morro Bay should be investigated and that the power pumpers should not be blamed for these naturally occurring changes. He noted that the Harbor Commission and the Morro Bay Planning Commission were going to wait until the Department had completed their study of the effects of power pumping before these two Commission's made their decisions. He further stated, however, that the City Council had ruled in favor of the hand pumpers before all of the information had been compiled.

Commissioner Taucher asked Mr. Robertshaw if hydraulic pumping was easier and if ghost shrimp harvesting occurred all year. Mr. Robertshaw said that hydraulic pumping was easier, and that the harvesting of ghost shrimp occurred all year. Mr. Taucher asked if the hydraulic or power pumpers and hand pumpers received the same price for their shrimp. Mr. Robertshaw stated that his buyers would not buy hand pumped ghost shrimp because of the mutilation factors that occur. He stated that when pulling the shrimp with a hand pump, the ghost shrimp are damaged and therefore, were not a saleable item. Commissioner Bryant asked the Department about the rejuvenation of shrimp in the hole and surrounding area.

Bud Laurent stated that he was in the process of trying to determine an answer to Commissioner Bryant's question. He noted that approximately a year and a half ago a cooperative study between the Department and the power pumpers was started. He said that he had been gathering information on the biology of the ghost shrimp, size of the ghost shrimp, their reproductive cycle and area of harvest. He noted that last year the ghost shrimp harvesters met to discuss the problem and voluntarily agreed upon weekly harvesting quotas. Mr. Laurent stated that four months ago he staked craters developed by the power pumpers and was following these craters over time to determine the impacts of hydraulic pumping. In addition, he said he was also studying the before and after effects of the creation of these craters. He noted that he was measuring the size of the holes and also observed the ghost shrimp activity in and around the craters. He pointed out that the craters in the vicinity of the deeper channel which had larger grain size, had holes that healed within five weeks and that ghost shrimp activity occurred within hours after the creation of the crater. He noted that after four weeks, there was no difference in the ghost shrimp activity in the area. He further pointed out that in the areas away from the deep channel that had smaller grain size, the craters had not yet healed and had experienced only an 80 to 85 percent recovery.

President Burke asked Mr. Laurent if he had seen any change in the size of the holes during their recovery. Mr. Laurent stated that where holes were in close proximity of each other, that is four or five feet, that the tidal action could form channels between the holes and enlarge them.

Commissioner Taucher asked if there were ghost shrimp activity between the holes. Mr. Laurent stated that in the area of his study the ghost shrimp were at a commercial density and therefore, yes, there was ghost shrimp activity between the holes.

Mr. Laurent stated that in response to Mr. Cribbs' question on Section 120.6(e), Title 14, CAC, the material that was removed from the holes was liquefied sediment and the holes were approximately two feet deep. He stated that to meet the intent of that section, the hydraulic pumpers were pumping their sediment into a previously dug hole, however, because the material was liquefied, the hole did not completely fill. He pointed out that to completely fill the hole would require digging undisturbed areas. He stated that it was the Department's opinion that to do so would cause more environmental damage than leaving the craters partially filled.

Catherine Cordero, commercial ghost shrimp harvester, stated that she had been power pumping for ghost shrimp since 1972. She stated that it was her intent to maintain commercially viable numbers of ghost shrimp. She stated that it was her opinion that hand pumping was more harmful than power pumping because the hand pump created a vacuum when the shrimp were removed from the mud and caused mutilation to the ghost shrimp. In addition, she noted that the people that buy her ghost shrimp are reluctant to buy ghost shrimp from hand pumpers because the shrimp would not last more than 24 hours.

President Burke stated that the Commission would take the testimony under submission and make their finding at their August 30 meeting in San Rafael. He noted that at that meeting the Commission would take no further public testimony, but may have questions for the Department.

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. TAUCHER, THAT  
THE FISH AND GAME COMMISSION HEREBY POSTPONES ACTION  
REGARDING THE REQUEST OF THE MORRO BAY WETLANDS  
PRESERVATION COALITION PERTAINING TO THE IMPOSITION  
OF A MORITORIUM ON THE HYDRAULIC HARVESTING OF GHOST  
SHRIMP ON MORRO BAY INTERTIDAL WETLANDS UNTIL ITS  
AUGUST 30, 1985 MEETING IN SAN RAFAEL.

PASSED UNANIMOUSLY.

10. CONSIDERATION OF ADDING SECTION 180.5, TITLE 14, CAC, RE: TRAP BUOY IDENTIFICATION.

The Executive Secretary stated that at the Commission's April 5, 1985 meeting in Redding, it authorized its staff to publish notice of its intent to add sections 180.2 and 180.5, Title 14, CAC, regarding trap destruct devices and trap buoy identification. He noted that the required legal notice had been published. Mr. Cribbs reminded the Commissioners that at their June 28, 1985 meeting in South Lake Tahoe, it added Section 180.2, Title 14, CAC, but at the request of the fishing industry, put over to its August 2 meeting any action regarding the proposed addition of Section 180.5, Title 14, CAC, pertaining to trap buoy identification. He noted that in the interim, the Department was going to meet with the industry to see if the industry's concerns could be addressed.

Mr. Cribbs stated that Commissioners had before them the Department's pre-publication of notice and pre-adoption statements as well as the text of the regulations in underline format. He said that the provisions of Section 180.5, Title 14, CAC, would specify that every commercial fish trap must be marked with buoys with buoy identification numbers at least 1-1/2 inches high and 1/4 inch wide in a color which contrasted with that buoy. He pointed out that the matter before the Commission was for final adoption of Section 180.5, Title 14, CAC. Robert Fletcher stated that the Department had not reached an agreement with the industry, but that it still recommended adoption of the proposed regulation.

Zeke Grader stated that the industry believed that color coding of the buoys was sufficient, and that they had not heard from the Department on exactly the reasons why color coding would not work. He pointed out that the Department's recommendation would cause a hardship on the industry as the existing buoys are small and in order to put on the identification number, it would require the fishermen to replace all their buoys. Mr. Fletcher stated that the Department was willing to work with the industry to allow possibly the marking of traps or a string of traps with properly identified buoys. He pointed out that the color fades and, therefore, the color coding presented an enforcement problem for the Department. Commissioner Taucher asked who would provide the identification numbers to the fishermen. Mr. Fletcher stated that the buoy identification number was to be fishermen's commercial fishermen number.

Zeke Grader stated that there had not been a theft problem or enforcement problem with the Dungeness Crab fishermen, and therefore, they recommended that the buoy color coding remain in effect. Mr. Fletcher stated that the law now in effect required that the buoys be marked with the commercial fishermen's number and that this regulation change would just implement an existing law.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BRYANT, THAT  
THE FISH AND GAME COMMISSION PURSUANT TO THE AUTHORITY  
VESTED BY SECTIONS 7701, 7708, 8491, 8500, 9000.5, 9003,  
9004, 9005, 9006 AND 9010 OF THE FISH AND GAME CODE, AND  
TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SECTIONS 7700-  
7710.5, 8491, 8500 AND 9000-9011 OF SAID CODE, HEREBY  
ADDS SECTION 180.5, TITLE 14, CAC, REGARDING TRAP BUOY  
IDENTIFICATION AS FOLLOWS:

Section 180.5, Title 14, CAC, is added to read:

180.5. Trap Buoy Identification. Pursuant to the provisions of Section 9005 of the Fish and Game Code, every trap or string of traps placed in waters of the state to take fin fish, mollusks or crustaceans for commercial purposes shall be marked with a buoy. Buoys used to mark any trap or string of traps shall be clearly and distinctly marked with a buoy identification number as required by Section 9006 of the Fish and Game Code. The specified identification number shall be at least one and one-half inches in height and one-quarter inch in width. Each trap marker buoy shall bear the specified number in a color which contrasts with that of the buoy and the number shall be applied so that it is visible and legible.

Authority: Sections 9003, 9005 and 9006, Fish and Game Code.

Reference: Sections 9002, 9003, 9005, 9006, 9007 and 9008, Fish and Game Code.

PASSED UNANIMOUSLY.

11. CONSIDERATION OF REQUEST OF ROD CHAMBERLAIN, MANAGER, RANCHO DOS PALMAS, NORTH SHORE, FOR AUTHORIZATION TO IMPORT AND POSSESS GRASS CARP FOR AQUACULTURE PURPOSES.

The Executive Secretary stated that Rod Chamberlain, Manager, Rancho Dos Palmas Aquaculture Facility, North Shore, had requested authorization to import and possess grass carp for aquaculture purposes within Southern California. He noted that the Commissioners had a copy of Mr. Chamberlain's request.

Deputy Director Fletcher stated that aquaculturists should have the same opportunity to produce triploid grass carp as the Coachella and Imperial Irrigation Districts had and that the Department recommended approval of Mr. Chamberlain's request providing the Commission incorporated the Department's proposed restrictions.

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF ROD CHAMBERLAIN, MANAGER, RANCHO DOS PALMAS AQUACULTURE FACILITY, NORTH SHORE, FOR AUTHORIZATION TO IMPORT AND POSSESS GRASS CARP FOR AQUACULTURE PURPOSES UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND CONCURRED IN BY THE COMMISSION.

PASSED UNANIMOUSLY.

12. CONSIDERATION OF REQUEST OF DOV GRAJCKER, PRESIDENT, AQUAFARMS, INC., MECCA, FOR AUTHORIZATION TO IMPORT AND POSSESS GRASS CARP FOR AQUACULTURE PURPOSES.

The Executive Secretary stated that Mr. Dov Grajcker, President Aquafarms, Inc., Mecca, had requested authorization to import and possess grass carp for aquaculture purposes within Southern California. He noted that the Commissioners had been provided the background material for this item. Mr. Cribbs stated that the Department had evaluated Mr. Grajcker's request and recommended approval subject to their recommended terms and conditions.

The Executive Secretary pointed out that this request was the same as Mr. Chamberlain's, which the Commission had just acted upon.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF DOV GRAJCKER, PRESIDENT, AQUAFARMS, INC., MECCA, FOR AUTHORIZATION TO IMPORT AND POSSESS GRASS CARP FOR AQUACULTURE PURPOSES UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND CONCURRED IN BY THE COMMISSION.

PASSED UNANIMOUSLY.

13. RECEIPT OF DEPARTMENT REPORT RE: KLAMATH RIVER SALMON FISHING AND STATUS OF REGULATIONS.

The Executive Secretary noted that this time was scheduled to afford the Department the opportunity to provide the Commission with an update concerning the status of the Klamath River salmon resource. He stated that due to the time constraints of one of the Commissioners, the Department would make this report at the end of the meeting.

CONSENT CALENDAR

The Executive Secretary stated that items 14-23 were placed on the Commission's consent calendar. He pointed out that the staff knew of no opposition to the proposals other than as specified in the analysis and that the Department had provided a recommendation on each of these items which either called for approval or modified approval by the Commission. Mr. Cribbs noted that any item could be removed from the consent calendar by the Commission or upon request of the Department of someone in the audience who wished to speak to that item. He stated that copies of a summary of the consent were available to the public. He noted that the staff knew of no opposition to these proposals, and that the Department had recommended approval for all of the items. Commissioner Taucher stated that he wanted to discuss all of these items and wished to have them removed from the consent calendar.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BRYANT, THAT  
THE FISH AND GAME COMMISSION HEREBY REMOVES ALL ITEMS  
FROM THE CONSENT CALENDAR.

PASSED UNANIMOUSLY.

14. CONSIDERATION OF REQUEST OF THE VIETNAMESE FISHERMEN ASSOCIATION OF AMERICA FOR EXPERIMENTAL GEAR PERMIT TO USE A PAIR TRAWL FOR TAKING WHITE CROAKER.

The Executive Secretary stated that the Vietnamese Fishermen Association of America had requested an experimental gear permit which would allow them to use a pair trawl for taking white croaker.

Mr. Cribbs stated that he knew of no public opposition to this request and that the Department supported Commission approval. Commissioner Taucher asked Mr. Fletcher for the Department's recommendation and comments. Deputy Director Fletcher stated that the Vietnamese Fishermen Association's proposal was an alternative to gillnetting for white croaker which had been very controversial and the proposed fishing operations would be conducted outside of state waters. Mr. Fletcher noted that the Department recommended approval of this request since the Vietnamese Fishermen Association had agreed to dispose of any incidentally taken ground fish in a manner agreed to by the Department and the National Marine Fisheries Service. Commissioner Taucher expressed concern that the proposed fishing operation would be conducted in shallow water which could adversely impact salmon and striped bass.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF THE VIETNAMESE FISHERMEN ASSOCIATION OF AMERICA FOR AN EXPERIMENTAL GEAR PERMIT TO ALLOW THEM TO USE A PAIR TRAWL FOR TAKING WHITE CROAKER.

PASSED UNANIMOUSLY.

15. CONSIDERATION OF REQUEST OF UNIVERSAL STUDIOS, UNIVERSAL CITY, FOR PERMIT TO USE EXPLOSIVES IN OCEAN WATERS OFF PARADISE COVE, POINT MUGU AND LEO CARRILLO STATE BEACH FOR MOTION PICTURE PRODUCTION.

The Executive Secretary stated that Universal Studios, Universal City, had requested an explosives permit to allow them to use explosives in ocean waters off Paradise Cove, Leo Carrillo State Beach and Point Mugu for motion picture production.

Mr. Cribbs stated that the Department had evaluated Universal Studio's request and recommended approval of this request subject to terms and conditions to be specified by the Department.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF UNIVERSAL STUDIOS, UNIVERSAL CITY, FOR A PERMIT TO USE EXPLOSIVES IN OCEAN WATERS OFF PARADISE COVE, LEO CARRILLO STATE BEACH AND POINT MUGU FOR MOTION PICTURE PRODUCTION UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND CONCURRED IN BY THE COMMISSION.

PASSED UNANIMOUSLY.

16. CONSIDERATION OF REQUEST OF MID-CAL CONSTRUCTION, INC., KNIGHTSON, FOR PERMIT TO USE EXPLOSIVES IN SNODGRASS AND GEORGIANA SLOUGHS, SACRAMENTO COUNTY, IN CONJUNCTION WITH THE REMOVAL OF OLD RAILROAD BRIDGE PILINGS.

The Executive Secretary stated that Mid-Cal Construction, Inc., Knightson, had requested a permit to use explosives within Snodgrass and Georgiana sloughs, Sacramento County, in conjunction with the removal of old railroad bridge crossings. Mr. Cribbs reminded the Commission that they had approved a similar permit for the Snodgrass Slough work last year, but that work was not completed and the contractor was requesting additional authorization to proceed with removal of those pilings. He noted that the Department had reviewed the proposal and had recommended approval. He pointed out that the Commissioners were provided with the background information on this request as well as the Department's evaluation and recommendation for approval.

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF MID-CAL CONSTRUCTION, INC., KNIGHTSON, FOR A PERMIT TO USE EXPLOSIVES IN SNODGRASS AND GEORGIANA SLOUGHS, SACRAMENTO COUNTY, IN CONJUNCTION WITH THE REMOVAL OF OLD RAILROAD BRIDGE PILING UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND CONCURRED IN BY THE COMMISSION.

PASSED UNANIMOUSLY.

17. CONFIRMATION OF EMERGENCY ACTION AMENDING SECTION 360(c)(12), TITLE 14, CAC, RE: REDUCING THE NUMBER OF PERMITS FOR THE S-10 CAMP PENDLETON EITHER SEX DEER HUNT, SAN DIEGO COUNTY.
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The Executive Secretary reminded the Commission that on July 17, 1985, Bob Treanor, their Assistant Executive Secretary, held a hearing in the Conference Room on the 12th floor of the Resource Building, 1416 Ninth Street, Sacramento, pertaining to the proposed emergency action to amend Section 360(c)(12), Title 14, CAC, which would reduce the number of permits for the S-10 Camp Pendleton either sex deer hunt, San Diego County, from 160 to 80 for the public sector. He pointed out that the hearing was held and that on July 18, 1985, the Commission took emergency action to amend Section 360(c)(12), Title 14, CAC. He stated that this matter had been scheduled merely to confirm that emergency action.

Mr. Cribbs stated that during the week of July 1, 1985, a large wildfire burned a major portion of Camp Pendleton's deer habitat. It completely eliminated vegetative cover and made burned areas unsuitable for hunting. He said the Commanding Officer had taken action to close the burned areas to activities including hunting. As a result of these actions, and to prevent possible overharvest of the deer population in the remainder of the Camp and to prevent undesirable and potentially unsafe hunting conditions, he said it is necessary to reduce the number of deer hunting permits available for the S-10 Camp Pendleton either sex hunt.

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY CONFIRMS ITS EMERGENCY ACTION OF JULY 18, 1985 WHICH AUTHORIZED THE FILING OF AMENDMENTS TO SECTION 360(c)(12), TITLE 14, CAC, REGARDING REDUCING THE NUMBER OF PERMITS FOR THE S-10 CAMP PENDLETON EITHER SEX DEER HUNT, SAN DIEGO COUNTY, FROM 160 TO 80 FOR THE PUBLIC SECTOR.

PASSED UNANIMOUSLY.

18. CONSIDERATION OF REQUEST OF THE GRAVES RANCH, SHASTA COUNTY, FOR RENEWAL OF PRIVATE LANDS FISH AND WILDLIFE MANAGEMENT PLAN.

The Executive Secretary stated that the Department had received the annual report and renewal application for the Graves Ranch, Shasta County, which was currently licensed under Commission regulations contained in Section 601, Title 14, CAC. He noted that the applicant had paid for the tags he used during the previous year. Mr. Cribbs stated that the Department recommended approval of the updated Graves Ranch Plan and application under the following harvest conditions:

1. Five buck tags be issued to take no more than five buck deer, forked horn or better.
2. Five antlerless tags be issued to take no more than five antlerless deer.
3. The season on the Ranch would run from October 1, 1985 through December 31, 1985.

Commissioner Bryant asked the Department for the exact location of the Graves Ranch. Mr. Mansfield stated that the Ranch was west of highways 5 and old 99.

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF THE GRAVES RANCH, SHASTA COUNTY, FOR RENEWAL OF PRIVATE LANDS FISH AND WILDLIFE MANAGEMENT PLAN UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND CONCURRED IN BY THE COMMISSION.

PASSED UNANIMOUSLY.

19. CONSIDERATION OF REQUEST OF RONEY RANCH, TEHAMA COUNTY, FOR APPROVAL OF PRIVATE LANDS WILDLIFE MANAGEMENT AREA PLAN.

The Executive Secretary stated that the Roney Ranch, Tehama County, had submitted a management plan and application for a 1985-88 Private Land Wildlife Management Area License. He pointed out that Commissioners were provided with a copy of that plan. Mr. Cribbs 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.

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

1. 85 deer tags be issued to take no more than 60 buck and 25 antlerless deer.
2. Season on the Roney Ranch described in that plan shall run from November 2, 1985 to December 29, 1985.

Mr. Mansfield stated that the Roney Ranch was located in Southern Tehama County and that the 1984 buck take for the Ranch was 70 deer. He pointed out that the fawn survival on the Ranch was 46 percent, whereas for the Eastern Tehama Deer Herd, it was only 30 percent. He noted that the Roney Ranch had recommended fewer bucks be taken in 1985 than they had taken the previous year. Mr. Mansfield recommended that no more than 50 percent of the bucks be taken in the month of December. He concluded by saying that the Roney Ranch proposal was not a threat to the Eastern Tehama deer herd.

Commissioner Bryant asked if there would be a problem with the Dye Creek Ranch if the Commission approved the Roney Ranch as proposed. Mr. Mansfield stated that he did not think there would be a conflict with the previous actions taken by the Commission on the Dye Creek Ranch proposal.

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF THE RONEY RANCH, TEHAMA COUNTY, FOR A PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND CONCURRED IN BY THE COMMISSION AND FURTHER THAT NO MORE THAN 30 BUCKS BE TAKEN DURING THE MONTH OF DECEMBER.

PASSED UNANIMOUSLY.

20. CONSIDERATION OF REQUEST OF CALIFORNIA GILLNETTERS ASSOCIATION, SAN PEDRO, FOR WAIVER OF THE PROVISIONS OF SECTION 107.1, TITLE 14, CAC, TO PROVIDE FOR THE PLACEMENT OF A SEAL ON GILL NETS IN LIEU OF REMOVING SUCH NETS WHEN SHARK/SWORDFISH DRIFT GILL NET PERMITS ARE SURRENDERED.

The Executive Secretary stated that by letter dated July 5, 1985, Mr. Tony West of the California Gillnetters Association had requested a waiver of the provisions of Section 107.1, Title 14, CAC, to provide for the placement of a seal on gill nets in lieu of removing such nets when shark/swordfish drift gill net permits are surrendered.

Mr. Fletcher stated that Fish and Game Code Section 8576, restricted the landings of swordfish by drift gill net shark and swordfish fishermen during the first four and a half months (May 1-September 15) of the open fishing season. During this time period, he said the landings of swordfish, by a drift gill net shark and swordfish permittee, cannot exceed his landings of thresher and bonito shark, during any calendar month.

He noted that all swordfish landed by a fisherman operating under a drift gill net shark and swordfish permit, whether the swordfish were taken in drift gill nets or by harpoon, are counted toward this so-called 50:50 landing restriction on swordfish. He pointed out, However, under provisions of Section 8576, a drift gill net shark and swordfish fisherman may surrender his permit to the Department and then may take swordfish with a harpoon, under the authority of a swordfish harpoon permit and not be subject to the aforementioned 50:50 landing restriction.

Mr. Fletcher further noted that Section 107.1, Title 14, CAC, provided that any fisherman operating under a swordfish harpoon permit may not possess a gill net aboard his vessel, except that set gill nets with a mesh size of eight inches (stretched mesh) or less, may be possessed, provided that the intent to use such gear has been declared on the application for a swordfish permit. Thus, he pointed out, a fisherman who surrenders his drift gill net shark and swordfish permit, and who chooses to fish under a swordfish harpoon permit, would be required to remove his drift gill net from his vessel. Possession of the drift gill net aboard his vessel would be a violation of Section 107.1, Title 14, CAC.

He said Mr. West was suggesting that, in lieu of removing the drift gill net from a fishing vessel which is a time-consuming and arduous task, Department Wildlife Protection personnel be authorized to place a seal around the net.

Mr. Fletcher stated that the approach suggested by Mr. West was a reasonable solution to the problems and time associated with removing and reinstalling nets on drift gill net shark and swordfish vessels; therefore, the Department recommended approval contingent upon the following requirements:

1. The waiver shall apply only in the situation where a drift gill net shark and swordfish permittee surrenders his permit to the Department.
2. The fisherman must contact our Long Beach or San Diego offices during normal business hours and arrange to have a seal placed around his drift gill net by a Department representative at the convenience of the Department, but within a reasonable time period.
3. When a seal is placed around the drift gill net on a permittee's vessel, it is placed there with the understanding that if the fisherman uses the net or breaks the seal, the Department will bring the violation to the attention of the Commission for consideration of revoking or suspending the fisherman's drift gill net shark and swordfish permit.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF THE CALIFORNIA GILLNETTERS ASSOCIATION, SAN PEDRO, FOR A WAIVER OF THE PROVISIONS OF SECTION 107.1, TITLE 14, CAC, TO PROVIDE FOR THE PLACEMENT OF A SEAL ON GILLNETS IN LIEU OF REMOVING SUCH NETS WHEN SHARK/SWORDFISH DRIFT GILLNET PERMITS ARE SURRENDERED UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND CONCURRED IN BY THE COMMISSION.

PASSED UNANIMOUSLY.

21. CONSIDERATION OF REQUEST OF DOMINIC GREGORIO AND JOHN G. BALESTERI, SAN PEDRO, FOR AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO LEASE APPROXIMATELY 4± ACRES OF STATE WATER BOTTOMS OFFSHORE OF SEAL BEACH, ORANGE COUNTY, FOR AQUACULTURE PURPOSES (MATTER TO BE HEARD ON DECEMBER 6, 1985 IN SACRAMENTO).
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The Executive Secretary stated that Messrs. Dominic Gregorio and John G. Balesteri, San Pedro, had requested authorization for the Commission staff to publish notice of intent to lease approximately four acres of state water bottoms located offshore of Seal Beach, Orange County, for aquaculture purposes. He noted that the applicants had submitted the required application, map description and filing fee for their proposal. Mr. Cribbs pointed out that the Commissioners had been provided with the background information on this matter. He noted that the matter would be heard at the Commission's December 6, 1985 meeting in Sacramento. He stated that the applicants intend to cultivate mussels, (Mytilus edulis); rock scallops, (Hinnites multirugosus); red abalone, (Haliotis rufescens), green abalone, (H. Fulgens); black abalone, (H. cracherodii); and Japanese oysters, (Crossostrea gigas); native oysters, (Ostrea lurida); and European oysters, (O. edulis).

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES ITS STAFF TO PUBLISH NOTICE OF ITS INTENT TO CONSIDER THE ALLOTMENT OF APPROXIMATELY FOUR ACRES OF STATE WATER BOTTOMS OFFSHORE OF SEAL BEACH, ORANGE COUNTY, TO DOMINIC GREGORIO AND JOHN G. BALESTERI, SAN PEDRO, FOR AQUACULTURE PURPOSES.

PASSED UNANIMOUSLY.

22. CONSIDERATION OF REQUEST OF VENTURA COUNTY HEALTH DEPARTMENT FOR AUTHORIZATION TO COLLECT MUSSELS FROM SANTA BARBARA ISLAND AND ANACAPA ISLAND ECOLOGICAL RESERVES.
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The Executive Secretary stated that Ventura County Health Department had requested authorization to collect 15 to 20 mussels during the months of July, August and September from Santa Barbara Island and Anacapa Island Ecological reserves. He noted that the Department had made the July collections for the Ventura County Health Department. Mr. Cribbs stated that the Department had reviewed this request and had made the following recommendation:

"Section 630(a)(3), Title 14, CAC, prohibits any collecting in an ecological reserve, except under permits authorized by the Commission. Mr. Smith has requested authorization to collect a small number (15-20) of mussels from the subject reserves during the months of July, August and September, as part of the statewide paralytic shellfish poisoning (PSP) monitoring program administered by the State Department of Health Services.

"Since the Department supports the statewide PSP monitoring program, and believes that the subject take of mussels will not adversely impact the resources within these reserves, it recommends that the Commission approve Mr. Smith's request."

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. TAUCHER, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF VENTURA COUNTY HEALTH DEPARTMENT FOR AUTHORIZATION TO COLLECT MUSSELS FROM SANTA BARBARA ISLAND AND ANACAPA ISLAND ECOLOGICAL RESERVES UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND CONCURRED IN BY THE COMMISSION.

PASSED UNANIMOUSLY.

23. APPROVAL OF PROCEDURES FOR ADMINISTRATIVE ACTIONS BY THE EXECUTIVE SECRETARY.

The Executive Secretary reminded the Commission that at its June 28, 1985 meeting in South Lake Tahoe, he had stated that he would provide the Commission with a proposed set of procedures for handling administrative actions by the Executive Secretary on routine permit applications. Mr. Cribbs noted that the Commissioners had been provided with a copy of his proposal.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE PROCEDURES FOR ADMINISTRATIVE ACTIONS TO BE TAKEN BY THEIR EXECUTIVE SECRETARY AS FOLLOWS:

Administrative action may be taken by the Executive Secretary to authorize issuance of the following types of permits: (1) explosives; and (2) prohibited species, including fur farming. Prior to taking any authorized administrative action, the Executive Secretary shall obtain the Department's recommendation and seek the guidance of at least three Commissioners. All administratively granted permits shall be reported to the Commission at its next meeting. Administrative actions will be reported on the administrative calendar. Conditions may be attached to any permit granted administratively by the Executive Secretary. If three or more Commissioners request that an item be held for public hearing, the item will be removed from the administrative calendar and scheduled as a discussion item and possible vote at the next regular Commission meeting. Applicants and other interested parties may speak in opposition to the issuance of the permit or its conditions.

PASSED UNANIMOUSLY.

LICENSE AND PERMIT CONSIDERATIONS

24. CONSIDERATION OF REQUEST OF MIKE MC CORKLE FOR REINSTATEMENT OF COMMERCIAL SHRIMP/PRAWN PERMIT.

The Executive Secretary reminded the Commission that at its June 28, 1985 meeting in South Lake Tahoe, it had revoked the shrimp/prawn permit of Mike McCorkle, Summerland, until such time as he appeared before the Commission to

show cause why his privileges should be reinstated. He noted that the Commission's action on June 28 was predicated upon the following information:

"On January 6, 1985 Mr. McCorkle was contacted while trawling with a cod end with less than 4-1/2 inch mesh within three miles of shore.

"On March 13, 1985 in the Ventura County Municipal Court, Mr. McCorkle pled nolo contendere to a violation of Fish and Game Code Section 8831, use of trawl net less than 4-1/2 inches within three miles of shore. He was fined \$300, which was suspended, forfeiture of catch, \$700 paid to the Fish and Game Preservation Fund, and the net and door were returned."

Prior convictions:

March 4, 1965, Fish and Game Code Section 8724, illegal use of nets, 8392, possession of illegal California halibut, dismissed.

June 10, 1983, Fish and Game Code Section 8837, use of an unlawful cod end, pled nolo contendere, fined \$200.

Mr. Cribbs stated that Mr. McCorkle had requested an opportunity to appear before the Commission at its August 2 meeting to address the issue of reinstatement of his commercial shrimp/prawn permit. Mr. Cribbs noted that the Department had made the following recommendation:

Mr. McCorkle stated that he needed to collect electric rays for Mr. Rim Fay and that he was trawling outside of three miles on January 6, 1985, however, he had only captured two rays. Because of the urgency of Mr. Fay's request, Mr. McCorkle stated that he decided to trawl with a cod end less than 4-1/2 mesh within three miles of shore to determine if there were any electric rays in the vicinity. If there were, then he would get the appropriate gear and fish for electric rays in that area. Mr. McCorkle stated that he had been fishing for about 15 minutes when contacted by the Department and was caught fishing within three miles of shore with a trawl net less than 4-1/2 inch mesh.

DeWayne Johnston stated that the Department recommended removal of Mr. McCorkle from the shrimp/prawn fishery for 60 days or until December 1, 1985. President Burke stated that Mr. McCorkle had been a commercial fisherman for many years and had actually helped the Department on several occasions. Mr. Johnston stated that the Department was aware of Mr. McCorkle's previous history, but that because of the seriousness of the violation, the Department stood by its recommendation. Mr. McCorkle stated that he had been fishing for many different species and needed his shrimp/prawn permit to also take sea cucumbers, therefore, the Department's recommendation was affecting more than his fishing for shrimp/prawn.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BRYANT, THAT  
THE FISH AND GAME COMMISSION HEREBY DENIES THE  
REQUEST OF MIKE MC CORKLE, SUMMERLAND, FOR REINSTATEMENT

OF HIS SHRIMP/PRAWN PERMIT AS OF AUGUST 2, 1985 AND THAT THE FISH AND GAME COMMISSION SUSPENDS MIKE MC CORKLE'S SHRIMP/PRAWN PERMIT UNTIL DECEMBER 1, 1985.

PASSED UNANIMOUSLY.

25. CONSIDERATION OF REQUESTS OF BERNARD EFFIE, WILLIAM A. MAGELLAN, JACK RUSSO, SALVATORE RUSSO AND STANLEY SCHONES FOR APPROVAL OF THEIR APPLICATIONS FOR DRIFT GILL NET SHARK AND SWORDFISH PERMITS.

The Executive Secretary reminded the Commission that the requests by Messrs. Bernard Effie, William A. Magellan, Jack Russo, Salvatore Russo and Stanley Schones for approval of their applications for drift gill net shark and swordfish permits have been denied by the Department and were previously scheduled for Commission consideration at its June 28 meeting in South Lake Tahoe; however, those requests were put over until the August 2 meeting. Mr. Cribbs pointed out that the Commissioners had been provided with the background information on each of these individuals.

Deputy Director Fletcher stated that the Department had some additional information to consider and requested that a decision on Bernard Effie and Stanley Schones be postponed until the Commission's August 30 meeting and the Commission concurred.

Mr. William A. Magellan requested more time in order to gather additional information and requested that his request be postponed until the Commission's August 30 meeting in San Rafael and the Commission concurred.

Thomas M. Crehan, attorney, stated that he represented both Jack and Salvatore Russo and that the information provided by the Russos to the Commission indicated that the Russos were qualified to receive a drift gill net shark and swordfish permit. Deputy Director Fletcher stated that the information provided by the Russos did not indicate that they had landed shark utilizing a drift gill net nor had they made a substantial investment in the fishery. President Burke stated that it was apparent to him that both Salvatore and Jack Russo had an extensive background in commercial fishing and that he believed Mr. Russo and his son were qualified to receive a drift gill net shark and swordfish permit.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF JACK RUSSO, SAN PEDRO, FOR APPROVAL OF HIS APPLICATION FOR A DRIFT GILL NET SHARK AND SWORDFISH PERMIT.

PASSED UNANIMOUSLY.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF SALVATORE RUSSO, SAN PEDRO, FOR APPROVAL

OF HIS APPLICATION FOR A DRIFT GILL NET SHARK AND  
SWORDFISH PERMIT.

PASSED UNANIMOUSLY.

26. CONSIDERATION OF REQUEST OF PAUL HIMMELBERG, SAN DIEGO, FOR AUTHORIZATION  
TO POSSESS A FEMALE FERRET FOR PET PURPOSES.

The Executive Secretary reminded the Commission that existing Commission regulations and Fish and Game Code provisions preclude the importation of ferrets because of their potential adverse impact on livestock interests and wildlife. He stated that the Commission's position was taken after consultation with the California Department of Food and Agriculture. He noted that on March 7, 1980, the Commission set the policy concerning requests for waivers of its regulations to permit the importation of ferrets. He further noted that in that policy, the Commission stipulated that the Department could issue permits to individuals who could demonstrate that they had possessed male neutered ferrets prior to their intent to bring that animal into the state; however, it was stipulated that the Department was not authorized to issue permits for female ferrets, whether they were neutered or not, and that the Commission had held the line on that policy since that time. He pointed out that the Commission's policy was predicated upon the fact that a neutered male ferret could be easily discerned, whereas with a female ferret, it was impossible to discern whether or not the animal had indeed been neutered regardless of what external indications may have been present.

The Executive Secretary stated that Mr. Paul Himmelberg, San Diego, was found to be in possession of illegally imported female ferrets by Department wardens. Mr. Cribbs noted that when the Department attempted to confiscate the animals, a restraining order was obtained by Mr. Himmelberg's attorney, Mr. Robert L. Smith, San Diego, ordering the return of the ferrets to Mr. Himmelberg. Mr. Cribbs pointed out that Mr. Smith had asked that the Commission grant Mr. Himmelberg a hearing on the matter in order to exhaust his administrative remedies. Mr. Cribbs stated that this matter had been scheduled in order for the Commission to clarify its position concerning the importation of ferrets and to afford Mr. Himmelberg an opportunity to address the Commission on this matter.

Mr. Smith stated that he had compiled exhaustive information regarding ferrets and their domestication and requested additional time in which to present his information to the Commission. Mr. Cribbs asked the origin of Mr. Himmelberg's ferrets. Mr. Smith stated that the ferrets were purchased from a pet shop in Tucson, Arizona, and flew on Republic Airlines to California. Mr. Smith stated that Mr. Himmelberg had asked the Department the requirements on ownership and whether or not the ferrets needed to be neutered.

Lewis Davis, Department of Food and Agriculture, stated that he had had a conference call with the Department of Public Health and that Public Health was concerned with rabies in California as apparently there is no vaccine for that strain. President Burke asked if there was an existing problem in California. Mr. Davis stated that there were not any problems as yet because there were not that many ferrets in California. Deputy Director Fox stated that the Department was required by statute to work with the Departments of

Food and Agriculture and Public Health in coming up with a position on this matter and requested that additional time be granted to the Department in order to work with Food and Agriculture and Public Health in arriving at a position on this matter. Peter Van der Naillen requested Mr. Smith to stipulate to a continuance of the court date until after November 1, 1985 and Mr. Smith agreed.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY POSTPONES ACTION ON THE REQUEST OF PAUL HIMMELBERG, SAN DIEGO, FOR AUTHORIZATION TO POSSESS FEMALE FERRETS FOR PET PURPOSES UNTIL ITS NOVEMBER 1, 1985 MEETING IN SAN DIEGO.

PASSED UNANIMOUSLY.

Mr. Cribbs then asked the Commission to suspend its rules to hear additional items.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY SUSPENDS ITS RULES TO HEAR ADDITIONAL ITEMS.

PASSED UNANIMOUSLY.

26(a) CONSIDERATION OF REQUEST OF TIM PERGUSON FOR APPROVAL FOR A DRIFT GILL NET SHARK AND SWORDFISH PERMIT.

Mr. Larry Mansur stated that he had a heart attack in 1984 and the medication which he was taking changed his body chemistry and that he was allergic to fiberglass and resins. He stated that his boat contained fiberglass and he broke out in a severe rash whenever he was on his boat. Mr. Mansur stated that he needed somebody to operate his boat since he was taking his drift gill net shark/swordfish permit to a steel-hulled boat. He requested the Commission authorize Mr. Perguson to obtain a drift gill net shark/swordfish permit in order to operate his boat.

President Burke asked Mr. Mansur if he and Mr. Perguson had applied to the Department for a drift gill net shark and swordfish permit. Mr. Mansur said, no, that they had not. President Burke stated that the Commission could not hear their case until they had been denied by the Department, therefore, he instructed Mr. Mansur and Mr. Perguson to contact the Department and file an application.

26(b) CONSIDERATION OF REQUEST OF THE U.S. FOREST SERVICE FOR AUTHORIZATION TO USE FIREARMS TO COLLECT PINECONES WITHIN THE STATE GAME REFUGE IN THE SOUTH WARNER MOUNTAINS.

The Executive Secretary stated that in a letter dated July 23, 1985, the U.S. Forest Service requested authorization to use firearms to collect pinecones within the state game refuge in the South Warner Mountains. He

noted that similar items had been approved by the Commission in the past. He also requested that the Commission grant the Department authority to issue similar permits in the future on a case-by-case basis.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE DEPARTMENT TO ISSUE PERMITS TO THE U.S. FOREST SERVICE AND OTHER ENTITIES TO USE FIREARMS IN SPECIFIED STATE GAME REFUGES TO TAKE AND COLLECT PINECONES UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND CONCURRED IN BY THE COMMISSION.

PASSED UNANIMOUSLY.

26(c) CONSIDERATION OF REQUEST OF WORK RANCH, MONTEREY COUNTY, FOR APPROVAL OF PRIVATE LANDS WILDLIFE MANAGEMENT AREA PLAN.

The Executive Secretary stated that George Work had submitted his annual report and renewal application for a private lands wildlife management area license late because he was unsure if he was going to continue in the program because of high insurance costs. Mr. Cribbs provided copies of Mr. Work's annual report and renewal application to the Commissioners. He noted that the Department had reviewed the application and recommended approval. Commissioner Taucher stated that since he had just received a copy of the report and renewal application, he was not prepared to make a determination at this time.

26(d) CONSIDERATION OF REQUEST OF MICHAEL OWEN, MANHATTAN BEACH, FOR REINSTATEMENT OF COMMERCIAL LOBSTER FISHING PRIVILEGES.

The Executive Secretary reminded the Commissioners that this matter was also an added item to their August 1 meeting in Avalon, and that they had taken tentative action on Mr. Owen's request. Since the Department did not have the background information necessary at the August 1 meeting, the Commission had not taken final action until the Department had a chance to present their information. Mr. Johnston summarized Mr. Owen's arrest record as follows:

On January 31, 1985, Michael J. Owen, Manhattan Beach, was observed using lobster traps and taking lobster in state waters in Fish and Game District 19A in violation of state law. Mr. Owen was cited for a violation of Fish and Game Code section 9000(a), use of traps in District 19, and 2000, taking lobster in District 19A.

On April 2, 1985 in the South Bay Municipal Court Mr. Owen pled nolo contendere to a violation of Section 9000(a) of the Fish and Game Code, use of traps in District 19A. The charge of violation of Section 2000 of the Fish and Game Code was dismissed. He was placed on six months probation, fined \$255, forfeiture of traps and 45 pounds of lobster (\$202). He has no prior convictions.

Mr. Johnston stated that the Department recommended that Mr. Owen's commercial lobster fishing privileges be suspended for the first 60 days of the 1985-86 season.

It was then:

MOVED BY MR. TAUCHER, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE COMMERCIAL LOBSTER FISHING PRIVILEGES OF MICHAEL J. OWEN, MANHATTAN BEACH, FOR THE FIRST 60 DAYS OF THE 1985-86 LOBSTER FISHING SEASON AND FURTHER STIPULATES THAT ONCE HIS SUSPENSION IS COMPLETED, HE MAY NOT USE SCOTT A. HONAKER'S BOAT OR TRAPS WHEN HE RE-ENTERS THE COMMERCIAL LOBSTER FISHERY.

PASSED UNANIMOUSLY.

26(e) CLARIFICATION OF COMMISSION'S DECISION REGARDING THE STOCKING OF TRIPLOID GRASS CARP IN THE IMPERIAL AND COACHELLA VALLEYS.

The Executive Secretary stated that in light of what was happening in the Imperial and Coachella valleys regarding the stocking of triploid grass carp, he requested the Commission clarify its decision of May 17, 1985 in Palm Springs. President Burke stated that it was his opinion that the Commission authorize the importation of triploid grass carp for the eradication of hydrilla in the waterways of Coachella Valley Water District and the Imperial Irrigation District. Commissioners Taucher and Bryant concurred. Mr. Cribbs stated that he was aware that triploid grass carp was being stocked in other waterways for control of other aquatic weeds. He stated that he would schedule a discussion item for the Commission's August 30, 1985 meeting in San Rafael to discuss the possibility of using triploid grass carp for control of other plants in the Imperial and Coachella valleys.

Since President Burke had to leave, he continued the meeting at 11:45 a.m. until the Commission's August 30 meeting in San Rafael. That meeting would commence at 8:00 a.m. in the Board of Supervisors Chambers, Room 322, Marin County Civic Center. Commissioners Taucher and Bryant remained to hear the Department's informational item.

The Executive Secretary went back to item No. 13, Receipt of Department Report Regarding Klamath River Salmon Fishing and Status of Regulations. Mr. Cribbs told the Commission that he had held a hearing in Eureka on July 17, 1985 pertaining to the proposed emergency action of the sport ocean salmon fishing regulations. He noted that the emergency regulation change had been filed with the Office of Administrative Law, and that the final changes would be valid for 120 days. Deputy Director Fletcher stated that the regulation change which closed the ocean sport salmon fishing on Mondays and Tuesdays was working. He noted that the angling pressure was not being transferred to the other five days.

Eldridge Hunt stated that he had just received a phone call from the Wildlife Management Branch in Sacramento with the proposed federal framework for waterfowl. He stated that on July 27 and 28, the Pacific Flyway Council met in Reno and essentially proposed the same regulations for waterfowl as

were in effect last year. He noted that normally the U.S. Fish and Wildlife Service accepted the Pacific Flyway Council's recommendations, however, the proposed federal framework called for a daily bag limit of five with ten in possession. He stated that the daily limit could not contain more than three sprig or three mallard and no more than one hen sprig and one hen mallard in the daily limit. He noted that the season would run for 79 consecutive days. Commissioner Bryant asked if he knew when the season would open. Mr. Hunt stated that he did not, but as soon as he received a copy of the proposed federal framework, he would provide it to the Executive Secretary for distribution to the Commissioners.

OTHER

27. COMMISSION INFORMATIONAL ITEMS.

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.

28. ANNOUNCEMENT OF FUTURE MEETINGS.

August 30, 1985	Board of Supervisors Chambers, Room 322 Marin County Civic Center San Rafael, 8:00 a.m.
October 4, 1985	Auditorium, Room 1138, State Building 107 S. Broadway Los Angeles, 9:00 a.m.
October 31, 1985 (1:00 p.m.) November 1, 1985 (8:00 a.m.)	Auditorium, Room B-109, State Building 1350 Front Street San Diego
December 6, 1985	Auditorium, Resources Building 1416 Ninth Street Sacramento, 9:00 a.m.

There being no additional items before the Commission, the meeting was adjourned at 12:30 p.m.