

FISH AND GAME COMMISSION

MINUTES 1987

(JAN. to June)

State of California
FISH AND GAME COMMISSION
Minutes, Meeting of June 24, 1987

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State of California
FISH AND GAME COMMISSION

Minutes, Meeting of June 24, 1987

Pursuant to the call of the President, the Commission met in the Auditorium, Room 102, Office Building 9, 744 P Street, Sacramento, California, on June 24, 1987. The meeting was called to order at 1:10 p.m. by President Taucher.

Persons present:

FISH AND GAME COMMISSION

Albert C. Taucher	President
John A. Murdy III	Member
E.M. McCracken, Jr.	Member

COMMISSION STAFF

Harold C. Cribbs	Executive Secretary
Robert R. Treanor	Assistant Executive Secretary
Kathleen Maxwell	Executive Secretary I

ATTORNEY GENERAL'S OFFICE

Denis Smaage	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

Pete Bontadelli	Acting Director
Robert Fletcher	Deputy Director
Franklin Cox	Patrol Lieutenant
Ed Dutra	Warden
Mike Sadlier	Warden

The following persons were also present and heard:

Henry Mello	State Senator, 17th District
Cindy Williams	Administrative Aide to Assemblyman Robert Campbell, 11th District
Charlie Fullerton	Regional Director, National Marine Fisheries Service
Michael Remy	Attorney for Sacramento River Preservation Trust
Wray Ladine	Attorney for Calif. Ocean Resources Preservation
Wilbur "Skip" Ladd	U.S. Fish and Wildlife Service
Sam Farr	Assemblyman, 28th District
Rolf Wallenstrom	Regional Director, U.S. Fish and Wildlife Service
Carol Fulton	Executive Director, Friends of the Sea Otter
Stuart Somach	Attorney for Friends of the Sea Otter

Paul Simmons
Rachel Saunders
Richard Spotts
Ann Cochran
Paula Carrell
Vivian Vaught
Jo Nix
Eric Metz
Laurie Etcheberry
Leo McElroy
Dr. Gene Trapp
Karol Raymer
Kathy Strain
Bruce Webb
Jeune Gibson
Wendy Griswold
Ed Arnow
Alta Tura
Mrs. Frank Hutton
Tamara Wright
Peg Stevenson
Burr Heneman
Virginia Handley
Carol Gage
Holly Newcomb
Kate Stafford
Robert Harrison
Dr. Ruthann Corwin
Bruce Steele
Steven Rebuck
Mark Evanoff

Timothy Mulcahy
Carl Nienaber
Mike Radon
Jerome Betts
Rudy Mangue
Richard Williams
Gil Crabbe

Bill Hooten
Douglas Chadwick
Luke Brost
Sean McGrath
Jim Colony
James D. Robinson
Kevin McCeney
Greg DeAlba
Tom Crager
Lauri Handelman
James Finch
Andy Shupe

Natural Resources Defense Council
Friends of the Sea Otter
Defenders of Wildlife
Concerned Citizen
Sierra Club
Angeles/San Diego Sierra Club
Concerned Citizen
National Audubon Society
Center for Environmental Education
Planning and Conservation League
Concerned Citizen
Concerned Citizen
Concerned Citizen
Animal Protection Institute
Concerned Citizen
Concerned Citizen
Concerned Citizen
Sacramento Audubon Society
Concerned Citizen
Concerned Citizen
Greenpeace
Concerned Citizen
The Fund for Animals
Animal Allies, Inc.
Concerned Citizen
Mother Earth Sea
The Wildlife Conservancy
Environmental Defense Fund
Calif. Urchin Divers Assn.
Fisheries Protection Institute
Independent Sea Urchin Fishermens
Assn.
Calif. Urchin Divers Assn.
Calif. Abalone Assn.
Calif. Ocean Resource Preservation
Calif. Urchin Divers Assn.
Calif. Abalone Assn.
Save Our Shellfish
Santa Barbara Commercial Fishermen
Inc.
Calif. Abalone Assn.
Calif. Urchin Divers Assn.
Calif. Urchin Divers Assn.
Calif. Urchin Divers Assn.
Commercial Fisherman
Calif. Urchin Divers Assn.
Calif. Gillnetters Assn.
Calif. Ocean Resources Preservation
Calif. Urchin Divers Assn.
California C-Farms
Calif. Abalone Assn.
Calif. Urchin Divers Assn.

Chris Van Der Ree
Jon Holcomb
Clay Phipps

Robert Juntz
Michael Gower

Zeke Grader

Ron Kester
Jim Marshall
Dr. Randall Davis

Calif. Urchin Divers Assn.
Commercial Fisherman
Central California Council of
Diving Clubs
Ocean Fresh Seafood Products
Central California Council of
Diving Clubs
Pacific Coast Federation of
Fishermen's Assn.
Calif. Ocean Resources Preservation
Calif. Abalone Assn.
Hubbs Marine Research Center

President Taucher introduced members of the Commission, its staff, Acting Director Pete Bontadelli, Deputy Director Robert Fletcher and Denis Smaage of the Attorney General's office.

1. RECOGNITION OF CALIFORNIA FISH AND GAME WARDEN'S PROTECTIVE ASSOCIATION'S GOLDEN ANNIVERSARY.

The Executive Secretary stated that the California Fish and Game Warden's Protective Association would celebrate its Golden Anniversary (July 1937 to July 1987) on June 27-28, 1987, at Don Pedro Reservoir. He explained that the purpose of this agenda item was to provide the Commission an opportunity to recognize the accomplishments of the Warden's Protective Association and its membership. He noted that a suitable resolution commemorating this event had been prepared.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT
THE FISH AND GAME COMMISSION, HEREBY ADOPTS THE FOLLOWING
RESOLUTION HONORING THE CALIFORNIA FISH AND GAME WARDEN'S
PROTECTIVE ASSOCIATION COMMEMORATING ITS GOLDEN ANNIVERSARY
(JULY 1938- JULY 1987) AS FOLLOWS:

RESOLUTION HONORING
THE CALIFORNIA FISH AND GAME
WARDENS PROTECTIVE ASSOCIATION'S
GOLDEN ANNIVERSARY

WHEREAS, the California Fish and Game Wardens Protective Association is the recognized representative of California's state wildlife protection officers; and

WHEREAS, the Association in June 1987, will celebrate its golden anniversary as an organization dedicated to the promotion of the welfare and interests of the enforcement officers of the California Department of Fish and Game; and

WHEREAS, the Department's enforcement officers have long been identified as the primary protectors of our state's fish and wildlife resources; and

WHEREAS, the Department's enforcement officers by their unselfish dedication to duty and professionalism have brought distinct credit to themselves, the Department of Fish and Game and the People of California as well as untold benefits to the state's resources and the public who enjoy those resources;

NOW, THEREFORE, BE IT RESOLVED, that the California Fish and Game Commission extends its sincere appreciation and greatest gratitude to the Department's wildlife protection personnel for their efforts; and

BE IT FURTHER RESOLVED, that the Commission especially recognizes the major contribution of the California Fish and Game Wardens Protective Association which has so honorably represented the state's wildlife enforcement officers for fifty continuous years; and

FINALLY, BE IT RESOLVED, that the Commission directs its Executive Secretary to send a suitable copy of this resolution to the President of the California Fish and Game Wardens Protective Association.

June 24, 1987

PASSED UNANIMOUSLY.

Lt. Franklin Cox, President, and Wardens Ed Dutra and Mike Sadlier accepted the resolution on behalf of the California Fish and Game Warden's Protective Association.

2. REQUEST OF SACRAMENTO RIVER PRESERVATION TRUST AND TEHAMA FLY FISHERS, CHICO, FOR LISTING OF THE SACRAMENTO RIVER WINTER-RUN KING SALMON AS A CANDIDATE FOR ENDANGERED SPECIES STATUS.

The Executive Secretary reminded the Commission that, at its March 6, 1987 meeting in Redding, it received a petition from the Sacramento River Preservation Trust and Tehama Fly Fishers to list the Sacramento River winter-run king salmon as a candidate for endangered species status. He explained that, pursuant to state law, the Department had 90 days from that date in which to review that petition before reporting back to the Commission. He indicated that the Commission then must consider the matter at its next scheduled meeting. He pointed out that the Commissioners had been provided with a copy of the petition as submitted by the Sacramento River Preservation Trust and Tehama Fly Fishers.

Mr. Cribbs reminded the Commission that this matter had initially been considered by the Commission at its November 7, 1986 meeting; however, due to some unresolved aspects of the petition, the Commission had asked the Attorney General's office to provide some specific information concerning the proposal. He pointed out that the Commissioners had been provided with copies of Mr. Smaage's responses dated December 4, 1986 and April 8, 1987, relating to the following questions:

- (1) Will listing the winter-run king salmon as a candidate study species for possible listing as endangered or threatened, legally prohibit the Bureau of Reclamation from implementing measures to help protect that species?

- (2) May the Fish and Game Commission decline to list the winter-run king salmon as a candidate species on grounds that current and proposed federal, state and local protective measures are sufficient to protect the species?

Mr. Cribbs also pointed out that the Commissioners had been provided with information received from Assemblyman Robert G. Campbell's office concerning the legal aspects of potential listing of the winter-run salmon as a candidate species for endangered species status. He noted that information included a letter from the Assemblyman dated April 24, 1987, which was critical of the Commission's handling of this issue. He explained that Commission staff had met with Assemblyman Campbell in response to that letter, and that meeting was quite positive. He indicated that Assemblyman Campbell acknowledged the issue before the Commission was a difficult one. In addition, he noted that Assemblyman Campbell had sent a letter dated May 12, 1987, acknowledging that he did not believe the Commission should take any action which would jeopardize a species; however, the Assemblyman believed that the Commission should adhere to the procedural provisions of the statute.

The Executive Secretary also pointed out that the Commissioners had been provided with a letter dated October 29, 1986 from E.C. Fullerton, Regional Director, National Marine Fisheries Service, Southwest Region and letters from Richard Spotts, California Representative, Defenders of Wildlife and Richard Izmirian, Vice President, Northern California Council Federation of Fly Fishers. In addition he noted that the Commissioners had been provided with all the correspondence received since the March 6, 1987 meeting on this issue. He noted that the Commissioners also received copies of the U.S. Bureau of Reclamation's response to the Department's inquiry concerning the implementation of the restoration plan for this species as well as the provisions of sections 2050-2098 of the Fish and Game Code, which provides statutory direction on this matter.

The Department reviewed the petition and all pertinent correspondence on the matter and provided the following recommendation:

"The Department of Fish and Game has evaluated the petition submitted by the Sacramento River Preservation Trust to list the Sacramento River winter-run Chinook salmon as endangered. Based upon the information contained in the petition, the Department finds there is sufficient information to indicate that the petitioned action may be warranted.

"As the Commission is aware, the Bureau of Reclamation, National Marine Fisheries Service, U.S. Fish and Wildlife Service, and California Department of Fish and Game have jointly agreed upon a ten-point Commitments for Restoration program to protect and restore winter-run Chinook salmon. We believe this approach is preferred to listing under state law. This is based, in part, on earlier Attorney General's advice to the Commission that listing under state law may cause the Bureau of Reclamation to reverse its earlier decision to open the gates at Red Bluff Diversion Dam, thus placing the population in further jeopardy. Therefore, even though the biological information given in the petition indicates that the petitioned action may be warranted, the Department

recommends that the Commission not list the Sacramento winter-run Chinook salmon as a candidate species following the April 8, 1987 advice from the Office of Attorney General which states that the Commission may decline to list the petitioned species as a candidate species on grounds that proposed federal, state, and local protective measures are sufficient to protect the run.

"The Department is actively involved in development of management and restoration actions and plans consistent with the ten-point plan to strengthen the winter-run population. The special regulations adopted this year to reduce the in-river sport take of winter-run Chinook salmon have been very successful, and we are continuing to monitor the 1987 spawning escapement which appears to be somewhat improved from last year.

"Representatives from the National Marine Fisheries Service (NMFS) and the U. S. Bureau of Reclamation will be present on the June 24 special session to answer questions."

Deputy Attorney General Denis Smaage stated that the question before the Commission was whether or not to accept or reject the petition, and list the Sacramento River winter-run Chinook salmon as a candidate species for endangered species status. He explained that, in his opinion, the Commission had broad discretion in the matter, and may look at existing management efforts and management eventualities for protection of the species; and therefore, may not accept a petition if efforts were sufficient at this time to protect the species. He indicated that Assemblyman Campbell had written two letters on the issue and made a judgment call relating to whether or not the Bureau would not be legally mandated to consult with the National Marine Fisheries Service, if the state listed the Sacramento River winter-run Chinook salmon as a candidate species. He pointed out that in his conversations with the Solicitor for the Bureau, it was his impression that the Bureau would shut the gates at Red Bluff Diversion Dam, if the state listed the Sacramento River winter-run Chinook salmon as a candidate species.

Pete Bontadelli stated that the Department had made its recommendation to the Commission in its June 4 letter. He indicated that the Department's preferable direction was to continue with the ten-point rehabilitation plan instead of accepting the petition at this time. He noted that, to date, the plan had been very successful, and that all parties involved had been cooperating effectively. He pointed out that salmon spawning this year was improved over that from last year. He recommended that the Department continue to monitor the population, and provide updates to the Commission on this matter.

Cindy Williams, Senior Consultant to Assemblyman Campbell, reminded the Commission that Assemblyman Campbell authored the California Endangered Species Law and wanted it implemented as intended. She noted that as one general observation under Section 2073.5 of the Fish and Game Code, the Department was to evaluate the petition based upon information contained within the petition, and if it was sufficient, then it should recommend that the petition be accepted. She pointed out that the term candidate was the name given to a species, if the petition was accepted. She explained that Assemblyman Campbell wrote a letter to the Federal Endangered Species office

and was informed that a candidate species at the state level did not trigger federal consultation. She noted that if the Bureau failed to follow the ten-point plan, it would be breaking a promise with the National Marine Fisheries Service which could then trigger the federal listing and consultation with NMFS, something which the Bureau did not want. She noted that there were many permutations with this issue, and was concerned that the procedures be followed correctly.

The Executive Secretary asked Mr. Smaage if the Commission had to utilize only written comments on the matter, or could it use oral testimony as well as the Department's expertise. Mr. Smaage stated that the Commission could utilize all data before it, whether it was written, oral or the Department's expertise.

Charlie Fullerton stated that the state's procedures were different than the federal government's, as it allowed the public to provide oral testimony. He noted that the Commission had power to list a species immediately, if it was necessary. Mr. Cribbs asked if, in Mr. Fullerton's opinion, would the Bureau of Reclamation withdraw from the ten-point plan if the Commission accepted the petition for the Sacramento River winter-run Chinook salmon. Mr. Fullerton said that he did not believe the Bureau would withdraw at this time, but if listing of the winter-run salmon as an endangered species was eminent, he believed that the Bureau would change its outlook and may not complete the agreed upon studies. Mr. Cribbs asked if the ten-point plan was a good one. Mr. Fullerton stated that, in his opinion, it was the best plan that could be developed at this time.

Mike Remy, Attorney for Sacramento River Preservation Trust and Tehama Fly Fishers, stated that the task before the Commission was procedural and the Commission was legally mandated to accept the petition, if it was found sufficient. He explained that the real issue was whether or not to accept the petition to further study the Sacramento River winter-run Chinook salmon population for potential listing as an endangered species.

Pete Bontadelli asked Mr. Fullerton if there was or could be a problem with funding the programs under the ten-point rehabilitation plan, if the winter-run was listed as a candidate species. Mr. Fullerton stated that if the Sacramento River winter-run Chinook salmon was listed by the state as a candidate species, he did not foresee a problem with funding of the ten-point rehabilitation plan. He noted, however, that if it proceeded toward listing as an endangered species, then funding may become a question.

Commissioner Murdy indicated that there had been a spirit of cooperation in developing and working on the implementation of the ten-point rehabilitation plan, and suggested that the Commission not list the Sacramento River winter-run Chinook salmon as a candidate species at this time. He noted that, if the Department informed the Commission that the ten-point plan was not working, the Commission had the option to direct the Department to study the winter-run population and determine if it needed to be listed as an endangered species.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION MAKE THE FOLLOWING FINDINGS UPON WHICH IT THEREBY DENIES THE REQUEST OF THE SACRAMENTO RIVER PRESERVATION TRUST AND TEHAMA FLY FISHERS, CHICO, FOR LISTING OF THE SACRAMENTO RIVER WINTER-RUN CHINOOK SALMON AS A CANDIDATE FOR ENDANGERED SPECIES STATUS.

CALIFORNIA FISH AND GAME COMMISSION
NOTICE OF FINDINGS

Pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission herein sets forth its findings of rejection with respect to the petition filed by the Sacramento River Preservation Trust and the Tehama Fly Fishers to list the Sacramento River winter-run king salmon as a candidate for endangered species status:

1. Subsequent to receipt of the petition, the Commission was provided a 10-point cooperative plan for restoration of Sacramento River winter-run chinook. The "Commitments for Restoration" agreement was developed by the U.S. Fish and Wildlife Service, U.S. Bureau of Reclamation, National Marine Fisheries Service, U.S. Army Corps of Engineers and the California Department of Fish and Game. Letters were received immediately preceding the decision date from the Regional Director of the U.S. Bureau of Reclamation and the Regional Director of National Marine Fisheries Service reinforcing their commitment to immediate implementation of the winter-run chinook restoration plan. Actions recently completed or to be taken include modifications of Keswick Dam, raising the dam gates at Red Bluff Diversion Dam during most of the critical upstream migration period, initiating a hatchery program at Coleman Hatchery, developing an improved temperature regime in the spawning and nursery areas and continuing studies of the Sacramento River winter-run chinook salmon population.
2. Preliminary estimates indicate the 1987 spawning population numbers are 15-25 percent greater than in 1986.
3. Regulations established in early 1987 have substantially reduced the inland angler harvest of Sacramento winter-run chinook salmon.
4. Acceptance of Sacramento River winter-run chinook salmon as a candidate for California endangered species status may result in federal actions detrimental to the species.
5. No evidence or testimony has been presented that indicates how the listing of Sacramento River winter-run chinook salmon as an endangered species would benefit the run.

PASSED UNANIMOUSLY.

3. SPECIAL HEARING REGARDING REQUEST OF U.S. FISH AND WILDLIFE SERVICE FOR AUTHORIZATION TO OBTAIN A STATE PERMIT TO ESTABLISH AN EXPERIMENTAL POPULATION OF SOUTHERN SEA OTTERS AT SAN NICOLAS ISLAND, VENTURA COUNTY. (NOTE: THE DECISION OF THE COMMISSION REGARDING THIS REQUEST WILL BE MADE ON OR AFTER JUNE 26, 1987.)
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The Executive Secretary reminded the Commission that, at its May 14-15 meeting in Newport Beach, it formally received the proposal from the U.S. Fish and Wildlife Service for authorization to obtain a state permit to establish an experimental population of southern sea otters at San Nicolas Island, Ventura County. He pointed out that the Commissioners had been provided with a summary of the environmental impact statement as prepared by the U.S. Fish and Wildlife Service as well as the correspondence received on this issue. He noted that the Commission had made it clear that this special hearing had been provided to obtain public input on this proposal.

Wray Ladine, attorney for a group of commercial fishermen, protested the procedures being followed by the Commission. He indicated that, pursuant to Section 15225, Title 14, CAC, the Commission was required to publish a notice that it would be using the federal environmental impact statement in lieu of an environmental impact report. He stated that neither the Department nor the Commission had published that notice. Deputy Attorney General Denis Smaage stated that it was unfortunate that this issue had not been brought to the Commission's attention earlier to allow for an adequate review. He noted that, since this issue had been ongoing, the environmental impact statement contained a section identifying that the document adhered to CEQA requirements and the public had abundant opportunities to comment on the document, he recommended that the Commission proceed with the hearing at this time. He stated that he would further review the issue and inform the Commission of his decision.

Acting Director Pete Bontadelli explained that the Department had reviewed the final environmental impact statement regarding the federal proposal to translocate and maintain an experimental population of sea otters at San Nicolas Island. He indicated that the proposed action was intended to meet separate goals and statutory requirements of the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973. He noted that specifically, the establishment of a second sea otter colony would accomplish a major recovery action for this threatened population by reducing the probability that a major oil spill or other catastrophic event could adversely impact the existing (parent) sea otter population beyond its ability to recover. He pointed out that the subject translocation would also provide an opportunity to conduct appropriate scientific research to obtain data necessary to understand and determine optimum sustainable population (SOP) size which was a prerequisite to a development of a long-term management plan for the sea otter.

Mr. Bontadelli stated that, in addition to accomplishing a major recovery action that could lead to the removal of the California sea otter population from its threatened status under the federal Endangered Species Act, the subject translocation would implement a "zonal management" program to prevent sea otters from either the translocation site (San Nicolas Island) or the mainland (parent) population from becoming established south of Point

Conception. He noted that this "zonal management" provision was provided for in precedent setting federal legislation enacted by Congress in November 1986. He stated that the legislation authorized the provisions for the "defacto" management of the sea otter population in order to minimize potential conflicts between fisheries and other resource uses and the translocated population of sea otters.

Pete Bontadelli stated that in summary, without the subject translocation, the Department believed that it was very unlikely the sea otter would be "recovered" or delisted or that any form of "zonal management" would be provided for any time in the foreseeable future. He noted that in the meantime, sea otters would continue to naturally expand their range and numbers inevitably impacting shellfish resources, not only at San Nicolas Island, but at all the Channel Islands and along the mainland coast of southern California. He explained that the Department believed the subject translocation provided the only viable opportunity for the state to meet its obligation to protect sea otters and provide for viable recreational and commercial shellfisheries throughout the southern California coast. He stated that the Department recommended approval of the U.S. Fish and Wildlife Service's request.

Senator Henry Mello read a prepared statement to the Commission. He strongly supported the U.S. Fish and Wildlife Service's proposal to reestablish a colony of California sea otters at San Nicolas Island. He noted that he represented the central California coast, the present location of the California sea otter population and that this area posed major oil hazards in the form of coastal tanker traffic and projected increased offshore drilling activities. He noted that one major oil spill could wipe out the entire sea otter population; and therefore, recommended Commission approval of this translocation project. He pointed out that this plan was consistent with California's successful translocation project to restore other protected species such as the bighorn sheep; peregrine falcon; pronghorn antelope; and Tule elk.

Assemblyman Sam Farr also read a prepared statement to the Commission. He reemphasized that the threat of a major oil spill along the central California coast was a hazard to the survival of the California sea otter. He stated that to assure the survival of sea otters, it must have another colony that could be used to repopulate an area just in case a major catastrophe occurred. He indicated that he was delighted to see the Governor and the Administration in support of this proposal. He recommended Commission approval as it was in the best interest of not only the sea otter, but also the commercial fishermen in southern California.

Rolf Wallenstrom, Regional Director, U.S. Fish and Wildlife Service, Portland, Oregon, briefly described the proposed translocation project and highlighted the points that the Commission should consider in making its decision on this matter. The following were the points raised by Mr. Wallenstrom:

- (1) The translocation to establish a second population California sea otters was a vital component of the species recovery plan. Successful establishment of a second sea otter colony was critical to recovering the population from its threatened status under the Endangered Species Act and its depleted status under the Marine Mammal Protection Act.
- (2) The idea of a translocation was not new. In 1971, translocation was identified during Congressional hearings as a means to restore sea otters to its historic range. The Department of Fish and Game developed an initial proposal to translocate sea otters in the mid-1970's. In 1980, the Marine Mammal Commission which oversees implementation of the Marine Mammal Protection Act, directed the U.S. Fish and Wildlife Service to identify potential sites and move ahead as quickly as possible with the decision-making process, because a translocation would be needed to recover the population and restore it to its optimum sustainable level. In 1982, the southern sea otter recovery plan was approved which identified translocation as a critical step to recovery. In 1985, an amendment to the Endangered Species Act was introduced to specifically authorize a translocation of California southern sea otters. While the legislation was not enacted at that time, Congress directed the Secretary to proceed with the environmental impact statement process for the translocation using the proposed amendment as one of the alternatives. Earlier this year, Governor Deukmejian recommended and Secretary of Interior, Donald Hodel, subsequently agreed to delete blocks around San Nicolas Island from oil and gas leasing plans to protect a translocated sea otter colony.
- (3) In late 1986, Congress did enact special legislation, Public Law 99-625, authorizing and establishing requirements for a translocation of California sea otters. The law directed the Secretary of Interior to develop, by regulation and implement a plan, in cooperation with the State, to translocate, protect and contain an experimental population of California sea otters. The plan has been drafted to meet the letter and spirit of this federal legislation. It represents the first major attempt at instituting a "zonal management" plan for sea otters in that it would maximize protection for the experimental population within the San Nicolas Island translocation zone, while maintaining a surrounding management zone free of otters to minimize conflicts with fisheries and other marine resource uses. Without a translocation under the provisions of this special act, a management program cannot be legally undertaken in the foreseeable future to prevent natural range expansion of the existing population into southern California. Without such management, the population is expected to begin reoccupying the southern California coast within the next decade, or sooner, where considerably greater impacts on fisheries would be likely to occur in the long-run than with this translocation plan.

- (4) The plan and environmental impact statement represents more than three years of intensive public involvement, special Congressional action, consultation with the Marine Mammal Commission and California Department of Fish and Game and numerous opportunities for all interested parties to review and comment on the proposal. Congress, in considering Public Law 99-625, invited participation of each major agency and affected interest group -- fisheries, conservation groups, the oil industry and others -- to forge this compromise legislation.
- (5) Proper administration of the two zones is critical to the plan's success. Within the translocation zone, which includes the near shore waters around San Nicolas Island and a buffer area that extends 10 to 19 miles seaward of the 15 fathom line, the otters will be protected in a manner similar to the existing central coast population, i.e. in the translocation zone, all taking of sea otters will be prohibited except for relocation and management taking by authorized officials of the USFWS and the Department of Fish and Game and incidental takings occasionally resulting from military activities. The management zone is the principle mitigation feature of the plan insofar as fisheries are concerned. Keeping this zone free of otters is expected to confine the impacts of translocation to the immediate nearshore waters of San Nicolas Island. This zone is also expected to keep the rest of the southern California coast free of otters as requested by the Department of Fish and Game in a 1985 letter to Congress; thus shellfisheries, the gill net fisheries and mariculture projects in southern California outside of the translocation zone would be able to continue and prosper indefinitely without competition from sea otters. Collectively, proper administration of the two zones would result in "zonal management" of sea otters in the southern California area.
- (6) The legislative history of Public Law 99-625 directs the USFWS, in cooperation with the State, to continue to conduct research on nonlethal containment techniques. As a part of the translocation, continual refinements in the already well developed capture techniques will be made by the USFWS and the Department of Fish and Game. Research on nonlethal sea otter population control is also being initiated this year in Alaska. It should be apparent that it is in the best interest of all parties that this translocation plan succeed. As required by USFWS regulations, if the new colony is not successfully established, the translocation will likely be declared a failure, all animals removed from the translocation zone and, should any, remain from the management zone, and the management and containment effort terminated. Also, if the containment strategy fails and USFWS cannot effectively maintain the management zone otter free, the translocation is likely to be declared a failure and be terminated. No one wins if the translocation were to fail as a result of either of these scenarios.
- (7) The USFWS acknowledges that various interest groups have significant concerns about the translocation plan. All of the questions raised are legitimate and the USFWS had addressed most of them in the final

environmental impact statement and rulemaking. However, as Congress directed, the translocation plan is a planning tool for the translocation itself; it is not intended to replace the recovery plan as the long-range planning document for recovering and managing the existing population. The USFWS is committed to initiating a long-term management plan immediately after completion of the decision making process for the proposed translocation. The long-term management will address such needs as future protection for sea otters, an approach to defining the optimum sustainable population level, "zonal management" and future research needs.

Skip Ladd, USFWS, then presented a slide show to the Commission which detailed the USFWS's proposed translocation project.

President Taucher asked if the recapture of the sea otters was a separate budget line item. Mr. Ladd stated that it was a separate line item. Commissioner Murdy asked if it did not appear in the future as a separate line item, would the recapture of the sea otters still take place. Mr. Ladd stated that not necessarily. He noted that one way to declare the translocation a failure was the USFWS's inability to recapture the sea otters that may wander out of the otter zone. Commissioner Murdy asked how sea otters would be recaptured if the USFWS found it necessary to capture any sea otters. Mr. Ladd stated that there were various techniques involved, but the three primary capture techniques were: (1) collection of young sea otters with a dip net; (2) utilization of an entangling device; and (3) underwater capture by divers.

Carol Fulton, Stuart Somach, Paul Simmons, Rachel Saunders, Richard Spotts, Pat Carrell, Vivian Vaught, Jo Nix, Eric Metz, Laurie Etcheberry, Leo McElroy, Dr. Gene Trapp, Karol Raymer, Kathy Strain, Bruce Webb, Jeune Gibson, Wendy Griswold, Ed Arnow, Alta Tura, Mrs. Frank Hutton, Tamara Wright, Peg Stevenson, Burr Heneman, Virginia Handley, Carol Gage, Holly Newcomb, Kate Stafford, Robert Harrison and Dr. Ruthann Corwin all supported the translocation of sea otters to San Nicolas Island. The major issues addressed in their testimony were as follows:

- (1) Protect sea otters from a major oil spill and toxic discharges;
- (2) Prevent extinction of sea otters which is consistent with federal and state laws;
- (3) Translocation of sea otter to San Nicolas Island will have the least amount of conflict with shellfish resources;
- (4) Major concessions have already been made with fishermen regarding "zonal management" of sea otters;
- (5) Sea otters are an important part of the overall ocean ecology and need to be protected; and
- (6) If delisting is to occur, "zonal management" of sea otters is necessary.

Ann Cochran, Bruce Steele, Steve Rebeck, Mark Evanoff, Timothy Mulcahy, Carl Nienaber, Mike Radon, Jerome Betts, Rudy Mangué, Gil Crabbe, Bill Hooten, Douglas Chadwick, Luke Brost, Sean McGrath, Jim Colony, James Robinson, Kevin McCeney, Greg DeAlba, Tom Crager, Lauri Handelman, James Finch, Andy Shupe,

Chris Van Der Ree, Jon Holcomb, Clay Phipps, Robert Juntz, Michael Gower, Zeke Grader, Ron Kester and Jim Marshall all opposed the proposed translocation of sea otters to San Nicolas Island. The following were the major issues addressed during the testimony:

- (1) The sea otter population size is at an appropriate level;
- (2) Probability of an oil spill wiping out the sea otter population was minute;
- (3) Translocation would have adverse impacts to small businesses in southern California, especially sport dive boats and charter fishing boats;
- (4) Translocation would cause over fishing in surrounding Channel Islands;
- (5) Increase danger to sport divers as they seek other areas to dive, maybe more dangerous because of sharks;
- (6) San Nicolas Island is considered a spawning and rearing area for shellfish for other Channel Islands and the southern California coastline; translocation will deplete shellfish populations, for example, sea otters depleted Pismo clams along the Morro Bay and Pismo Beach coast;
- (7) Containment of sea otters is impossible;
- (8) USFWS environmental impact statement does not adequately address all potential impacts, nor does it adequately address the economic values of the shellfish fisheries at San Nicolas Island;
- (9) Translocation should occur along the Washington coastline;
- (10) "Zonal Management" of sea otters will not work;
- (11) Unpublished data available to the USFWS indicate that sea otters in Alaska have moved across deep oceans, contrary to USFWS's contention;
- (12) Sufficient funding has not been made available for the containment work; and
- (13) Further study should be done to fill the data gaps prior to the translocation of sea otters.

Deputy Director Fletcher stated that many of the points raised on both sides were valid. He indicated that San Nicolas Island, however, was the best alternative for translocation and provided an opportunity to proceed towards the delisting of the sea otter from the threatened list. He stated that the Department recommended Commission approval of this proposal. President Taucher asked if 19 or 20 miles was a great distance for sea otters to roam. Mr. Fletcher explained that the sea otter was an inshore animal and would seldom move away from that area, as they needed to continually feed to maintain their high metabolism rate. Skip Ladd explained that the sea otter's normal habitat was within 15 fathoms, which was usually one to two-and-a-half miles offshore. He indicated that the rest of the otter zone was used as a buffer area.

Commissioner McCracken asked if the translocation was truly a step toward delisting of the sea otter. Mr. Fletcher stated that if translocation was successful, then studies could be under taken which would lead toward the delisting of the sea otter.

The Executive Secretary pointed out that without translocation, the state and federal governments would not have "zonal management"; and therefore, sea otters could move south and could not be controlled. He indicated that there was no assurance that the other Channel Islands would be protected.

Commissioner McCracken asked if the sea otter population was static, if there was a need for additional otter range and what would cause the sea otters to move south. Deputy Director Fletcher stated that until the moratorium on gill net fishing within 20 fathoms, sea otters were drowned in gill nets. He noted, however, the population would begin to increase and seek other areas as recruitment to the population occurred which had been lost to gill net drownings. Commissioner McCracken asked if increased toxic wastes were affecting the sea otter population. Mr. Fletcher stated that it could affect the sea otter population, but to his knowledge, was not now adversely impacting sea otters. President Taucher stated that, it was his belief, that there were approximately 100 sea otters lost in gill nets each year. Deputy Director Fletcher indicated that that was probably correct. He pointed out that the Department and the USFWS had just completed the sea otter population survey and the population was approximately 1,400 sea otters, which is the highest population level since 1982.

The Executive Secretary reminded the Commission that a conference call had been set up for July 6, 1987, at 3:30 p.m. and would originate from the Commission office. He noted that Commissioners Bryant and McCracken would be in the Commission office at that time.

The Executive Secretary then asked the Commission to suspend its rules to consider an additional item.

It was then:

MOVED BY MR. MC CRACKEN, SECONDED BY MR. MURDY, THAT
THE FISH AND GAME COMMISSION, HEREBY SUSPENDS ITS RULES
TO HEAR AN ADDITIONAL ITEM.

PASSED UNANIMOUSLY.

- 3a. REQUEST OF DR. RANDALL DAVIS, HUBBS MARINE RESEARCH CENTER, SAN DIEGO,
FOR AUTHORIZATION TO CONDUCT AN ACOUSTIC RESEARCH PROGRAM.

Mr. Cribbs stated that Dr. Randall Davis had requested authorization to conduct an acoustic research program entitled "Sea Otter Oil Spill Avoidance Study". He explained that the work would occur near Morro Bay and would be for scientific research purposes. He indicated that the activity would include the use of acoustic stimuli of killer whale and California sea otter pup vocalizations as repellents or attractants for controlling sea otter movements. He noted that this would be a continuation of field studies that had been conducted in 1986 in Alaska.

Deputy Director Fletcher stated that the Department recommended approval of Mr. Davis' request under the terms and conditions to be established by the Department.

It was then:

MOVED BY MR. MC CRACKEN, SECONDED BY MR. MURDY, THAT
THE FISH AND GAME COMMISSION, HEREBY APPROVES THE REQUEST OF
DR. RANDALL DAVIS, HUBBS MARINE RESEARCH CENTER, SAN DIEGO, FOR
AUTHORIZATION TO CONDUCT AN ACOUSTIC RESEARCH PROGRAM, SUBJECT
TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND
APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

There being no additional items before the Commission, the meeting was
adjourned at 5:20 p.m.

State of California
FISH AND GAME COMMISSION

Minutes, Meeting of June 24, 1987

Pursuant to the authority of Government Code Section 11126, the Commission met in closed Executive Session at 5:25 p.m. The purpose of the Executive Session was to consider litigation regarding nontoxic shot zones for migratory waterfowl hunting and mountain lions, and to receive a report from the Department concerning potential litigation that may be filed against the Department by the San Francisco Chronicle.

FISH AND GAME COMMISSION

Albert C. Taucher	President
John A. Murdy III	Member
E.M. McCracken, Jr.	Member

COMMISSION STAFF

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

ATTORNEY GENERAL'S OFFICE

Denis Smaage	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

Pete Bontadelli	Acting Director
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The following person was also present and heard:

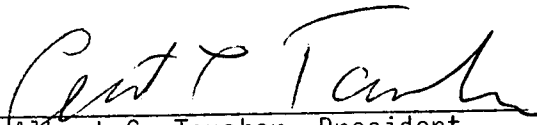
Fred Slimp II	Attorney, Pacific Legal Foundation
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Mr. Slimp updated the Commission concerning the lawsuit Pacific Legal Foundation had filed on behalf of the Commission against the U.S. Fish and Wildlife Service. This suit is in regards to the USFWS's proposed nontoxic shot zones for the 1987-88 migratory waterfowl season. Mr. Slimp was only present during this discussion.

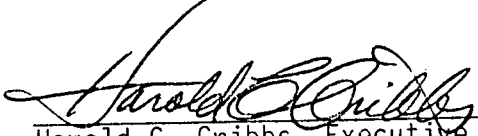
The Executive Session was adjourned at 5:50 p.m.

(Note: Copies of the environmental reports with respect to items considered by the Commission at this meeting and responses to alternatives proposed by the public are available upon request from the Fish and Game Commission office, 1416 Ninth Street, Box 944209, Sacramento, CA 94244-2090)

APPROVED:


Albert C. Taucher, President

ATTEST:


Harold C. Cribbs, Executive Secretary
Minutes of June 24, 1987

State of California
FISH AND GAME COMMISSION
Minutes, Meeting of June 25, 1987

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STATES OF CALIFORNIA AND NEVADA
FISH AND GAME COMMISSION
AND
BOARD OF WILDLIFE COMMISSIONERS

Minutes, Joint Meeting of June 25, 1987

Pursuant to the call of the President, the Commission jointly met with the Nevada Board of Wildlife Commissioners in the City Council Chambers, 1900 Lake Tahoe Boulevard, South Lake Tahoe, California, on June 25, 1987. The meeting was called to order at 1:35 p.m. by President Taucher.

Persons present:

FISH AND GAME COMMISSION

Albert C. Taucher	President
John A. Murdy III	Member
E. M. McCracken, Jr.	Member

COMMISSION STAFF

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

NEVADA BOARD OF WILDLIFE COMMISSIONERS

Keith L. Lee	Chairman
Steven Boies	Commissioner
Ronald C. DuVan	Commissioner
Bruce K. Kent	Commissioner
Leontine "Tina" Nappe	Commissioner
John Sweetland	Commissioner

ATTORNEY GENERAL'S OFFICE

Denis Smaage	Deputy Attorney General, California
Sam Molaso	Deputy Attorney General, Nevada

DEPARTMENT OF FISH AND GAME

Pete Bontadelli	Acting Director
Robert Rawstron	Chief, Inland Fisheries Division
Eldridge Hunt	Chief, Wildlife Management Division
DeWayne Johnston	Chief, Wildlife Protection Division
Terry Mansfield	Fish and Wildlife Manager
Almo Cordone	Fisheries Management Supervisor

NEVADA DEPARTMENT OF WILDLIFE

William A. Molini
Pat Coffin
Dave Rice

George Tsukamoto
Terry Crawforth
Bob McQuivey
Mike Hess
Mildred Peterson
Ted Frantz

Director
Chief, Fisheries Division
Chief, Information & Education
Section
Chief, Game Division
Chief, Law Enforcement Division
Chief, Habitat Section
Big Game Specialist
Secretary
Fishery Biologist

The following persons were also present and heard:

George Edmondson
Ronald Pierini
Clay Johnson
George Pickett
Haven Jorgensen

Jack Martin
Will Smith
Mickey Daniels
Larry Sargeant
Leonard Correll
Tom Martens
Jean Shaffer
Leonard O'Malley
Wayne Wilkins
Tom Lee
Dean Lockwood

Sportsman
Douglas County Advisory Board
Sportsman
Sportsman
El Dorado County Fish and Game
Commission
Outdoorsman, Inc.
Fishing Guide
Fishing Guide
Fishing Guide
Sportsman
League to Save Lake Tahoe
Tahoe Regional Planning Agency
Fishing Guide
Sierra High Flies
Fishing Guide
Fishing Guide

President Taucher introduced members of the Commission, its staff, Acting Director Pete Bontadelli, Denis Smaage of the Attorney General's office and Director William Molini of Nevada's Department of Wildlife. Director Molini then introduced members of Nevada's Board of Wildlife Commissioners, his staff and Sam Molaso of Nevada's Attorney General's office.

1. MANAGEMENT OF THE LAKE TAHOE SPORT FISHERY WITH EMPHASIS ON THE NEED FOR CHANGES IN THE ANGLING REGULATIONS.

The Executive Secretary stated that on May 14, 1987 the Lake Tahoe Bi-State Fisheries Committee met in Reno, Nevada. He explained that this was the annual meeting of representatives of the Nevada Department of Wildlife and the California Department of Fish and Game to discuss fisheries management programs and problems in the Tahoe-Truckee Basin. He indicated that, following careful analysis of all available data, the Committee agreed that the Lake Tahoe lake trout (mackinaw) population was being over-harvested and that measures to reduce the take were warranted.

Mr. Cribbs stated that each Department intended to recommend appropriate and identical angling regulation changes when their respective Commissions meet in October 1987 to consider such changes for the 1988 fishing season. He pointed out that, if adopted, the new regulations would have a major impact on the Lake Tahoe sport fishery. He noted that this special hearing was called to inform the Commissioners about the proposal, and to alert interested parties who may wish to express their views and concerns to the Commissioner's meeting together in joint session.

The Executive Secretary explained that the proposal was for a reduction in the mackinaw bag limit from five to two, and the imposition of a closed season in October, November and December. He noted that the bag limit would continue at five trout and kokanee in combination, but under the change, no more than two trout could be mackinaw, and the three-month fall closure would apply to all angling; i.e., a total closure. He stated that the Department of Fish and Game considered these two changes the minimum necessary to protect the mackinaw fishery from further depletion and to restore more trophy-sized fish to the catch. He pointed out that other possible regulation changes were considered but were rejected for various reasons. He indicated that, for example, minimum or maximum length limits were not considered because at Lake Tahoe mackinaw were taken at such great depths, commonly over 100 feet, that the change in pressure when they were brought to the surface caused high mortality.

Mr. Cribbs stated the Department believed major revisions in the regulations were warranted for the following reasons: (1) growing angler use at Lake Tahoe, especially by the professional guides; (2) growing angler expertise and improved fishing technology; (3) vulnerability of mackinaw to overharvest, especially during the winter months; (4) downward trends in the mackinaw catch rate and average size in heavily fished areas; and (5) reduction in the relative abundance of larger mackinaw in the catch.

The Executive Secretary pointed out that all Commissioners were provided with copies of each of the Departments' respective reports. He stated that it would be appropriate to receive both Department reports and then receive testimony from the audience.

Pat Coffin, Chief, Fisheries Division, Nevada Department of Wildlife, provided the Commissioners with a copy of Nevada's report on the Lake Tahoe Mackinaw Fishery. He pointed out that Lake Tahoe was a bi-state water requiring joint management by Nevada and California. He noted that the Departments' of Nevada and California had cooperatively managed the fishery resources at Lake Tahoe for many years, and that biological, angler use and harvest data had been maintained relative to the status of the fishery, in general, and the mackinaw fishery, in particular, since 1961 by both states.

Mr. Coffin stated that, in addition, the Nevada Department of Wildlife had used an annual angler questionnaire since 1970 with estimated harvest provided since 1976. He explained that the questionnaire was mailed to about ten percent of Nevada's licensed anglers. He mentioned, however, that the percentage of the total lake fishermen the data projected was undetermined, since no comparable data was available from California, but it probably

reflected 50 percent or less of the total lake use. He indicated that, although the data base was minimal for the mackinaw fishery when either state looked at its own data separately, the data from both states combined were more meaningful. He noted that both states met annually to evaluate their data for Lake Tahoe's fishery resources. He pointed out that both states discussed their respective creel census results and that, in addition, Nevada provided the angler questionnaire data and California provided the fishing guide information.

Mr. Coffin then provided the Commissioners with a summary of the creel census data and angler questionnaire data which were also included in the reports provided to the respective Commissions.

Pat Coffin noted that the last major change in Lake Tahoe fishing regulations was made in 1955 when the fishing seasons were changed from April 26 to October 31, with a five-fish limit, to open year round. He pointed out that the fishing hours were one hour before sunrise to two hours after sunset. He explained that the analysis of the current regulations and potential changes indicated that a reduction in the mackinaw limit to two fish would reduce harvest by about ten percent, and the closed season during the fall mackinaw spawning season was estimated to reduce harvest by an additional ten percent. He stated that, in order to have a significant change in the mackinaw's status in Lake Tahoe, both California and Nevada needed to take action to modify the current angling regulations.

Pat Coffin stated that other options considered, but not recommended included the following: (1) reduction of the mackinaw limit to one fish; (2) closure of fishing to deepline fishermen during the fall; (3) restrictions prohibiting the use of bait; (4) size restrictions on mackinaw; (5) prohibiting the use of electro-sounding equipment; and (6) restrictions on fishing guides. He explained that the two preferred recommendations were considered to have the least potential impact on the fishermen but could still achieve the management objective by reducing pressure on the mackinaw fishery by 20 percent. He noted, however, that more restrictive regulations could be necessary in the future, if these regulations did not achieve a satisfactory goal.

Almo Cordone, Fisheries Management Supervisor, California Department of Fish and Game, also provided the respective Commissions with a written report. He noted that the information collected by Nevada at the Cave Rock Boat Landing supported California's contention that the Lake Tahoe mackinaw population was being overharvested. He stated there were three lines of evidence to support their conclusion, the first being creel census data. Mr. Cordone noted that a creel census program was started in 1983 on the California side of the lake to determine the status of the mackinaw fishery in that area, and was similar to the type of data that had been collected since 1960 by Nevada personnel at Cave Rock. He explained that sampling took place on two weekends per month, one weekend at the North Shore and the other at the South Shore. He indicated that the data did not include information submitted by the fishing guides, but only represented the unattached angler. He pointed out that the samplers observed an average of 100 fish per year or about two fish per census day, and the data were separated into two major categories: (1) deepliners, and (2) topliners. He stated that, as expected, deeplining

proved to be more effective for mackinaw than toplining at both the north and south ends of the lake. He noted that a slight downward trend in the annual success rate was evident for both deepliners and topliners and that average lengths of mackinaw also declined over the four-year period at both ends of the lake, except for an increase in 1986 for fish checked at South Shore. He further explained that perhaps the most significant fact was that the average number of mackinaw caught per hour of deeplining in the 1980's (fewer than 0.2 fish per hour) was clearly lower than similar data collected in the early 1960's which exceeded 0.2 fish per hour.

Almo Cordone stated that the second part of the evidence was the data provided by the fishing guide log books at Lake Tahoe since 1980. He noted that this data indicated possible overharvest and the extent at which angler use at the lake was increasing. He pointed out that the use of fishing guides had grown dramatically in recent years; however, the number of guides (about 15) had not changed appreciably during the seven years during which records had been kept. He indicated that the total angler hours which the guides and their customers expended on the lake had accelerated during 1986 to about double what they were just five years ago, from about 13,000 angler hours to about 25,000 angler hours.

Mr. Cordone stated that, as the use increased, so did the catch of mackinaw and other salmonids. He noted that the mackinaw catch in 1986 was approximately 5,200 fish compared with only 2,280 fish in 1987. He noted that the mean weight of mackinaw reported by the fishing guides declined from 4.5 pounds in 1980 to 3.4 pounds in 1985, but then increased to about 3.8 pounds in 1986. He pointed out that they did not know if this decline reflected a real change in the mackinaw population since the guides estimated weights and did not ordinarily record actual weights. He explained that another trend which may reflect overharvest was the abrupt decline in the mackinaw success rates by fishing guides while toplining. He noted that success rates declined from annual values of approximately 0.04 fish per hour from 1980-83 to very low levels of fewer than 0.01 fish per hour from 1984-86. He indicated that, as mackinaw values declined, the success rates for rainbow trout and kokanee increased. He stated that there were no cause and effect relationships since the actual numbers of mackinaw creel also declined to very low levels.

Mr. Cordone stated that the third piece of evidence indicating possible overharvest was experience elsewhere with mackinaw fisheries. He explained that California had reviewed the literature and corresponded with other states and Canadian provinces which supported important mackinaw sport fisheries. He noted that, in almost every instance, overharvest of mackinaw was a major concern of fishery managers. He pointed out that even moderate fishing pressure was enough to deplete the larger, older fish in a population. He noted that this was the experience of those charged with managing mackinaw lakes in such widely separated areas as Maine, Colorado, Alaska, British Columbia and Ontario. He stated that, invariably, harvest regulations were the most important management tool.

Mr. Cordone stated that mackinaw were unique among the various trout species, and were almost always distinguished from other trout in the regulations of other states and provinces. He explained that this was due to

their biological characteristics (slow growth, late maturity and long life span) which made them particularly susceptible to overharvest. He indicated that another disadvantage was the fact that some of the females may not spawn every year. He pointed out that, in addition, the low productivity of the waters which they inhabit (low nutrients and cold temperatures) also contributed to the vulnerability of mackinaw to overharvest.

Almo Cordone noted that the experiences in other states and Canadian provinces demonstrated that liberal bag limits did not adequately protect mackinaw populations and eventually deprived anglers of the trophy potentials these trout could provide. He pointed out that a wide variety of special regulations had been adopted to reduce harvest, such as seasonal closures, reduced bag limits, different types of size limits and bait restrictions. He noted that these had all been used in one combination or another, and that the most common regulation was a two-fish bag limit coupled with minimum size limits ranging from 16 to 20 inches and extremes from eight inches to 30 inches.

Mr. Cordone concluded by stating that existing controls on the take of mackinaw from Lake Tahoe were too liberal. He explained that the five-fish bag limit, year-round season, no size limit and the use of live fin fish for bait were more generous than even those regulations for remote, lightly-fished waters in northern latitudes. He emphasized that the Lake Tahoe mackinaw population was being overharvested as the Nevada Cave Rock data clearly indicated. He noted that the only readily available means of reversing this trend, or at least preventing further declines were to adopt more restrictive regulations. He noted that the goal at Lake Tahoe was to provide trophy-sized mackinaw for the angler, and that the two regulation changes recommended by the Nevada Department of Wildlife and the California Department of Fish and Game were necessary to meet this goal.

Tina Nappe asked the reason for the decline in the Lake Tahoe mackinaw fishery. Pat Coffin stated that it was California-Nevada's belief that the mackinaw fishery was being overharvested, which resulted in the decline in the catch rates and size of the fish being caught.

George Edmondson opposed the proposed regulations to reduce the bag limit for mackinaw and the complete angling closure of October through December. He noted that fishing was now better than what he experienced during the 1950's. He pointed out that there were a lot of mackinaw, and last week he caught a limit of fish that ranged between 27 and 32 inches in length. He explained that there was a technique to catching mackinaw, and the creel census data did not reflect the experience level of the angler or the time of day when people were fishing. He stated it was his belief that mackinaw spawned during July through October; and therefore, the October through December closure would have little impact on protecting the spawning population. He also noted that there was very little fishing occurring during the winter months anyway.

Ronald Pierini also opposed the regulation changes for the Lake Tahoe mackinaw fishery. He stated that an angler normally did not catch more than two or three mackinaw; therefore, the regulations would not be reducing the overall take.

Clay Johnson opposed the changes in the mackinaw fishery regulations. He explained that he had been keeping a log of all of his fishing experiences. He stated that, in 1985 he fished 173 hours with a catch rate of 0.39 fish per hour; and in 1986 he fished 122 hours with a catch rate of 0.346 fish per hour. He indicated that in 1980 fingerling mackinaws were planted in Lake Tahoe, but during 1986 to his knowledge there were no fish from this planting caught. He noted that there was not enough information on which the Commissioners could base their decision. He emphasized that the advisory boards in the counties within Nevada should hold hearings before the Nevada Commission acts upon this proposal.

Chairman Keith Lee stated that the Nevada Board of Wildlife Commissioners would not act on this proposal until its October meeting; and therefore, there was time for this issue to go before the advisory commissions within the counties.

George Pickett asked if the licensed fishing guides utilized just one boat a piece, or did they operate several boats. Mr. Cordone stated that most of the fishing guides utilized just one boat.

Haven Jorgensen indicated that the El Dorado County Board of Supervisors had passed a resolution recommending a limit of three mackinaws and a closed season of November through February. He noted that the Commissions should take advantage of the biologists' recommendations and their expertise in making their decision.

Jack Martin supported the concept of changing the angling regulations at Lake Tahoe. He stated that the limit should be lowered for all guides to two fish, but the unattached angler limit should remain at five. He also recommended that restrictions be placed on the use of live bait for all types of angling, and that California should stock more catchable rainbow trout, as this would eliminate pressure on the mackinaw fishery.

Will Smith noted that the fish congregated and that methods of take should be regulated. He pointed out that the jigging method had been increasing as well as its success rate. He recommended that a fishing enclosure be imposed from September 15 through December 15, which would allow the fishing guides the opportunity to fish the Christmas holidays.

Mickey Daniel opposed the proposed angling regulation changes. He explained that the growth rates must be known before any recommendations could be made. He noted that he had been using minnows and had not been "skunked" during the past two years. He explained that the size of fish he caught had declined, but anglers using lures tended to catch larger fish. He recommended additional study before any regulation changes were adopted. He also noted that more harm than good would be done by closing the lake from October through December as there would be an influx of anglers in January to fish the "opening". He stated that, in addition, there would be an increased number of people fishing just before the closure.

Larry Sargeant opposed the proposed regulation changes. He stated that the mackinaw fishery was healthy, as he saw 300-400 fish per day on the graph of his fish locator. He noted that fishing guides provided an opportunity to people who would normally not fish at Lake Tahoe, and that these people would not be willing to pay to fish, if they were only allowed to catch two mackinaw.

Leonard Correll was opposed to the angling regulation changes. He stated that he had fifteen years of records, and that his catch rate was not declining. He noted that this was his best fishing year in forty years in regard to size and number of fish caught. He stated that during his previous fishing trip he had caught three fish which were approximately 27 inches in length, and that also his catch per hour this year had been 1.3 fish per hour. He said "if the fishery was not broke, don't fix it".

Tom Martens supported the proposed angling regulation changes. He noted that the reduction in the bag limit was clearly needed, and that the fall closure was needed because spawning mackinaw were especially vulnerable to anglers using jigs. He stated that both states should focus on rehabilitation of important streams for protection of stream spawners.

Jean Shaffer also supported the proposed regulation changes.

Leonard O'Malley opposed the proposed regulation changes. He stated that the fishing guides provided a service to people who did not bring their own boat or gear to the lake, but wished to have a satisfying fishing experience at Lake Tahoe.

Wayne Wilkins supported the proposed angling regulation changes. He also noted that the stream habitat had declined and needed to be improved. He stated that poaching was a major problem in stream fisheries.

Tom Lee opposed the proposed angling regulation changes. He explained that the fishing guides were more than willing to provide any information the departments needed; all they had to do was ask. He indicated that mackinaw spawned from July through the first part of October; and therefore, the proposed closure would not protect the mackinaw population.

Dean Lockwood opposed the proposed angling regulation changes. He noted that he made more than 150 trips per year. He stated that the relationship between mysis shrimp and mackinaw had not been fully examined. He indicated that since the introduction of mysis shrimp, the feeding habits of the mackinaws had changed. He also stated that the closure would not protect the fish population.

Commissioner Tina Nappe asked that if restrictions were placed on Lake Tahoe, what effect would it have on other species. Mr. Cordone stated that the closure of October to December would prohibit fishing for any species during that time, but the overall bag limit of five fish would remain the same for species other than mackinaw. Commissioner Nappe asked if there would be a shift in pressure with the closure and reopening. Mr. Cordone stated that it was possible to have an "opening day" syndrome which would bring a lot of people out, but felt that the weather would prevent that. Commissioner Ron DuVan asked if poaching was a problem in the various streams feeding Lake Tahoe. Mr. Cordone stated that was a major problem. Commissioner Al Taucher asked if the Department was satisfied with the guide fishing log books. Mr. Cordone stated that they were satisfied, and the fishing guides had been extremely helpful in completing their log books.

Director William Molini asked if California was comfortable with its data base. Mr. Cordone stated that the same person had been collecting the creel census data and fish lengths; and therefore, the Department felt satisfied with its data. Director Molini asked Mr. Cribbs when the California Fish and Game Commission adopted its angling regulations. Mr. Cribbs indicated that it was a three meeting process which occurred in October, November and December. Director Molini stated that the Nevada Board of Wildlife Commissioners set their angling seasons in October and was concerned that, if Nevada went first, California may not adopt similar regulations. Mr. Cribbs stated that, to help alleviate Nevada's concerns, the Commission could hold a special hearing at its August 7 meeting to discuss this issue, at which time the Commission could provide policy direction to indicate to Nevada which way California was leaning.

2. MANAGEMENT OF INTERSTATE BIG GAME SPECIES - HARVEST AND PLANNING STRATEGIES.

The Executive Secretary stated that migratory mule deer was the primary concern in the joint management of interstate big game species involving California and Nevada. He explained that the two departments meet annually in March to discuss deer management issues, to evaluate deer herd performance and to formulate deer harvest quotas for fall hunting seasons. He noted that the results of these meetings were then presented to the respective Commissions in the form of hunting regulation proposals. He pointed out that the issues of concern during recent years had been the following: (1) need to maintain deer numbers in balance with habitat capacity (winter forage primary concern); (2) allocation of the sport hunting harvest in an equitable manner; (3) control of hunters and hunting harvest on a herd specific basis; and (4) increasing low buck ratios in herds within California deer zones X-9 and X-12 to meet the objectives of both California and Nevada.

Terry Mansfield, Fish and Game Manager, California Department of Fish and Game, explained that the coordination between Nevada and California had been excellent and this program needed to continue. He noted that California had been meshing its needs regarding deer management with that of Nevada's.

Mike Hess, Big Game Specialist, Nevada Department of Wildlife, also indicated that great progress and gains had been made in California and Nevada coordination on deer management. He emphasized this was a positive program that needed to continue, and both states were now moving in a common direction. He indicated both states were now moving toward the goals for the X-9 and X-12 deer herd ratios. He recommended that California implement as many antlerless deer hunts as possible. He stated that Nevada did, however, understand the constraints California was under regarding antlerless hunts.

President Taucher asked for the location of the individuals which were complaining about antlerless deer hunts. Mr. Hess stated it was his understanding that they resided in Mono County. Acting Director Bontadelli, asked if Nevada had a statute similar to the Bush Bill where a county had veto power over antlerless deer hunts. Mr. Hess answered no.

Commissioner Ronald DuVan asked how the harvest allocation for sport hunting was made. Mike Hess indicated that the biologists determined the number of deer able to be harvested from a specific herd, and then decided how many deer would be able to be taken from the herd each day. Mr. Cribbs explained how the Commission had already tentatively approved a given number of permits for certain X zones, but had to modify the quotas for these zones based on the biologists' decisions made at a recent bi-state meeting.

Commissioner Tina Nappe asked for a further explanation of how California adopted its mammal hunting regulations. Mr. Cribbs explained that the Commission received recommendations at its February meeting, heard testimony on those recommendations at its March meeting, after which it adopted tentative approvals, and then adopted the regulation at its April meeting. Mr. Bontadelli also explained the problems California encountered under the Bush Bill, whereby 37 counties had veto power over proposed antlerless deer hunts.

3. DISCUSSION OF PROBLEMS ASSOCIATED WITH THE IMPORTATION, POSSESSION AND TRANSPORTATION OF EXOTIC ANIMALS.

The Executive Secretary stated that one of the major issues facing wildlife agencies both in Nevada and California was the problems associated with exotic animals. He explained that the Commission was very familiar with the substantial increase in the number of exotic animals that were found within California, and what seemed to be an overwhelming number of individuals who desired to possess exotic animals for pet purposes. He indicated that California had been a leader in the enactment of legislation and in the formulation of regulations which were intended to reduce the flow of exotic animals into the state. He noted that for the past three years, Commission staff had been working with the states of Nevada, Arizona and Oregon through the Western Association of Fish and Wildlife Agencies' "Commission Corner" to encourage those other states to adopt similar statutes and regulations in a reciprocal attempt to alleviate this very serious problem.

Mr. Cribbs pointed out that the Commissioners had been provided with a copy of the California statutes and regulations regarding this issue. He noted that, hopefully, the discussion today with the Nevada Board of Commissioners will eventually move Nevada's Legislature in the direction of adopting statutes which mirror those of California.

DeWayne Johnston, Chief, Wildlife Protection Division, California Department of Fish and Game, stated that for any regulation concerning importation, transportation or possession to be truly effective, it was helpful to receive the cooperation of other states, especially neighboring states. He noted that it was becoming increasingly difficult for states to go their separate ways with different plans and still accomplish their best objectives. He indicated that this was especially true in today's world because people traveled across many jurisdictions in a single day. He explained that California's Fish and Game Commission had held firm in the belief that the People of California speaking through the Legislature wanted tight controls on the entrance and movements of exotic animals in California. He noted that there had been pressure put on California's Fish and Game

Commission to allow various exotics into California, but in spite of that pressure, the Commission had seen fit to tighten up its regulations dealing with the importation, transportation and possession of exotic wildlife.

Mr. Johnston emphasized that California was experiencing problems with the illegal importation of small mammals. He noted that one part of this problem was generated by the recent popularity of exotic pets, another part of California's problem was generated by efforts to circumvent and disregard its regulations, and thirdly, ease of obtaining exotic animals in neighboring states. He stated that the pet shop industry undoubtedly recognized California as a very lucrative market and would like no restrictions on the sale of exotic animals.

Mr. Johnston explained that many exotics legally sold in bordering states were illegal in California. He noted that these animals could be easily brought or imported into the state once in a person's possession. He explained that California's agricultural inspection stations intercept quite a few of these illegal imports, but most get through. He noted that the number of rejections of exotic animals at the inspection stations had increased markedly in the past ten years. He recommended that the Nevada Board of Wildlife Commissioners urge Nevada's Legislature to adopt legislation similar to California's which prohibit the importation, possession and transportation of exotic animals.

Director William Molini asked Mr. Johnston if there were other exotic animals besides ferrets which were imported in large numbers. DeWayne Johnston stated that wolves, monkeys, and kinkajous were also highly desirable.

Terry Crawford, Chief, Law Enforcement Division, Nevada Department of Wildlife, stated that the Nevada Legislature had not provided a mandate to the Nevada Department of Wildlife regarding agricultural pests, but that they were to prohibit animals that were a threat to its native wildlife or to humans. He stated that Nevada did not have information on whether or not ferrets were a threat to its native wildlife. He noted, however, that the Department was open to adding any species to its prohibited species list which it could justify.

Commissioner Tina Nappe asked who had the authority to regulate exotic animals in Nevada. Mr. Crawford stated that the authority rested mainly with the different counties.

4. DISCUSSION OF INTERSTATE RECIPROCAL AGREEMENTS FOR EXCHANGE OF LAW ENFORCEMENT INFORMATION.

The Executive Secretary stated that this was another issue which had been addressed through the Western Association of Fish and Wildlife Agencies. He stated that Commissioner Keith Lee of Nevada had been a leader in addressing this issue and had encouraged members of the Western to pursue statutory authorization to enter into the reciprocal agreements with other Western Association member states to provide a mechanism for the exchange of law enforcement information. Mr. Cribbs pointed out that the Commissioners had been provided with a copy of Assemblyman Costa's bill (AB 1366) which would address this issue. He reminded the California Fish and Game Commission that this legislation was recommended by its staff earlier in the year and was being pursued by the Department.

Terry Crawforth stated that Nevada had adopted legislation for reciprocal agreements, and were anxious to have this interstate compact completed. He explained that it was anticipated that by 1989, interstate reciprocal agreements would be implemented among four to five states within the Western Association of Fish and Wildlife Agencies.

Mr. Cribbs stated that Assemblyman Costa's bill, AB 1366, was moving through California's Legislature, and it was anticipated that this legislation would be enacted.

5. GENERAL DISCUSSION OF OTHER ISSUES OF MUTUAL INTEREST.

The Executive Secretary stated that this item had been scheduled to provide an opportunity to discuss any additional issues which may be of interest to Commissioners.

Chairman Keith Lee asked for an update on Senator Cranston's Senate Bill 7 regarding the addition of acreage to National Parks within the Mojave Desert area, and its impacts to California's fish and wildlife management. Acting Director Pete Bontadelli stated that the Department anticipated the preemption of game management within National Parks, and that approximately 210,000 hunter days would be impacted. He also noted that maintenance work on wildlife guzzlers would be severely impacted.

Director Molini asked for an update on California's regulations concerning mountain lions and bighorn sheep, plus the Commission's actions regarding steel shot. The Executive Secretary stated that the Commission had adopted regulations at its April 10, 1987 meeting for bighorn sheep and mountain lion hunts within certain locations in California. He indicated that nine permits were to be issued for bighorn sheep, one of which would be auctioned off, and that 190 tags would be issued for the harvest of mountain lions. He explained that the Commission was being sued by the Mountain Lion Coalition regarding its mountain lion regulations. Mr. Cribbs further explained that the Commission had entered into a contract with the Pacific Legal Foundation to pursue litigation against the U.S. Fish and Wildlife Service regarding its proposals for steel shot zones within California. He noted that the lawsuit had been filed, but at this time no court date had been set.

There being no additional items before the Nevada Board of Wildlife Commissioners and the California Fish and Game Commission, the first joint meeting was adjourned at 5:00 p.m.

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

State of California
FISH AND GAME COMMISSION
Minutes, Meeting of June 26, 1987

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State of California
FISH AND GAME COMMISSION

Minutes, Meeting of June 26, 1987

Pursuant to the call of the President, the Commission met in the City Council Chambers, 1900 Lake Tahoe Boulevard, South Lake Tahoe, California, on June 26, 1987. The meeting was called to order at 8:30 a.m. by President Taucher.

Persons present:

FISH AND GAME COMMISSION

Albert C. Taucher	President
John A. Murdy III	Member
E. M. McCracken, Jr.	Member

COMMISSION STAFF

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

ATTORNEY GENERAL'S OFFICE

Denis Smaage	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

Pete Bontadelli	Acting Director
Robert Fletcher	Deputy Director
Eldridge Hunt	Chief, Wildlife Management Division
Robert Rawstron	Chief, Inland Fisheries Division
DeWayne Johnston	Chief, Wildlife Protection Division
Terry Mansfield	Fish and Wildlife Manager

The following persons were also present and heard:

Keith Bright	Supervisor, Inyo County
Richard DeChambeau	National Rifle Association
Donald Falk	Desert Survivors
Patricia Schifferle	Wilderness Society
Kent DeChambeau	California Rifle & Pistol Assoc.
John Ross	California Cattlemen's Association
Keith Hansen	Glenn County Fish & Game Commission
Dan Chapin	California Waterfowl Association
Zeke Grader	Pacific Coast Federation of Fishermen's Association
Robert Barton	Commercial Herring Fisherman
Ilson New	Attorney
Gary Kvistad	Attorney
Robert McMillen	Commercial Fisherman

Bob Leslie
Bryan Edward Bowie
Wilfred Hyzer
Charles Watson
Hank Hirsch
Barry Marco
Pat Horton
Roland Hill
James Kennedy

Fishing Guide
Commercial Sea Urchin Diver
Trapper
Commercial Salmon Fisherman
Representing Jack Dickinson
Commercial Salmon Fisherman
Ocean Farms, Inc.
Commercial Salmon Fisherman
Commercial Salmon Fisherman

President Taucher introduced members of the Commission, its staff, Acting Director Pete Bontadelli, Deputy Director Robert Fletcher and Denis Smaage of the Attorney General's office.

1. READING AND APPROVAL OF MINUTES OF MARCH 6 AND APRIL 9-10, 1987 MEETINGS.

The Executive Secretary pointed out that copies of the minutes of the March 6 and April 9-10, 1987 meetings had been distributed to members of the Commission, and the staff knew of no errors or omissions therein, and suggested that they be approved in their present form.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT
INASMUCH AS THE MINUTES OF THE MARCH 6 AND APRIL 9-10, 1987
MINUTES HAVE BEEN DISTRIBUTED TO MEMBERS OF THE COMMISSION
AND THERE ARE NO KNOWN ERRORS OR OMISSIONS THEREIN, READING
BE DISPENSED WITH AND THEY BE APPROVED AS DISTRIBUTED.

PASSED UNANIMOUSLY.

2. RECEIPT OF DEPARTMENT INFORMATIONAL ITEMS.

Mr. Cribbs stated that this item had been scheduled to afford the Director an opportunity to present the Commission with informational items which may be of interest to it. He indicated that in order to save time, the Department had prepared a written report on informational items that it felt would be of interest to the Commission, including: angler access-Edison Lake, the Condor Recovery Program and Sacramento River Bank Protection mitigation.

Deputy Director Fletcher stated that the commercial salmon fishery north of Point Delgada was shut down at midnight on June 25, 1987, as the quota of the 115,000 fish had been reached. He added that the regulations for the sport and commercial ocean salmon fishery and Klamath-Trinity River angling regulations seemed to be operating very smoothly this year. He indicated that the Salmon Plan Development Team would ascertain the needs of the recreational ocean fishery to carry it through the summer, at which time there could be Chinook salmon available for the commercial fishery. He indicated that this could happen in late July.

The Executive Secretary stated that the Commission had received the background information on the Sacramento River Bank Protection mitigation work. He asked the Department if there was anything the Commission could do

to support the Department's efforts to insure that adequate mitigation was achieved. Mr. Bontadelli stated that the major problem had been getting money budgeted in the same year for both the federal and state governments. He noted that in the past, money was available in one budget, but not the other. He pointed out that Congressman Vic Fazio was working toward getting money for this year's federal budget, and if that occurred, money could be appropriated next year for the state budget, beginning in July 1988. Mr. Cribbs then suggested that the Commission may wish to send a letter to the California delegation in support of Congressman Fazio's efforts to appropriate money in the federal budget for the Sacramento River Bank Protection mitigation work. The Commission concurred with that suggestion. Mr. Cribbs stated that he would work with the Department in drafting a letter and send it out for Commission approval prior to transmitting that letter.

The Executive Secretary pointed out that the Department had prepared comments on the draft Memorandum of Agreement (MOA) for the California Condor Recovery Program. Mr. Taucher asked if the Commission had an opportunity to provide input into this Memorandum of Agreement. Mr. Cribbs indicated that the Commission provided broad policy direction to the Department for the California Condor Recovery efforts. He noted that the Department had a representative on the recovery team, and that the Department provided comments regarding the MOA within the broad policy framework established by the Commission.

Commissioner Taucher asked for an update on the Farmer's Fair proposal in southern California. Mr. Bontadelli explained that the Department had issued a biological opinion under the Endangered Species Act that there was no jeopardy, as adequate mitigation would significantly reduce the impacts of the project. He noted that work would be done elsewhere on state owned lands adjacent to the fairgrounds.

Deputy Director Fletcher stated that the Department had entered into an agreement to purchase two large patrol boats that were approximately 110 feet long. He noted that the purchase of these two boats were for wildlife protection work. He pointed out that one boat would be headquartered in Eureka, and the other one in Long Beach. He explained that the existing 65-foot patrol boat would be moved to Monterey.

President Taucher asked for information on alternative funding for state wildlife areas. Acting Director Bontadelli stated that the Department would gather that background information and provide it to Mr. Taucher.

President Taucher asked the Department if they had prepared a response to Rick Cornelius' letter. Robert Rawstron, Chief, Inland Fisheries Division stated that his staff had prepared a response to Mr. Cornelius' letter regarding the Sacramento River fishery and that it would be mailed shortly.

President Taucher stated that he had received a copy of the Department's comments to the Army Corps of Engineers regarding clean-up work at Kestersen and asked for an update. Acting Director Bontadelli stated that the Department's comments were for a permit that was being sought after the fact, and that the Department's comments concerned the retention of vernal pools. He stated that he would contact Region 4 to gather more specific information and provide it to Mr. Taucher.

President Taucher stated that he had become aware that most of the Department's news releases would now be issued out of the central office. Mr. Bontadelli stated that a decision was made to have the central office, and not the Regions, prepare the news releases concerning the Commission meetings in order that these releases would be more uniform in their content.

President Taucher stated that the Commission/Department Pack Trip scheduled for July had not officially come before the Commission for confirmation, and thought it would be appropriate to do so.

It was then:

MOVED BY MR. MC CRACKEN, SECONDED BY MR. MURDY, THAT
THE COMMISSION HEREBY AUTHORIZES ITS STAFF TO COORDINATE
WITH THE DEPARTMENT IN PREPARATION FOR THE 1987 COMMISSION/
DEPARTMENT PACK TRIP TO BE HELD JULY 23-26, 1987, IN THE
SCOTT MOUNTAINS AREA.

PASSED UNANIMOUSLY.

The Executive Secretary pointed out the Department should be commended for its May-June issue of Outdoor California. He noted that it contained a selection of the award winners from the Commission's 1986 Photography Award Program. He explained that, since the Department utilized these photographs for numerous issues of Outdoor California, the Commission staff had reconsidered abandoning the Photography Award Program. Mr. Cribbs asked the Commission to reauthorize this program for at least one more year.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT
THE FISH AND GAME COMMISSION AUTHORIZES THE 1987
PHOTOGRAPHY AWARD PROGRAM.

PASSED UNANIMOUSLY.

3. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.

Mr. Cribbs stated that this item had been scheduled for the Commission to receive informational items from its staff, and to afford the Commission the opportunity to discuss items with the Department.

(a) REQUEST FOR COMMISSION TO TAKE POSITION ON FEDERAL DESERT
LEGISLATION (SENATE BILL 7).

Mr. Cribbs reminded the Commission that at its April 10, 1987 meeting in Sacramento, Ed Hasty, Director for the Bureau Land Management (BLM), had provided the Commission with background information on the federal desert legislation (Senate Bill 7). He pointed out that the Commissioners had been provided with appropriate background information on this issue.

Keith Bright, Fourth District Supervisor, Inyo County, recommended that the Commission oppose Senator Cranston's proposed desert legislation. He

indicated that many millions of acres would be put into wilderness and would lock up the important mining resources of the desert. He noted that this mining formed part of the tax base for Inyo County. He noted that the BLM's South California Desert Plan responded to all interest groups, but that Senate Bill 7 would not. He explained that the United States depended on many of the minerals found in the desert, and that if this proposed legislation became law, these minerals would be locked up forever, and that, ultimately, it would impact the national defense.

President Taucher asked Mr. Bright if Senator Cranston had gone to the environmental groups, or had the groups gone to him regarding this legislation. Mr. Bright stated that Senator Cranston went to the environmental groups and that they had written the bill in late 1985. He explained that Senator Cranston carried similar legislation in 1986, which was an election year, but that bill did not go before any committee. He pointed out that the bill was modified slightly, and it was reintroduced in 1987 as Senate Bill 7. Commissioner Taucher asked why the designation of the desert as wilderness would be detrimental. Mr. Bright stated that carrying supplies in the desert was different from a mountain situation, and that by designating the vast majority of the desert as wilderness, it would prohibit the use of vehicles and deny many people the opportunity to observe the desert. He pointed out with wilderness designation there would be no motorized vehicles allowed for mining. He also explained that the Rural Counties Association had adopted a resolution in opposition to Senate Bill 7.

Richard DeChambeau read a letter signed by Senator Richardson which was in opposition to Senate Bill 7. He also explained that the NRA had adopted a resolution which was in opposition to Cranston's desert legislation. He stated that the desert must be managed for multiple use, and recommended the Commission oppose Senator Cranston's Senate Bill 7.

Donald Falk, Desert Survivors, recommended that the Commission support Cranston's bill. He stated that the bill would protect wildlife habitat by reducing grazing competition. He pointed out that mining operations would still exist as all valid claims would be allowed to be developed. He also explained that hunting would continue to be allowed in wilderness areas; however, there would be no jeep hunting, but hunters could still go in by horses or on foot. He did indicate that there would be no hunting in National Parks. He further pointed out that the Department would be able to maintain existing wildlife enhancement features, such as guzzlers, since the Wilderness Act did allow for minimal use of motorized vehicles to maintain these types of structures.

Mr. Cribbs asked how many acres would be included in National Parks. Mr. Falk stated that approximately 5.7 million acres would be added to the National Park system. Mr. Cribbs pointed out that past efforts with National Parks resulted in limited management opportunities for the Commission and Department of the state's fish and wildlife resources. He specifically pointed out the elk herd on the north coast area as well as the deer coming out of the Parks on the west slope on the Sierras. He also indicated that a three-mile hike in the desert was like a ten-mile hike in the mountains, which would severely impact hunting opportunities in the desert.

Patricia Schifferle, Wilderness Society, explained that a wilderness designation did not completely prohibit mechanized travel. She recommended that the Commission or Department contact Senator Cranston's office to work out language to alleviate their concerns regarding bighorn sheep hunting in the Old Dad Mountains or any other concerns. She stated that it was her belief if the Commission opposed Senator Cranston's bill, it would be in contradiction to its own policy on wilderness. The Executive Secretary stated that the Commission had taken a stand on wilderness, but that the major issue in Senator Cranston's bill regarded the management in National Parks. He also pointed out that an author of a bill usually looked more favorably at proposed amendments from those who helped draft the bill than from other individuals or organizations. He indicated that it might be in everyone's best interest if the environmental groups proposed amendments which would address the Department's and Commission's concerns.

Kent DeChambeau, California Rifle & Pistol Association, stated that a bad bill was never amended and that Senator Cranston's Senate Bill 7 was a bad bill. He explained that he did not have all of the information in which to make a decision or recommendation to the Commission regarding this legislation. He stated that the Commission should not take a position on this bill until it knew all of the facts and methods available to the Department and Commission for management of wildlife in the affected areas.

John Ross, California Cattlemen's Association, recommended that the Commission oppose Senator Cranston's Senate Bill 7. He explained that, since there was no language in the bill which allowed for the renewal of grazing permits, this bill would be detrimental to cattlemen as it would eliminate one half of the grazing now, and the other half when the permits expired. He explained that a substantial amount of the water and forage development in the desert had been done by the cattlemen, and that maintenance of these improvements were done by the grazing permittees. He stated that under Senator Cranston's bill, that maintenance would not be continued. He stated that the Senate Natural Resources Committee would hear this bill on July 21, and urged the Commission to notify the Committee of its opposition to the bill. He recommended that the BLM's Desert Conservation Plan be implemented.

The Executive Secretary stated that the Commission would have a conference call on July 6, 1987 at 3:30 p.m., at which time the Commission would make a decision regarding its support or opposition to Senator Cranston's Senate Bill 7. He noted that the Commission would receive written comments on this matter until 5:00 p.m. on July 3, 1987. Commissioner Murdy asked the Department when they would have their recommendation to the Commission on this matter. Acting Director Pete Bontadelli stated that the Department's proposed position had been approved by the Resources Agency and was now in the Governor's office for approval. He explained that he anticipated having a decision from the Governor's office by July 3.

4. RECEIPT OF PUBLIC RECOMMENDATIONS FOR CHANGES IN THE RESIDENT AND
MIGRATORY UPLAND GAME BIRD AND MIGRATORY NONGAME BIRD (AMERICAN CROW)
REGULATIONS FOR 1987-88.

The Executive Secretary reminded the Commission that, at its May 14-15, 1987 meeting in Newport Beach, it authorized its staff to publish notice of the Commission's intent to receive public recommendations for changes in the

1987-88 Resident and Migratory Upland Game Bird and Migratory Nongame Bird (American Crow) regulations at its June 26, 1987 meeting, with discussion and final adoption to occur on August 7, 1987, in Sacramento. He pointed out that the Department's proposed changes in the seasons, bag limits and methods of take over those in effect last year had been provided to the Commissioners.

Mr. Cribbs noted that this item was scheduled to allow the public the opportunity to present orally any proposed changes it might have with respect to these regulations. He pointed out that in the past, the Commission at the recommendations meeting (required by Section 214 of the Fish and Game Code) had kept testimony on these regulations to a minimum, but under special circumstances, courtesies were afforded to individuals who stated that they would be unable to attend the adoption meeting. The Executive Secretary stated testimony would be received, and the subject regulations adopted at the Commission's August 7, 1987 meeting in Sacramento. He also pointed out that the Commission should receive recommendations from the public on the proposed changes in the Migratory Upland Game and Migratory Nongame Birds (American Crow) regulations as provided in sections 500 (pigeons, band-tailed), 501 (doves), 485 (American Crow), Title 14, CAC. Mr. Cribbs noted that sections 355, 356 and 3800 of the Fish and Game Code and Section 20.135,50 CRF 20, of the Federal Statutes, permit the Commission to establish state regulations within the federal frameworks for these species. He noted that the federal framework would be provided to the Commission in early July.

The Executive Secretary then noted that all correspondence concerning recommendations for changes in the regulations postmarked as of June 26, 1987, and the oral recommendations made at this meeting would be compiled and brought to the Commission's attention prior to the August 7, 1987 meeting. He then stated that it would be appropriate to take oral recommendations from the public at this time.

Keith Hansen, Glenn County Fish and Game Commission, recommended establishing a two week pheasant season (including three weekends) and to retain the current bag limits. He felt that this recommended change would allow the pheasant population to increase.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION AUTHORIZES ITS STAFF TO PREPARE AND INSERT THE FOLLOWING ANNOUNCEMENT OF THE COMMISSION'S TENTATIVE APPROVALS FOR THE PROPOSED PHEASANT REGULATIONS (SECTION 300, TITLE 14, CALIFORNIA ADMINISTRATIVE CODE) FOR THE 1987 SEASON AS FOLLOWS:

1. A one-week reduction in the length of the season.
2. A two-week reduction in the length of the seasons.
3. Raise bag limit to four birds (Males) per day after the first weekend.
4. No change in the existing regulations.

PASSED UNANIMOUSLY.

5. RECEIPT OF DEPARTMENT REPORT RE: UPLAND GAME HABITAT RETENTION AND DEVELOPMENT.

The Executive Secretary reminded the Commission that, at its May 14-15, 1987 meeting in Newport Beach, it requested the Department to review a letter from Eugene V. Lonon regarding upland game habitat retention, and to report back to the Commission at its June 26 meeting. He pointed out that the Commissioners had been provided with a copy of Mr. Lonon's letter dated May 1, 1987, relating to his proposal for upland game habitat retention and development. He noted that the Commissioners had also been provided with additional background material related to upland game habitat preservation and enhancement. He explained that since Commissioner Bryant was extremely interested in upland game habitat protection, he suggested the item be continued at the Commission's August 7 meeting in Sacramento. Acting Director Pete Bontadelli agreed and noted that the Department had tried to meet with Commissioner Bryant before he left on vacation, but was unable to coordinate with all the different parties involved.

Mr. Hansen stated that ranchers in Glenn County were able to convince the County Agricultural Commissioner to allow them not to plow under the vegetation on the acreage which was in the federal set-aside program. He noted that this vegetation provided necessary habitat for upland game, particularly pheasants. Mr. Hansen also noted that his pheasant club was Type A, and when he released pheasants during the spring rather than in the previous fall, he had been very successful in having those released pheasants reproduce. Mr. Cribbs asked the Department if it would be appropriate to modify the regulations to allow the release of pheasants during the spring rather than in the fall. Mr. Hunt stated that the Department would like to explore that possibility with the different pheasant club operators to determine the feasibility of releasing the pheasants during the springtime. Mr. Cribbs suggested that the Department contact the different pheasant club operators to discuss this possibility, and if the Department agreed, it should prepare the necessary regulation changes so the Commission could adopt those changes to allow the pheasant club operators the ability to release birds next spring.

SUMMARY OF PUBLIC RECOMMENDATIONS FOR CHANGES IN THE
RESIDENT AND MIGRATORY UPLAND GAME BIRD AND MIGRATORY
NONGAME BIRD (COMMON CROW) REGULATIONS FOR 1987-88

WRITTEN RECOMMENDATIONS

SECTION 300. PHEASANTS.

- (1) Letters from five individuals recommended increasing the bag limit to four roosters after the opening weekend.
- (2) Walter Jasper and Keith Hansen, Glenn County Fish, Game and Recreation Commission and petition signed by 218 individuals; and Olaf Dragseth, Orland, recommended establishing a two-week season (including three weekends) and recommended retaining the current bag limits. (Mr. Hansen also presented this recommendation orally at the Commission's June 26, 1987 meeting.)

SECTION 301. QUAIL.

- (3) James Williams, Nor-Cal Bowhunters Association, recommended opening season on same date as opening date of archery deer season.

SECTION 304. GROUSE.

- (4) Joe Dees, Organized Sportsmen, recommended increasing the possession limit to four birds after the opening day of the season.

SECTION 304. GROUSE.

- (5) James Williams, Nor-Cal Bowhunters Association, recommended opening the season on the same date as the opening day of archery deer season.

SECTION 354. ARCHERY EQUIPMENT AND CROSSBOW REGULATIONS.

- (6) James Williams, Nor-Cal Bowhunters Association, recommended amending regulation to impose flu-flu fletching requirement only when shooting at airborne birds.

SECTION 485. AMERICAN CROW.

- (7) Steven Easter, California Almond Growers Exchange, recommended commencing season in May.
- (8) Shirley Murdoch, Yuba City, recommended opening the season earlier in the year (before almond harvesting season).

SECTION 501. DOVES.

- (9) Gregory Owen, Long Beach, recommended opening the season on the first Saturday of September.
- (10) Mardi Family, San Leandro, recommended setting a season of September 1-30 and a bag limit of 10.

6. RECEIPT OF PUBLIC RECOMMENDATIONS FOR CHANGES IN THE MIGRATORY GAME BIRD (WATERFOWL) REGULATIONS FOR 1987-88.

The Executive Secretary reminded the Commission that, at its May 14-15, 1987 meeting in Newport Beach, it authorized its staff to publish notice of its intent to consider changes in the migratory game bird (waterfowl) regulations for 1987-88 at its August 28, 1987 meeting in San Luis Obispo. He noted the subject notice had been published, and stated that public recommendations for changes in these regulations would be received at this meeting. Mr. Cribbs noted this agenda item was merely to receive public input and all correspondence postmarked as of June 26, 1987. He indicated any oral recommendations would be brought to the attention of the Commission prior to its August 28, 1987 meeting, at which time the Commission would consider adopting the 1987-88 waterfowl hunting regulations.

The Executive Secretary noted that, in the interim, Commission staff would await the arrival of the federal framework which would identify those options available to the Commission. He noted this information would be sent to the Commission in early August. He stated under current procedures, the Commission would consider those options available to it within the federal framework during its late August meeting. Mr. Cribbs then stated it would be appropriate to take recommendations from the public, but there was no response. Mr. Cribbs indicated that Commissioner Bryant had authorized him to make an oral recommendation on his behalf, and recommended waterfowl hunting in Fish and Game District 1-S (Hayden Hill Refuge) be permitted.

SUMMARY OF PUBLIC RECOMMENDATIONS FOR CHANGES
IN THE 1987-88 MIGRATORY GAME BIRD
(WATERFOWL REGULATIONS)

ORAL RECOMMENDATIONS

Section 502. WATERFOWL, MIGRATORY; COMMON SNIPE; AMERICAN COOT AND COMMON MOORHEN (COMMON GALLINULE).

- (1) Commissioner Robert Bryant recommended permitting waterfowl hunting in Fish and Game District 1-S (Hayden Hill Refuge).

WRITTEN RECOMMENDATIONS

Section 502. WATERFOWL, MIGRATORY; COMMON SNIPE; AMERICAN COOT AND COMMON MOORHEN (COMMON GALLINULE).

- (2) Mike Maier, Waterfowl Habitat Owners Alliance, supported retaining split season in Southern California Zone.
- (3) John Laughlin, Splatter S. Duck Club, recommended closing waterfowl season on January 3, 1988, restricting duck clubs to three shoot days per week - Saturday, Sunday and Wednesday and closing the season earlier if a season reduction is needed.
- (4) Ernest Block, San Luis Obispo, expressed dissatisfaction with the one hen mallard and one hen pintail provision and recommended permitting the hunting of swans.
- (5) Don Hay, Live Oak, recommended setting a bag limit of one white-fronted goose, modifying the season for white-fronted geese and prohibiting the take of dark geese at refuges if "beginning hunters have a problem in differentiating dark geese."

Section 507. METHODS AUTHORIZED FOR TAKING MIGRATORY GAME BIRDS.

- (6) James Williams, Nor-Cal Bowhunters Association, recommended amending regulation to allow for the use of conventionally fletched arrows or crossbow bolts to take birds when they are on the ground or on the water.

Section 507.1. ZONES WHEREIN STEEL SHOT IS REQUIRED FOR WATERFOWL, AMERICAN COOT AND COMMON MOORHEN HUNTING.

- (7) Correspondence from 13 individuals opposed to the use of lead shot.
 - (8) Correspondence from 10,039 individuals opposed to the federal imposition of steel shot restriction at additional areas without concurrence by the State.
7. U.S. FISH AND WILDLIFE SERVICE PROPOSALS FOR NONTOXIC (STEEL) SHOT ZONES FOR 1987-88 WATERFOWL HUNTING SEASONS.

Mr. Cribbs reminded the Commission that, at its May 14-15, 1987 meeting, it was informed of the U.S. Fish and Wildlife Service's proposed nontoxic (steel) shot zones for the 1987-88 waterfowl season. He pointed out that the Commissioners had been provided with copies of the USFWS's proposal. He explained that the purpose of this agenda item was to receive public testimony on the issue with respect to the establishment of steel shot zones for the upcoming waterfowl season. He indicated that once the notice had been published on this matter, the Commission would consider implementation of the steel shot zones at its August 28, 1987 meeting in San Luis Obispo. He pointed out that the Department had reviewed the USFWS's proposal and provided the following recommendation:

"The Federal Register document of January 15, 1987 lists those areas in which steel shot will be required for waterfowl hunting under proposals by the U.S. Fish and Wildlife Service (USFWS). Changes from 1986-87 include establishment of the following county wide zones:

Butte	Colusa
Contra Costa	Glenn
Imperial	Inyo
Merced	Sacramento
San Bernardino	San Joaquin
Solano	Sutter
Yolo	Yuba

"The USFWS has been informed by letter, and concured, that Inyo and San Bernardino counties should not convert at this time because they harvest fewer than 20 birds per square mile.

"Though prohibited by the terms of the final rules on steel shot zone implementation criteria (Federal Register of November 21, 1986) from attempting to use data collected after 1985-86 for deferring conversion of counties, the Department did monitor during 1986-87 a number of the counties scheduled to covert to steel in 1987-88. Based on the number of diagnosed lead poisoning cases, gizzard ingestion rates or no monitoring effort, conversion should proceed in Colusa, Contra Costa, Glenn, Merced, San Joaquin and Solano counties. We are still analyzing liver data from Butte, Imperial, Sacramento, Sutter, Yolo and Yuba counties, but based on gizzard ingestion rates, we recommend to the USFWS that conversion in these counties be deferred until 1991-92. The USFWS has refused to accept that proposal, and we are attempting to resolve the issue.

"The Department recommended to the Commission that steel shot zones be accepted in those counties for which evidence dictates conversion, as well as in the zones which required steel in 1986-87. If the Department cannot resolve the dispute regarding the remaining counties in 1987-88, I would recommend acceptance of steel shot zones in those counties as well."

President Taucher asked if the private duck clubs in the counties identified by the USFWS were included under their proposal. Mr. Cribbs answered affirmatively, and noted that the proposal was county-wide.

Dan Chapin, California Waterfowl Association, asked if the Commission would take the same action as it did last year. The Executive Secretary stated that the Commission would send a similar letter to the USFWS whereby the Commission would accept the proposal, under protest, but would seek a legal remedy.

Eldridge Hunt explained that the Department was still reviewing the USFWS's proposal, but noted that in its earlier report, the Department recommended that six counties not be included in the 1987-88 proposal; however, based upon further laboratory investigations, it was now down to four counties. Commissioner Murdy asked when Orange County would be included in the steel shot proposal. Mr. Hunt stated that it would probably not be until the 1991-92 season, but was unsure and would research that question further for Commissioner Murdy.

8. RECEIPT OF RECOMMENDATIONS FOR CHANGES IN REGULATIONS REGARDING WILDLIFE AND PUBLIC SHOOTING AREAS - SECTIONS 550, 551, 551.5, 552 AND 553, TITLE 14, CAC.

The Executive Secretary stated that, at the Commission's May 14-15, 1987 meeting in Newport Beach, it authorized its staff to publish notice of Commission intent to consider amending sections 550, 551, 551.5 and 553, Title 14, CAC, regarding wildlife and public shooting areas. He indicated the required legal notice had been published. He noted that the purpose of this agenda item was to receive public recommendations for changes in these regulations. Mr. Cribbs stated that all correspondence concerning recommendations postmarked by June 26, 1987, as well as any oral recommendations made at this meeting would be compiled and brought to the Commission's attention prior to its adoption meeting, which was scheduled for August 7, 1987 in Sacramento. He also pointed out that the Department's proposed changes had been provided to the Commissioners.

The Executive Secretary stated that it would now be appropriate to take oral recommendations from the public; however, there was no response.

SUMMARY OF PUBLIC RECOMMENDATIONS FOR CHANGES IN REGULATIONS
REGARDING WILDLIFE AND PUBLIC SHOOTING AREAS - SECTIONS 550,
551, 551.5 AND 552, TITLE 14, CAC, FOR 1987-88

WRITTEN RECOMMENDATIONS

SECTION 550. WILDLIFE AREAS - GENERAL.

- (1) Harold Harper, California State Chapter, National Wild Turkey Federation, relative to the spring turkey hunting season at the Spenceville Wildlife Area, recommended a seasonal permit, a weekend permit "as a two-day package" and a seasonal fee.
- (2) W. H. Langbehn, California Waterfowl Association, opposed opening portions of Joice Island Unit of Grizzly Wildlife Area to hunting.
- (3) Richard Olson, Sacramento; and Edsel Brewington, Citrus Heights recommended permitting hunting on Monday, Tuesday, Thursday and Friday and recommended increasing the number of permits during the spring turkey season at the Spenceville Wildlife Area. Mr. Brewington also recommended establishing a longer season.
- (4) Ray Burmaster, Sacramento, recommended liberalizing the regulations on the use of bows and arrows and air guns, particularly the latter. Mr. Burmaster also recommended amending regulations to provide for a shooting range at the Spenceville Wildlife Area.

SECTION 551. HUNTING ON STATE AND FEDERAL AREAS.

- (5) Ray Burmaster, Sacramento, opposed proposed regulations that would require reservations on Sundays. Mr. Burmaster also recommended that the punishment for an "occasional" error in applying for reservations be limited to a loss of reservation use privileges for one year (no loss of first come/first served option) and recommended the following language: "Persons who submit more than one application for an available date for any area may be barred from hunting on state operated areas for a period of one year following the date of discovery of the violation by the department.
- (6) Robert Schultz, Rolling Hills Estates, relative to the Kern National Wildlife Refuge, supported the proposed regulations on reservation applications and recommended the following regarding this area:
(1) retain 25 shotgun shell restriction; (2) increase fee to \$30 to purchase additional water for the area; (3) close shooting hours at 12:00 noon; and (4) modify first-come, first-serve provisions so that persons with a full-time job are not precluded from the waiting line by persons able to repeatedly enter the line.

SECTION 551. HUNTING ON STATE AND FEDERAL AREAS (Cont.).

- (7) Jack Fraka, Ventura and petition signed by 178 individuals, recommended limiting the number of reservations to no more than 25% of the capacity of a given area. Mr. Fraka also recommended adopting a system of one \$5.00 reservation application (nonrefundable) per person per area for each half of the waterfowl season.

- (8) John Baker, sportsman, recommended initiating a "lottery system" and a numbered reservation system at Perris Reservoir State Recreation Area and at Kern National Wildlife Area.
- (9) Gerald Garner, Van Nuys, recommended that fifth-wheel trailers be considered equivalent to motor homes for the purpose of parking rules at state and federal shooting areas.
- (9a) Thomas Charmley, United States Department of the Interior, recommended providing for pheasant hunting during waterfowl shoot days, and for the use of boats at Kern National Wildlife Refuge.

SECTION 552. LOWER SHERMAN ISLAND, MOSS LANDING, NAPA MARSHES, PETALUMA MARSH AND SALINAS WILDLIFE AREAS AND CLIFTON COURT FOREBAY WATERFOWL PUBLIC SHOOTING AREA.

- (10) Michael Hennen, Novato, recommended establishing a \$15 seasonal permit for the Petaluma Marsh Wildlife Area.

9. REPORT FROM ATTORNEY GENERAL CONCERNING ATTEMPTS TO INVALIDATE UNAUTHORIZED COUNTY TRAPPING ORDINANCES.

Mr. Cribbs reminded the Commission that several counties had either adopted or attempted to adopt ordinances which attempted to invalidate the Commission's regulations pertaining to trapping. He pointed out that the Commission had requested the Attorney General's office prepare an informal opinion concerning the validity of those regulations. He noted that Deputy Attorney General Denis Smaage was prepared to provide the Commission with an update on this issue.

Denis Smaage stated that another Deputy Attorney General had drafted the opinion and that a second draft was now being reviewed internally. He pointed out that he was not able to release any information on that opinion until it had been approved by the Attorney General. Mr. Cribbs asked Mr. Smaage when he would have the final report for the Commission. Mr. Smaage stated that, hopefully, he would have a report by the Commission's August 7, 1987 meeting in Sacramento.

10. SPECIAL HEARING ON PROPOSED AMENDMENTS TO SECTION 163, TITLE 14, CAC, RE: COMMERCIAL HERRING FISHERY. (ADOPTION HEARING SCHEDULED FOR AUGUST 7, 1987 IN SACRAMENTO.)

The Executive Secretary reminded the Commission that, at its May 14-15, 1987 meeting in Newport Beach, it authorized its staff to publish notice of its intent to amend Section 163, Title 14, CAC, to provide for the 1987-88 commercial herring fishery. He explained that this special hearing had been scheduled to receive public comments on the Department's proposed regulation changes. He pointed out that the Commissioners had been provided with a copy of the Department's proposal, the minutes of the Director's Herring Advisory Committee dated May 29, 1987, all correspondence received in the Commission office to date, as well as the Department's pre-publication of notice statement and text of the proposed regulations in strike-out and underline format.

The Department provided the following recommendation:

"The principal regulation changes proposed by the Department for the 1987-88 herring season are as follows:

1. "An overall fishing quota of 8,500 tons for the San Francisco Bay permit area (1986-87 quota was 7,530 tons).
2. "An overall fishing quota of 750 tons for the Tomales-Bodega Bay Permit area (1986-87 quota was 1,000 tons).
3. "Provide for the temporary substitution of a permittee by a crewmember for reasons of illness or injury.
4. "Amend the qualification criteria for new entrants to provide preferential status based on the total number of years of participation in the herring fishery (beginning with the 1978-79 season), rather than just the three previous fishing seasons.
5. "Preference points for crew experience will be awarded only if the claimant provided documentation demonstrating proof of payment for services.
6. "Provide that lampara and purse seine permittees may not take more than 68 tons of herring per vessel per season (individual vessel quotas).
7. "Limit the amount of fishing gear that may be possessed or used in Humboldt Bay and Crescent City Harbor to 150 fathoms of gill net (existing regulations provide for use of 260 fathoms of gill net).
8. "Increase the minimum mesh size for gill nets used in Humboldt Bay and Crescent City Harbor to 2-1/4 inches (existing regulations provide for 2-1/8 inch minimum mesh).
9. "Limit herring fishing in Bodega Bay to the period January 31 - March 11 for the 1987-88 season.
10. "Also, there still remained one unresolved issue regarding individual vessel quotas for San Francisco Bay gill net permittees. In an effort to determine the level of support and/or opposition for such a proposal, the Department sent a questionnaire to all San Francisco Bay gill net permittees. A total of 291 permittees, representing 79% of the total number (365) of gill net permittees, responded to the questionnaire with the following results:

<u>GROUP</u>	<u>SUPPORT</u>	<u>OPPOSE*</u>	<u>TOTAL</u>
XH	53 (61%)	34 (39%)	87
ODD	53 (53%)	47 (47%)	100
EVEN	58 (56%)	46 (44%)	104

*5-6 individuals in each group indicated that they would support an individual vessel quota, if it was established at a minimum of 20-25 tons/vessel. Based on the overall gill net quota (5,588 tons) established for the 1987-88 season, an individual boat limit for gill net vessels would average 15.4 tons/vessel (5,588 tons/365 vessels).

"In addition, those fishermen favoring an individual vessel quota argued that: it would encourage the use of larger mesh gill nets which will increase the roe percentage/quality of fish; it would eliminate gear conflicts; it would remove the incentive to use an illegal number of nets; it would allow smaller boats to compete on an equal basis with larger or more efficient boats; it would eliminate all cheating; it would reduce enforcement needs and result in less gear damage and lost/abandoned nets.

"On the other hand, those fishermen opposed to an individual boat limit argue that: it is an unfair and unnecessary restriction of the free enterprise system; it will result in illegal and unreported landings; it will unnecessarily extend the herring season, resulting in higher operating costs; it will encourage the dumping (i.e., wastage) of lower quality fish; it would encourage the "sorting" of fish (discard of males) to increase roe percentage; it is unenforceable; "noncompetitive" fishermen will continue to have problems in spite of a vessel quota; no other California fishery is managed by individual vessel quotas; it would not work with odd/even platoons (alternate fishing weeks) because major spawning activity tends to occur on a bi-weekly basis.

"In this regard, the Department's management program for the herring fishery was based on an overall quota for San Francisco Bay; the question of individual vessel quotas was primarily one involving socio-economic and allocation issues, although we feel that individual vessel quotas may result in additional enforcement problems. Resolution of this issue will involve a value judgment by the Commission, based on the socio-economic arguments pro and con of what was in the best overall interests of the public and fishing industry in general, and the San Francisco Bay herring resource and fishery in particular.

"After the discussion of this matter, the Commission should identify those tentative regulations it will consider for adoption at its August 7 meeting. Your staff will provide any additional notices to the public related to those tentative regulations. Copies of the proposed regulations will be made available to the public to aid in the discussion of this matter at the June 26 meeting."

Zeke Grader commended the Department for working closely with the industry on the preparation of these regulation changes, especially the issue regarding the qualification criteria for new entrants. He indicated that there was a split opinion with the San Francisco Bay gill net permittees regarding individual vessel quotas. He indicated that he was uncertain how the individual vessel quota would be established, and recommended that the Commission leave all of its options open for full discussion at its

August 7, 1987 meeting. Deputy Director Fletcher stated there were various alternatives in approaching the individual boat quota, and the Department did not have a lot of details concerning these different alternatives at this time. He recommended that the Commission not implement an individual vessel quota this year, but the Department would work with the fishermen to gather additional data, and then report back to the Commission next year. The Executive Secretary pointed out that the tentative approvals would leave all of the Commission's options open regarding the individual vessel quota as well as the mesh size, and further discussion on these issues would take place at the Commission's August 7, 1987 meeting in Sacramento.

Robert Barton, President, San Francisco Bay Fishermen's Association, recommended adoption of an individual vessel quota. He stated that it was his belief that adoption of the individual vessel quota would shorten the season and lessen the congestion of boats in the bay.

Ilson New, an attorney representing the San Francisco Lampara Fisherman's Association, recommended that lampara fishermen be allowed to fish at night in districts 12 and 13 for herring. Briefly, Mr. New's supportive arguments were as follows:

1. There had been no gear conflicts between lampara permittees and gill net permittees for the past four years, which was the total time lampara permittees had been allowed to fish in districts 12 and 13.
2. He noted that management regulations best served the resource when they were current with, either by revision or new regulations, the changes in biological and physical facts related to the resource. He indicated that the herring spawning locations had changed substantially during the past three years with approximately 85 percent of the spawns occurring within districts 12 and 13 and a substantial number at night.
3. Allowing night fishing in districts 12 and 13 by lampara permittees would result in the lampara permittees finishing their season 15-20 days earlier; and thereby, help reduce the Department's enforcement costs caused by a longer season.

The Executive Secretary asked Mr. New if he supported the Department's recommendation regarding the lampara and purse seine permittees vessel quota of 68 tons. Mr. New stated that he did support the Department's recommendation for this change.

Deputy Director Fletcher stated that the Department still had concerns regarding possible gear conflicts and the perception of the depth and sitings of gill nets by the lampara fishermen at night. DeWayne Johnston stated that if gear conflicts did occur, then the Department's wardens spent all of their time refereeing these conflicts which reduced their enforcement time. Commissioner Murdy stated that the question surrounding gear conflicts was a social problem, and wondered if it fell under the Commission's purview. The Executive Secretary stated that the Commission must adopt regulations which provided for an orderly fishery.

Denis Smaage stated that the Commission did have the authority to consider gear conflict issues. Zeke Grader stated that there was a conflict last year as the boat "SUNSHINE" had its gill nets wrapped by a lampara fisherman.

Mr. Grader recommended that the Commission maintain the status quo. He indicated that by allowing lampara fishermen to fish at night, there was a greater potential for more lost gill nets which would become "ghost" nets.

The Executive Secretary asked if there were areas within districts 12 and 13 where there would be no potential gear conflict, since most gill nets were set within 300-400 yards from shore. Ilson New pointed out that lampara boats could not fish in water shallower than 18 feet, and gill nets were usually fished in shallow water. He again emphasized that, to his knowledge, there were no gear conflicts during the past four years. He recommended that as a compromise, the Commission could allow for a 24-hour closure, if a conflict did occur.

Ilson New stated that he was also representing the San Francisco Herring Purse Seine Association and recommended that purse seine permittees be allowed to fish during daylight hours in districts 12 and 13. Briefly, Mr. New's supportive arguments were as follows:

1. The small number of purse seine permittees (22) would not cause a gear conflict with other herring permittees fishing within districts 12 and 13. He, again, pointed out that during the past four years, there had been no documentation that lampara permittees fishing in districts 12 and 13 had any gear conflicts with the gill net permittees. He indicated that this proved that gear conflicts between gill nets and round haul boats in those districts was primarily anticipatory, rather than actual. He noted that purse seine fishing occurred in deep water, where as gill net boats generally fished in shallow water, and since districts 12 and 13 were extremely large, the addition of a small number of purse seine permittees would not cause a crowded condition.
2. The change in spawning habits and routes of the herring in the last three years had been causing a hardship on the purse seine permittees by not being able to take fish in districts 12 and 13. He explained that during the last three years, the herring spawns had moved from District 11 into districts 12 and 13.
3. Allowing purse seine permittees to fish in districts 12 and 13 would result in their season ending approximately a week and a half to three weeks earlier; thereby, helping to reduce the Department's enforcements costs caused by prolonged season.

Mr. New pointed out that the purse seine permittee's request was to just allow them to fish in districts 12 and 13 during daylight hours and not to fish during the night time.

Deputy Director Fletcher stated that the Department did not believe the Commission had authority to act on this request at this time. He indicated that legislation had been introduced to address this issue, and in all likelihood, would pass the Legislature and be signed by the Governor.

Zeke Grader stated that his organization was opposed to this request, he explained that it was not necessarily on the basis of a gear conflict, but that purse seine operators may cause damage to the eel grass beds in districts 12 and 13. He indicated that during the past several years, purse seine permittees usually had no problem reaching their quotas, and therefore, he did not see the necessity of opening districts 12 and 13 to purse seine permittees at this time.

The Executive Secretary stated that Commissioner McCracken had raised the issue of whether a currently licensed herring permittee had to be the owner, lessee or operator of a current California registered commercial fishing vessel. Commissioner McCracken stated that it had been brought to his attention that some herring permittees were not the operators of a fishing vessel, and as a lessee, they did not actively participate in the fishery. He asked if the regulations could be amended to clarify this point.

Zeke Grader stated the herring permittee could be listed as the operator on all Fish and Game documents. He noted that the Director's Herring Advisory Committee could possibly help in defining the roles of the operator and/or lessee. Mr. Cribbs suggested the Commission adopt tentative approvals to indicate that the Commission would be considering modifying the responsibilities of the lessee and/or operator of the fishing vessel, and that final adoption would take place on August 7, 1987 in Sacramento.

DeWayne Johnston stated the Department could look at this issue and provide a recommendation at the August 7, 1987 meeting. He indicated the wording required would need to be such that it would not present a difficult enforcement problem. The Executive Secretary suggested that Denis Smaage review this issue and provide a report to the Commission for its August 7 meeting. Mr. Smaage stated he could review these requirements and provide a report to the Commission. He stated that based on his preliminary review, the lessee needed to acquire a vessel and be responsible for that vessel.

It was then:

MOVED BY MR. MC CRACKEN, SECONDED BY MR. MURDY, THAT
THE FISH AND GAME COMMISSION, PURSUANT TO THE PROVISIONS
OF SECTIONS 1050 AND 8550 OF THE FISH AND GAME CODE AND
TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SECTIONS 8550-8559
OF SAID CODE, HEREBY TENTATIVELY ADOPTS THE FOLLOWING
AMENDMENTS TO SECTION 163, TITLE 14, CALIFORNIA ADMINISTRATIVE
CODE, PERTAINING TO THE 1987-88 COMMERCIAL HERRING FISHERY
AS FOLLOWS:

Amendments to Section 163, Title 14, CAC.

(1) The first paragraph of Section 163 is amended to read:

Herring may be taken for commercial purposes only in those areas and by those methods specified in subsections (f)(1) and (f)(2) of this section under a revocable, nontransferable permit issued to an individual on a specified fishing vessel by the department. No fishing vessel may be used by more than one permittee during a season except that in San Francisco Bay the same gill net vessel may be permitted to fish in the "XH" fishery and either the odd or even gill net fishery. Transfer of permits from one boat to another may be authorized by the department. Such transfers will be allowed only when the permittee submits a notarized statement from a boatyard or licensed marine surveyor that the vessel named on the permit is inoperable. The department may require an inspection. The fee for any approved transfer of permit pursuant to paragraph one shall be \$50. Any permittee denied a transfer pursuant to paragraph one of this section may request a hearing before the commission to show cause why his request should not be denied. Permittees shall have their permit in their possession and shall be aboard the vessel named on their permit at all times during herring fishing operations, except that a permittee may request to have a crewmember temporarily serve in his or her place aboard the vessel if the permittee is unable to participate due to serious illness or injury. Proof of illness or injury must be substantiated by medical documentation to the satisfaction of the department. Any permittee who requests a temporary substitution in two successive herring seasons may be required to appear before the commission to show cause why his or her request should not be denied.

(2) Subsection 163(a)(5) is amended to read:

(5) Any person denied a permit for ~~1986-87~~ 1987-88 under these regulations may request a hearing before the commission to show cause why his permit should not be denied. Such request must be submitted in writing no later than October ~~17~~ 16. Applicants disqualified under subsections (c)(1)(B) or (c)(1)(C) will be granted a hearing if the number of points claimed would have placed them in the point category from which new permits will be issued.

(3) Subsection 163(b)(1) is amended to read:

(b) Permit Applications. Each applicant for a herring permit shall:

(1) Completely fill out and submit the required department application form (available at department's Menlo Park or Eureka office). No person shall submit more than one application per season. Applications shall include the filing fee ~~(certified check or money order only)~~, as specified in Section 8550.5 of the Fish and Game Code, and copies of the current California certificate of boat registration and commercial fishing license of the applicant.

(4) Subsection 163(c)(1) is amended to read:

(1) Permits to take herring for roe purposes will be issued by the department beginning November ~~15~~ 16. Permits will be sent by certified mail, return receipt requested, to the permittees. Not more than three permits shall be issued for Crescent City and not more than four permits shall be issued for Humboldt Bay.

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No new purse seine permits or lampara permits shall be issued for San Francisco.....

(5) Subsections 163(c)(1)(B) and (c)(1)(C) are amended to read:

(B) Individuals not qualifying under subsection (a)(2) will be eligible to apply for any available odd- or even-numbered gill net permits provided they are a currently licensed California commercial fisherman, and the owner, ~~lessee~~ or operator of a current California registered commercial fishing vessel.

(C) Individuals not qualifying and receiving permits under subsections (a)(2) or (c)(1)(B) will be eligible to apply for any available "XH" gill net permits provided they are a currently licensed California commercial fisherman and the owner, ~~lessee~~ or operator of a current California registered commercial fishing vessel.

(6) Subsection 163(c)(1)(D) is amended to read:

(D) In the event that the number of eligible applicants qualifying under subsections (c)(1)(B) or (c)(1)(C) exceeds the available permits, a lottery shall be held. Preferential status in the lottery will be given under the following conditions:

1. One point (maximum of ten) for each year an applicant has held a valid California commercial fishing license in the previous ~~ten~~ twelve years (prior to the current license year). A point shall be granted only if the applicant's name appears on the department's master file of commercial licensees or if the applicant presents a valid commercial fishing license or verifiable receipt for the year claimed.

~~2. A total of ten points for those applicants who participated in the California herring fishery as a crewmember, owner or operator during each of the past three seasons (1983-84, 1984-85 and 1985-86).~~

2. One point for each year an applicant participated in the California herring fishery as a crewmember, owner or operator, beginning with the 1978-79 herring fishing season.

~~3. Seven points for those applicants who participated in the California herring fishery as a crewmember, owner or operator during at least two of the past three seasons (1983-84, 1984-85 and 1985-86).~~

~~4. Five points for those applicants who participated in the California herring fishery as a crewmember, owner or operator during at least one of the past three seasons (1983-84, 1984-85 and 1985-86).~~

5. 3. Preference points awarded for participation in the herring fishery shall only be granted if the applicant's name has been filed with the department pursuant to subsection (e)(2) of these regulations, and is supported by documentation demonstrating proof of payment for service on a crew in the California herring roe fishery as specified in Section 8559 of the Fish and Game Code.

6. 4. Permits will be issued predicated on the total number of points accrued by an applicant, beginning with those applicants who accrue the maximum number of points and working in descending order from this maximum. A drawing will be held to allocate the remaining permits when the permits available are exceeded by the number of applicants in a particular point category.

(7) Subsection 163(c)(2) is amended to read:

(2) Fresh Fish Market. Ten permits will be issued to take herring for the fresh fish market in San Francisco Bay and five in Tomales Bay. However, no permittee may take or possess herring except in the amount specified on a current daily market order, not to exceed 500 pounds, from a licensed fish dealer. Fresh fish market permits will be issued beginning November 1st at 411 Burgess Drive, Menlo Park, California 94025. In the event there are more applicants than the specified number of available fresh fish permits, a lottery will be held to determine the permittees. Applicants may apply for only one bay. No filing fee is required for fresh fish market permits. Fresh fish market permits shall be in force from November 1st through November 27 and April 1 through October 31.

(8) Subsection 163(e)(3) is amended to read:

(3) The department will estimate from the current trend of individual boat catches the time at which the herring season catch will reach any quota permitted under these regulations and will publicly announce that time on VHF/Channel 16. It shall be the responsibility of all permittees to monitor this radio channel at all times. Any announcement made by the department on VHF/Channel 16 shall constitute official notice. All fishing gear must be removed from the water by the announced time terminating fishing operations. Boats may be placed on allotted tonnages to preclude exceeding a quota and, if necessary, additional time may be granted to reach the quotas.

(9) Subsection 163(e)(5) is amended to read:

(5) Lampara and purse seine permittees may not take more than 78 68 tons of herring per vessel per season. All herring landed in excess of any established vessel quota shall be forfeited to the department by the signing of

an official release of property form. Such fish shall be sold or disposed of in a manner determined by the department. The proceeds from all such sales shall be paid into the Fish and Game Preservation Fund.

(10) Subsection 163(f)(2)(A) is amended to read:

(A) No permittee shall possess or fish, in combination, more than a total of 130 fathoms, but not more than 2 shackles, of gill nets in San Francisco, Tomales and Bodega bays. Said gill nets shall not exceed 120 meshes in depth. In Humboldt Bay and Crescent City Harbor, no permittee shall possess or fish in combination more than ~~260 (4 shackles)~~ 150 fathoms of gill net. Fresh fish permittees shall not possess or fish more than 65 fathoms (1 shackle).

Set gill nets shall be anchored by not less than 35 pounds of weight at each end, including chain; however, at least one-half of the weight must be anchor. Gill nets shall be tended at all times in San Francisco Bay. Tended means the registered gill net permittee shall be in the immediate proximity, not exceeding one nautical mile, of any gill net being fished.

(11) Subsection 163(f)(2)(B) is amended to read:

(B) In Tomales and Bodega bays the length of the meshes of any gill net used or possessed in the roe fishery shall not be less than 2 inches or greater than 2 1/2 inches. In Humboldt Bay and Crescent City Harbor the length of the meshes of any gill net used or possessed in the roe fishery shall not be less than 2 1/4 inches or greater than 2 1/2 inches. In all other permit areas San Francisco Bay the length of the meshes of any gill net used or possessed in the roe fishery shall not be less than 2 1/8 or greater than 2 1/2 inches. The meshes of any gill net used or possessed by fresh fish permittees shall not be greater than 2 inches.

(12) Subsection 163(g) is amended to read:

(g) Quotas.

(1) Crescent City Area: The total take of herring in the Crescent City area for commercial purposes by use of gill net only shall not exceed 30 tons per season.

(2) Humboldt Bay: The total take of herring in Humboldt Bay for commercial purposes by use of gill net only shall not exceed 60 tons per season.

(3) Bodega Bay and Tomales Bay: The total take of herring in Bodega Bay and Tomales Bay for commercial purposes by use of gill net and beach net only shall not exceed ~~1,000~~ 750 tons for the roe fishery and 10 tons for the fresh fish market per season.

(4) San Francisco Bay: The total take of herring in San Francisco Bay for commercial purposes shall not exceed ~~7,530~~ 8,500 tons per season. Tonnage shall be allocated on the following basis:

(A) Purse seine or ring net vessel: ~~1,320~~ 1,490 tons.

(B) Lampara net vessels: ~~1,260~~ 1,422 tons.

(C) Gill net vessels: ~~4,950~~ 5,588 tons; ~~1,683~~ 1,900 tons of the gill net vessel quota shall be allocated to permittees described in subsection (h)(2)(A), and ~~1,683~~ 1,900 tons to permittees described in subsection (h)(2)(B) and ~~1,584~~ 1,788 tons to permittees described in subsection (h)(2)(C) of these regulations.

(D) Fresh fish market: 20 tons; may not be sold for roe purposes, 10 permits.

(5) Ocean Waters: Herring may not be taken for roe purposes.

(13) Subsection 163(h) is amended to read:

(h) Season.

(1) Crescent City area and Humboldt Bay: The season shall be from sunset on January ~~± 3~~ until noon on March ~~± 10~~ 11.

(2) San Francisco Bay: The season shall be from sunset on November ~~30~~ 29 until noon on December ~~19~~ 18, and from sunset January ~~± 3~~ until noon on March ~~± 10~~ 11.

(A) In San Francisco Bay, gill net permittees with even permit numbers shall be permitted to fish only on the following dates: ~~January 4-9, January 18-23, February 1-6, February 15-20, and March 1-6.~~ January 10-15, January 24-29, February 7-12, February 21-26, and March 6-11.

(B) In San Francisco Bay, gill net permittees with odd permit numbers shall be permitted to fish only on the following dates: ~~January 11-16, January 25-30, February 8-13, February 22-27, and March 8-13.~~ January 3-8, January 17-22, January 31-February 5, February 14-19, and February 28-March 4.

(C) In San Francisco Bay, gill net permittees with "XH" permit numbers shall be permitted to fish only on the following dates: ~~November 30-December 5, December 7-12 and December 14-19.~~ November 29-December 4, December 6-11 and December 13-18. In the event permittees described under subsections (h)(2)(A) and (h)(2)(B) both reach their quotas pursuant to subsection (g)(4)(C), "XH" permittees, on notification by the department, may resume fishing operations until such group has reached the successive established termination date or quota.

(D) In San Francisco Bay, purse seine and lampara permittees shall be permitted to fish from sunset on January ~~1~~ 3 until noon on March ~~13~~ 11.

(3) In Tomales ~~and Bodega~~ bay, the season shall be from sunset on November ~~30~~ 29 until noon on December ~~19~~ 18 and from sunset January ~~1~~ 3 until noon on March ~~13~~ 11.

(4) In Bodega Bay, the season shall be from sunset on January 31 until noon on March 11.

~~(4)~~(5) Herring fishing in Bodega Bay, Tomales Bay and San Francisco Bay is not permitted from noon Friday through sunset Sunday night.

~~(5)~~(6) Ocean Waters: The season shall be from April 1 to October 31 for all authorized fishing gear except in districts 16 and 17 where the season shall be from April 1 to November 27.

~~(6)~~(7) In the event permittees described under subsections (h)(2)(A) or (h)(2)(B) reach their quota pursuant to subsection (g)(4)(C), the alternate group of permittees on notification by the department may commence fishing operations until such group has reached the successive established termination date or quota.

(14) The first paragraph of subsection 163(j) is amended to read:

(j) Herring Buyer's Permit. A holder of a current wholesale fish dealer's license shall obtain a permit ~~for each scale used to buy herring at a~~ for each specific location ~~and~~ approved by the department. After approval of an application and payment of the \$750 filing fee (filing fees in Humboldt Bay and Crescent City area shall be waived), a revocable, nontransferable permit to buy herring may be issued subject to the following regulations:

(15) Subsection 163(j)(2)(B) is amended to read:

(B) The weighmaster or deputy filling out the fish receipt must include all information required by Fish and Game Code Section ~~8011~~ 8043 and shall sign the receipt with his complete signature.

Authority: Sections 1050, 8550, ~~and~~ 8550.5, 8554 and 8559, Fish and Game Code.

Reference: Sections 8550-~~8557~~ 8559, Fish and Game Code.

PASSED UNANIMOUSLY

11. SPECIAL HEARING ON DEVELOPMENT OF REGULATIONS RE: "OPEN POND METHOD" TO TAKE HERRING EGGS ON SEAWEED.

The Executive Secretary reminded the Commission that, at its May 14-15, 1987 meeting in Newport Beach, Ilson New provided background information related to the "open pond method" used to take herring eggs on seaweed. He noted that, at the conclusion of that discussion, the Commission directed its staff to publicize notice of Commission intent to hold a special hearing on June 26, 1987, in South Lake Tahoe regarding the potential development of regulations governing this type of operation. He explained that should the Commission, after listening to additional testimony on this matter, decline to pursue this issue further this year, then it would be appropriate for the Commission to consider the requests in items 12 and 13. He noted that these items related to the issuance of experimental gear permits to carry out this type of fishery. He pointed out that the Commissioners had been provided with a copy of Mr. New's proposal.

Ilson New stated that he did not have any additional information to add to his request at this time present to the Commission, but briefly reminded the Commission of the key points of his proposal which were as follows:

1. The "open pond method" allowed the herring biomass to live and spawn again in subsequent years.
2. The passive nature of the "open pond method", without any devices of pursuit, entanglement, corralling and entrapment, resulted in the elimination of any physical shock and disruption to any of the herring biomass during its spawning process, such as occurs with net fishing.
3. The "open pond method" eliminated entirely the concentration upon specific age classes of herring which allows a more natural and healthy growth of the biomass.
4. The "passive" and minimized water activity involved in the "open pond method" eliminated and/or resulted in no new biological or social problems to the herring industry or to the public.
5. The establishment of the "open pond method" by exchange for purse seine permits required minimal Department research and analysis as the biological information on individual purse seine permit quotas were already available; requiring only a conversion of the exchanged individual purse seine permit quota to an individual eggs-on-seaweed permit quota.
6. The "open pond method" would tend to be more efficiently managed, and conducted in a more orderly manner.
7. The physically less active and more efficient and orderly conduct of the fishery combined with the method of fishing itself would require less Department enforcement activity and reduce enforcement costs.

Deputy Director Fletcher stated that at the present time, the Department felt there was not enough information or data available to formulate permanent regulations for the "open pond method" of taking herring eggs on seaweed. He explained that, in fact, it was the Department's understanding that additional modifications in fishing and processing methodology were expected, reflecting the developmental nature of this fishery. He indicated that, consequently, the Department believed it was both appropriate and necessary to continue development of this fishery under the auspice of experimental gear permits pursuant to Section 8606 of the Fish and Game Code. Mr. Fletcher stated that the Department, therefore, recommended that it study the fishery for one more year, and be prepared to make a recommendation to the Commission on this matter next year.

12. REQUEST OF DARREL G. KAPP, BELLINGHAM, WASHINGTON, FOR RENEWAL OF EXPERIMENTAL GEAR PERMIT NO. X-1608 RE: HARVEST OF HERRING EGGS ON SEAWEED IN LIEU OF TAKING WHOLE FISH FOR ROE PURPOSES UNDER A COMMERCIAL HERRING PURSE SEINE PERMIT.

The Executive Secretary stated that Ilson New, Attorney, representing Darrel G. Kapp, Bellingham, Washington, had requested renewal of experimental gear permit No. X-1608, which provided Mr. Kapp the opportunity to harvest herring eggs on seaweed in lieu of taking whole fish for roe purposes under a commercial herring purse seine permit. Mr. Cribbs pointed out that the Commissioner's had been provided with a copy of Mr. New's letter dated May 11, 1987.

Deputy Director Fletcher explained that Mr. Kapp's request had been discussed with members of the Director's Herring Advisory Committee on May 29, 1987. He indicated that the general consensus of the Advisory Committee was to support Mr. Kapp's request, although some concern was expressed regarding any potential increase in the number of subject permits at the present time. He pointed out that Mr. Kapp had indicated the harvesting and processing methodology was still being "fine tuned", and he expected additional modification and improvements to be developed during this next season. Mr. Fletcher noted that Department enforcement personnel continued to express concern regarding the ability to accurately determine the amount (i.e. weight) of eggs harvested, since processing took place aboard the fishing vessel, and the product was ultimately unloaded into boxes (i.e., totes) with brine and salt. He stated that the Department anticipated developing sufficient data during the next season to establish a conversion factor that would allow for a more accurate assessment on shore of the quota, based on weighing of the processed eggs (i.e., finished product).

Deputy Director Fletcher stated that existing regulations (Fish and Game Code sections 8051 and 8052) provided for a special privilege tax, over and above the standard tax of .0013 cents per pound, of .0087 cents for each pound of herring roe which was purchased, received or taken. He noted that these dedicated funds were only expended for research and management activities to maintain and enhance the herring resource within the waters of the state. He explained that if Mr. Kapp's request was approved, the Department potentially stood to lose almost \$1,200.00 in privilege tax revenues. He noted, therefore, that the Department recommended as a condition of receiving the subject permit, the Commission require Mr. Kapp to remit to the Department a

check in the amount of that privilege tax revenue to make up for this potential loss. He stated that under those conditions, the Department recommended the Commission approve the renewal and modification of Mr. Kapp's permit subject to the Department's terms and conditions.

It was then:

MOVED BY MR. MC CRACKEN, SECONDED BY MR. MURDY, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF DARREL G. KAPP FOR RENEWAL OF HIS EXPERIMENTAL GEAR PERMIT, X-1608, REGARDING THE HARVEST OF HERRING EGGS ON SEAWEED IN LIEU OF TAKING WHOLE FISH FOR ROE PURPOSES UNDER A COMMERCIAL HERRING PURSE SEINE PERMIT. COMMISSION APPROVAL IS SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

13. REQUESTS OF JAMES GLENOVICH, WILLIAM GLENOVICH, WALLACE K. GREEN, ALAN G. KAPP AND STANLEY G. NELSON FOR EXPERIMENTAL GEAR PERMITS RE: HARVEST OF HERRING EGGS ON SEAWEED IN LIEU OF TAKING WHOLE FISH FOR ROE PURPOSES UNDER COMMERCIAL HERRING PERMITS.
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The Executive Secretary stated that James Glenovich, William Glenovich, Wallace K. Green, Alan G. Kapp and Stanley G. Nelson had requested experimental gear permits issued pursuant to Section 8608 of the Fish and Game Code, which would authorize the harvest of herring eggs on seaweed in lieu of taking whole fish for roe purposes under commercial herring permits. He pointed out that the Commissioners had been provided with copies of that request. He noted that, if approved, the terms and conditions of these permits would be consistent with those previously provided to Darrel G. Kapp in Item No. 12.

Deputy Director Fletcher stated that as mentioned in the two previous agenda items, the Department recommended that it study the "open pond method" for one more year under the experimental gear permit that was issued to Darrel G. Kapp, in order to formulate possible permanent regulations for this type of fishery. He recommended that these requests be denied and through the additional year of study, the Department would be in a position to make recommendations to the Commission next year.

Zeke Grader supported the Department's recommendation, and indicated that there was possible gear and navigation conflicts which needed to be studied prior to the issuance of additional experimental gear permits for the "open pond method". Ilson New explained that it was his belief there were no gear conflicts, and he was concerned his clients would be back next year discussing the same concerns regarding potential gear conflicts. He recommended that the Commission approve their requests on a one-year trial basis in order to better evaluate possible gear and navigation conflicts.

It was then:

MOVED BY MR. MC CRACKEN, SECONDED BY MR. MURDY, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUESTS OF JAMES GLENOVICH, WILLIAM GLENOVICH, WALLACE K. GREEN, ALAN G. KAPP AND STANLEY G. NELSON FOR EXPERIMENTAL GEAR PERMITS WHICH WOULD AUTHORIZE THE HARVEST OF HERRING EGGS ON SEAWEED IN LIEU OF TAKING WHOLE FISH FOR ROE PURPOSES UNDER COMMERCIAL HERRING PERMITS.

PASSED UNANIMOUSLY.

14. PRESENTATION OF "PHOTOGRAPH OF THE YEAR AWARD" IN COMMISSION'S PHOTOGRAPHY AWARD PROGRAM TO BEV STEVESON, BAKERSFIELD.

Mr. Cribbs reminded the Commission that, at its February meeting in Long Beach, it announced the winners of the 1986 Fish and Game Commission's Photography Award Program, and the winner of the "Photograph of the Year" award was Bev Steveson of Bakersfield. He noted that, at that time, Ms. Steveson requested that her plaque be given to her at the June 26 meeting. He noted, however, that subsequent to the agenda being finalized, Ms. Steveson contacted the Commission office indicating that she would not be able to attend the June 26 meeting in South Lake Tahoe; therefore, her award would be sent to her.

15. RECEIPT OF DEPARTMENT REPORT RE: IMPORTATION OF CATFISH FOR AQUACULTURE PURPOSES.

The Executive Secretary reminded that Commission that, at its April 9-10, 1987 meeting in Sacramento, Commissioner Galletti had requested the Department provide the Commission with a report relating to the problems associated with the importation of catfish for aquaculture purposes. He indicated that since Mr. Galletti was unable to attend this meeting, this item would be postponed until a future Commission meeting.

16. RECEIPT OF DEPARTMENT STATUS REPORT RE: "MANAGEMENT OF DEPARTMENT LANDS".

The Executive Secretary reminded the Commission that, at its June 27, 1986 meeting, it requested the Department address the following issues in the 1987 report on Department lands:

1. The prioritization of Department lands as to the retention value and identification of those parcels that could be declared excess.
2. A review of the feasibility of pursuing a land bank concept moving towards the consolidation of Department lands.
3. Identification of those lands that are specifically being held for the protection of rare, threatened or endangered species.
4. Determination of the existence and adequacy of management plans for each of the state's management units.

5. Determination of the revenues generated as well as the consumptive and nonconsumptive use of Department lands.

Mr. Cribbs stated the Department's 1987 report on Department lands had been provided to the Commissioners. He explained that this year's report utilized the same basic format as the 1986 annual report with some minor modifications. He noted the Executive Summary had been modified and appeared in the form of a fact sheet, which provided a compilation of selected data from the 162 page inventory report. He noted that an alphabetical "site name" index had also been added to facilitate cross referencing when only the name of the area was known. He stated that other basic informations specifically requested by the Commission (i.e., total acreage, expenditures in lieu of fees and revenues) were summarized on the last page of the inventory report. He pointed out that, in addition to the usual annual report, "separate special reports" which responded to the five items outlined in the Commission's September 8, 1986 letter which requested additional information on the Department's lands were provided at the end of the report.

The Executive Secretary noted it was Commission staff's suggestion that, during the coming year, the Department prepare a report to the Commission for presentation at its June, 1988 meeting, which would provide for: (1) a systematic approach to the consolidation of the Department lands for management purposes; (2) a systematic plan for the disposal of any lands found to be excess to Department needs; and (3) a systematic plan for the exchange of suitable parcels of Department lands for consolidation purposes "through a land banking concept" in each of the five regions.

Acting Director Pete Bontadelli stated it was with pleasure that the Department submitted its 1987 report on Department lands. He indicated the new format made it easier for identification of the Department lands. He noted that it also created a good ranking base and check system for acquisition purposes. He explained, however, that some issues which the Commission had requested at the June 1986 meeting were not fully answered, but the Department would respond to those questions as soon as possible. He pointed out that the Department had provided an overall ranking system of the Napa marsh for the potential acquisition of additional parcels. President Taucher asked that as the size of Napa marsh was increased, did the Department anticipate leasing those lands to private enterprise. Mr. Bontadelli stated that the Department had not fully explored all management alternatives at this time.

The Executive Secretary suggested that the Commission's Facilities and Lands Subcommittee consisting of Commissioners Taucher and McCracken meet with the Department to fully explore the land banking concept, and to have a more in-depth review of the Department's 1987 report. The Commission concurred with that suggestion.

17. REVIEW OF DEPARTMENT'S COMMENTS RE: SIX RIVERS NATIONAL FOREST LAND AND RESOURCE MANAGEMENT PLAN AND DRAFT ENVIRONMENTAL IMPACT STATEMENT.

Mr. Cribbs stated that the purpose of this agenda item was to afford the Commission an opportunity to discuss the Department's comments regarding the Six Rivers National Forest Land and Resource Management Plan and Draft Environmental Impact statement. He pointed out that the Commissioners had been provided with a copy of the Department's comments.

Acting Director Pete Bontadelli stated that the Department had been conducting several meetings and discussions with the Six Rivers National Forest, and it had been making progress with the Six Rivers National Forest to have its comments included in the plan prior to finalization of the EIS. He indicated that the Department had requested that the plan incorporate standards and an adequate monitoring system. He indicated that there had been a field trip scheduled with the Forest Service, and any Commissioner was welcome to attend that field trip to observe first hand the problem areas identified by the Department.

18. RECEIPT OF DEPARTMENT REPORT RE: REQUEST OF BOB LESLIE, SONORA, PERTAINING TO THE DEPARTMENT'S PROGRAM FOR PLANTING TROUT IN INLAND WATERS.

The Executive Secretary reminded the Commission that, at its March 6, 1987 meeting in Redding, Bob Leslie, Sonora, a licensed fishing guide, made a presentation to the Commission relating to the Department's planting of trout and salmon in inland waters. He pointed out that the Commissioners had been provided with a letter dated February 10, 1987, from Mr. Leslie which summarized the issues he raised. He noted that the Commissioners were also provided with a copy of the minutes of that discussion. He pointed out that, at the conclusion of the discussion on March 6, the Department was requested to evaluate Mr. Leslie's proposal, and to report back to the Commission at its June 26, 1987 meeting in South Lake Tahoe. He stated that the Department had reviewed Mr. Leslie's concerns, and had provided the following comments:

"Mr. Leslie had serious reservations about the Department's lake and reservoir trout stocking programs. He expressed these in a February 10, 1987 letter to the Commission, and presented them orally at the March 6, 1987 Commission meeting. The Commission requested that the Department review Mr. Leslie's comments and concerns and report back to the Commission at its June 26 meeting. Mr. Leslie's recommendations and the Department's responses are as follows:

A. Requested the Department to redirect its hatcheries to plant a higher quality fish than the public had been receiving.

Response: The angling public presently received high quality trout, but further improvements were anticipated. The Department's hatchery system had been directed to produce about 11,500,000 catchable-sized trout averaging three per pound. Of these, 8,000,000 will be domestic strains (Shasta, Whitney, etc.) and 3,000,000 will be relatively wild strains (Eagle Lake, Pit River, etc.). Production in the recent past had been about 12,500,000 catchable-sized trout averaging four per pound. Since the numbers of trout being reared will be reduced, we can expect an improvement in the quality of individual fish. These changes are expected to be fully implemented by 1988-89.

B. Recommended that the Department switch its present emphasis on a catchable-sized nonreproductive trout and salmon to a truly catchable fertile California trout that successfully reproduces on its own in the wild.

Response: We make every effort to stock our lakes and reservoirs with the proper numbers and sizes of high-quality trout. While nearly all of the trout we stock are capable of natural reproduction, habitat deficiencies in most waters necessitate the regular stocking of hatchery trout. This is especially true in large lowland reservoirs containing forage fish species like threadfin shad and pond smelt.

C. Recommended that the Department take eggs from the state's own north coast steelhead while they spawned and then transfer the eggs to the state's trout hatcheries. The young steelhead would be raised to catchable size and planted in at least several inland lakes for study purposes. Subcatchables could be placed in streams and low competition Sierra lakes conducive to wild reproduction in order to help balance hatchery production.

Response: The Department will not take eggs from north coast steelhead and transfer them to hatcheries for the purpose of stocking inland lakes and reservoirs. Ocean-going steelhead have been exposed to diseases that have never been recorded from California's inland waters. The movement of steelhead inland would, therefore, jeopardize inland trout resources and the recreation they provide. Moreover, there was no evidence that steelhead are in any way superior to other strains of trout for reservoir management purposes.

D. Recommended that the Department replace the present high numbers of nonreproductive trout and salmon with any other types of fertile California trout such as 'original strain' browns. The Department would solicit help from private fishing interests in supplying or raising 'broodstock' from the wild rather than from the hatcheries.

Response: We do not understand Mr. Leslie's preoccupation with the stocking of fertile trout. Virtually all of the salmonids that we stock in lakes and reservoirs are fertile. Because of habitat deficiencies (lack of adequate nursery areas), trout simply cannot cycle their life in lowland reservoirs. The presence of trout fisheries in these waters has been and will continue to be the direct result of hatchery operations. We are searching for sources of disease-free brown trout as a means of adding variety to the program, but even these will have to be stocked on a maintenance basis.

E. Recommended that since the state hatcheries no longer had the capacity nor money to raise all the fish needed for public inland waters, an emphasis be placed on the redirection to get Mother Nature to work for the sport anglers again.

Response: It must be understood that reservoirs are 'artificial' environments that sometimes require 'artificial' management. Mother Nature simply cannot provide trout fisheries in lowland reservoirs containing threadfin shad and other forage fishes. Trout fisheries will disappear from these waters, if they are not regularly stocked with hatchery trout."

Acting Director Pete Bontadelli stated that most of Mr. Leslie's requests were in conflict with current Commission and Department policy, and unless the Department heard to the contrary from the Commission, it would continue the current policy and program direction.

Bob Leslie stated that he felt the Department's report showed a negative attitude. He then read from an editorial from Fishing and Hunting News in which he claimed a Department representative made statements which were slanderous and did a character assassination on him. He stated that he had sound proposals, and his intentions were good as he wanted the fisheries to thrive in California.

Mr. Bontadelli apologized for the article. He indicated the Department employee was misquoted. Mr. Bontadelli stated the Department understood Mr. Leslie was sincere in his proposals and the Department was willing to work with Mr. Leslie. He indicated in fact, the Department had already changed its efforts to provide a higher quality hatchery product for the angler. He explained, therefore, that he felt the Department had been responsive to Mr. Leslie's concerns.

The Commission took no action on Mr. Leslie's request; and therefore, upheld the Department's comments and position on the matter.

19. REQUEST OF TONY PORTI, SAN FRANCISCO, FOR AUTHORIZATION TO PROPAGATE SWORDTAILS (Xiphophorus helleri) FOR AQUARIUM SALE.

The Executive Secretary reminded the Commission that, at its February 5-6, 1987 meeting in Long Beach, it considered testimony from Tony Porti and the Department relative to Mr. Porti's proposal for authorization to propagate swordtails for aquarium sale. He explained that, at that time, the Commission had requested the Department to have this proposal evaluated by the California Academy of Sciences, and to report its findings to the Commission at its June 26, 1987 meeting.

Deputy Director Fletcher stated that the Department had referred Mr. Porti's proposal to the California Academy of Sciences, and Dr. Lynne R. Parenti had reviewed the proposal. He indicated that Dr. Parenti concurred with the Department's assessment that the aquaculture of swordtails in Tulare County would constitute a threat to the native fish species in that area. He stated that, therefore, the Department recommended the Commission deny Mr. Porti's request.

Mr. Cribbs asked if Mr. Porti was present, and there was no response.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT
THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST
OF TONY PORTI, SAN FRANCISCO, FOR AUTHORIZATION TO
PROPAGATE SWORDTAILS (Xiphophorus helleri) FOR AQUARIUM SALES.

PASSED UNANIMOUSLY.

20. REQUEST OF PAT MC KAY, LOS ANGELES, FOR AUTHORIZATION TO IMPORT AND POSSESS A CAPUCHIN MONKEY FOR THE HELPING HANDS, A SIMIAN AIDE FOR THE DISABLED PROGRAM.

The Executive Secretary stated that Pat McKay, Los Angeles, had requested authorization to import and possess a capuchin monkey for the Helping Hands, a Simian Aide for the Disabled Program. He explained the Department had denied her request, and she was appealing that denial to the Commission. He pointed out that the Commissioners had been provided with a copy of Ms. McKay's request as well as the Department's comments on this matter.

Mr. Cribbs asked if Pat McKay was present, and there was no response.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT
THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST
OF PAT MC KAY, LOS ANGELES, FOR AUTHORIZATION TO IMPORT
AND POSSESS A CAPUCHIN MONKEY.

PASSED UNANIMOUSLY.

21. APPROVAL OF PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSES (1987-1990) FOR:

The Executive Secretary stated that eight applicants had requested private lands wildlife management area licenses for 1987-1990. He noted that two of those had actually been in the program for three years and were requesting a license for the next three years. He pointed out that the Commissioners had been provided with copies of the summary for each proposal and appropriate background information on this matter. He indicated that the required applications and management plans had been submitted to the Department, and it had determined that these plans conformed to the regulations provided in Section 601, Title 14, CAC, and to the Commission's policy related to private lands management areas.

(a) ALTURAS UNIT OF LYNETA RANCH, MODOC COUNTY.

The Department's summary identified the following habitat work schedule:

- (1) The rotational replanting of alfalfa in 24 fields during a four-year time period. Seven fields will be replanted in 1987;
- (2) Thinning junipers on 150-200 acres of antelope winter range to provide the open expanse favored by pronghorn;
- (3) Reconstruct four and one-half miles of fence so that the bottom wire is at least 18 inches above ground;
- (4) Eliminate grazing of approximately 1,000 sheep from a key area of antelope winter range;
- (5) Upon approval of the plan, all new agricultural and structural development will be restricted on the antelope winter range; and

(6) In addition, the public will be allowed to utilize a portion of the ranch upon payment of a fee of \$50.00 if they possess a regular antelope tag.

The Department had reviewed the 1987-1990 application and management plan for the 9,000-acre Alturas Unit of Lyneta Ranch in Modoc County. It determined that the plan conforms to the requirements of Section 601, Title 14, CAC, and the Fish and Game Commission's policy for private lands management areas.

The Department recommended that the Commission approve the Alturas Unit of Lyneta Ranch management plan and the 1987-88 harvest program under the following conditions:

- (a) All habitat projects outlined for the first year of the program were to be completed prior to any hunting;
- (b) The Lyneta Ranch agreed to meet and work with Region 1 employees to find alternative methods of controlling rodents. Last year regional employees had concerns about the aerial application of grain treated with "1080";
- (c) The number of antelope permits will be based on the July count, but in no event will more than eight (8) tags be issued to the ranch; and
- (d) The antelope season will open on August 1, 1987, and extend through September 30, 1987.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE APPLICATION OF ALTURAS UNIT OF LYNETA RANCH, MODOC COUNTY, FOR A PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE, AND FURTHER APPROVES THE 1987-88 MANAGEMENT PLAN FOR THIS AREA, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

(b) BATTLE CREEK RANCH, TEHAMA COUNTY.

The Department's summary indicated that the applicant proposed to crush and burn approximately 150-acres of dense brush in a phased project (three years), and to plant and fertilize patches of clover in the flats. These projects would provide direct benefits to wintering deer. The applicant also proposed to develop brush piles and water sources for quail. As of January, 1988 cattle grazing would be a maximum of 20-30 head on the property. The above measures would benefit a variety of game and nongame wildlife.

The Department recommended that the Commission approve the Battle Creek management plan and the 1987 harvest program under the following conditions:

(1) Twelve buck deer tags be issued for the take of 12 buck deer, forked horn or better, during the period September 19 through November 30, 1987; and

(2) Twelve antlerless deer tags be issued to take no more than 12 antlerless deer during the period September 19 through November 30, 1987.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE APPLICATION OF BATTLE CREEK, TEHAMA COUNTY, FOR PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE, AND FURTHER APPROVES THE 1987-88 MANAGEMENT PLAN FOR THIS AREA, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

(c) BULLTAIL RANCH, MARIN COUNTY.

The Department's summary comments indicated that to reduce overgrazing, the ranch had contracted for a study to determine the appropriate number of cattle to be grazed on various sections of the ranch with a goal of improving deer habitat conditions. Recommendations from the study would be implemented when completed. To further improve habitat conditions on the Bulltail Ranch, apple trees would be planted on the outer edges of the property to provide fruit for deer consumption. Dense overgrown oak brush thickets would be thinned out to allow deer access to acorns and new growth. In addition, a vegetative analysis program would be initiated to monitor vegetative recovery. Reduced buck take and the harvest on antlerless deer would help to bring the deer herd on the ranch closer to the Santa Rosa deer herd plan goal, and reduce competition for available forage.

The Department recommended that the Commission approve the Bulltail Ranch wildlife management plan and the 1987 harvest program under the following conditions:

- (1) One hundred buck tags be issued for the take of no more than 25 forked horn or better, during the period of July 25 through November 29, 1987; and
- (2) One hundred antlerless tags be issued to permit the take of no more than 25 antlerless deer during the period of August 29 through November 29, 1987.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE APPLICATION OF BULLTAIL RANCH, MARIN COUNTY, FOR A PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE, AND FURTHER APPROVES THE 1987-88 MANAGEMENT PLAN FOR THIS AREA, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

(d) CANYON CREEK RANCH, MODOC COUNTY.

The Department's summary indicated the applicant proposed to develop water sources for wildlife, fence riparian areas for habitat improvement, plant alfalfa patches for wildlife, control grazing on meadows, remove juniper competition from deer and pronghorn antelope forage, improve waterfowl habitat and improve stream conditions for fish and wildlife. All of which would be beneficial to wildlife.

The Department recommended that the Commission approve the Canyon Creek wildlife management plan in 1987 harvest program under the following conditions:

- (1) Two buck tags be issued to permit the take of no more than two buck deer, forked horn or better, during the period September 12 through October 18, 1987; and
- (2) One buck deer tag be issued to permit the take of one buck deer, forked horn or better, during the period September 12 through November 1, 1987.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE APPLICATION OF CANYON CREEK RANCH, MODOC COUNTY, FOR A PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE, AND FURTHER APPROVES THE 1987-88 MANAGEMENT PLAN FOR THIS AREA, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

(e) CHIMNEY ROCK RANCH, SAN LUIS OBISPO COUNTY.

The Department's summary indicated a brushy area was scheduled for controlled burning in 1986, but four arson-caused fires burned 700 acres in the planned burn area. While these burns were very hot and not the best way to manage brush, considerable benefits to deer would result. Limited seeding was done in the burned areas and several new brush piles were constructed for quail. A trial plot of rose clover was planted, and a significant reduction in the cattle stocking was made to reserve feed for wildlife.

The Department recommended the Commission approve the Chimney Rock Ranch wildlife management plan and the 1987 harvest program under the following condition:

Seventy either sex deer tags be issued to permit the take of no more than 17 buck deer, forked horn or better, and 17 antlerless deer, during the period July 11 through December 15, 1987.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE APPLICATION OF CHIMNEY ROCK RANCH, SAN LUIS OBISPO COUNTY, FOR A PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE, AND FURTHER APPROVES THE 1987-88 MANAGEMENT PLAN FOR THIS AREA, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

(f) HAT CREEK RANCH, SHASTA COUNTY.

The proposed plan outlines proposals to irrigate 103 acres of alfalfa, plant 600 willows and 1,600 browse plants in existing alfalfa areas to diversify forage and provide cover, remove 170 cows with calves, create a one-acre marsh area for waterfowl, regulate remaining cattle to limit grazing to small portions of the ranch at one time and to hand-lop mature browse plants to make them available to deer.

The Department recommended that the Commission approve the Hat Creek Ranch management plan and the 1987 harvest program under the following conditions:

- (1) Five buck deer tags to take no more than five buck deer, forked horn or better, during the period August 8 through August 23, 1987, for archery only; or with a firearm during the period November 14 through November 29, 1987; and
- (2) Six antlerless deer tags to take no more than six antlerless deer during the period November 14 through November 29, 1987.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE APPLICATION OF HAT CREEK RANCH, SHASTA COUNTY, FOR A PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE, AND FURTHER APPROVES THE 1987-88 MANAGEMENT PLAN FOR THIS AREA, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

(g) LAS TABLAS RANCH, SAN LUIS OBISPO COUNTY.

The proposed plan was generally consistent with the goals and objectives of the Adelaida Deer Herd which had identified mature, decadent brush and poor feed conditions because of severe livestock grazing as limiting factors for deer. This proposal helped to provide higher quality deer habitat through brush management, reduced livestock stocking rate, provided increased forage and provided more water sources throughout the ranch.

The Department recommended that the Commission approve the Las Tablas Ranch wildlife management plan and the 1987-88 harvest program under the following conditions:

- (1) One hundred buck deer tags be issued to permit the take of no more than 15 buck deer, forked horn or better, before September 15, 1987. Fifteen buck deer, forked horn or better, may be taken after September 15, 1987;
- (2) Hunting periods will be as follows:
Archery only, July 4 through July 19, 1987
General, August 1 through September 30, 1987
Primitive equipment, November 14 through November 22, 1987;
- (3) Two hundred and seventy (270) tags be issued to permit the take of no more than 30 either sex wild turkeys during the period November 7 through December 20, 1987, and no more than 60 bearded wild turkeys during the period March 19 through May 8, 1988; and
- (4) Eight hundred (800) quail seals be issued to permit the take of no more than 400 California quail before October 18, 1987, and no more than 400 California quail to be taken after October 18, 1987. The hunting period for California quail shall be from September 19, 1987 through January 30, 1988.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE APPLICATION OF LAS TABLAS RANCH, SAN LUIS OBISPO COUNTY, FOR A PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE, AND FURTHER APPROVES THE 1987-88 MANAGEMENT PLAN FOR THIS AREA, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

(h) MILLER/ERIKSEN RANCH, MENDOCINO COUNTY.

The Department's summary indicated that the plan proposed to burn 10-30 acres of brush per year, develop one spring or pond per year for increased water and clear up to 1.5 acres of brush. In addition to the proposed habitat improvements, the applicant would reduce livestock grazing by 35-40 head, and provide some predator control, if needed.

The Department recommended the Commission approve the Miller/Eriksen Ranch wildlife management plan and the 1987 harvest program under the following condition:

Fifteen buck deer tags be issued to permit the take of no more than 15 buck deer, forked horn or better, during the period August 29 through October 4, 1987.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE APPLICATION OF MILLER/ERIKSEN RANCH, MENDOCINO COUNTY, FOR PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE, AND FURTHER APPROVES THE 1987-88 MANAGEMENT PLAN FOR THIS AREA, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

(i) WEBER AND BAILEY RANCHES, MODOC COUNTY.

The proposed plan indicated that the permittee would fence and protect riparian areas from livestock use and develop water sources for wildlife use. The permittees would also plant dryland alfalfa for deer and antelope forage, initiate intense predator control efforts on these lands, as well as provide proper grazing of these same areas.

The Department recommended the Commission approve the Weber and Bailey ranches wildlife management plan and the 1987 harvest program under the following conditions:

- (1) Four buck deer tags to take no more than four buck deer, forked horn or better, during the period September 26 through October 18, 1987; and
- (2) Four buck deer tags to take no more than four buck deer, forked horn or better, during the period September 26 through November 15, 1987.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE APPLICATION OF WEBER AND BAILEY RANCHES, MODOC COUNTY, FOR A PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE, AND FURTHER APPROVES THE 1987-88 MANAGEMENT PLAN FOR THIS AREA, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

22. RECEIPT OF ANNUAL REPORTS AND APPROVAL OF 1987-88 PRIVATE LANDS WILDLIFE MANAGEMENT AREA PLANS FOR:

The Executive Secretary stated eleven applicants had requested renewal of their private lands wildlife management area licenses and approval of their 1987-88 management plans. He indicated the Department had reviewed the annual report from each of these ranches, and recommended the Commission approve the management plans for the coming year. He indicated the Department had determined that the activities on the ranches, unless otherwise specified, had been completed as proposed in the 1986-87 objectives. He pointed out that the Commissioners had been provided with copies of the Department's summary as well as the Department's recommendations.

(a) BIG BLUFF RANCH, TEHAMA COUNTY.

The Department's summary indicated that wildlife enhancement activities during 1986 included removal of cattle from the winter grazing area, reduced the spring grazing season by 14 days, burned 15 acres of brush (in 14 attempts), installed a 200 gallon guzzler, and planted cover crops, though most do not appear to have survived. Improvements planned for 1987 included: continued implementation of the time controlled grazing process for livestock; participate in the Sunflower Coordinated Resource Management Plan, which will burn a 75 acre mosaic in the ranch chaparral; plant five acres of irrigated pasture for deer use; and adapt cattle water troughs for game bird use.

The Department recommended the Commission approve the Big Bluff Ranch wildlife management plan and the 1987-88 harvest program under the following conditions:

- (1) Four buck deer tags be issued to permit the take of no more than four buck deer, forked horn or better, during the period September 19 through October 4, 1987;
- (2) Six buck deer tags be issued to permit the take of no more than six buck deer, forked horn or better, during the period August 15 through November 30, 1987;
- (3) Six antlerless deer tags be issued to permit the take of no more than six antlerless deer during the period August 15 through November 30, 1987;
- (4) Two hundred fifty (250) quail seals be issued to permit the take of no more than 250 quail during the period September 19 through January 24, 1988;
- (5) Eight wild turkey tags be issued to permit the take of no more than eight either sex wild turkeys during the period September 19 through December 6, 1987; and
- (6) Four wild turkey tags be issued to permit the take of no more than four bearded wild turkeys during the period March 27 through May 2, 1988.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE APPLICATION OF BIG BLUFF RANCH, TEHAMA COUNTY, FOR PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE, AND FURTHER APPROVES THE 1987-88 MANAGEMENT PLAN FOR THIS AREA, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

(b) BURROWS RANCH, TEHAMA COUNTY.

The permittee conducted a controlled burn in September 1986 which covered about 300 acres and will provide young, nutritious browse. Plantings of perla grass, subterranean clover, rose clover and alfalfa will provide green feed during the critical summer months. The creation of additional water reservoirs will provide an extended period of water availability and the piling of brush will enhance the habitat for quail.

Due to the poor reproduction and the apparent effects of an outbreak of blue-tongue, the applicant had not applied for antlerless permits this year. At the Department's request, the permittee only took two does with six permits last year.

The Department recommended the Commission approve this renewal of the program for 1987-88 under the following conditions:

- (1) Nine buck tags be issued for the take of up to seven deer, forked horn or better. Season to run from August 17 through November 29, 1987; and
- (2) A total of 20 turkey tags be issued for the period August 17 through November 29, 1987 (either sex) and for the regular spring turkey season (bearded only).

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE APPLICATION OF BURROWS RANCH, TEHAMA COUNTY, FOR A PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE, AND FURTHER APPROVES THE 1987-88 MANAGEMENT PLAN FOR THIS AREA, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

(c) FITZPATRICK RANCH, SHASTA COUNTY.

The Department's summary indicated the management activities carried out in 1986 included the burning and reseeding of 500 acres, the removal of livestock from one-half of the ranch and the retention of 300 acres of optimum forage area that had been scheduled for burning to eliminate browse.

The Department recommended that the Commission approve the Fitzpatrick Ranch wildlife management plan and the 1987 harvest program under the following conditions:

- (1) Six buck deer tags be issued to permit the take of no more than six buck deer, forked horn or better, during the period September 19 through October 11, 1987;
- (2) Six antlerless deer tags be issued to permit the take of no more than six antlerless deer during the period September 19 through October 11, 1987; and
- (3) Sixteen buck deer tags be issued to permit the take of no more than 16 buck deer, forked horn or better, during the period October 12 through November 30, 1987.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE APPLICATION OF FITZPATRICK RANCH, SHASTA COUNTY, FOR A PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE, AND FURTHER APPROVES THE 1987-88 MANAGEMENT PLAN FOR THIS AREA, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

(d) HANS MORKNER 4M RANCH, MONTEREY COUNTY.

The permittee had reduced the number of cattle to 1,800 or fewer per year and set aside 40 acres with no grazing of livestock. The permittee had also contacted the Department of Forestry to complete the required brush burning programs.

The Department recommended that the Commission approve the Hans Morkner 4M Ranch wildlife management plan and the 1987 harvest program under the following conditions:

- (1) Issue 15 buck deer tags to harvest 15 buck deer, forked horn or better, during the period August 8 - October 18, 1987; and
- (2) Issue 30 antlerless tags to harvest 30 antlerless deer from September 19 - November 29, 1987.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE APPLICATION OF HANS MORKNER 4M RANCH, MONTEREY COUNTY, FOR A PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE, AND FURTHER APPROVES THE 1987-88 MANAGEMENT PLAN FOR THIS AREA, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

(e) HEARNEY RANCH, MENDOCINO COUNTY.

The Department's summary indicated three burns conducted in December 1986 had fulfilled the applicant's obligation under the plan by rejuvenating brush in the 40 acres which were burned. The total effect of the burn will cover an area of about 200 acres due to the mosaic effect. Maintenance activity on springs and streams will provide continuing availability of water. Fencing, gating and posting will reduce the impact of illegal kill on the area and provide an area which is relatively free of harassment.

The Department recommended the Commission approve the Hearney Ranch wildlife management plan and the 1987 harvest program under the following conditions:

- (1) Sixteen buck deer tags be issued to permit the take of no more than 16 buck deer, forked horn or better, during the period August 8 through December 15, 1987; and
- (2) Sixteen antlerless deer tags be issued to permit the take of no more than 16 antlerless deer, during the period August 8 through December 15, 1987.

The Executive Secretary pointed out that this proposal included a late season buck hunt which would end on December 15, 1987. He explained that Commissioner Bryant was concerned with late season buck hunts that extended past December 1, and had requested that any private land wildlife management area plan which had a buck season extending past December 1, be approved subject to the same terms and conditions as the 1986 plan, and that the permittee would be provided the opportunity to appeal this ruling at the Commission's August 7 meeting in Sacramento.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE APPLICATION OF HEARNEY RANCH, MENDOCINO COUNTY, FOR A PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE, AND FURTHER APPROVES THE 1987-88 MANAGEMENT PLAN FOR THIS AREA, SUBJECT TO THE SAME TERMS AND CONDITIONS AS THE 1986-87 MANAGEMENT PLAN UNDER WHICH THE BUCK SEASON WILL END ON DECEMBER 1, 1987. FURTHER, THE APPLICANT HAS THE OPPORTUNITY TO APPEAL THIS DECISION AT THE COMMISSION'S AUGUST 7, 1987 MEETING IN SACRAMENTO.

PASSED UNANIMOUSLY.

(f) LAGUNA RANCH, MONTEREY AND SAN BENITO COUNTIES.

The Department's summary indicated the landowner had completed the habitat improvement projects as required in the first two years of the program. These include the following:

- (1) Constructed one water development and repaired two;
- (2) Left 283 acres of grass mix to volunteer and planted 75 acres of barley/wheat;
- (3) Built several quail brush piles at two locations;
- (4) Control burned 840 acres of chaparral. It is planned that an additional 100 acres will be burned in 1987;
- (5) Reduced cattle grazing by 45 percent;
- (6) Monitored the acorn crop; and,
- (7) Collected deer age and weight data.

The habitat work completed will result in an increase in carrying capacity for deer, pigs, quail, turkeys, mountain lions and other wildlife. The net result of this plan is a benefit to wildlife in general.

The Department recommended the Commission approve the Laguna Ranch wildlife management plan and the 1987-88 harvest program under the following conditions:

- (1) One hundred sixty (160) buck deer tags to be issued to take no more than 150 buck deer, forked horn or better, during the periods August 8 through October 4, 1987, and October 31 through November 30, 1987.
- (2) One hundred fifty (150) antlerless deer tags be issued to take no more than 140 antlerless deer during the periods August 29 through October 4, 1987, and October 31 through December 20, 1987.
- (3) Fifty (50) wild turkey tags be issued to take no more than 50 bearded wild turkeys during the following periods: August 29 through December 20, 1987 and March 15 through May 8, 1988 (only birds with visible beards). The bag limit for bearded wild turkeys shall be one per day with two in possession.
- (4) Three hundred fifty (350) pig tags be issued to permit the take of no more than 320 wild pigs. The bag limit shall be three pigs per day with three in possession. There shall be no closed season for wild pigs.
- (5) Fifteen hundred (1500) quail seals be issued to permit the take of no more than 1,500 quail, during the period September 12, 1987 through February 14, 1988. The bag limit shall be 10 quail per day with 20 in possession.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE APPLICATION OF LAGUNA RANCH, MONTEREY AND SAN BENITO COUNTIES, FOR A PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE, AND FURTHER APPROVES THE 1987-88 MANAGEMENT PLAN FOR THIS AREA, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

(g) LATOUR BUTTE RANCH, SHASTA COUNTY.

The applicant had fulfilled his habitat improvement obligation under his plan for 1986 by hand-logging 200 acres of browse plants to improve their forage production. The total effect of this action will cover an area of about 1,000 acres due to the mosaic effect. Another 100 acres of brush will be hand-logged in 1987.

The Department recommended that the Commission approve the Latour Butte Ranch wildlife management plan and the 1987 harvest program under the following conditions:

- (1) Thirty-five buck deer tags be issued to permit the take of no more than 35 buck deer, forked horn or better, during the following periods:

Archery only, August 8 through August 16, 1987
General, September 5 through November 1, 1987; and

- (2) Twenty-six antlerless deer tags be issued to permit the take of no more than 26 antlerless deer during the period October 3 through November 1, 1987.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE APPLICATION OF LATOUR BUTTE RANCH, SHASTA COUNTY, FOR A PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE AND FURTHER APPROVES THE 1987-88 MANAGEMENT PLAN FOR THIS AREA, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

(h) MILL CREEK HUNTING RANCH, TEHAMA COUNTY.

The applicant in 1986 reduced grazing by about 56 percent, fenced three ponds and planted wildlife forage and cover plants around the ponds. In addition, twenty-five head of wild cattle were removed. These actions provided more forage for deer in a dry year that produced less forage than normal.

The Department recommended the Commission approve the Mill Creek Hunting Ranch wildlife management plan and the 1987 harvest program under the following conditions:

- (1) 35 antlerless tags, October 10 through November 30, 1987;
- (2) 31 buck tags, October 17 through November 8, 1987; and
- (3) 20 buck tags, October 17 through November 30, 1987.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE APPLICATION OF MILL CREEK HUNTING RANCH, TEHAMA COUNTY, FOR A PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE, AND FURTHER APPROVES THE 1987-88 MANAGEMENT PLAN FOR THIS AREA, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

(i) PRATHER RANCH, SISKIYOU COUNTY.

The Department's summary indicated that habitat work for 1987 will include alteration of five miles of fence to facilitate pronghorn antelope movement, planting of an additional 160 acres of alfalfa and 20 acres of cereal grains near a new marsh.

The Department recommended the Commission approve the Prather Ranch wildlife management plan and the 1987 harvest program as modified under the following conditions:

- (1) Fifteen buck deer tags to take no more than 15 buck deer, forked horn or better, during the period October 1 through November 30, 1987; and
- (2) Two pronghorn antelope tags to take no more than two pronghorn antelope during the period August 29 through September 7, 1987, if July census data indicates suitable numbers exist.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE APPLICATION OF PRATHER RANCH, SISKIYOU COUNTY, FOR A PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE, AND FURTHER APPROVES THE 1987-88 MANAGEMENT PLAN FOR THIS AREA, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

(j) REDWOOD CREEK RANCH, HUMBOLDT COUNTY.

The applicant in 1986, fenced important deer habitat areas to reduce livestock grazing and planted clover to benefit deer. The Department's field evaluation indicated the subject fencing and forage plantings did not fully accomplish the intended objectives. Based on those concerns, the Department was working with the licensee to revise the fencing design and to pursue additional experimental forage plantings to benefit deer. These revised activities were in progress and should result in the intended benefits during 1987. In addition, water sources were developed, timber harvest operations were linked to deer habitat needs and hardwood stands adjacent to meadows were retained.

The Department recommended that the Commission approve the Redwood Creek Ranch wildlife management plan and the 1987 harvest program under the following conditions:

- (1) 25 buck tags to take no more than 25 bucks, forked horn or better, during the period August 1 through December 10, 1987; and
- (2) 35 antlerless tags to take no more than 35 antlerless deer during the period September 1 through November 1, 1987.

The Executive Secretary pointed out that this proposal included a late season buck hunt which would end on December 10, 1987. He explained that Commissioner Bryant was concerned with late season buck hunts that extended past December 1, and had requested that any private land wildlife management area plan which had a buck season extending past December 1, be approved subject to the same terms and conditions as the 1986 plan, and that the permittee would be provided the opportunity to appeal this ruling at the Commission's August 7 meeting in Sacramento.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE APPLICATION OF REDWOOD CREEK RANCH, HUMBOLDT COUNTY, FOR A PRIVATE LANDS WILDLIFE MANAGEMENT AREA LICENSE, AND FURTHER APPROVES THE 1987-88 MANAGEMENT PLAN FOR THIS AREA, SUBJECT TO THE SAME TERMS AND CONDITIONS AS THE 1986-87 MANAGEMENT PLAN UNDER WHICH THE BUCK SEASON WILL END ON DECEMBER 1, 1987. FURTHER, THE APPLICANT HAS THE OPPORTUNITY TO APPEAL THIS DECISION AT THE COMMISSION'S AUGUST 7, 1987 MEETING IN SACRAMENTO.

PASSED UNANIMOUSLY.

(k) SANTA CATALINA ISLAND CONSERVANCY, LOS ANGELES COUNTY.

Habitat improvement accomplished by SCIC in 1986 included the fencing (six square miles) of the area known as Salta Verde to protect the endangered Santa Catalina Island Mahogany (Cercocarpus traskiae). An initial fire history search, vegetation survey and aerial survey were conducted and a site was

selected for an experimental burning project to be completed in 1987, in cooperation with the Los Angeles County Fire Department. Range management practices implemented in 1986, included shipping the annual increase of buffalo, a reduction of a small domestic cattle herd, and continual reduction of feral goats and pigs. SCIC obtained a \$10,000 grant from the Los Angeles County Fish and Game Commission to be used for a planned deer research project. In 1986-87, the deer harvest on the island included 63 bucks and 56 does; 388 hunter days were recorded.

The Department recommended the Commission approve the renewal of the Santa Catalina Island Conservancy wildlife management plan and the 1987-88 harvest program under the following conditions:

- (1) Three hundred (300) either-sex tags be issued to take no more than 300 deer, of which only 150 may be buck deer, forked horn or better; and
- (2) The deer season shall open on October 3, 1987 and extend through January 31, 1988.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT
THE FISH AND GAME COMMISSION HEREBY APPROVES THE
APPLICATION OF SANTA CATALINA ISLAND CONSERVANCY,
LOS ANGELES COUNTY, FOR A PRIVATE LANDS WILDLIFE
MANAGEMENT AREA LICENSE, AND FURTHER APPROVES THE
1987-88 MANAGEMENT PLAN FOR THIS AREA, SUBJECT TO
THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT
AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

23. REQUEST OF ALBERT AND S. DIANE RODRIGUEZ, SAN MARCOS, FOR A SCIENTIFIC CAPTIVE RAPTOR BREEDING PERMIT.

The Executive Secretary stated that Albert and S. Diane Rodriguez, San Marcos, had requested a scientific captive raptor breeding permit which would allow them to possess and breed one pair of Swainson hawks. Mr. Cribbs pointed out that subsequent to that request and the time the agenda went out, the Rodriguezes' had notified the Commission office that they wished to withdraw their request and resubmit a request in the future with a different pair of raptors.

24. REQUEST OF CRAIG CULVER, RAMONA, FOR AN AMENDMENT OF HIS RECREATIONAL CAPTIVE RAPTOR BREEDING PERMIT TO ALLOW POSSESSION OF TWO GOSHAWKS AND FOUR ADDITIONAL HARRIS' HAWKS.

The Executive Secretary stated that Craig Culver, Ramona, had requested amendment of his recreational captive raptor breeding permit to allow him to possess two goshawks and four additional Harris' hawks. He pointed out that the Commissioners had been provided with a copy of Mr. Culver's request.

DeWayne Johnston stated that although the goshawk and the Harris' hawks were species of concern due to shrinking habitat, they were presently legal falconry species. He indicated Mr. Culver's production of these raptors was designed to produce birds for use in falconry, the Department had no objection to his adding these birds to his permit; and therefore, the Department recommended approval of Mr. Culver's proposal.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF CRAIG CULVER, RAMONA, FOR AN AMENDMENT OF HIS RECREATIONAL CAPTIVE RAPTOR BREEDING PERMIT TO ALLOW POSSESSION OF TWO GOSHAWKS AND FOUR ADDITIONAL HARRIS' HAWKS, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

CONSENT CALENDAR

The Executive Secretary noted that items 25-31 had been placed on the Commission's consent calendar. He indicated that Commissioner McCracken requested that Item 29 be removed from the consent calendar. Mr. Cribbs stated that the Commission staff knew of no opposition to the remaining proposals at this time other than as specified in the analysis, and the Department had provided a recommendation to each of these items which either called for approval or modified approval by the Commission. He noted that any additional item could be removed from the consent calendar by the Commission upon request of the Department or someone in the audience who would like to speak to that item. He pointed out that the Commission staff had prepared a summary of the consent calendar items which were made available to the public. Mr. Cribbs then stated that one overall motion was appropriate for approval of the consent calendar items.

25. REQUESTS OF INDEPENDENT RENDERERS, INC., RICHMOND; SALINAS TALLOW COMPANY INC., SALINAS; AND UNITED FOOD PROCESSORS, TERMINAL ISLAND, FOR RENEWAL OF ANCHOVY/HERRING/OFFAL REDUCTION PERMITS.

The following companies have applied for a 1987-88 reduction permit: Independent Renderers Inc., Salinas Tallow Company Inc., and United Food Processors. It should be noted that many of these companies reduce anchovy/herring/offal; therefore, it would be appropriate for the Commission to make a provision that these companies may render anchovies/herring/offal.

The Department recommends that these permits be renewed subject to the same conditions:

1. All anchovies are taken in accordance with Section 147, Title 14, CAC;
2. The permittee agrees to conform to all applicable terms, conditions and requirements of the California Administrative Code, relating to taking and using anchovies or herring for reduction purposes; and

3. The permit shall be valid for anchovies and herring taken lawfully during the 87/88 season, but in no event shall it authorize the reduction of anchovies taken after June 30, 1988.

26. DEPARTMENT REQUEST FOR AUTHORIZATION TO ACCEPT A CONSERVATION EASEMENT FOR MAGNESIA SPRING ECOLOGICAL RESERVE, RIVERSIDE COUNTY.

The Department is requesting that the Commission approve acceptance of a conservation easement of 20.39 acres of land in the City of Rancho Mirage from the Coachella Valley Water District.

The Department recommends acceptance. It notes that the easement will further ensure protection of habitat for Magnesia Spring, a critical Peninsular bighorn sheep watering source in a current Department ecological reserve. Commissioner's were provided a copy of the map showing location of this parcel.

27. REQUEST OF CARL V. AZEVEDO, LARRY J. REUTER AND FRANK INFERRERA, SANTA CRUZ, FOR EXPERIMENTAL GEAR PERMITS TO USE TRAPS WITHOUT ESCAPE PORTS TO TAKE ROCK CRABS.

Carl V. Azevedo, Larry J. Reuter and Frank Inferrera, Santa Cruz, have requested experimental gear permits, pursuant to the provisions of Section 8606 of the Fish and Game Code, to allow them to fish for rock crabs utilizing traps without "escape ports". Commissioners were provided copies of the background information on this item.

The Department provides the following recommendations:

"The applicants had applied for experimental gear permits to use rock crab traps without escape ports in Fish and Game districts 15, 16, 17 and 18 (ocean waters off Santa Cruz and Monterey counties). Rock crabs may presently be taken in traps without escape ports only in the waters of the state lying south of the southern boundary of Monterey County.

"The Fish and Game Commission previously approved two similar requests to use crab traps without escape ports to take rock crabs in Fish and Game districts 15, 16 and 17, at its January 9, 1987 meeting. The Department believed that crab traps without escape ports, used in compliance with the terms presently included in the aforementioned experimental gear permits to take rock crab, do not pose a threat to the dungeness crab resource; therefore, the Department recommended approval of the subject requests.

"Also, the Department, while recommending approval of these permits, also recommended that the Commission provide discretionary authority to the Department to issue similar experimental gear permits to use traps without "escape ports" to take rock crabs in Fish and Game districts 15, 16, 17, and 18."

NOTE: The Commission staff recommended that the Commission authorize the Department to issue similar permits subject to the same terms and conditions and the Department seek legislation to authorize such use subject to permits issued by the Department, and subject to the terms and conditions set by Commission regulations.

28. RECEIPT OF COACHELLA VALLEY WATER DISTRICT'S BIENNIAL REPORT RE:
"MONITORING PROGRAM FOR OPERATIONAL USE OF TRIPLOID GRASS CARP IN THE
COACHELLA CANAL, IMPERIAL COUNTY."

This item has been scheduled to formally receive the Coachella Valley Water District's Biannual Report Regarding "Monitoring Program for Operational use of Triploid Grass Carp in the Coachella Valley. Commissioners received copies of the background information on this proposal relating to the history and purpose of the operation and the results of the prior year's assessment of impact to game fish.

Department Recommendation

"Subject report covers the period from June 1, 1986 to November 30, 1986. A report for the same period will be submitted in the near future by the Imperial Irrigation District. These are the third in a series of biannual reports describing the monitoring program for the operational use of triploid grass carp in the Coachella and Imperial valleys.

"The biannual reports are required under the terms of a 1985 memorandum of understanding between the Department and the districts. The monitoring study is slated for seven years. The program is established and is proceeding on schedule. The MOU requires the districts to work closely with our Region 5 fisheries personnel. Drafts of the reports receive in-depth review by our regional personnel before the final versions are distributed.

"The biannual reports should be considered 'progress' reports only. The time period covered is too short to lend itself to critical evaluation. Thus, we have no specific comments to offer at this time, but will apprise you of definitive results as they become available."

30. REPEAL OF SECTION 163(e)(5), TITLE 14, CAC, RE: HERRING ROUNDHAUL VESSEL
QUOTA.

The Department is requesting that the Commission repeal the provisions of Section 163(e)(5), Title 14, CAC, regarding the individual roundhaul vessel quotas for the commercial herring fishery. Under existing regulations (Section 163(e)(5), Title 14, CAC), lampara and purse seine permittees may not take more than 78 tons of herring per vessel per season. An order of the Superior Court of the State of California, for the City and County of San Francisco in San Francisco Bay Herring, et al. v. Fish and Game Commission, et al., on February 17, 1987, directed the Commission and Department to repeal Section 163(e)(5), Title 14, CAC.

As a result of the judicial action, lampara and purse seine boat quotas in the 1986-87 fishery reverted back to 60 tons of herring per vessel per season, as previously provided by Commission regulations. Commissioners were provided copies of the Department's pre-publication notice and pre-adoption statements as well as the text of the regulations in strike-out and underline format.

It was then:

MOVED BY MR. MC CRACKEN, SECONDED BY MR. MURDY, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE AUTHORITY VESTED BY SECTIONS 1050 AND 8550 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET AND MAKE SPECIFIC SECTIONS 8550-8559 OF SAID CODE HEREBY AMENDS SECTION 163(e)(5), TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, REGARDING INDIVIDUAL ROUNDHAUL VESSEL QUOTA AS FOLLOWS:

Section 163(e)(5), Title 14, CAC, is amended to read:

(5) Lampara and purse seine permittees may not take more than 78 60 tons of herring per vessel per season. All herring landed in excess of any established vessel quota shall be forfeited to the department by the signing of an official release of property form. Such fish shall be sold or disposed of in a manner determined by the department. The proceeds from all such sales shall be paid into the Fish and Game Preservation Fund.

Authority: Sections 1050 and 8550, Fish and Game Code.
Reference: Sections 8550-8559, Fish and Game Code.

31. DEPARTMENT REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO AMEND SECTION 670.5, TITLE 14, CAC, RE: ADDING GILDED NORTHERN FLICKER (Colaptes auratus chrysoides); GILA WOODPECKER (Melanerpes uropygialis); AND ARIZONA BELL'S VIREO (Vireo bellii arizonae) TO THE LIST OF ENDANGERED SPECIES.
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The Department is requesting that the Commission authorize its staff to publish notice of its intent to amend Section 670.5, Title 14, CAC, to add gilded northern flicker (Colaptes auratus chrysoides), gila woodpecker (Melanerpes uropygialis), and Arizona Bell's vireo (Vireo bellii arizonae) to the list of endangered species. This item will be considered at the Commission's August 28, 1987 meeting in San Luis Obispo.

It was then:

MOVED BY MR. MC CRACKEN, SECONDED BY MR. MURDY, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES ITS CONSENT CALENDAR RELATING TO ITEMS 25-28 AND 30-31 AS SET FORTH IN THE COMMISSION'S ANALYSIS.

PASSED UNANIMOUSLY.

29. REQUEST OF DANIEL J. CRIVELLO (SON), CORTE MADERA, FOR AN EXCHANGE OF HIS XH COMMERCIAL HERRING PERMIT FOR DANIEL V. CRIVELLO'S (FATHER) EVEN COMMERCIAL HERRING PERMIT.
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Mr. Cribbs stated that Daniel J. Crivello, Corte Madera, had requested an exchange of his XH commercial herring permit for his father's (Daniel V. Crivello) even permit. He pointed out that the Commissioners had been provided with a copy of Daniel J. Crivello's request. He noted that Mr. Crivello's request was based upon the fact that fishing competition and effort was usually less intense in the XH herring fishery (December) than it was in the odd/even herring fishery (January-March). Consequently, his elderly father would like to participate in a segment of the fishery where the physical demands and stress would be less.

Deputy Director Fletcher stated the Department had reviewed Daniel J. Crivello's request and had discussed the proposal with the Director's Herring Advisory Committee. He stated that based upon the Department's review and the concurrence of the Director's Herring Advisory Committee, the Department recommended the Commission approve Mr. Crivello's request.

Commissioner McCracken asked if the Commission had authority to hear this request, and if the Commission granted the request, would that provide an unfair advantage to Daniel Crivello in entering the odd-even platoons. Deputy Director Fletcher stated it would not add another permittee to the herring fishery, but it was just an exchange between father and son. Denis Smaage indicated that he needed to research Commissioner McCracken's request further, and would be able to provide a response at the next Commission's meeting.

It was then:

MOVED BY MR. MC CRACKEN, SECONDED BY MR. MURDY, THAT THE FISH AND GAME COMMISSION HEREBY POSTPONES ACTION ON THE REQUEST OF DANIEL J. CRIVELLO, CORTE MADERA, FOR EXCHANGE OF HIS XH COMMERCIAL HERRING PERMIT FOR HIS FATHER'S (DANIEL V. CRIVELLO) EVEN PERMIT UNTIL ITS AUGUST 7, 1987 MEETING IN SACRAMENTO.

PASSED UNANIMOUSLY.

LICENSE AND PERMIT CONSIDERATIONS

32. REQUESTS FOR WAIVERS OF 1986-87 COMMERCIAL ABALONE LANDING REQUIREMENTS.

The Executive Secretary reminded the Commission that Section 100 (b)(1)(A), Title 14, CAC, required any person who applied for an abalone diving permit to have held such a permit for the previous season, and further that he/she shall have landed 6,000 pounds of abalone or made 20 landings for each of which an official receipt (pink ticket) was received by the Department. He stated those failing to meet the minimum landing requirements were denied a permit by the Department with the opportunity to appeal such a denial to the Commission.

Mr. Cribbs stated that Gary M. Kvistad, an attorney representing Robert McMillan, had requested an opportunity to speak to the Commission regarding the reissuance of a abalone permit to Robert McMillan.

Gary Kvistad stated that he was an attorney representing Robert McMillan who had been an active abalone diver for 22 years prior to his wife's death and subsequently needs to be at home to raise his two young children. He indicated that through Mr. McMillan's many years of abalone diving prior to the current legislation restricting the number of abalone permits, Mr. McMillan had acquired a vested property right for issuance of a abalone permit under the same conditions as were previously applied to him. He explained that notwithstanding Robert McMillan's vested right, he qualified as a prior permittee, since the nonuse of his abalone permit was due to circumstances beyond his control. He stated that accordingly, it was respectively requested that Robert McMillan be issued an abalone permit. He noted that Mr. McMillan was an environmentalist and had been instrumental in protecting and promoting the growth of abalone and other sea life by his involvement in the California Abalone Association. Moreover, he noted that the present permit issuance requirements could not be applied to Mr. McMillan, since they would deprive him of his vested property right to obtain an abalone diving permit. He stated that Mr. McMillan would, of course, conduct his abalone diving in accordance with current regulations pertaining to season and size limits and other applicable rules.

Mr. Kvistad stated that Robert McMillan's nonuse of a permit was due to extenuating circumstances beyond his control. He explained that Mr. McMillan's wife died of cancer leaving him with the sole responsibility of caring for and raising their children. He said due to these unexpected and uncontrollable circumstances, Robert McMillan temporarily ceased diving in order to be near his children and care for their daily needs. He noted now that his children

had grown up, Mr. McMillan sought to continue abalone diving as he had prior to the devastating loss of his wife. He pointed out that this situation was beyond Mr. McMillan's control and his actions were more than reasonable under the circumstances.

Mr. Cribbs stated the legislation which authorized the existing regulations became effective in 1978, and a lottery system if any permits were available. He said that legislation also established an appeal process for prior permittees who had failed to meet the landing requirements. He asked if Mr. McMillan had ever participated in the abalone permit lottery. Mr. Kvistad stated Mr. McMillan had not participated in any previous lottery. Denis Smaage stated his immediate interpretation was that Mr. Kvistad was confused regarding the definition of a vested right for Mr. McMillan. He pointed out that if Mr. McMillan had a vested right after the Legislature had adopted the limited entry in the abalone fishery, it would not allow for a workable situation after that legislation became effective, as any number of people could come back to the Commission stating they had been a prior fisherman and had a vested right in the industry.

Mr. Kvistad stated Mr. McMillan had been in the fishery for 22 years, and had not been there just a short period of time, but that abalone diving was his livelihood prior to his wife's death. DeWayne Johnston stated it would be helpful if Mr. McMillan could have produced any pink tickets for any of his landings prior to 1976. He indicated that, based on the information presented to date, the Department recommended denial of Mr. McMillan's request. Deputy Director Fletcher reiterated the fact that the Legislature, several years ago adopted the existing regulations which provided for a limited entry in the commercial abalone fishery.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT
THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST
OF ROBERT MC MILLAN, SANTA BARBARA, FOR A WAIVER OF THE
COMMERCIAL ABALONE LANDING REQUIREMENTS AND FOR
REINSTATEMENT OF HIS ABALONE PERMIT.

PASSED UNANIMOUSLY.

The Executive Secretary told Mr. McMillan he should contact the Department's Long Beach office, and submit an application for the abalone permit lottery.

33. REVOCATION OF SEA URCHIN PERMIT OF BRYAN EDWARD BOWIE, SANTA BARBARA.

The Executive Secretary stated that the Department had requested the Commission revoke the sea urchin permit of Bryan Edward Bowie, Santa Barbara. He indicated the Department predicated this request upon the fact that on September 28, 1986, Mr. Bowie was contacted at Santa Cruz Island onboard the fishing vessel "BLUE ANGEL". Members of the crew were involved in taking sea urchins, and there were several hundred pounds of urchins on board at the time of the contact. Also aboard were two red abalone, a violation of the condition of the sea urchin permit. On October 29, 1986, in the South Coast Municipal

Court, Santa Barbara, Mr. Bryan Edward Bowie plead guilty to a violation of Section 120.7(f)(1), Title 14, CAC, possession of abalone aboard a boat used to take sea urchins on any day sea urchins have been taken. (He was fined \$50.00; he has no prior convictions.) Mr. Cribbs noted that a certified letter had been sent to Mr. Bowie notifying him of the possible action to be taken by the Commission.

Bryan Edward Bowie stated at the time of the citation, his boat did not have any food on board. He noted that the weather conditions were bad and they needed to stay at Santa Cruz Island until the weather cleared up. He stated he knew it was wrong to take the abalone, but since they had no provisions, his crew needed something to eat; and therefore, brought the abalone on board their boat.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT
THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE
COMMERCIAL SEA URCHIN PERMIT OF BRYAN EDWARD BOWIE,
SANTA BARBARA, FOR A PERIOD OF TEN DAYS OR UNTIL
JULY 7, 1987.

PASSED UNANIMOUSLY.

34. REQUEST OF VITO GIOIELLO AND RENE LOPEZ, SAN PEDRO, TO APPEAL DEPARTMENT'S DENIAL OF THEIR APPLICATIONS FOR A DRIFT GILL NET SHARK AND SWORDFISH PERMITS.
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Mr. Cribbs stated that Vito Gioiello and Rene Lopez, San Pedro, had requested an opportunity to appeal the Department's denial of their applications for drift gill net shark and swordfish permits. He pointed out that the Commissioners had been provided with copies of their requests as well as additional background information on this matter.

Vito Gioiello

Mr. Cribbs stated that Mr. Gioiello had provided a letter dated May 18, 1987, which read in part as follows:

"This is to advise you that, since my boat sank, I was unable to renew my shark and swordfish license (D-ID 02620) drift gill net permit.

"Be advised that my nephew is presently in escrow purchasing the fishing boat 'VANESSA'. This is the boat that I will be using my license to fish. Gordan Cribbs from the Department of Fish and Game advised me to write you directly to inform you of this in order that I may renew my license.

"Please advise if any additional information is needed at this time."

Mr. Cribbs then indicated that on June 10, 1987, Mr. Gioiello met with Commissioners Taucher and Murdy in Long Beach to provide testimony on this issue, and that the subcommittee recommended approval of Mr. Gioiello's request.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF VITO GIOIELLO, SAN PEDRO, FOR ACCEPTANCE OF HIS RENEWAL APPLICATION OF A DRIFT GILL NET SHARK AND SWORDFISH PERMIT. FURTHER, THE COMMISSION ADMONISHED MR. GIOIELLO THAT, IN THE FUTURE, HE TAKE EVERY PRECAUTION TO MAKE SURE THAT HIS APPLICATION IS SUBMITTED ON TIME.

PASSED UNANIMOUSLY.

Rene Lopez

The Executive Secretary stated Mr. Lopez had submitted a letter to the Commission indicating he had financial difficulty, and was unable to renew his permit on time. Mr. Cribbs indicated the Department had reviewed Mr. Lopez' request and recommended approval.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF RENE LOPEZ, SAN PEDRO, FOR ACCEPTANCE OF HIS RENEWAL APPLICATION OF A DRIFT GILL NET SHARK AND SWORDFISH PERMIT. FURTHER, THE COMMISSION ADMONISHED MR. LOPEZ THAT, IN THE FUTURE, HE TAKE EVERY PRECAUTION TO MAKE SURE THAT HIS APPLICATION IS SUBMITTED ON TIME.

PASSED UNANIMOUSLY.

35. REQUEST OF WILFRED HYZER, BISHOP, FOR REINSTATEMENT OF TRAPPING PRIVILEGES.

The Executive Secretary stated that Wilfred Hyzer, Bishop, had requested an opportunity to appear before the Commission to show cause why his trapping privileges should be reinstated. He pointed out that the Commissioners had been provided with a copy of Mr. Hyzer's letter. Mr. Cribbs indicated that the Commission's action was predicated upon the fact that Mr. Hyzer had been convicted on December 29, 1986 in the Mono County Justice Court for having a trap set within 30 feet of exposed bait. Pursuant to Section 12156 of the Fish and Game Code, Mr. Hyzer's privileges had been revoked for three years. Mr. Cribbs indicated that Mr. Hyzer had a prior arrest for violation of Section 465.5(c), Title 14, CAC, failure to visit traps as required.

Wilfred Hyzer stated his first violation regarding failure to visit his traps on a daily basis was due to the fact that he was in the hospital on an emergency and could not check his traps. He explained that the second violation was because he had caught a rabbit in one of his traps and had not thrown it far enough from his trap line; and therefore, it was within 30 feet of his trap. He requested that his trapping privileges be reinstated, and that he would abide by all Fish and Game laws in the future.

DeWayne Johnston stated that Mr. Hyzer had two violations within a two year period; and therefore, the Department recommended the full three-year revocation. Mr. Hyzer stated that trapping was very important to him, and he had been trapping since the age of nine. Mr. Cribbs asked how much income he derived from trapping. Mr. Hyzer stated that approximately 90 percent of his income was from his trapping. Mr. Cribbs asked what Mr. Hyzer would do if his trapping privileges were reinstated. Mr. Hyzer stated he would continue trapping and follow the letter of the law. Commissioner Murdy stated he would like to see the hospital records regarding Mr. Hyzer's emergency care before he made a decision.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT
THE FISH AND GAME COMMISSION HEREBY POSTPONES ACTION
ON THE REQUEST OF WILFRED HYZER, BISHOP, FOR REINSTATEMENT
OF HIS TRAPPING PRIVILEGES UNTIL ITS AUGUST 7, 1987 MEETING
IN SACRAMENTO.

PASSED UNANIMOUSLY.

36. REVOCATION OF SALMON VESSEL PERMITS OF PERMITTEES WHO FAILED TO SUBMIT
TIMELY APPLICATIONS FOR RENEWAL OF PERMITS FOR 1987-88.

The Executive Secretary pointed out that the Commissioners were provided with a copy of Section 8237 of the Fish and Game Code, which provided for the revocation of salmon vessel permits of permittees who failed to submit their applications for renewal of permits prior to May 1 of each year. He indicated that there were about 214 individuals who failed to submit their applications by May 1, 1987. He noted that certified letters had been sent to each of these individuals notifying them of the fact that the Commission had intended to consider the revocation of their commercial salmon vessel permits pursuant to the provisions of Section 8237, and they had been afforded an opportunity to show cause why that action should not be taken at the June 26, 1987 meeting.

Mr. Cribbs noted there were eight individuals who had notified the Commission office they would appear at the Commission's June 26 meeting to discuss their reasons for not submitting their applications by the May 1 deadline.

Charles Watson

Charles Watson stated he had went to Alaska in February to fish. He indicated the Department would not renew his salmon fishing permit or salmon vessel permit that early; and therefore, he left money with a friend to renew his licenses. He explained that his friend had been killed in an accident; and therefore, his salmon vessel permit was not renewed on time.

Robert Rawstron stated that the Department recommended reinstatement of Mr. Watson's commercial salmon vessel permit, but that he should be admonished that in the future, his permit should be renewed by the deadline.

It was then:

MOVED BY MR. MC CRACKEN, SECONDED BY MR. MURDY, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF CHARLES WATSON FOR APPROVAL OF HIS APPLICATION FOR A COMMERCIAL VESSEL PERMIT AS OF JUNE 26, 1987. FURTHER, THE COMMISSION ADMONISHES CHARLES WATSON THAT ANY FUTURE FAILURE ON HIS PART TO OBTAIN HIS PERMIT IN A TIMELY FASHION, WHICH IS REQUIRED BY LAW, WOULD LEAD TO THE PERMANENT REVOCATION OF HIS COMMERCIAL SALMON VESSEL PERMIT.

PASSED UNANIMOUSLY.

Jack Dickerson

Hank Hirsch stated he was speaking on behalf of Jack Dickerson. He indicated that Mr. Dickerson had been in the hospital for several months for a severe circulatory problem. He explained that Mr. Dickerson was improving, but was unable to take care of his business matters during the time of his hospitalization. The Executive Secretary asked Mr. Hirsch if there was any relative of Mr. Dickerson who was taking care of his business matters. Mr. Hirsch indicated that Mr. Dickerson's wife and son-in-law were opening Mr. Dickerson's mail, but the renewal applications were overlooked.

Robert Rawstron stated the Department recommended revocation of Mr. Dickerson's permit as his wife or son-in-law could have purchased the commercial salmon vessel permit in Eureka prior to the deadline.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE COMMERCIAL SALMON VESSEL PERMIT PRIVILEGES OF JACK DICKERSON FOR A PERIOD OF ONE YEAR OR UNTIL MAY 1, 1988. FURTHER, THE COMMISSION REQUIRES, AS A CONDITION OF THAT SUSPENSION, THAT JACK DICKERSON PAY THE FEES OF HIS 1987-88 COMMERCIAL SALMON VESSEL PERMIT IMMEDIATELY, AND HE APPLY FOR AND PAY THE FEES FOR HIS 1988-89 PERMIT PRIOR TO MAY 1, 1988.

PASSED UNANIMOUSLY.

Barry Marco

Barry Marco stated his wife had been in the hospital since March, and during that time, he had limited funds available for the renewal of his commercial salmon vessel permit. He indicated he had received his renewal letter from the Department but felt he had plenty of time and would renew it prior to the deadline. He explained, however, that he had been preoccupied with his wife's illness, and when the time came, he had forgotten about renewing his commercial salmon vessel permit.

Mr. Cribbs asked Mr. Marco if he had another occupation, and, if so, how much income did he derive from his commercial salmon fishing venture.

Mr. Marco stated he was a licensed engineer, and at the present time, he received a very small portion of his total income from commercial salmon fishing. He explained, however, that he would like to retire as an engineer in the near future and devote more time to commercial salmon fishing.

The Executive Secretary stated the Legislature had established a limited entry for the commercial salmon fishery. He noted that in order to keep the number of fishermen down to a certain level the Legislature had required renewal deadlines, and until last year, there was an automatic revocation of commercial salmon vessel permits of those permittees who failed to renew their applications prior to May 1. Zeke Grader stated he wished to make a point of clarification. He explained that the intent of the legislation was to fix the number of permittees, and allow a limited number back into the fishery to determine the best way to manage the fishery.

The Executive Secretary asked Mr. Marco what kind of assurance he could make to the Commission that in the future he would heed the Department's letters and renew his permit on time. Mr. Marco stated he had been out of the fishery for two months, and he had lost a considerable amount of income. He indicated that in the future, he would abide by all requirements for renewal of his permit.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE COMMERCIAL SALMON VESSEL PERMIT PRIVILEGES OF BARRY MARCO FOR A PERIOD OF ONE YEAR OR UNTIL MAY 1, 1988. FURTHER, THE COMMISSION REQUIRES, AS A CONDITION OF THAT SUSPENSION, THAT BARRY MARCO PAY THE FEES OF HIS 1987-88 COMMERCIAL SALMON VESSEL PERMIT IMMEDIATELY, AND HE APPLY FOR AND PAY THE FEES FOR HIS 1988-89 PERMIT PRIOR TO MAY 1, 1988.

PASSED UNANIMOUSLY.

Ocean Farms Inc. (Pat Horton)

The Executive Secretary stated that the Commissioners had been provided with background information on Mr. Horton's renewal application. He explained that Mr. Horton's application had been mailed on time, however, the application was mailed to Redding instead of Sacramento. He pointed out that part of the Commissioner's informational package on this matter included a xerox copy of the envelope and postmark of Mr. Horton's permit.

It was then:

MOVED BY MR. MC CRACKEN, SECONDED BY MR. MURDY, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF OCEAN FARMS, INC., (PAT HORTON) FOR APPROVAL OF THEIR APPLICATION FOR A COMMERCIAL VESSEL PERMIT AS OF JUNE 26, 1987. FURTHER, THE COMMISSION ADMONISHES

OCEAN FARMS THAT ANY FUTURE FAILURE ON THEIR PART TO OBTAIN THEIR PERMIT IN A TIMELY FASHION, WHICH IS REQUIRED BY LAW, WOULD LEAD TO THE PERMANENT REVOCATION OF THEIR COMMERCIAL SALMON VESSEL PERMIT.

PASSED UNANIMOUSLY.

Roland Hill

Roland Hill indicated he had been in the process of moving to Jackson, and his mail was slow in being forwarded to his new address. He explained that he had not received his renewal application until after the May 1 deadline.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF ROLAND HILL FOR APPROVAL OF HIS APPLICATION FOR A COMMERCIAL VESSEL PERMIT AS OF JUNE 26, 1987. FURTHER, THE COMMISSION ADMONISHES ROLAND HILL THAT ANY FUTURE FAILURE ON HIS PART TO OBTAIN HIS PERMIT IN A TIMELY FASHION, WHICH IS REQUIRED BY LAW, WOULD LEAD TO THE PERMANENT REVOCATION OF HIS COMMERCIAL SALMON VESSEL PERMIT.

PASSED UNANIMOUSLY.

James Kennedy

James Kennedy indicated he had recently purchased a commercial salmon fishing vessel, and it was his understanding the commercial salmon vessel permit was valid. He indicated he purchased the boat on April 27, 1987; and therefore, did not know about renewing the permit until after the deadline.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF JAMES KENNEDY FOR APPROVAL OF HIS APPLICATION FOR A COMMERCIAL VESSEL PERMIT AS OF JUNE 26, 1987. FURTHER, THE COMMISSION ADMONISHES JAMES KENNEDY THAT ANY FUTURE FAILURE ON HIS PART TO OBTAIN HIS PERMIT IN A TIMELY FASHION, WHICH IS REQUIRED BY LAW, WOULD LEAD TO THE PERMANENT REVOCATION OF HIS COMMERCIAL SALMON VESSEL PERMIT.

PASSED UNANIMOUSLY.

The Executive Secretary asked if there were any additional salmon vessel permittees who had not renewed their permit by the May 1 deadline, and wished to speak to the Commission regarding that matter at this time. No additional commercial salmon vessel permittees came forward to discuss this matter with the Commission.

OTHER

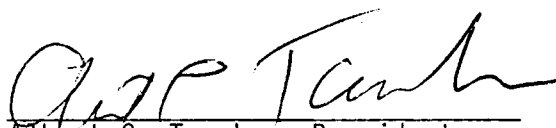
37. ANNOUNCEMENT OF FUTURE MEETINGS.

8/7/87 (9:00 am)	Auditorium, Resources Bldg. 1416 Ninth Street Sacramento
8/27/87 (1:00 pm)	Hearing Room 202 County Courthouse 979 Osos Street San Luis Obispo
8/28/87 (8:00 am)	Board of Supervisors Chambers County Government Center 1050 Monterey Street San Luis Obispo
10/2/87 (8:00 am)	City Council Chambers 333 W. Ocean Blvd. Long Beach
11/10/87 (9:00 pm)	Board of Supervisors Chambers County Administration Center 1600 Pacific Hwy., Rm 358 San Diego
12/4/87 (9:00 am)	Auditorium, Resources Bldg. 1416 Ninth Street Sacramento


There being no additional items before the Commission, the meeting was adjourned at 3:00 p.m.

(Note: Copies of the environmental reports with respect to items considered by the Commission at this meeting and responses to alternatives proposed by the public are available upon request from the Fish and Game Commission office, 1416 Ninth Street, Box 944209, Sacramento, CA 94244-2090)

APPROVED:


Albert C. Taucher, President

ATTEST:


Harold C. Cribbs, Executive Secretary
Minutes of June 25-26, 1987

Gamil Azmy, Boulder Creek - Permit No. 12777

The Executive Secretary stated the Department had requested that the commercial salmon vessel permit for Gamil Azmy be revoked. He indicated that the Department predicated its request on the following information:

On March 29, 1985, Gamil Azmy, 17155 Bear Creek Road, Boulder Creek, CA 95006, paid \$280 by check to register his boat "SALMON SCOOTER," No. 12777. The bank would not honor his check. His boat sank shortly thereafter. To date, the Department has not collected the \$280.

On April 29, 1986, Mr. Azmy paid \$305 by check to register his boat "SALMON SCOOTER". This check also was not honored by the bank. Mr. Azmy's salmon vessel registration should have been revoked at that time.

On March 9, 1987, the Fiscal and Administrative Services Branch of the Department of Fish and Game made Wildlife Protection Division aware of this problem. The Department was now requesting that salmon vessel registration Number 12777 be revoked pursuant to Section 8237 of the Fish and Game Code.

Mr. Cribbs pointed out that the Commissioners had been provided with a copy of the Department's request for the revocation of Gamil Azmy's commercial salmon vessel permit. The Executive Secretary asked if Gamil Azmy was present, and there was no response.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE PROVISIONS OF SECTION 8237 OF THE FISH AND GAME CODE, HEREBY REVOKES THE COMMERCIAL SALMON VESSEL PERMIT OF GAMIL AZMY, BOULDER CREEK, BASED UPON THE FACT THAT MR. AZMY PAID FOR HIS PERMIT FOR TWO YEARS WITH A PERSONAL CHECK AND DID NOT HAVE SUFFICIENT FUNDS TO COVER IT; AND THEREFORE, ACQUIRED HIS PERMIT UNDER FRAUDULENT MEANS.

PASSED UNANIMOUSLY.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE PROVISIONS OF SECTION 8237 OF THE FISH AND GAME CODE, HEREBY REVOKES THE COMMERCIAL SALMON VESSEL PERMITS OF THOSE INDIVIDUALS WHO FAILED TO SUBMIT THEIR APPLICATIONS PRIOR TO THE MAY 1, 1987 DEADLINE AND FAILED TO APPEAR AT THE COMMISSION'S JUNE 26, 1987 MEETING IN SOUTH LAKE TAHOE TO SHOW CAUSE WHY THEIR COMMERCIAL SALMON VESSEL PERMIT PRIVILEGES SHOULD NOT BE REVOKED.

PASSED UNANIMOUSLY.