

State of California
FISH AND GAME COMMISSION

APR.
9-10

Minutes, Meeting of April 9-10, 1987

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State of California
FISH AND GAME COMMISSION

Minutes, Meeting of April 9, 1987

Pursuant to the call of the President, the Commission met in the Auditorium, Room 102, Office Building 8, 714 P Street, Sacramento, California, on April 9, 1987. The meeting was called to order at 1:15 p.m. by President Taucher.

Persons present:

FISH AND GAME COMMISSION

Albert C. Taucher	President
Abel C. Galletti	Vice President
Robert A. Bryant	Member
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

Jack C. Parnell	Director
Pete Bontadelli	Chief Deputy Director
Paul Jensen	Deputy Director
Robert Rawstron	Chief, Inland Fisheries Division
DeWayne Johnston	Chief, Wildlife Protection Division
Al Petrovich	Chief, Marine Resources Division
Bill Grenfell	Fish and Wildlife Manager

The following persons were also present and heard:

Robert S. Juntz	Ocean Fresh Seafood
Mark Evanoff	Independent Sea Urchin Fishermen's Association
Bruce Steele	Calif. Urchin Divers Assn. (CUDA)
Tom Trumper	Southern Calif. Urchin Divers
Erland Renslo	Falconer
Barry Canevaro	Calif. Striped Bass Assn.
Harold Edgar	Sportsman
Mark Farrington	Sportsman
Cindy Williams	Administrative Aide to Assemblyman Campbell
Jim Garry	Falconer

Ralph Kantz
Zeke Grader

Stephanie Thornton
Ed Lusk
Donald Pirog
Frank Cronin

United Anglers
Pacific Coast Federation of
Fishermen's Assn.
Coastal Fisheries Foundation
Commercial Abalone Diver
Commercial Abalone Diver
Commercial Abalone Diver

President Taucher introduced members of the Commission, its staff, Director Parnell, Chief Deputy Director Bontadelli, Deputy Director Jensen and Denis Smaage of the Attorney General's office.

1. READING AND APPROVAL OF MINUTES OF FEBRUARY 5-6, 1987 MEETING.

The Executive Secretary pointed out that copies of the minutes of the February 5-6, 1987 meeting had been distributed to members of the Commission and staff knew of no errors or omissions therein, and suggested that reading be dispensed with and they be approved in their present form.

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. MC CRACKEN, THAT
INASMUCH AS THE MINUTES OF THE FEBRUARY 5-6, 1987 MEETING
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: (1) legislative update; (2) budget update; (3) salmon poisoning danger to Donner area dogs; (4) net fishing closed to protect sea birds and porpoises; (5) U.C. Davis ducks suffer fatal virus; (6) artificial reef program continues to build; (7) derelict KELCO barge sunk for sport fishing habitat; (8) 22 suspects arrested in special teams undercover operations; and (9) the Pacific sardine fishery.

Mr. Cribbs pointed out that typically, the discussion of these informational items was held at the end of the meeting to provide the Commissioners an opportunity to review those items.

3. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.

The Executive Secretary stated that this item had been scheduled for the Commission to receive informational items from its staff and to afford the Commission the opportunity to discuss items with the Department. The Commission had no discussion items to bring up at this time.

4. STATUS REPORTS: "IMPLEMENTATION OF HARDWOODS POLICY" AND "THE STATE BOARD OF FORESTRY'S POLICY ACTION REGARDING PROTECTION OF HARDWOODS".

The Executive Secretary stated that the purpose of this agenda item was for the Department to brief the Commission on the status of implementation of the Commission's hardwood policy and to formally report on the action taken by the state Board of Forestry pertaining to its policy on the protection of hardwoods. He pointed out that the Commissioners had been provided with copies of two Board of Forestry's hardwoods management documents: (1) "Status Report of the Hardwoods Resource of California"; and (2) "Policy Options for California Hardwoods".

Deputy Director Jensen stated that on February 3, 1987, the Board of Forestry acknowledged its authority to regulate the harvest of hardwoods under the Forest Practices Act. He noted, however, that the Board decided to proceed with development of a policy featuring an educational approach to hardwood conservation without declaring hardwoods as a commercial timber product. He pointed out that the Board adopted a resolution to that effect at its February 3 meeting. He explained that in addition to the recent action taken, the Board of Forestry expressed its intention to periodically review the effectiveness of its policy approach to the protection of hardwoods recognizing that the Board may, at any time, reconsider the appropriateness of declaring hardwoods as a commercial crop; thereby initiating regulations for its harvest under the Forest Practices Act. He summarized by saying that the Department of Forestry, the University of California Cooperative Extension and the Department were mutually developing an agreement that identified and assigned the various responsibilities for a plan for hardwood protection as required by the Board of Forestry.

Commissioner Bryant asked if the Board would ever adopt regulations pertaining to hardwood protection. Mr. Jensen stated that as additional information became available, the Board of Forestry could in the future adopt regulations. Commissioner Galletti asked how the Board's actions on February 3 complied with Commission policy. Deputy Director Jensen stated that the Board's actions did not contradict the Commission's policy and that the Board was taking a cautious approach in dealing with the protection of hardwoods.

5. DEPARTMENT'S 1986 ANNUAL ENDANGERED SPECIES REPORT.

The Executive Secretary reminded the Commission that at its March 6, 1987 meeting in Redding, it was provided with a copy of the Department's "1986 Annual Endangered Species Report". He noted that this agenda item had been scheduled to afford the Commission an opportunity to ask any questions it might have regarding this document. Commissioner Bryant commended the Department on its report as he thought the document was very well done. He noted, however, that it would be helpful to him if the Department could include photographs of some, if not all of the endangered species. Bill Grenfell indicated that there were 252 plant species at this time and it would be very expensive to include photographs for all of those species, but he would determine if the Department could include ink drawings of those species in future reports. Mr. Cribbs pointed out that he could locate a publication that had photographs of most of those species and provide it to the Commission.

Commissioner Galletti asked how much staff time was involved from the Department in moving any endangered plants which could be destroyed by a proposed development. Mr. Grenfell indicated that he was unaware of any staff time being spent in moving plants. Commissioner Galletti asked why list a plant as an endangered species if the Department was not going to do something with it if it was threatened by a development. Mr. Cribbs indicated that by listing the species, it allowed decision makers during the CEQA process to work out the details of protection of these plants and that in many cases, the development was modified to not adversely impact an endangered species. Pete Bontadelli concurred and stated that in the consultation requirements, the Department worked with the developer during the CEQA process and the protection of the species was actually handled prior to any work commencing on a project.

6. DEPARTMENT'S COMMENTS RE: MENDOCINO AND INYO NATIONAL FORESTS' DRAFT LAND AND RESOURCE MANAGEMENT PLANS AND ENVIRONMENTAL IMPACT STATEMENTS.

Mr. Cribbs indicated that the purpose of this agenda item was to afford the Commission the opportunity to discuss the Department's comments on the Mendocino and Inyo National Forests' Draft Land and Resource Management Plans and Environmental Impact Statements. He pointed out that the Commissioners had been provided with copies of those documents. The Executive Secretary asked the Commission if it could support the Department's comments on these plans. The Commission concurred that it could support the Department's comments. Commissioner Bryant stated that the Department had done a great job in preparing those comments and it was his hope that the U.S. Forest Service could implement those comments.

Commissioner Murdy asked if the Department's comments were ever taken to heart by the Forest Service. Chief Deputy Director Pete Bontadelli stated that the Department would not know for certain until the final EIS was written by the Forest Service, but that the Department believed the Forest Service was accepting its comments in good faith. He pointed out that progress had been made, and that the Department was continually meeting with the Forest Service to reach a mutual agreement on these issues.

7. RECEIPT OF PETITION FROM NATURAL SALES NETWORK AND OCEAN FRESH SEAFOODS AND COMMENTS FROM THE CALIFORNIA URCHIN DIVERS ASSOCIATION RE: "STATUS OF THE COMMERCIAL SEA URCHIN RESOURCE".

The Executive Secretary reminded the Commission that at its March 6, 1987 meeting in Redding, an item was scheduled to receive a report and petition from the Commercial Sea Urchin Industry (Natural Sales Network and Ocean Fresh Seafoods) regarding the status of central and north coast sea urchin resources. He indicated that the Department was currently evaluating that report and petition. He pointed out that the Commissioners had been provided with copies of that report and petition as well a copy of a report from the the California Urchin Divers Association regarding the status of California sea urchin resources. He noted that the purpose of this agenda item was to receive that report and to schedule a discussion of the combined reports at the Commission's May 14-15 meeting in Newport Beach. He explained that in the interim, the Department would evaluate the subject reports and be prepared to present its recommendations to the Commission at the meeting in Newport Beach.

8. REQUEST OF ERLAND RENSLO, CALIFORNIA HAWKING CLUB, SACRAMENTO, FOR AMENDMENT OF SECTION 670(c), TITLE 14, CAC, RE: THE USE OF PRAIRIE FALCONS (Falco mexicanus) FOR FALCONRY PURPOSES.

Mr. Cribbs reminded the Commission that at its February 6, 1987 meeting in Long Beach, it received a request from Erland Renslo, California Hawking Club, Sacramento, for an amendment of Section 670(c), Title 14, CAC, regarding the use of prairie falcons (Falco mexicanus) for falconry purposes. He explained that the Commission at that time referred the request to the Department's Raptor Advisory Committee for review and comment. He noted that the purpose of this agenda item was to discuss the recommendations of the Raptor Advisory Committee and from the Department. He pointed out that should the Commission desire to pursue this issue, the matter before it would be for authorization to its staff to publish notice of its intent to amend Section 670(c) to implement the recommendation of the California Hawking Club. He indicated that the Commissioners were provided with copies of the California Hawking Club's letter of December 29, 1986 regarding this matter.

Erland Renslo commended the Department for working closely with the California Hawking Club concerning its recommendation. He explained that progress had been made with the Department, and at this time it was unnecessary to pursue the California Hawking Club's request for amendment to Section 670(c). He noted that the Department would be issuing additional capture permits; and therefore, the concerns of the California Hawking Club had been alleviated.

9. AMENDMENT OF SECTION 670(c), TITLE 14, CAC, RE: TO PROHIBIT THE TAKE OF NORTHERN GOSHAWK (Accipiter gentilis) IN INYO AND MONO COUNTIES FOR FALCONRY PURPOSES.

The Executive Secretary reminded the Commission that at its February 6, 1987 meeting, it was scheduled to take final action regarding the proposed amendments to Section 670(c), Title 14, CAC, to prohibit the take of northern goshawk (Accipiter gentilis) in Inyo and Mono counties for falconry purposes. He noted that at that hearing, the Commission was informed that additional changes in that proposal were necessary and that the changes needed to be sent out to the public for 15-day review. He explained that the matter before the Commission was for final action subsequent to that additional 15-day review. He pointed out that the Commissioners had been provided with copies of the Department's pre-publication of notice statement as well as the modified text of the regulations in strike-out and underline format. He noted that the Commission had not received any additional correspondence on this matter subsequent to the February 6 meeting, and that the matter before the Commission was for final adoption.

Mr. Cribbs indicated that the Department had provided the following recommendation:

"The Department supports the proposed amendments to Section 670(c), Title 14, CAC, which would close Inyo and Mono counties to the take of northern goshawks and provide additional clarifying language for the section."

Robert Juntz, Ocean Fresh Seafood, recommended that the number of permits be curtailed and that the Department study the sea urchin fishery. He noted that a study could be funded by an increase in the fish tax on sea urchins. He also noted that the processors, to some extent, could control the harvest of sea urchins.

Mark Evanoff, Independent Sea Urchin Fishermen's Association, provided the Commission with a copy of his Association's prepared proposal. He noted that they also requested a moratorium on the issuance of sea urchin permits. He explained that the Department should study the sea urchin resource during this moratorium and report to the Commission on any possible regulation changes that may be required. He pointed out that during the last year and a half, the number of boats anchored just at Noyo Harbor had increased from 12 to 38 boats.

Bruce Steele, California Urchin Divers Association, recommended that a moratorium be instituted as soon as possible. Commissioner Galletti asked what the going rate was for sea urchin roe. Mr. Steele stated that the processors could answer that question better; however, the highest price occurred during December. He stated that he believed the processors were receiving approximately \$50 per pound for roe during December. Mr. Juntz stated that was correct, but presently, they were receiving approximately \$10 per pound.

Tom Trumper, Southern California Urchin Divers, supported the moratorium and further study of the resource. He indicated that because of the influx of new divers, the quality of the product diminished until the divers became more experienced.

Commissioner Galletti cautioned the Commission and the Department to look at this question thoroughly. He noted that it appeared as if the fishermen were requesting that no more fishermen be allowed into the fishery. He pointed out that certain fisheries did not require limited entry, and that the Department must review the sea urchin fishery with care before it made its recommendation to the Commission. President Taucher stated that it seemed that there was agreement among all parties, unless there was a wildcat processor which could change that agreement. Mr. Juntz indicated that the industry could control that somewhat, but still needed assurance from the Commission that the existing conditions regarding the number of fishermen would remain constant until the Department had the opportunity to study the sea urchin resource and recommend any regulation changes which might be needed to protect the resource.

Commissioner Galletti stated that he could understand their concern about hitting a resource too hard, and looked forward to receiving the Department's comments on this item. The Executive Secretary indicated that he would contact all concerned individuals to inform them that this item would be discussed at the Commission's May 15, 1987 meeting in Newport Beach.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE AUTHORITY VESTED BY SECTIONS 355, 395, 1054.5 AND 3800 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SAID SECTIONS OF SAID CODE, HEREBY AMENDS SECTION 670(c), TITLE 14, CAC, TO PROHIBIT THE TAKE OF NORTHERN GOSHAWK IN INYO AND MONO COUNTIES FOR FALCONRY PURPOSES AND TO MAKE ADDITIONAL TECHNICAL CHANGES FOR CLARITY AND CONSISTENCY AS FOLLOWS:

Section 670(c), Title 14, CAC, is amended to read:

(c) Only the following raptors may be taken from the wild in California under authority of a falconry license [and as provided below]: Goshawk (~~Accipiter gentilis~~), [Northern Goshawk (Accipiter gentilis),] Cooper's hawk (~~A. Accipiter~~ [A.] cooperii), sharp-shinned hawk (A. striatus), red-tailed hawk (Buteo jamaicensis), ferruginous hawk (B. regalis), merlin (F. columbarius), American kestrel (F. sparverius), and great horned owl (Bubo virginianus).

[Northern goshawks may not be taken from the wild at any time in the counties of Inyo and Mono.]

Northern goshawks (~~Accipiter gentilis~~) and Pp[P]rairie falcons (Falco mexicanus) shall not be taken in California except as authorized by a capture permit issued by the department. Such permits may be obtained only from the headquarters Wildlife Protection Division, 1416 Ninth Street, Sacramento, California 95814, upon payment of a \$15.00 fee. All requests for northern goshawk and prairie falcon capture permits shall be in writing. The department shall not issue any northern goshawk or prairie falcon capture permit(s) unless it has been determined that such capture(s) will not adversely affect this state's northern goshawk or prairie falcon populations.

No person shall take any raptor unless he/she first obtains and possesses a numbered U.S. Fish and Wildlife Service marker supplied by the department. [.] for a fee of \$15.00. That marker shall be applied to one of the raptor's legs immediately after capture. All requests for U.S. Fish and Wildlife Service markers shall be in writing to Department of Fish and Game, Wildlife Protection Division, 1416 Ninth Street, Sacramento, California 95814.

The holder of an apprentice license may take and possess only a passage American kestrel (Falco sparverius) or red-tailed hawk (Buteo jamaicensis). Such a bird may only be taken from November 1 through January 31. Apprentice licensees may not take eyas raptors.

Passage birds may only be taken from November 1 through January 31, by general or master licensees. Eyas birds may only be taken by general or master licensees from April 19 through July 15.

Authority: Sections 355, 395, 1054.5 and 3800, Fish and Game Code.

Reference: Sections 355, 395, 396, 1054.5 and 3800, Fish and Game Code.

PASSED UNANIMOUSLY.

10. REQUEST OF T.G. MILLER, RIVER VALLEY FISH RANCHES, INC., PARKER, ARIZONA, FOR AUTHORIZATION TO IMPORT CHANNEL CATFISH FOR STOCKING PURPOSES AT HIS FACILITY NEAR BLYTHE.

The Executive Secretary stated that Mr. T.G. Miller, River Valley Fish Ranches, Inc., Parker, Arizona, had requested authorization to import channel catfish for stocking purposes at his facility near Blythe.

The following is a summary of Mr. Miller's letter:

"I am writing to you to request a variance from the Commission's current policy which prohibits importation of live catfish.

"I currently have about 30,000 channel catfish which were purchased exclusively from George Widman Fish Farm at Niland, California. These fish are stocked at my facility on the Colorado Indian Reservation near Parker, Arizona.

"It is my understanding that the ban on importation of catfish is to prevent the introduction of fish infected with channel catfish virus disease. I have taken the following steps to prevent the infection of my stock with CCVD and maintain optimal health:

"(1) All fish were purchased from George Widman who conducts an intensive annual study with the assistance of Martin Chen to ensure his broodstock is disease free;

"(2) The intake gate at my facility is equipped with fine mesh screens to prevent entry of unwanted fish;

"(3) My fish farm uses Colorado River water, as do all fish farms in Imperial Valley. Further, water is diverted directly from the main canal which ensures a continuous supply of high-quality water and leaves little chance of inadvertent contamination with pesticides;

"(4) I have spoken with Martin Chen and he has indicated that an on-site disease inspection of my operation would be possible.

"All fish to be imported will be stocked at a new fishout facility which myself and a partner are currently developing in Blythe. Hence, no impact on or competition with current California markets will occur.

"We expect to eventually raise all catfish for this operation within the California border. Therefore, importation from my Arizona location will only be temporary, perhaps one or two years.

"With this information, I am requesting to be listed on the agenda of the April 10 meeting of the Fish and Game Commission. Your consideration of this request will be appreciated."

Mr. Cribbs stated that the Department had reviewed Mr. Miller's request and provided the following recommendation:

"Mr. Miller has purchased 30,000 channel catfish from a California registered aquaculturist (George Widman, Fish Farm, Niland). They are being reared at Miller's facility on the Colorado Indian Reservation near Parker, Arizona. The proposal calls for the fish to be imported into California at a later date for stocking at a new fishout facility being developed near Blythe.

"The Department is opposed to the plan. Section 171, Title 14, CAC, prohibits the importation of live catfish into California. The purpose is to help control the spread of channel catfish virus, a disease classified as catastrophic by the Commission (Section 245, Title 14, CAC). The Commission made two exceptions to the catfish embargo at the request of aquaculturists operating in Nevada. Strict conditions were imposed; the most appropriate to Miller's request was one that stated 'All such channel catfish imported into California shall be transported directly to retail outlets and under no conditions shall they be released into any public or private waters'.

"The catfish were transported directly to small Asian-American grocery stores or restaurants for retail sale. However, the two Nevada operations are no longer importing catfish; one has switched from catfish to tropical fish and catfish at the other were found to carry positive antibodies for channel catfish virus.

"Mr. Miller's proposal would lead to the stocking of catfish into waters which we consider 'waters of the state'. The pond (or ponds) is exposed to the elements; and, although screened, is connected with the Colorado River. We are opposed to out-of-state catfish being stocked in such waters. Although the fish would originate from disease-free sources in California, it is difficult to control what happens in other states. There are simply too many opportunities for mistakes to be made."

Commissioner Galletti asked the Department why it recommended denial since there was a shortage of live catfish in the state. Robert Rawstron, Chief, Inland Fisheries Division, stated that Mr. Miller's request would put catfish into state waters via a catch-out pond. Director Parnell stated that the Department was also concerned with the channel catfish virus disease. Commissioner Galletti asked how the Department was policing that since he remembered other requests in the past where the Department was not inspecting all loads coming into the state. He pointed out that Mr. Miller would only be bringing in this load of catfish and would put them in a catch-out pond. In addition, he noted that the catfish had come from a California hatchery that was certified disease free, but raised in Arizona. He pointed out that Mr. Miller had indicated that the catfish were disease free.

Commissioner McCracken asked if there was a counterpart in Arizona similar to the Department's fish pathologist. Mr. Rawstron stated that he was certain that Arizona had fish pathologists, but would check on that for the Commission. Director Parnell stated that California was the only state that was certified free of channel catfish virus, and he was unwilling to risk the chance of importing that disease into the state.

Commissioner Galletti stated that he would support the Department's request at this time, but suggested that at a future time, the Commission discuss the philosophy of keeping all catfish out of the state or just diseased fish.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF T.G. MILLER, RIVER VALLEY FISH RANCHES, INC., PARKER, ARIZONA, FOR AUTHORIZATION TO IMPORT 30,000 CHANNEL CATFISH TO BE STOCKED IN A FISH-OUT FACILITY NEAR BLYTHE.

PASSED UNANIMOUSLY.

11. RECEIPT OF REQUEST FOR EMERGENCY ACTION TO ADD SECTION 12.62, AND TO AMEND SECTIONS 2.40 AND 27.05, TITLE 14, CAC, TO PROHIBIT THE TAKE OF STRIPED BASS IN THE SACRAMENTO RIVER BETWEEN THE MOUTH OF THE FEATHER RIVER AND PRINCETON DURING APRIL AND MAY AND TO PROHIBIT THE USE OF LIVE BAIT FOR CHUMMING WHEN FISHING FOR STRIPED BASS IN INLAND AND OCEAN WATERS.
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The Executive Secretary stated that Barry Canevaro, Antioch, had requested that the Commission take emergency action to prohibit the take of striped bass in the Sacramento River between the mouth of the Feather River and Princeton during April and May and to prohibit the use of live bait for chumming when fishing for striped bass in inland and ocean waters. He pointed out that the Commissioners had been provided with background information on this issue.

Mr. Cribbs indicated that the Department had reviewed the request and made the following recommendation:

"We are very concerned about the status of the state's striped bass population. Angling regulations are an important factor affecting the welfare of this valuable resource. Although we do not believe that the subject emergency action is needed at this time, we will review all pertinent angling regulations impacting striped bass and will recommend any needed changes this fall when revisions in the 1988 regulations will be considered."

Barry Canevaro, California Striped Bass Association, stated that there was a very large group of sportsmen who were concerned with the decline of the striped bass population. He thanked the Commission staff for putting this issue on the agenda, but stated that at this time, he wished to withdraw his request. He explained that the Department and the California Striped Bass Association would continue to study the striped bass population, and that this matter may be before the Commission at its October meeting.

The Executive Secretary stated that by placing this item on the agenda, it gave the Commission latitude to discuss and take action if it felt appropriate. He pointed out that the Department had indicated it would continue studying the striped bass population and report to the Commission at its October 2, 1987 meeting in Long Beach.

Harold Edgar thanked Mr. Canevaro for withdrawing his request. He indicated that he had asked the various sportsmen's groups he was associated with to cooperate with the Department during its creel census activities this summer and to provide to the Department the tags of any tagged fish which were caught to the Department.

Mark Farrington turned in a petition opposed to the emergency closure.

Since this item had been withdrawn, no Commission action was necessary.

12. RECEIPT OF DEPUTY ATTORNEY GENERAL'S REPORT RE: WINTER-RUN KING SALMON.

The Executive Secretary explained that this item related to the request of the Sacramento River Preservation Trust and the Tehama Fly Fishers regarding the proposed listing of the Sacramento River winter-run king salmon as a candidate for endangered species status. He reminded the Commission that it had asked the Attorney General's Office to respond to two questions: (1) whether or not a petitioner could withdraw a petition for such listing; and (2) the legal impacts of the Commission's listing of this species as a candidate for endangered species status on the operation of the Bureau of Reclamation's Red Bluff Diversion Dam. He also reminded the Commission that at its March 6, 1987 meeting in Redding, Mr. Merz, Sacramento River Preservation Trust, resubmitted its proposal on this matter which initiated the 90-day Departmental review provisions of the Fish and Game Code. He stated that this item would be scheduled for discussion at the Commission's May 15, 1987 meeting in Newport Beach.

Denis Smaage, Deputy Attorney General, provided the Commission with a copy of his report which responded to its two questions. He explained that in answer to question (1) whether or not a petitioner could withdraw a petition for such listing, he stated that there was no provision in law which prohibited the applicant or the petitioner from withdrawing its petition. He noted that if the Commission felt that an animal was in jeopardy, it could request the Department to submit a petition for that species. Mr. Smaage stated that in answer to question (2) concerning whether or not the listing of the winter-run king salmon as a candidate species for possible listing as an endangered species would legally prohibit the Bureau of Reclamation from implementing measures to help protect that species, the listing of the winter-run king salmon as a candidate species would not prohibit the Bureau of Reclamation from implementing measures to help protect that species. Mr. Smaage stated that the Bureau of Reclamation argued that a major modification of the operation of the Red Bluff Diversion Dam, i.e., opening the gates from December 1 through March 31, if done for the purpose of protecting a candidate species, would result in the invocation of the Fish and Wildlife Coordination Act; and thus, require consultation with the U.S. Fish and Wildlife Service and the Department of Fish and Game for the purpose of permanently protecting the Sacramento River winter-run king salmon population.

Commissioner Bryant stated that he hoped the ten point rehabilitation plan would continue to be implemented by all agencies involved. The Executive Secretary pointed out that there was a \$2 million appropriation for the Coleman Hatchery, which would be for upgrading its cooling system to help hold the adult winter-run salmon. He noted, however, that the long-term funding for Coleman Hatchery was still in question.

Cindy Williams, Administrative Aide to Assemblyman Campbell, stated that the Assemblyman was very interested in how the Commission responded to the Sacramento River Preservation Trust's petition. She noted that the Commission had two options: (1) if the petition contained adequate biological data which indicated further study was necessary (listing as a candidate species); or (2) if the species was actually endangered or threatened. She explained that based on the information she had seen, there had been a decline of 51% for each generation of the Sacramento River winter-run king salmon resource and in her opinion, the Commission had no alternative but to accept the petition and list the Sacramento River winter-run king salmon as a candidate species.

Mr. Smaage indicated that he had consulted with the council from the Bureau of Reclamation who had restated that if the Commission listed the winter-run king salmon as a candidate species, the Bureau would shut the gates at the Red Bluff Diversion Dam. He reiterated that the Bureau felt that they had a legal obligation to lower the gates to protect themselves in any future dealings in the matter. He stated that the Commission should not put itself into a position that it had to do something when it would jeopardize the species that it was actually trying to protect. Pete Bontadelli agreed with Mr. Smaage and stated that if the state started the process, the Bureau of Reclamation would withdraw from the ten-point rehabilitation plan in order that it would not jeopardize its negotiating position.

Cindy Williams stated that the Department or Commission should contact the U.S. Fish and Wildlife Service to determine if the state listing of a candidate species would require federal consultation on the part of the Bureau of Reclamation; and therefore, possibly jeopardize the Bureau's status.

The Executive Secretary stated that this matter would be discussed further at the Commission's May 15 meeting in Newport Beach.

13. REQUEST OF BILL SIMMONS, HESPERIA, FOR AUTHORIZATION TO POSSESS MOUFLON SHEEP FOR PET PURPOSES.

Mr. Cribbs stated that Bill Simmons, Hesperia, had requested authorization to possess mouflon sheep for pet purposes. He pointed out that the Commissioners had been provided with a copy of Mr. Simmons' letter dated January 15, 1987. He noted that the Department had reviewed Mr. Simmons' request, and had recommended the Commission deny Mr. Simmons' request. The Executive Secretary asked if Mr. Simmons was present and there was no response.

DeWayne Johnston, Chief, Wildlife Protection Division, explained that the Commission gave direction to the Department at its January 9 meeting that exotic species should not be imported for pet purposes; therefore, the Department recommended denial of Mr. Simmon's request. The Executive Secretary noted that at the Commission's January 9 meeting, it provided policy direction to the Department to prohibit the importation of exotics into California except for scientific and educational purposes. Commissioner McCracken asked what would happen to the exotics already possessed as pets in the state. DeWayne Johnston stated that those animals which were legally possessed would be grandfathered in and continued to be permitted.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF BILL SIMMONS, HESPERIA, FOR AUTHORIZATION TO POSSESS MOUFLON SHEEP FOR PET PURPOSES.

PASSED UNANIMOUSLY.

After consideration of David Swingler's request for authorization to import and possess a Peruvian eagle for pet purposes under agenda item No. 21, item 13 came up for rediscussion since Mr. Simmons had already imported the mouflon sheep, and from the information available, it appeared as if Mr. Simmons had imported the sheep prior to the Commission's January 9, 1987 meeting.

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION HEREBY RECONSIDERS THE REQUEST OF BILL SIMMONS, HESPERIA, FOR AUTHORIZATION TO POSSESS MOUFLON SHEEP FOR PET PURPOSES.

PASSED UNANIMOUSLY.

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF BILL SIMMONS, HESPERIA, FOR AUTHORIZATION TO POSSESS MOUFLON SHEEP FOR PET PURPOSES UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION. IT IS FURTHER STIPULATED THAT THIS APPROVAL IS SUBJECT TO THE DEPARTMENT DETERMINING THAT MR. SIMMONS POSSESSED THESE ANIMALS IN CALIFORNIA PRIOR TO THE COMMISSION'S JANUARY 9, 1987 MEETING.

PASSED UNANIMOUSLY.

14. REQUEST OF JIM GARRY, WALNUT CREEK, FOR AUTHORIZATION TO HYBRIDIZE MERLINS UNDER THE AUSPICES OF HIS CAPTIVE RAPTOR BREEDING PERMIT.

The Executive Secretary stated that Jim Garry, Walnut Creek, had requested authorization to hybridize merlins under the auspices of his captive raptor breeding permit. He pointed out that the Commission had been provided with a copy of Mr. Garry's February 23, 1987 letter which made the following statements:

"Warden Celeste Cushman has informed me that the Department cannot issue hybridization permits for raptors, and has said I must petition you for this addition to my breeding permit. I have a current breeding permit to breed pure peregrines and pure merlins. What I am applying for is a hybridization permit to produce merlin hybrids.

"The birds that I have in my project now are one female peregrine (which hasn't laid eggs yet, but shows a lot of promise to do so), and one female merlin that has laid eggs the last two years. I plan to get one male peregrine and one male merlin in the future. I am actively seeking to find a male merlin or semen from another breeding project right now. The problem is that there are several female merlins in breeding projects in Idaho and Wyoming, but only one male at each facility and neither are proven.

"I feel the merlin I have is very special and that a lot can be learned from working with her in the areas of artificial insemination and natural and artificial incubation. My goals with her are to produce pure merlins to be used for falconry and captive breeding stock, so that there would be a source of merlin semen available to myself and others, and to breed merlin hybrids to be used for falconry.

"What I would like is an option to produce merlin hybrids if I can't get pure merlin semen. I personally don't see any reason why I should not be granted a hybridization permit, due to the fact that California does allow other breeders to produce hybrids in the state, and that hybrids are regularly imported from breeding projects out of the state.

"I have enclosed a copy of my original permit application in which I applied for permission to produce hybrids. This application was approved by the Department of Fish and Game, the Federal Fish and Wildlife Service and the California State Raptor Advisory Committee. I have also enclosed copies of my state and federal permits.

Eldridge Hunt stated that Mr. Garry planned on crossing his female merlin with a male prairie falcon. He indicated that the offspring would be an infertile hybrid. He pointed out that the regulations did not allow for these hybrids and the recommendation from the Raptor Advisory Committee was to take a further look at this hybrid issue; therefore, the Department recommended denial of Mr. Garry's request at this time.

Commissioner Bryant asked if there were other hybrids being produced within the state. Mr. Hunt stated that there were other hybrids being produced, but the Raptor Advisory Committee requested that this issue be reviewed further.

Jim Garry stated that other hybridization was occurring within the state and across the county. He pointed out that the regulations allowed him to import hybrids from out of state and that there was a lady in Idaho who was selling hybrids to falconers in California. He noted that his female merlin had been laying eggs for the past two years, and he felt that he could learn a lot by this hybridization program. He indicated that his female would be ready to lay eggs in approximately two weeks.

Brian Walton, Chairman of the Department's Raptor Advisory Committee, stated that the Committee could again review this request and make a recommendation to the Department within the next four to five weeks.

It was then:

MOVED BY MR. MC CRACKEN, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF JIM GARRY, WALNUT CREEK, FOR AUTHORIZATION TO HYBRIDIZE MERLINS UNDER THE AUSPICES OF HIS CAPTIVE RAPTOR BREEDING PERMIT UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION. THIS APPROVAL IS CONTINGENT UPON THE RAPTOR ADVISORY COMMITTEE AND THE DEPARTMENT RECOMMENDING APPROVAL OF THIS REQUEST. IF THE DEPARTMENT RECOMMENDED DENIAL, THEN MR. GARRY WOULD TURN ANY RESULTING HYBRIDS OVER TO THE DEPARTMENT OF FISH AND GAME.

PASSED UNANIMOUSLY.

CONSENT CALENDAR

The Executive Secretary noted that items 15 - 23 had been placed on the Commission's consent calendar. He indicated that President Taucher had asked that item Nos. 19, 20 and 23 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 that the Department had provided a recommendation on each of these items which either called for approval or modified approval by the Commission. He noted that any other item could be removed from the consent calendar by the Commission or 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 items which were available to the audience. Mr. Cribbs then stated that one overall motion was appropriate for approval of the remaining consent calendar items.

15. REQUEST OF JOHN H. SWANSON AND ROBERT L. WHITTAKER, (DBA: PACIFIC MARICULTURE COMPANY) SANTA BARBARA, FOR AN ALLOTMENT OF APPROXIMATELY FIVE ACRES OF STATE WATER BOTTOMS LOCATED OFFSHORE OF SANTA BARBARA, SANTA BARBARA COUNTY, FOR AQUACULTURE PURPOSES.

Summary of Proposal

John H. Swanson and Robert L. Whittaker, DBA Pacific Mariculture Company, Santa Barbara, request an allotment of approximately 5+ acres of state water bottoms located offshore of Santa Barbara, Santa Barbara County, for aquaculture purposes. The applicants intends to cultivate Pacific oysters (Crassostrea gigas), mussels (Mytilus edulis) and (M. Californianus) and rock scallops (Hinnites giganteus).

Commissioners were provided with a copy of the Department's environmental analysis of this proposal and the application, description and map as submitted by the applicants. The required filing fee has been paid. The matter before the Commission is for final approval of the allotment.

This matter had originally been scheduled for consideration by the Commission at its March 6 meeting in Redding; however, at the request of the Department, this matter has been put over to this meeting for final action to allow additional time for comments by the State Lands Commission.

Department Recommendation

"Subsequent to our memo of January 15, 1987, regarding subject lease, the Department received a telephone call from the applicant requesting that European oysters (*Ostrea edulis*) be added to the list of shellfish proposed for cultivation on the original lease application, i.e., rock scallops, Pacific oysters, and mussels. All species of shellfish proposed for cultivation by the applicant including European oysters have been approved for planting in the waters of the state.

"The State Lands Commission has been notified of the proposed aquaculture lease application. We have been advised that the proposed lease site has no encumbrances that will prevent the area from being leased for aquaculture purposes. Also, a copy of the lease proposal has been sent to the organization "Commercial Fishermen of Santa Barbara" (CFSB) notifying them of the pending lease. A formal response has been received from CFSB indicating the proposed lease site was recommended to the applicant by members of CFSB to avoid conflicts with commercial fishing operations.

"The proposed lease will be required to be visibly marked to comply with standards established by the Commission. The lease marking requirements will enable fishermen, employing set gill and trammel nets, bait nets, and rock crab and spiny lobster traps, to position fishing gear directly adjacent to the five-acre lease area without fear of entanglement.

"It is not known at the present time if shellfish growing water certification can be obtained for the proposed lease area. However, water quality sampling is currently being conducted to determine if such a certification is possible. It will take approximately one year for the study to be completed. In the interim period, experimental shellfish production could proceed so that enough shellfish can be produced for bacterial sampling. Both growing water and shellfish cultivated on the lease must meet established standards before a growing water certification can be issued by the State Department of Health Services. A growing water certificate must be obtained for the lease area before shellfish produced on the lease can be sold for human consumption.

"Therefore, the Department recommends that the application for a lease of State water bottoms for aquaculture purposes, filed by Pacific Mariculture Company at the Commission's February 6, 1987 meeting, be approved subject to the following conditions:

1. The lease shall be marked in conformity with requirements of Section 237(c)(7), Title 14, CAC, re: Marking of Aquaculture Leases.

2. All buoys, longlines or other equipment installed on the lease shall be constructed and maintained in such a manner as to prevent their being accidentally set adrift, displaced, or otherwise carried away from the lease site.

3. Floats used to support longlines shall be suspended no less than 15 feet below the water surface to avoid interference with boating traffic.

4. Shellfish growing water certification must be obtained from the State Department of Health Services prior to the sale of mussels, oysters, or rock scallops from the lease area as required by Section 28504 of the Health and Safety Code."

16. DEPARTMENT REQUEST FOR REALLOCATION OF FUNDS FOR 1986-87 FISCAL YEAR CALIFORNIA DUCK STAMP PROJECTS.

Summary of Proposal:

The Department would like to request funding augmentation on three Commission approved projects with monies realized from two canceled projects.

Due to problems in landowner negotiations and the Department's reassessment of project advisability for Fiscal Year 1986-87, the Salmon Hole Siphon Project and the Kern County Waterbank Program have been canceled. Resulting funds from these two project cancellations total \$64,000. In order to maximize the wetland benefits from these funds, the Department is requesting that it be allowed to apply \$20,000 to Honey Lake Wildlife Area for land leveling, \$29,959 for expansion of the nestling project evaluation and \$14,321 for additional development on San Jacinto Wildlife Area.

17. DEPARTMENT REQUEST FOR LEUCADIA WATER DISTRICT, SAN DIEGO COUNTY, FOR AN EASEMENT AT BATIQUITOS LAGOON ECOLOGICAL RESERVE.

Summary of Proposal:

The Leucadia County Water District has requested that the Commission grant a temporary and permanent easement for the purpose of expanding the wet well at their Batiquitos Pump Station. Commissioners were provided with a copy of this proposal.

Department Recommendation:

The District's proposal to expand the pump station will help alleviate the problem of sewage spills in the Batiquitos Lagoon. Improved water quality will benefit fish and wildlife resources of the ecological reserve. The District is under continuing pressure from the San Diego Regional Water Quality Control Board and the public to improve efficiency and safety.

Commissioners were provided with a copy of the legal descriptions of the proposed easements and a wetland mitigation and monitoring program.

The permanent easements would contain the wet well itself, approximately 150 square feet of wetlands would be lost through construction. This wetland would be replaced at a ratio slightly higher than four to one on uplands owned by the Department adjacent to the project site. The temporary easement contains the mitigation site as well as the construction zone. Approximately 918 square feet of wetland vegetation will be impacted during construction. This area will be recontoured and revegetated with wetland vegetation salvaged from the project site. The Department recommends the easements be granted as requested by the Water District. The mitigation and monitoring plan addresses the Department's concerns. The Department notes that the improvement of the water quality within the reserve will enhance its value to fish and wildlife.

18. DEPARTMENT REQUEST TO REDESCRIBE AQUACULTURE LEASE NOS. M-430-02; M-430-10; AND M-430-11, LOCATED IN TOMALES BAY NEAR PRESTON POINT, MARIN COUNTY.

Summary of Proposal:

At its meeting on August 29, 1986, the Commission approved a request by Bay Bottom Beds Co., lessee of aquaculture lease No. M-430-02 in Tomales Bay, Marin County, to redescribe the lease parcel. The company subsequently engaged the services of Morton Technologies of Santa Rosa to survey the new boundaries of the lease. When the survey was completed, it was found that lease M-430-11, which abuts lease No. M-430-02, was not in the location described in the lease agreement and as a consequence, lease No. M-430-10 was also out of alignment.

Therefore, the Department held a meeting with the three lessees, Bay Bottom Beds Co. (No. M-430-02), Hog Island Mussel Co. (No. M-430-11) and Great American Oyster Co. (No. M-430-10), to discuss possible solutions to the problem. It was the consensus of the group that the most expedient way to resolve the problem, given the fact that leases nos. M-430-11 and M-430-10 were fully planted with oysters, would be to accurately redescribe the present location of the leases and then plot an appropriate location for Lease No. M-430-02 adjacent to and in line with the others.

As a result, the lessees hired Morton Technologies to complete a survey of the area occupied by leases Nos. M-430-10 and M-430-11 and share the cost of the redescription of those leases. When the survey was completed and the exact location of lease Nos. M-430-10 and M-430-11 was determined, a location for lease No. M-430-02 was defined.

We believe that by redescribing the leases, an equitable solution to the boundary problem will have been reached and production on lease Nos. M-430-10 and M-430-11 will not be affected. The irregular shape of lease No. M-430-02 was necessary to avoid an extensive eelgrass bed lying south of the proposed lease area, while providing for a lease of five acres.

Therefore, the Department recommends that subject Tomales Bay aquaculture leases be redescribed to resolve the siting problem as follows:

1. The lease agreements for aquaculture lease Nos. M-430-02, M-430-10 and M-430-11 be amended by redefining the lease boundaries as shown in Figure 4 and by redescribing those boundaries as provided in Exhibits A, B and C.
2. The Department further recommends that, in order to prevent the improper siting of leases in the future, all new aquaculture leases should be approved with the provision that lease boundaries will be located and defined by a licensed surveyor with a certification provided to the Department."

21. REQUEST OF DAVID H. SWINGLER, SANTA MONICA, FOR AUTHORIZATION TO IMPORT AND POSSESS A PERUVIAN EAGLE FOR PET PURPOSES.

Summary of Proposal:

David H. Swingler, Santa Monica, has submitted the following letter:

"I request that I be granted a permit to keep and maintain my pet Peruvian eagle, Picchu, for the duration of his natural life. It is also requested that it be granted that the bird may be maintained in an aviary in zoological manner following materials and habitat as created at the Los Angeles Zoo, and as proposed by me in documentation already submitted.

"I further request a permit to import Picchu into the State of California from his temporary lodgings at BYU in Utah."

Department Recommendation:

"Mr. Swingler has been in contact with the Department through the Governor's office concerning his Peruvian eagle. At this time the Department has no opposition to Mr. Swingler's request.

"If authorization is granted by the Commission, it should be given on the condition that Mr. Swingler immediately apply for and obtain from the Department a permit to possess the bird. It should also be pointed out that it will be necessary for Mr. Swingler to have the permit in hand before he can lawfully import and possess this bird in California.

"Since the bird will not be used in the practice of falconry, it would be appropriate for the Commission to address the conditions under which the bird will be housed. The Department recommends that the bird housing facility be in compliance with the housing requirements for falconry. These requirements are the best available for housing raptors.

"The Commission should also address the conditions required to maintain and transport the bird. The Department feels the bird should not be randomly carried about and randomly displayed. Because Peruvian eagles are rare in captivity, the Department recommends that Mr. Swingler be allowed to transport the bird only to various scientific and educational facilities and for veterinary care."

Commissioners were provided with copies of additional background information on this issue.

22. REQUEST OF TRAVIS W. MC NEELAN, NAPA, FOR A SALVAGE PERMIT TO TAKE CRAYFISH FROM TULE LAKE, LAKE COUNTY, PRIOR TO ITS BEING DRAINED.

Summary of Issue:

Travis W. McNeelan, Napa, has requested a salvage permit to allow him to take crayfish from Tule Lake, Lake County, prior to its being drained.

Department Recommendation:

"Mr. Neelan proposes to renew his permit to salvage crayfish for commercial purposes from Tule Lake prior to its being drained. The Commission gave approval for the operation at its April 25, 1986 meeting. Commission action was necessary since Section 116, Title 14, CAC, prohibits commercial take of crayfish from lakes. Carp, goldfish, hitch and blackfish are also recovered and sold, but special Commission approval is not required for these species. Region 3 supplied the permit which contained special terms and conditions for the take of both the fish and crayfish.

"His 1986 efforts were unsuccessful, '...due to unforeseen circumstances and inefficient methodology and/or equipment...'. With this experience and a newly designed trap, Mr. McNeelan expects to oversee a profitable operation during the 1987 season. The Department again recommends approval for the operation, subject to the permit terms and conditions imposed by our Region 3 office.

"We do not believe an experimental gear permit is necessary since the trap is designed solely for this situation and would not have application elsewhere. Also, it will likely have to be continually modified as the operation progresses."

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. MC CRACKEN, THAT
THE FISH AND GAME COMMISSION HEREBY APPROVES ITS CONSENT
CALENDAR RELATING TO ITEM NOS. 15 - 18, 21 AND 22, AS SET
FORTH IN THE COMMISSION'S ANALYSIS.

PASSED UNANIMOUSLY.

19. REQUEST OF VITO J. RUSSO, SAN PEDRO, FOR RENEWAL OF EXPERIMENTAL GEAR PERMIT RE: USE OF QUICK RELEASE DEVICE FOR SPLIT DRUM ON SHARK/SWORDFISH PERMIT VESSEL.

The Executive Secretary stated that Vito J. Russo, San Pedro, had requested renewal of his experimental gear permit regarding the use of a quick release device for split drum on shark/swordfish permit vessel. He pointed out that the Commissioners had been provided with a copy of Mr. Russo's letter. Mr. Cribbs indicated that Mr. Russo had been working with the Department and the Legislature to amend AB 2199 which would allow Mr. Russo to continue to operate his current vessel with a quick release device for a split drum. He pointed out that the soonest this legislation would become effective would be January 1, 1988; therefore, Mr. Russo had requested renewal of his existing experimental gear permit.

Deputy Director Fletcher stated that under current law, a fisherman with a drift gill net and shark/swordfish permit could not use a drift gill net longer than 6,000 feet in length. He explained that in addition, not more than 1,500 feet of spare shark/swordfish drift gill net webbing could be stored aboard the vessel and a quick disconnect device could not be used. He pointed out that these latter requirements limiting spare webbing and

prohibiting quick disconnect devices were designed to assure compliance with the maximum drift gill net length (6,000 feet) restriction. Mr. Fletcher explained that Mr. Russo's vessel was unique within the current drift gill net fleet in that it was equipped with two smaller net reels rather than one larger net reel. He explained that this two-reel configuration allowed Mr. Russo to fish in a variety of fisheries such as those using lampara nets to take mackerel and squid in addition to the drift gill net shark/swordfish fishery. He indicated that the relatively small size of Mr. Russo's net reels also precluded him from using a 6,000 foot-long shark/swordfish drift gill net unless he was permitted to use a quick connect/disconnect device to conveniently combine the two portions of the drift gill net stored on each of the two reels. He pointed out that a permanent solution to this problem was anticipated to be accomplished legislatively this year and would be in effect for the subsequent 1988-89 season. Mr. Fletcher stated that the Department recommended Commission approval of Mr. Russo's request.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT
THE FISH AND GAME COMMISSION HEREBY APPROVES THE
REQUEST OF VITO J. RUSSO, SAN PEDRO, FOR RENEWAL
OF HIS EXPERIMENTAL GEAR PERMIT REGARDING USE OF
QUICK RELEASE DEVICE SPLIT DRUM ON SHARK/SWORDFISH
PERMIT VESSEL.

PASSED UNANIMOUSLY.

20. DEPARTMENT REQUEST FOR DISCRETIONARY AUTHORITY TO ISSUE UP TO SIX
ADDITIONAL EXPERIMENTAL GEAR PERMITS TO USE MODIFIED TRAWL NETS OR
SCOTTISH SEINES TO TAKE CALIFORNIA HALIBUT IN STATE WATERS.

The Executive Secretary reminded the Commission that at its November 1, 1985 meeting, the Commission authorized the Department to issue four experimental gear permits to use modified trawl nets to take California halibut, two permits in the Monterey Bay area, and two permits in the Morro Bay area. He pointed out that the Commissioners had been provided with a letter dated February 26, 1987, from Neal Tobin, Morro Bay, requesting an experimental gear permit which would allow him to use a modified trawl net to take halibut in the Morro Bay area. He noted that he wished to bring that request to the Commission's attention to indicate the desire on the part of the commercial fishing industry to have these permits.

Mr. Cribbs stated that the Department had provided the following comments and recommendation:

"At the November 1, 1985 Fish and Game Commission meeting, the Commission authorized the Department to issue two experimental gear permits to use modified trawl nets to take California halibut in the Monterey Bay area and two permits in the Morro Bay area. Results of fishing effort conducted during 1986 were encouraging, and the Commission subsequently authorized renewal of the aforementioned permits at its December 5, 1986 meeting in Long Beach. The specific objective of these experimental gear permits is the development of alternative fishing methods to the use of gill and trammel nets to take California halibut.

Saltonstall-Kennedy Fund for research on alternative gear development. Ms. Thornton stated that they had \$36,000 available which could be spread out over all appropriate gear types.

Commissioner Bryant asked the Department for a brief summary of the original four permits that had been issued. Mr. Petrovich stated that there were only two active fishermen at this time, and that the results during 1986 were encouraging as there had been limited incidental catches of other species, and a reduction in the take of sea birds had been accomplished.

Ralph Kantz requested that the Commission provide flexibility to the Department to utilize other gear types or modify the mesh sizes of the existing gear. Mr. Petrovich stated that the Department agreed with this recommendation.

(NOTE: Experimental gear permits fall under the planning and feasibility studies, ministerial projects and classes designated by the state EIR guidelines as categorical exemptions and are considered exempt from the provisions of CEQA, as set forth under Section 757(c)(6), Title 14, CAC, Class 6 and thus, consist of basic data collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.)

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE DEPARTMENT TO ISSUE UP TO SIX ADDITIONAL EXPERIMENTAL GEAR PERMITS TO USE MODIFIED TRAWL NETS OR SCOTTISH SEINES TO TAKE CALIFORNIA HALIBUT IN STATE WATERS UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

23. REQUEST OF THE VIETNAMESE FISHERMEN'S ASSOCIATION OF AMERICA FOR RENEWAL AND MODIFICATION OF ITS EXPERIMENTAL GEAR PERMIT RE: USE OF CANADIAN STYLE PAIR TRAWL TO TAKE WHITE CROAKER (Genyonemus lineatus).

The Executive Secretary stated that the Vietnamese Fishermen's Association of America had requested renewal and modification of its experimental gear permit regarding use of Canadian style pair trawl to take white croaker (Genyonemus lineatus). He pointed out that the Commissioners had been provided with a copy of the Vietnamese Fishermen's Association's request as well as letters from Charlie Fullerton, National Marine Fisheries Service; Laurie Wayburn, Point Reyes Bird Observatory; Mark J. Palmer, Whale Center; Peigin Barrett, California Marine Mammal Center; Burr Heneman; Stephanie Thornton, Coastal Fisheries Foundation; Zeke Grader, PCFFA; and Arthur Feinstein, Golden Gate Audubon Society.

The Vietnamese Fishermen's Association of America's request is summarized as follows:

"Additional incentive to develop alternative fishing methods occurred when AB 2915 (Stats. 1986, Ch. 910) was enacted into law as an urgency statute on September 20, 1986. This bill, known as the "Nearshore Gill and Trammel Net Mitigation Act", provides for a low-interest loan program under the auspices of the California Coastal Conservancy with input from the Department, for financing the purchase/construction of alternative fishing gear. The loan program, which will be administered under contract to the Coastal Conservancy, is expected to be on-line by April 1, 1987. In addition, AB 2915 appropriated \$100,000 from the Environmental License Plate Fund to the Department for the monitoring of experimental gear permits to evaluate alternative fishing methods to the use of gill and trammel nets.

"Once individual loans are available, the Department expects additional interest and requests for experimental gear permits. Loans are intended only for nearshore gill and trammel net fishermen operating north of Point Conception, who have been directly impacted by gill and trammel net closures established to protect populations of marine mammals and seabirds. In view of the foregoing, the Department requests discretionary authority to issue up to six additional experimental gear permits to use modified trawl nets to take California halibut during the remainder of 1987, in order to support continuing industry efforts to develop viable alternatives to the use of gill and trammel nets."

Mr. Cribbs stated that United Anglers had called the Commission office requesting that this item be put over until the Commission's May 15, 1987 meeting in Newport Beach. He indicated that United Anglers felt that this would afford the Department an opportunity to work with United Anglers to resolve the question on mesh sizes to be used in the modified trawl nets.

Ralph Kantz, United Anglers, stated that they were willing to work with the Department and Zeke Grader to determine the appropriate mesh size for the trawl nets. He pointed out that United Anglers believed the 7-1/2 inch mesh size was too small and should be enlarged to at least 9 or 9-1/2 inches.

Commissioner Galletti asked the Department how it would determine who received the permits. Al Petrovich, Chief, Marine Resources Division, stated that the Department at this time only anticipated six fishermen who would be interested in receiving these permits. He indicated that the gear was expensive; however, there were some low interest loans available to the fishermen which could be used to purchase their gear. He pointed out, though, that the fishermen needed an experimental gear permit prior to receiving a loan. Director Parnell stated that at this time, the Department only anticipated up to six individuals interested in obtaining one of these experimental gear permits; however, if more showed an interest, the Department could come back to the Commission for additional authorization.

Zeke Grader emphasized that trawling within state waters required an experimental gear permit and agreed that the gear was expensive for the fishermen to purchase. He pointed out that there were monies available for the fishermen, if they could qualify for a loan. Commissioner Galletti asked how much money each fisherman would receive. Stephanie Thornton, Coastal Fisheries Foundation, explained that money was available through the

"You will note in our report that, after some period of adjustment, we were able to deploy our experimental pair trawl gear in such a manner as to largely avoid capturing species such as Dungeness crab and English sole, while catching the target species, white croaker. You will note also that marine mammals and birds were not taken, and important species such as salmon and striped bass were also absent from the catch. The amount of white croaker available in waters outside of three miles was not sufficient to allow our fishermen to conduct a commercial fishery using pair trawls, however. In accordance with terms of our permit, we fished only outside of the three mile state line.

"Our fishermen are well aware that white croaker usually inhabit shallow waters, which means they are found within state waters, inside of three miles from the coast. The chief objective of our pair trawl experimental fishing was to show that the method can be effective for catching some white croaker (even in areas where they are not normally found in large numbers) while avoiding protected species of mammals, birds, fishes and invertebrates. We were looking for an effective fishing method, as an alternative to gill nets, which could support a commercial fishery for white croaker. We believe that the results of our study indicate that pair-trawling may be an economically feasible alternative to gillnetting. To test this, we need to be able to fish in the same areas that have yielded good catches using gillnets, i.e., where the fish are abundant. Thus, we hereby request that our experimental fishing permit be renewed, with a proviso added to allow our fishermen to fish inside of three miles with a pair trawl, between Pt. Reyes and Monterey, for the purpose of catching white croaker.

"White croaker is an important food fish to people from the Far East. It is a much desired renewable resource that would be wasted if no one were allowed to fish it. As you know, recent as well as pending legislation effectively eliminates the use of gillnets as a fishing method, and to date, no one has come up with a good alternative method which can be used by our member fishermen who are restricted to using small vessels by statute as well as economic necessity. Members of our organization are dedicated to working toward a solution which will provide a means of livelihood, while reducing the catch of protected species.

"At the present time, we cannot provide the names of the vessels which would participate in the experimental fishery. If the permit is granted, we will promptly name two vessels, and alert the Commission as well as the Department so that the vessel names and owners can be included in the permit. We would of course be happy to cooperate in any monitoring studies during the trial period to determine if a pair trawl fishery for white croaker inside of three miles is economically practicable as well as ecologically sound."

Mr. Cribbs then summarized the Department's comments and recommendation as follows:

"At the August 30, 1985 Fish and Game Commission meeting, the Commission approved the subject permit with the stipulation that fishing activities could only be conducted outside state waters (i.e., beyond

three miles), and that a full-time observer would be employed to monitor the use of such gear. At that time, the National Marine Fisheries Service (NMFS) agreed to provide on-board observers for the project since they were also interested in the development of alternative fishing methods which could potentially reduce the incidental take of marine mammals in gill and trammel nets. In addition, the NMFS issued an experimental fishing permit (EFP) to the VFAA, pursuant to Pacific Fisheries Management Council action taken under the Groundfish Fishery Management Plan, that provided for an incidental take of groundfish during experimental fishing operations using a pair trawl.

"Initial fishing efforts conducted during 1986 under subject permit concentrated on developing the most effective combination of fishing gear and boat operations specifically designed to target on white croaker. Results indicate that the pair-trawl can successfully target on white croaker with a minimal incidental catch of other finfish and shellfish species, and without any take of seabirds, marine mammals, salmon or striped bass. Consequently, the VFAA now requests approval to fish inside three miles (i.e., state waters) where white croaker are more abundant in order to fully assess the potential of pair trawling.

"Since the Department fully supports industry efforts to develop alternative fishing methods to the use of gill and trammel nets, we believe that additional experimental fishing efforts in state waters is merited, and we recommend that the Commission approve subject request. Also, the NMFS has expressed support for subject request, and it is our understanding that NMFS gear development personnel will continue to work closely with the VFAA regarding this proposal.

"Also, we would request that the Commission grant the Department discretionary authority to modify the conditions of subject permit in order to establish area and/or seasonal restrictions to reduce or eliminate any potential problem with incidental take, should such problems occur."

Commissioner Galletti pointed out that last year, the observer program was provided through funding from the National Marine Fisheries Service. He asked for a brief description of this year's observer program. Al Petrovich stated that the National Marine Fisheries Service would not provide funding for the observer program this year, and that the Department would provide observers pursuant to the agreement reached with the Commission regarding providing 25% coverage. Commissioner Galletti asked if the 25% could be in the initial first two or three weeks of the fishing season. Ralph Kantz stated that United Anglers was concerned with lack of observers on the program, with the incidental take of salmon, striped bass and halibut. He requested a higher than 25% coverage for this observer program. Commissioner Galletti stated that he was also concerned with observer coverage, but felt that if the 25% was full time for the first two or three weeks of the fishing season, it could be determined at that time if there was a problem and if further observers needed to be provided. Mr. Kantz stated that the observers should be provided at different times during the year to assure that incidental catches were not taken during those times of the year since certain species are concentrated at different times of the year. Mr. Petrovich

indicated that the Department could prioritize its efforts to provide sufficient observers for this program. He noted that he would contact National Marine Fisheries Service to determine if it could provide additional help on this program.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF THE VIETNAMESE FISHERMEN'S ASSOCIATION OF AMERICA FOR RENEWAL AND MODIFICATION OF ITS EXPERIMENTAL GEAR PERMIT REGARDING THE USE OF CANADIAN STYLE PAIR TRAWL TO TAKE WHITE CROAKER (Genyonemus lineatus) UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

24. REQUEST OF 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 permit for the previous season and, further, that he/she should have landed at least 6,000 pounds of abalone or make 20 landings for each of which an official receipt (pink ticket) had been received by the Department. He stated that those failing to meet the minimum landing requirements were denied a permit by the Department with the opportunity to appeal such denial to the Commission. He pointed out that the Commissioners had been provided with a copy of Section 100, Title 14, CAC, as well as additional background information on the fishermen requesting a landing waiver.

Ed Lusk, Ventura

Mr. Cribbs stated that Ed Lusk, in a letter to the Commission office dated March 5, 1987, had requested a waiver of the landing requirements for the 1985-86 and 1986-87 permit years. He explained that Mr. Lusk had been going through a divorce and was forced to sell his boat during that period.

Mr. Lusk stated that in January 1985, his wife filed for divorce and forced him to sell his boat. He indicated that he had sold his home and had now had his boat back in possession. DeWayne Johnston stated that the Department recommended approval provided that Mr. Lusk presented documentation of the forced sale of his boat during the 1985-86 permit year.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF ED LUSK, VENTURA, FOR A WAIVER OF THE 1985-86 AND 1986-87 COMMERCIAL ABALONE LANDING REQUIREMENTS.

PASSED UNANIMOUSLY.

Donald Pirog, Carmichael

Donald Pirog, Carmichael, reminded the Commission that he had been in an automobile accident and had not been able to dive since 1981. He noted that last fall, he had rehabilitated himself to the point that he was diving for sea urchins, and that he had requested reinstatement of his abalone diving permit. He noted that the Commission granted his reinstatement, but he had not been able to obtain a boat until November of 1986. He pointed out that he had 14 landings with 96 dozen abalone. He explained that abalone diving was his main source of income, and requested a waiver from the Commission for the 1986-87 landing requirements.

DeWayne Johnston stated that the Department recommended approval of Mr. Pirog's request.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. MURDY, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF DONALD PIROG, CARMICHAEL, FOR A WAIVER OF THE 1986-87 COMMERCIAL ABALONE LANDING REQUIREMENTS. FURTHER, THE COMMISSION ADMONISHED MR. PIROG TO DO EVERYTHING IN HIS POWER TO MEET THE LANDING REQUIREMENTS FOR THE 1987-88 SEASON.

PASSED UNANIMOUSLY.

Frank Cronin, San Pedro

Frank Cronin stated that he had developed medical problems during the 1986-87 season. He indicated that he was only able to make two landings during the month of April and two in October. He noted that he had an ear infection which prevented him from clearing his ears when he was diving. He provided a copy of a letter written by his doctor supporting that contention.

DeWayne Johnston stated that based on the information provided to him, the Department recommended approval of Mr. Cronin's request.

It was then:

MOVED BY MR. GALLETTI SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF FRANK CRONIN, SAN PEDRO, FOR A WAIVER OF THE 1986-87 COMMERCIAL ABALONE LANDING REQUIREMENTS.

PASSED UNANIMOUSLY.

That being the end of the scheduled agenda items for April 9, 1987, the Commission adjourned into Executive Session. Pursuant to the authority of Government Code Section 11126, the Commission meet in Closed Executive Session. The purpose of that Executive Session was to consider potential litigation regarding nontoxic shot zones for migratory waterfowl hunting.

At the end of the Executive Session, there being no further business, the Commission recessed at 4:25 p.m. until 9:00 a.m., April 10, 1987, in Room 102, Office Building 8, 714 P Street, Sacramento, California.

State of California
FISH AND GAME COMMISSION

Minutes, Meeting of April 10, 1987

Pursuant to the call of the President, the Commission met in the Auditorium, Room 102, Office Building 8, 714 P Street, Sacramento, California, on April 10, 1987. The meeting was called to order at 9:15 a.m. by President Taucher.

Persons present:

FISH AND GAME COMMISSION

Albert C. Taucher	President
Abel C. Galletti	Vice President
Robert A. Bryant	Member
John A. Murdy, III	Member
E. M. McCracken, Jr.	Member

COMMISSION STAFF

Harold C. Cribbs	Executive Secretary
Robert R. Treanor	Assistant Executive Secretary
Ronald J. Pelzman	Associate Fishery Biologist

ATTORNEY GENERAL'S STAFF

Denis Smaage	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

Jack C. Parnell	Director
Pete Bontadelli	Chief Deputy Director
Robert Fletcher	Deputy Director
Paul Jensen	Deputy Director
Eldridge Hunt	Chief, Wildlife Management Division
DeWayne Johnston	Chief, Wildlife Protection Division
Terry Mansfield	Fish and Wildlife Manager

The following persons were also present and heard:

Brian Kahn	Former Fish and Game Commissioner
Ed Hastey	Regional Director, BLM
Mark Palmer	Sierra Club
Matthew Bailey	Mother Lode Chapter, Sierra Club
Brian Butler	Concerned Citizen
Kate Stafford	Gaia, Mother Earth
Jonathan Paul	Concerned Citizen
Rod Coronado	Sea Shepherd Society
Mary Mesmer	Sierra Club
Brian Hebert	Concerned Citizen
Karen Pickett	Earth First!
George Beland	Vice Mayor, City of Auburn

Donald Torell
 Claire Telles
 Lew Hubb
 Thomas Smith
 Robert Anderson
 Craig Abby
 Robert Harrison
 Bill Warnisher
 Ken Book
 Nehemiah Barshlomo
 Ms. Wilson
 Steven Malach
 Andrea Rolde
 James Williams
 Hank Doddridge
 Ron Reid
 Gerald Roybal
 Maria Marcuson
 Shirley Finster
 Tim Krasnansky
 Paul Wilcox
 Karen Debrawl
 Patrick Kelly

 Jared Hendricks
 Peter Bralver
 Joyce Tischler
 Fred Pasquarella
 Michele Howard
 Kent DeChambeau
 R.D. Riley
 Walter Levison
 Charles Griffing
 Mike Ceaser
 Glenn Rosensteel
 Ronald Rowan
 Nicole Silk
 Carol Sabatino
 Calvin Timberwood
 Larry Evans
 Steve (No last name given.)
 Tim Kellogg
 Marsha Mather-Thrift
 Burton Butler
 Mark Jonjak
 Charles Thomas
 Bob Ekols
 Renee' Grandi
 Craig Labby
 Cynthia Crane
 Lamar Johnston
 William Popper
 Gerald Upholt
 Rivka Sigal

Calif. Wool Growers Assn.
 Concerned Citizen
 Calif. Bowmen Hunters
 Sierra Co. Fish and Game Commission
 Concerned Citizen
 Earth First!
 Concerned Citizen
 Environmental Advocates
 Fresno Co. Sportsman's Club
 Earth First!
 Concerned Citizen
 Calif. Bowmen Hunters
 Earth First!
 Calif. Bowmen Hunters
 Sportsmen's Council of Central CA
 Tehama Co. Cattlemen Assn.
 Traditional Pit River Tribe
 Earth First!
 Concerned Citizen
 Concerned Citizen
 Concerned Citizen
 Earth First!
 UC Berkeley Museum of Vertebrate
 Zoology
 Konocti Rod and Gun Club
 Earth First! & Sea Shepherd Society
 Animal Legal Defense Fund
 Calif. Bowmen Hunters
 Calif. Wool Grower's Assn.
 Calif. Rifle and Pistol Assn.
 SCOPE
 Earth First!
 Concerned Citizen
 Earth First!
 Concerned Citizen
 Recreational Planner
 Concerned Citizen
 Concerned Citizen
 Concerned Citizen
 Concerned Citizen
 Concerned Citizen
 Concerned Citizen
 Marin Wildlife Center
 Concerned Citizen
 Concerned Citizen
 Animal Liberationism
 Earth First!
 Earth First!
 Earth First!
 Rancher
 Santa Barbara Cattlemen's Assn.
 Concerned Citizen
 Calif. Wildlife Federation
 Concerned Citizen

Bob McKay
Virginia Handley
Fay Jenkinson
Becky Wu
Laurel Paulson-Pierce
David Reynolds
Rose Cook
Dean Barney
Mark McMillen
Sally Miller
Eric Mills
Terry Beckmann
Robert Bell
Bill Yeates
Richard Peters
Zake Parkazus
Bob Wilson
Kent Woodell
Gary Zufelt
John Macomas
Walt Powell
Kim
Dang Van Tran
Diet Van Tran
Carol Walsh
Carl Zerbe
Vincent Liguori
Mario A. Ghio

Calif. Sportsmen's Lobby
Fund for Animals
Concerned Citizen
Concerned Citizen
Concerned Citizen
Concerned Citizen
Concerned Citizen
Lake Co. Game Group
Earth First!
Concerned Citizen
Action for Animals
Concerned Citizen
Concerned Citizen
Mountain Lion Coalition
North State Sportsmen Coalition
Concerned Citizen
Calif. Cattlemen's Assn.
Sportsmen for Equal Access
Sportsman
Sportsman
So. Council of Conservation Clubs
Interpreter
Commercial Fisherman
Commercial Fisherman
International Ferret Assn.
Attorney
Wholesale Fish Dealer
Commercial Fisherman

President Taucher introduced members of the Commission, its staff, Director Parnell, Chief Deputy Director Bontadelli, Deputy Directors Fletcher and Jensen and Denis Smaage of the Attorney General's office.

25. PRESENTATION OF COMMISSION RESOLUTION TO BRIAN J. KAHN.

The Executive Secretary stated that at this time, the Commission wished to honor former Commissioner Brian J. Kahn in recognition of his dedicated service to the fish and wildlife resources and the People of the State of California during his tenure with the Commission. Mr. Cribbs noted that as customary, the Commission staff had prepared a resolution honoring Mr. Kahn and in place of the traditional belt buckle, the Commission was prepared to present Mr. Kahn with a set of saddlebags.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT
THE FISH AND GAME COMMISSION HEREBY ADOPTS THE
FOLLOWING RESOLUTION HONORING BRIAN J. KAHN FOR HIS
YEARS OF DEDICATED SERVICE TO THE FISH AND GAME
COMMISSION AND THE PEOPLE OF THE STATE OF CALIFORNIA:

RESOLUTION HONORING
BRIAN J. KAHN

WHEREAS, the Honorable Brian J. Kahn was appointed to the Fish and Game Commission by Governor Edmund Brown, Jr., on January 21, 1982; and

WHEREAS, Commissioner Kahn conscientiously served in that capacity until January 15, 1987; and

WHEREAS, he served with great distinction as the Commission's Vice President in 1984 and 1985 and as its President during 1986; and

WHEREAS, during his illustrious tenure with the Commission, Mr. Kahn gave unselfishly of his time and talents to the benefit of California's varied and abundant fish and wildlife resources and to the public who enjoy and utilize those resources; and

WHEREAS, throughout his years with the Commission, it was clear to all that he was deeply dedicated to the goal of preserving and enhancing all species of fish and wildlife for future generations; and

WHEREAS, Brian brought distinct credit to the Commission by his active roles in the development and production of wildlife documentaries and as an outdoor and editorial writer; and

WHEREAS, Brian's broad knowledge of fish and wildlife and habitat issues and his sincere and aggressive pursuit of resolving a myriad of difficult resource problems have received statewide, national and international recognition; and

WHEREAS, Brian's professionalism and sound counsel will be sorely missed by everyone and particularly the members of the Commission and its staff.

NOW, THEREFORE BE IT RESOLVED, that this Commission thanks Brian J. Kahn for his valuable contribution to the decision-making process in protecting and enhancing our state's fish and wildlife, both game and nongame; and

FURTHER BE IT RESOLVED, that Brian always be afforded the enjoyment of having a lunker trout rise to his skilled presentation of a dry fly; the thrill and camaraderie of the hunt; and a long and successful continuation of his "brilliant and flawless" career as a trial attorney; and

FINALLY BE IT RESOLVED, that the Fish and Game Commission wishes Brian and his lovely and extremely talented wife, Sandra, the best in their future endeavors and that the friendships that Brian has acquired while on the Commission remain forever.

Dated: April 10, 1987

PASSED UNANIMOUSLY.

Brian Kahn thanked the Commission for the resolution and for his saddlebags. He noted that he would remember the Commission every time he would use the saddlebags in Montana. Mr. Kahn thanked former Governor Jerry Brown for appointing him to the Commission and for the helpfulness he received from all of the Directors from the Department. He told Commissioner Galletti that since Mr. Galletti had been a member of the Commission previously and had been reappointed by former Governor Brown, he appreciated all the help that Mr. Galletti had provided to him during his tenure on the Commission.

Brian Kahn asked the Commission for a special opportunity to address the Commission on the mountain lion and bighorn sheep issues. He noted that there seemed to be a lot of misunderstanding on these issues. He explained that the Commission should uphold the law and implement that law to the best of its ability. He stated that the Commission should utilize sound biological criteria in providing sound game management for the state. He indicated that emotional issues should be addressed to the Legislature as that was the most appropriate body. He stated that he had strong feelings on these issues, and that the issues being raised by the majority of the public were phony issues. He said that whether or not these animals were hunted, there would still be a healthy population in the future.

Mr. Kahn indicated that the so-called moral issue was to divert the Commission's attention from the real issue which was protection of wildlife habitat. He stated that in the six years he was on the Commission, he had been trying to protect deer habitat in the state and wondered where the majority of these people were during that time. He pointed out that polarization was destructive to the protection of habitat. He pleaded for all sides to organize to protect wildlife habitat within the state; otherwise, there would be less overall wildlife and its habitat in the future. Brian Kahn thanked the Commission for allowing him the opportunity to make his brief presentation.

26. PRESENTATION BY ED HASTEY, REGIONAL DIRECTOR, BUREAU OF LAND MANAGEMENT, RE: PROPOSED FEDERAL DESERT LEGISLATION (SENATE BILL 7) WHICH WOULD MODIFY ADMINISTRATION OF APPROXIMATELY 10 MILLION ACRES OF LAND IN CALIFORNIA.

The Executive Secretary stated that Ed Haste, Regional Director, Bureau of Land Management, had requested the opportunity to provide the Commission with insight into the proposed federal legislation which would turn specific BLM lands over to the California State Department of Parks and Recreation for management purposes. He noted that the federal legislation had been introduced by Senator Cranston and it was Senate Bill 7.

Ed Haste stated that there was approximately 10 million acres of wilderness areas in the entire state. He pointed out that there were approximately 12.5 million acres of desert lands in southern California. He explained that during the late 1960's, the off-road vehicle (ORV) impact in the desert was tremendous. He pointed out that in 1976, the California Conservation Desert Area was set up with the direction to manage the desert land. He indicated that the management plan was completed in 1980, and was approved by then Secretary of the Interior Andres, and then Secretary of the Interior Watt. He stated that the management program which BLM was under at this time was to provide for 1.9 million acres of wilderness area; 9.5 million

acres of limited ORV use; 3.3 million acres of moderate use which was limited to the existing roads and trails; and .2 million acres of intensive ORV use. He noted that the plan was developed to provide a balance of use in the desert areas. Mr. Hastey indicated that Senator Cranston's proposal would expand the Death Valley National Park Area and other areas to approximately 1.5 million acres.

Mark Palmer, Sierra Club, stated that he wished to inform the Commission that his organization was in support of Senator Cranston's Senate Bill 7. He stated that if the Commission would like to have a presentation in the future, he would be happy to arrange for that presentation. He recommended that the Commission do everything in its power to protect California's desert wildlife habitat.

27. ADOPTION OF 1987-88 REGULATIONS FOR THE OCEAN AND NORTH COAST SPORT SALMON FISHING CLOSURES, SEASONS, BAG AND POSSESSION LIMITS AND PUNCH CARD SYSTEM (SECTIONS 1.74, 13.05, 13.36, 13.85, 13.86 AND 27.80, TITLE 14, CAC).

The Executive Secretary reminded the Commission that at its March 6, 1987 meeting in Redding, it tentatively adopted proposed regulations regarding the 1987-88 ocean and north coast sport salmon fishing closures, seasons, bag and possession limits and punch card system (sections 1.74, 13.05, 13.36, 13.85, 13.86 and 27.80, Title 14, CAC). He pointed out that the Commissioners had been provided with copies of the Department's pre-publication of notice and pre-adoption statements as well as the text of the regulations in strike-out and underline format. He stated that the matter before the Commission was for final adoption.

Mr. Cribbs indicated that the Pacific Fisheries Management Council had adopted the federal regulations, and that the Department was recommending Commission approval of its tentatively approved regulations. The Executive Secretary then asked if there was anyone in the audience who wished to speak in opposition to this matter, and there was no response.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE AUTHORITY VESTED BY SECTIONS 200, 202, 205-210, 240, 315 AND 1050 OF THE FISH AND GAME CODE, HEREBY AMENDS ITS REGULATIONS IN SECTIONS 1.74, 13.05, 13.36, 13.86 AND 27.80, TITLE 14, CAC, TO PROVIDE FOR THE 1987-88 OCEAN AND NORTH COAST SPORT SALMON FISHING CLOSURES, SEASONS, BAG AND POSSESSION LIMITS AND PUNCH CARD SYSTEM AS FOLLOWS:

Section 1.74, Title 14, CAC, is amended to read as follows:

1.74. Salmon Punch Card Requirement.

Anglers must have a nontransferable punch card issued by the department in their possession while fishing for salmon in ocean waters north of Point Delgada or in waters of the Klamath River system. Anglers must immediately upon taking an adult salmon over 20 inches in length in ocean waters, and over 22 inches in length in the river system, make a hole in the punch card in one of the designated locations and record the month, day, area of catch and species of salmon in the spaces provided adjacent to the punch.

A punch card shall be valid for the calendar year. No person may purchase or possess more than one punch card or any punch card other than his own. Upon purchase of the punch card, the card number shall be entered in ink on the back of the angler's sport fishing license. The sport fishing license number shall be entered on the punch card in the appropriate box.

Anglers must return punch cards to the department within 30 days of the close of the calendar year. The department may charge a fee for each punch card issued to defray printing and related administrative costs. The amount of said fee shall be \$1.00. Pursuant to Section 1055 of the Fish and Game Code, an additional \$0.50 will be charged by vendors authorized by the Department.

Authority: Sections 200, 202, 205, 210, ~~219~~ and ~~220~~, 240 and 1055, Fish and Game Code.

Reference: Sections ~~200-202~~ 200, 202, ~~203-17~~, 205-210 and ~~215-222~~, 240 and 1055 Fish and Game Code.

Section 13.05, Title 14, CAC, is amended to read as follows:

13.05. Trout and Salmon.

Salmon may not be taken in any water in the North Coast District except as provided in Section 13.05(b) and (c).

Exceptions to the following seasons and limits are found under special regulations beginning with Section 13.10. See Section 2.10 for gear restrictions.

(a) Lakes and reservoirs:

(1) Open season: All year.

(2) Limit: Ten from last Saturday in April through November 15; five for remainder of year.

(b) The following waters, excluding tributaries, are open to fishing all year. Limit: Three trout or salmon in combination, but no more than two salmon.

(1) Bear River downstream from County Road bridge at Capetown.

(2) Big Lagoon.

(3) Eel River downstream from the Trinity-Mendocino county line.

(4) Eel River, South Fork downstream from the Humboldt-Mendocino county line.

(5) Elk River downstream from Highway 101 bridge.

(6) Freshwater Creek downstream from bridge at "3 Corners" on the Old Arcata

Road.

~~(7)~~ Klamath River downstream from Iron Gate Dam (see sections 13.35 and 13.36)

~~(8)~~ (7) Little River downstream from the County Road bridge at Crannell.

~~(9)~~ (8) Mad River downstream from the County Road bridge at Maple Creek.

~~(10)~~ (9) Mattole River downstream from Honeydew Creek.

~~(11)~~ (10) Redwood Creek downstream from McArthur Creek.

~~(12)~~ (11) Smith River downstream from Patrick Creek.

~~(13)~~ (12) Smith River, South Fork downstream from Jones Creek.

~~(14)~~ (13) Smith River, North Fork downstream from Stoney Creek.

~~(15)~~ (14) Stone Lagoon.

~~(16)~~ Trinity River downstream from old Lewiston bridge (see sections 13.85, 13.86 and 13.90)

~~(17)~~ Trinity River, South Fork downstream from the Highway 36 bridge at Forest Glen (see section 13.86)

~~(18)~~ (15) Van Duzen River downstream from the Highway 36 bridge at Bridgeville.

(c) The following waters, excluding tributaries, are open to fishing all year: Limit: Three trout and five salmon, but no more than two salmon greater than 22 inches total length.

(1) Klamath River downstream from Iron Gate Dam (see Sections 13.35 and 13.36).

(2) Trinity River downstream from the Old Lewiston bridge (see Sections 13.85, 13.86 and 13.90).

(3) Trinity River, South Fork downstream from the Highway 36 bridge at Forest Glen (see Section 13.86).

~~(e)~~ (d) Streams in the following drainages are open from the last Saturday in April through November 15: Limit: Ten trout.

(1) Applegate River and tributaries.

(2) Illinois River and tributaries.

(3) Klamath River and tributaries above Iron Gate Dam (see Section 13.37).

(4) Mad River and tributaries above Ruth Dam.

(5) Sacramento River and tributaries above the Interstate 5 bridge at Dunsuir.

(6) Shasta River and tributaries above Dwinell Dam.

(7) Trinity River and tributaries above Lewiston Dam.

(4) (e) All other streams:

(1) Open season: Saturday preceding Memorial Day through November 15.

(2) Limit: Five trout.

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

Reference: Sections ~~200-202~~, 200, 202, ~~203-1~~, 205-210 and 240 ~~215-222~~, Fish and Game Code.

Section 13.36, Title 14, CAC, is amended to read as follows:

13.36. Klamath River Salmon Restrictions (Siskiyou and Humboldt cos.).

(a) Size and Species Restrictions:

(1) ~~Restrictions Below Highway 101 Bridge:~~ In those years when the department determines the total sport catch of adult king salmon below the Highway 101 bridge equals or exceeds ~~one-third~~ 40% of the Klamath River basin allowable sport catch (7-9% of the estimated in-river run size as determined by the Pacific Fishery Management Council), no person shall retain any king salmon over 22.0 inches in total length.

~~(2) Special Additional Restrictions Below Highway 101 Bridge:~~ In those years when the department determines that over 35% of the ~~one-third~~ allowable Klamath River basin sport catch (~~see subsection 13.36(a)(1)~~) has been taken prior to August 20, no person shall retain any king salmon over 22.0 inches in length on Mondays and Tuesdays (~~excluding Labor Day holiday~~) from August 20 through September 30 below the Highway 101 bridge.

~~(3) (2) Restrictions From Iron Gate Dam to Highway 101 Bridge:~~ In those years when the provisions of subsection 13.36(a)(1) are implemented, ~~no~~ No person shall retain any king salmon over 22.0 inches in total length from Iron Gate Dam near Hornbrook downstream to the Highway 101 bridge commencing 43 days after implementation of 13.36 (a)(1) the department determines that one-third of the allowable Klamath River basin sport catch has been taken below the Highway 101 bridge in any year.

~~(4) (3) Exception to subsection 13.36(a)(3) (2):~~ King salmon over 22.0 inches in total length may be possessed ~~taken~~ from 3,500 feet below the Iron Gate Dam to the Interstate 5 bridge when the department determines that the adult fall king salmon spawning escapement at Iron Gate Hatchery exceeds 8,000 fish during any year subsection 13.36(a)(3) (2) is implemented.

(b) Daily Bag Limit: See subsection 13.05(c).

~~(1) Below U-5 Highway 101 Bridge:~~ Five salmon, of which not more than two may be over 22.0 inches in length provided that, if the department determines that 90% or more of the allowable ~~one-third~~ sport harvest allocation below the U-5 Highway 101 bridge referred to in subsection 13.36(a)(1) is caught on or before Labor day, not more than one of the two fish over 22.0 inches in length may be a king salmon.

~~(2) Klamath River From Iron Gate Dam Near Hornbrook Downstream to the U-5 Highway 101 Bridge:~~ Five salmon, of which not more than two may be over 22.0 inches in length.

(c) Weekly Bag Limit: Not more than six king salmon over 22.0 inches in total length may be taken in any seven consecutive calendar days.

(d) Possession Limit: Not more than eight salmon of which not more than ~~two~~ six greater than 22.0 inches in total length may be possessed.

(e) Notification of Commission and Public: The department shall inform the commission, and the public via the news media, prior to the implementation of subsections 13.36(a) and ~~13.36(b)(1)~~.

Authority: Sections 200, 202, 205, 210, ~~219, 220,~~ and 240, 315, Fish and Game Code.

Reference: Sections ~~200-202,~~ 200, 202, ~~203-1,~~ 205-210, and ~~215-222,~~ 240 and 315, Fish and Game Code.

Section 13.86, Title 14, CAC, is amended to read as follows:

13.86. Trinity River and South Fork Trinity River Salmon Restrictions (Trinity Co.).

(a) **Size and Species Restrictions:** King salmon over 22 inches in length may not be possessed. No person shall retain any king salmon over 22.0 inches total length in the Trinity River and South Fork Trinity River commencing 43 days after implementation of restrictions under subsection 13.36 (a)(1) the department determines that one-third of the allowable Klamath River basin sport catch has been taken below the Highway 101 bridge in any year. The department shall inform the commission, and the public via the news media, prior to any implementation of the provisions of this subsection.

(b) **Daily Bag Limit:** See subsection 13.05(c). Five salmon of which not more than two may be over 22.0 inches in length.

(c) **Weekly Bag Limit:** No more than six king salmon over 22.0 inches in total length may be taken in any seven consecutive calendar days.

(d) **Possession Limit:** No more than eight salmon of which no more than two six over 22.0 inches in total length may be possessed.

Authority: Sections 200, 202, 205, 210, ~~319, 320,~~ and 240, 315, Fish and Game Code.

Reference: Sections ~~200-203,~~ 200, 202, 303-1, 205-210 ~~315-322,~~ 240 and 315, Fish and Game Code.

Section 27.80, Title 14, CAC, is amended to read as follows:

27.80. Salmon.

(a) Methods of take:

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

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

(b) Open season:

(1) Tomales Bay: All year, ~~except~~ as modified by subsection (3) of this section.

(2) All other waters of the ocean and San Francisco Bay District south of Point Delgada (40° 01' 24" N. lat.) from the Saturday nearest February 15 through the Sunday nearest November 15, ~~except that salmon may not be taken in ocean waters (including Humboldt Bay) north of Point Delgada (40° 01' 24" N. lat.) on Mondays and Tuesdays from July 19 through August 31.~~

(3) All waters of the ocean north of Point Delgada (40° 01' 24" N. lat.) ~~(including Humboldt Bay)~~ from the Saturday preceding Memorial Day through the Sunday following Labor day, or the date when the department determines that the number of king salmon allocated to the ocean sport fishery between Point Delgada and Cape Blanco (42° 50' 20" N. lat.) has been landed, whichever comes first. Allocation of the number of salmon available to the ocean sport fishery between Point Delgada and Cape Blanco will be made each year by the Pacific Fishery Management Council prior to May 1. If the department determines that more than 35% of the allowable allocation of king salmon has been landed between Point Delgada and Cape Blanco prior to July 17, salmon fishing will be closed Tuesdays and Wednesdays. The department shall inform the commission, and the public via the news media, when 80% of the aforementioned portion of the allowable allocation has been harvested. Exception: Humboldt Bay is open all year to the taking of salmon.

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

(4) Ocean waters from Trinidad Head (41° 03' 15" N. lat) to Punta Gorda (40° 15' 45" N. lat.) from the Monday following Labor Day through September 30, except for the closure provided in Section 27.75.

(c) Limit:

(1) North of Point Delgada, two salmon. but no more than one silver salmon and one king salmon through June 22, after which time two salmon may be possessed. No more than six salmon may be taken during any consecutive seven calendar day period. If the Department determines that 35% of the allowable allocation of king salmon has been landed between Point Delgada and Cape Blanco by July 17, no more than one king salmon and no more than four salmon during any consecutive seven calendar day period may be taken. Provisions of Section 1.74, Title 14, CAC, shall be employed in the enforcement of multi-day bag limits. The department shall inform the commission, and the public via the news media, when 80% of the allowable allocation, as set forth herein, has been harvested.

(2) South of Point Delgada, two salmon.

Authority: Sections 200, 202, 205, 210, 240 and 315, Fish and Game Code.

Reference: Sections 200, 202, 205, 210, 240, 307 and 315, Fish and Game Code; and Title 50, Part 661, Code of Federal Regulations.

28. RECEIPT OF 1986 REPORT AND RECOMMENDATIONS FOR 1987 RE: DEPARTMENT REQUEST TO CONTINUE IMPLEMENTATION OF FORESTHILL DIVIDE MOUNTAIN LION MANAGEMENT PLAN, PLACER COUNTY.

Mr. Cribbs reminded the Commission that at its April 7, 1986 meeting, the Commission authorized the Department to continue implementing, during 1986, the Foresthill Divide mountain lion management plan, which was originally approved on April 26, 1985. He explained that the Department had requested a continuation of the management program outlined in that plan for the 1987 grazing season. He indicated that the Commission's 1985 approval of the proposed five-year program was contingent upon an annual review and evaluation. He stated that this matter had been scheduled to provide the Commission an opportunity to discuss that issue. He pointed out that Commissioners had been provided with a copy of the Department's plan as well as the Department's evaluation of the 1986 operations.

President Taucher complimented the Department on an excellent report.

Mark Palmer, Sierra Club, stated that his organization continued to have concerns regarding the amount of funding for this program, especially for the limited amount of data it felt the Department was gathering. Matthew Bailey, Mother Lode Chapter, Sierra Club, stated that the goal of the plan was to provide for a 50% reduction in depredation. He indicated that that goal was reached the first year, and that there was no evidence to indicate an increase in predation since that time. He explained that there was only two ranchers involved and that they were grazing their sheep on public land. He noted that there was little to base the continuation of this program, and recommended that the Commission deny the Department's request for continuation of implementing the Foresthill Divide mountain lion management plan.

Brian Butler, Concerned Citizen, stated that he had been involved in this program for over two years. He stated that he had evidence that the Department had falsified records regarding depredation in the area. He stated that he had photographed a female lion which the Department had noted in its report as a male lion. He stated that the lion was killed on a nearby ranch, but that the Department indicated that the lion was killed close to a nearby school. He then provided the Commission with a series of photographs and his written report.

Terry Mansfield, Fish and Wildlife Manager, stated that this was the third year of a five-year study. He reminded the Commission that the Department could take up to five lions prior to the grazing season, and then any additional lion that had been identified as causing damage to the rancher's livestock. He pointed out that last year there had only been one confirmed sheep kill by a mountain lion. He explained that the Department had been learning a great deal from this study, and recommended the Commission approve continuation of this program.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT
THE FISH AND GAME COMMISSION HEREBY APPROVES THE
DEPARTMENT'S REQUEST FOR CONTINUED IMPLEMENTATION OF THE

FORESTHILL DIVIDE MOUNTAIN LION MANAGEMENT PLAN, PLACER COUNTY, DURING 1987 SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

29. DISCUSSION AND ADOPTION OF THE 1987-88 MAMMAL HUNTING AND TRAPPING REGULATIONS.

The Executive Secretary stated that this was the last of three meetings required for the receipt and consideration of adopting changes in the 1987-88 mammal hunting and trapping regulations. He noted that copies of the tentative approvals as well as copies of the Department's pre-adoption statements, environmental plans and responses to all written and oral recommendations received from the public as well as additional background information had been provided to the Commission. Mr. Cribbs pointed out that all correspondence received by the Commission office since March 6 had been made available to the Commission in addition to the summary of that correspondence. He stated that no individual action by the Commission was necessary in discussing these sections unless there was a desire to modify the regulation from that provided in the tentative approvals.

Mr. Cribbs suggested that following consideration of the Commission's tentative approvals, the public be afforded an opportunity to testify on any of the recommendations submitted at the February 6 meeting, but which were not adopted by the Commission as a proposed regulation. He noted that if the Commission wished to adopt any public recommendations, a motion to that effect would be necessary. The Executive Secretary then stated that the Commission staff requested authorization to make technical and nonsubstantive changes in the form of the final order in conjunction with the Department staff and with the advice of the Attorney General's office in an effort to ensure clarity and consistency.

The Executive Secretary pointed out that the Department asked that the Commission request that OAL expedite review of sections 360, deer; 361, archery deer hunting; 362, Nelson bighorn sheep; 363, pronghorn antelope; 364, elk; 369, mountain lion; and 371, procedures for application and distribution of deer tags and permits, if approved, to be made effective ten days after filing with the Secretary of State. He noted that this action would permit the Department to provide for the sale of deer, Nelson bighorn sheep, pronghorn antelope, elk, and mountain lion tag applications during the month of June to allow individuals the opportunity to apply for the quota deer, Nelson bighorn sheep, pronghorn antelope, elk and mountain lion hunts and still participate in the early archery deer season for Zone A. Mr. Cribbs pointed out that the hunters needed time to read the new regulations and file applications prior to the final filing dates. He further pointed out that in order to accomplish this objective, tag applications for deer, Nelson bighorn sheep, pronghorn antelope, elk and mountain lions would have to be made available prior to July 1 when the majority of the regulations normally became effective.

Mr. Cribbs then outlined the procedures followed by the Commission regarding the discussion of the proposed sport hunting of mountain lions. He explained that the latest notice regarding the tentative approvals of the

mountain lion proposal indicated that the Commission would be considering regulations which varied from the Department's proposal of 210 permits to the alternative of having no hunting season or any variations or modifications thereof. He noted that the Commission's tentative approval of the mountain lion proposal was reflective of the public comments received up to the Commission's March 6, 1987 meeting in Redding. He stated that the Attorney General's office had looked at the Commission's notices and procedures which it had followed concerning the proposed sport hunting of mountain lions and indicated that the Attorney General's office had determined that the Commission had complied with all appropriate Government Code and Fish and Game Code sections. He pointed out that Section 202 of the Fish and Game Code provided an exemption to the Commission regarding the time periods prescribed in the Government Code with respect to such notices.

The Executive Secretary stated that the Commission adopted tentative approvals which would allow it the flexibility to look at various options submitted by the Department and the public or any modifications to those options as they related to the sport hunting of mountain lions. He pointed out that the Commission's alternatives ranged from the Department's proposal for a 79-day mountain lion hunting season in five geographic areas for the take of up to 210 lions as well as other related options or any combination of those options. He noted that those options included reductions in the season (anywhere from 0 to 79 days) geographic area (anywhere from 0 to 5 zones) and number of lions taken (anywhere from 0 to 210 permits). He explained that reductions in the geographic areas or mountain lion zones may include in-season closures within subunits of the mountain lion hunting zones. He further noted that the subunits were identified as deer hunting zones or portions of deer hunting zones within the mountain lion hunting zones.

Mr. Cribbs provided the following summary of correspondence which had been received in the Commission to date: (1) number of individuals sending correspondence who were opposed to the sport hunting of mountain lions, 9,648; (2) number of individuals sending correspondence in support of a sport hunt for mountain lions, 7,915; (3) number of individuals who signed petitions opposed to the sport hunt of mountain lions, 6,917; (4) number of individuals who signed petitions in support of a sport hunt of mountain lions, 1,180; (5) total number of individuals expressing opposition to the sport hunt of mountain lions, 16,565; and (6) total number of individuals expressing support for a sport hunt of mountain lions, 9,095.

The Executive Secretary suggested that the Commission consider the mountain lion proposal at this time and suggested that the Commission take action on this matter following that discussion prior to considering the other mammal hunting proposals. The Commission concurred.

With respect to Section 369, Mountain Lion, the following discussions took place:

Kate Stafford, Jonathan Paul, Rod Coronado, Mary Mesmer, Brian Hebert, Karen Pickett, George Beland, Sharon Cavallo, Michael Robinson, Kelly Meagher, Michele Miller, Mitchell Wyss, Mark Palmer, Kerry Gibbs, Ron Sanford, Mark Dubois, Jeff Hoffman, Scott Wachenheim, Sammy Rienis, Darien Meyer, Evan Snow, Maseesa London, Ben Seahill, Shane Nash, Jonathan Harris, Phoebe Seaton, Sarah Wilson, Cooper Funk, Stephine Wolf, Nancy Bomsey, David Orr, Richard Spotts,

Dennis Cavallo, Jean Brody, Karen James, Connie Ross, Patricia Hanks, Sharon Negri, Cris Waller, Janet Bower, Sue Rodriguez-Pastor, Myra Finklestein, Dennis Fritzing, Brian Wood, Rufus Cohen, Robert Anderson, Craig Abby, Robert Harrison, Bill Warnisher, Nehemiah Barshlomo, Ms. Wilson, Andrea Rolde, Gerald Roybal, Maria Marcuson, Shirley Finster, Tim Krasnansky, Karen Debrawl, Patrick Kelly, Peter Bralver, Joyce Tischler, Walter Levison, Charles Griffing, Mike Ceaser, Glenn Rosensteel, Ronald Rowan, Nicole Silk, Carol Sabatino, Calvin Timberwood, Larry Evans, Steve (no last name given), Tim Kellogg, Marsha Mather-Thrift, Burton Butler, Mark Jonjak, Charles Thomas, Bob Ekols, Renee' Grandi, William Popper, Rivka Sigal, Virginia Handley, Fay Jenkinson, Becky Wu, Craig Labby, Laurel Paulson-Pierce, David Reynolds, Rose Cook, Mark McMillen, Sally Miller, Eric Mills, Terry Beckmann, Robert Bell and Bill Yeates all spoke in opposition to the trophy hunting of mountain lions; and the main points discussed were as follows: (1) the need for further study of the state's mountain lion population before any trophy hunting would be allowed. They support at least a five-year study conducted by Dr. Maurice Hornocker; (2) concerned that the mountain lion's habitat must be protected together with all wildlife species for future generations; (3) mountain lions should be photographed, not shot with rifles; (4) the Department's data was inaccurate; and therefore, there was not sufficient data to support the sport hunting of mountain lions; (5) regulations were already in effect to issue depredation permits to those ranchers whose livestock had been killed by mountain lions; (6) opposed to the use of dogs in hunting mountain lions; (7) recommended for the closure of Zone 5; (8) concerned with overharvest of isolated mountain lion populations; and (9) the hunting of mountain lions could be in conflict with native American heritage.

Donald Stehsel, Merl Felker, Don Silacci, Elwood Davis, Douglas Knox, Bud Ganow, Ed Hall, G. L. Johnson, George Gamble, Joe Becker, Gary Soeth, Dave Donan, Russ Fields, Gary McCain, Donald Torell, Claire Telles, Lew Hubb, Thomas Smith, Ken Book, Steven Malach, James Williams, Hank Doddridge, Ron Reid, Paul Wilcox, Jared Hendricks, Fred Pasquarella, Michele Howard, Kent DeChambeau, R.D. Riley, Cynthia Crane, Lamar Johnston, Gerald Upholt, Bob McKay and Dean Barney all supported the Department's recommendation for a limited sport hunt of mountain lions. The following points were discussed: (1) the Department's data indicated that in some areas, the deer populations were adversely impacted by the increase in the mountain lion population; (2) depredation on livestock by mountain lions had increased during the past several years and it was believed that sport hunting could, in future years, reduce that depredation; (3) the Department's North Kings Deer Herd Study had shown that mountain lions were reducing the number of deer in Fresno County, and that a limited sport hunt of mountain lions could be beneficial to improving the deer herd in the North Kings area; (4) The sportsmen were the ones who had been paying for the Department to manage the state's fish and wildlife resources and to protect its habitat through their license fees. Hunters were concerned with the protection of mountain lion habitat but pointed out that state law recognized sport hunting as a beneficial use of the state's wildlife resources; (5) wildlife management should be based on biology, not politics; and (6) Gerald Upholt, California Wildlife Federation, recommended that the license tag fee be reduced from \$75 to \$15.

Amos Gates, California Houndsmen for Conservation, recommended a 45-day season with no restriction on the number of tags to be issued.

Bud Hemman opposed the Department's proposal as he felt it was a "political hunt". He stated that there was no biological reason for the mountain lion zones. He pointed out that the Department's own Foresthill Divide study indicated that the best time to hunt mountain lions was in the spring, not the fall. He also disagreed with the cost of the mountain lion tags. He believed the cost should be \$1 as it was identified in the Fish and Game Code. He explained that the Commission needed to manage wildlife, not people. He also indicated that the proposed 79-day season was the same as the bear season; and therefore, would present a problem to bear hunters whose dogs would pick up a mountain lion track and the bear hunter would not have a mountain lion tag in his possession.

The Executive Secretary stated that the Department had prepared a report on the major issues that had been raised by the opponents to sport hunting of mountain lions, and that Terry Mansfield was prepared to discuss that report.

Terry Mansfield, Fish and Wildlife Manager, indicated that the Department had put together a brief report on seven major concerns which had been raised during the discussion of sport hunting of mountain lions. He provided the Commissioners with copies of this written report and proceeded to provide the Commission with the following summary of that report:

RESPONSE TO MAJOR ISSUES RAISED IN
OPPOSITION TO SPORT HUNTING OF
MOUNTAIN LIONS

April 10, 1987

1. Concern - The Fish and Game Commission and Department have a responsibility to protect and maintain a healthy mountain lion population, yet sport hunting may be detrimental to the population.

Response - The Department recognizes its responsibility and has developed goals for mountain lion management which include maintaining a healthy, self-sustaining lion population. This regulated sport hunting proposal is designed to be biologically conservative and to maintain a large, healthy lion population. It has a number of safeguards including closed areas, limited number of permits in each zone, mandatory tag return and carcass presentation requirements. Monitoring of both hunted and nonhunted populations is an integral part of the program. All other western states use similar regulations in maintaining healthy lion populations while providing sport hunting opportunities.

2. Concern - Mountain lions are threatened or endangered in California.
Response - This contention has no biological or legal basis. Mountain lions do not meet the legal criteria established by law (Code sections 2062 or 2067) or Commission regulations (Section 670.1).

Response - Guidelines approved by the Commission related to listing species as either threatened or endangered contain the following criteria:

1. Degree of threat. Evidence of immediate threat to each population or significant portion of range or habitat.
2. Historic and current distribution. Documentation of extant (eliminated populations).
3. Historic and current abundance. Population trend information which documents a threat.
4. Species description and biology. Specific information related to species requirements and basic biology.
5. Habitat requirements. Physical habitat requirements for all life stages.
6. Current and recommended management. Existing management of known populations and procedures useful for protecting the species.

Mountain lions clearly do not meet these criteria since they are widely distributed, have a stable-to-increasing population trend, substantial data exists to document a large healthy population, they are highly adaptable to a wide range of habitat types, much is known about their biology and numerous large areas of habitat are protected from the threat of loss or depredation. An objective review of the best available information clearly indicates that mountain lions are more numerous today than at any time since 1900. The proposed sport hunting season will not result in the mountain lion becoming threatened or endangered.

3. Concern - Not enough is known about the lion population to justify sport hunting, and further study is needed.

Response - Although further study of mountain lions in California would be useful in adding to the existing body of knowledge, and perhaps improving public understanding of the species management options, sufficient information exists to reasonably guide a cautious, conservative sport hunting program. The Department has used professionally accepted techniques for field studies of mountain lions and contracted for independent academic assessments of sport hunting options. The proposal is based on intensive studies of mountain lions in all five regions where hunting is proposed.

4. Concern - The Department has not conducted appropriate studies of mountain lions in California.

Response - The Department has intensively studied the lion population since 1972. Efforts were expanded following a pilot project conducted in Monterey County from 1973-1976. Animals were captured, marked and released for monitoring in intensively studied populations with over 60 mountain lions monitored with radio telemetry since 1973. In addition to efforts by Department personnel, a number of cooperative projects have been and are continuing to be conducted in a number of areas including Fresno, Monterey, Orange, Placer and Santa Clara counties. They include academic institutions as well as other agencies and private organizations.

In an effort to evaluate the proposed sport hunting proposal in terms of its effect on mountain lion populations in each zone, a population model using specific mountain lion population data from these areas and other information from the scientific literature was developed. This aspect of the analysis was performed under contract by Dr. Reg Barrett, U.C. Berkeley, using state-of-the-art techniques in an independent analysis. Results indicate that the proposed harvest would be well below the sustained yield of the population.

5. Concern - The Department has placed too much emphasis on track transect surveys to indicate mountain lion densities.

Response - Although the Department and cooperators have used track surveys, they are only one field technique for assessing mountain lion populations. If systematically done by skilled personnel, they can produce valid information to confirm the presence and trends over time in lion populations. Results tend to be minimum estimates. However, since 1985, the Department has used systematic surveys of lion habitat for all signs of mountain lions including tracks, droppings, scratches, killed and cached prey and confirmed property damage resulting from lions to develop improved assessments of mountain lion populations. Detailed records including photos have been maintained to document findings. Such systematic surveys are commonly used by other mountain lion researchers throughout the western United States.

6. Concern - The Department's estimates of mountain lion numbers are suspect.

Response - The Department has used site specific mountain lion population data to estimate densities, reproduction and mortality trends in each zone where hunting is proposed. In several of these areas, population assessments were made in cooperation with other agencies, academic institutions and private organizations. Review of the scientific literature related to mountain lions indicates, density estimates are reasonable.

These site specific population data, including density, sex and age class structure, home range size and reproductive success, are then applied to similar habitats to produce the best

estimates of mountain lion conditions in larger regions. Translating this information from specific study areas to larger regions is essential since it is not feasible to study all lion populations statewide.

7. Concern - The Department has not documented mountain lion habitat trends and is not placing enough emphasis on habitat protection.

Response - The Department has formulated a goal for mountain lion management which commits specifically to protecting important habitat for the mountain lion and its primary prey, mule deer. This commitment is in addition to its responsibility to implement the Commission's Land Use Planning and Deer Management policies. The fact that mountain lions are highly adaptable to a wide range of habitat types makes them less vulnerable to threat from habitat loss than species with very narrow and specific habitat requirements. Recent field studies have documented lion use of a larger total range than previously estimated (from about 74,000 mi² in the 1970's to about 80,000 mi² in 1987). These estimates should not be interpreted to mean the Department is unaware of habitat loss. They reflect improved range surveys based on more recent field studies which updated previous, less intensive studies.

Commissioner Galletti asked that if the Commission determined that the hunt was biologically sound and approved it, how much more information would the Department receive. Mr. Mansfield explained that the Department would receive information from the mandatory carcass return requirement. He also pointed out that if radio-collared lions were taken, the Department could utilize a mark-recapture method to estimate the mountain lion population within the state. He noted that the Department would also continue with its ongoing studies.

Mr. Cribbs asked Denis Smaage for a report regarding the Commission and Department's compliance with all appropriate Government Code and Fish and Game Code sections. Mr. Smaage stated that in his review of all of the existing material, the Commission and Department had followed all appropriate Government Code and Fish and Game Code sections. He indicated that the three-hearing process utilized in adopting mammal hunting regulations allowed the Commission to act on public input at any of the three hearings. He noted that there were court cases which upheld the adoption of changes to regulations at public meetings based on the public's input. He pointed out that the reason for holding a public hearing was to allow a Board or Commission to receive public input and act on that public input by modifying the regulations as necessary.

Commissioner Galletti asked Mr. Smaage if the Commission would be mandated to set a hunting season if the Commission found that the biological data submitted by the Department justified a hunting season. Mr. Smaage stated that Section 1801(e) of the Fish and Game Code, identified sport hunting as a proper use of certain designated species of wildlife, subject to regulations consistent with the maintenance of a healthy, viable wildlife resource, the public safety and a quality outdoor experience.

Commissioner McCracken asked that if the Legislature indicated that the mountain lion was a game mammal, did the Commission have to establish a season? Mr. Smaage answered that the Commission did not have to approve a hunting season.

Commissioner Galletti followed up with that if he felt there was sufficient evidence to indicate that a mountain lion season was biologically sound, was he obligated to vote for a hunting season. Mr. Smaage indicated that a Commissioner had the discretion to decide if they felt it was appropriate to have a hunting season based on all data presented to them.

Commissioner McCracken then thanked the Department staff and the public for its input on this very sensitive issue.

Mr. Cribbs reiterated the procedures Commission staff would follow in preparing the rulemaking file for this regulation if adopted by the Commission. He noted that the Department's pre-publication of notice statement, pre-adoption statement as well as the final statement would be included together with all news releases and notices filed with the Office of Administrative Law to be included in the notice register and all copies of correspondence received by the Commission office.

Commissioner Galletti pointed out that he had supported the Department's proposal of a limited hunt last year in Fresno County. He explained that in his opinion, the data justified a limited sport hunt in zones 1 and 2. He pointed out that the number of permits to be issued would remain the same for those zones, but felt that a harvest quota should be established.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES A LIMITED SPORT HUNT OF MOUNTAIN LIONS IN ZONES 1 AND 2, WITH 80 PERMITS TO BE ISSUED IN ZONE 1 AND 60 PERMITS TO BE ISSUED IN ZONE 2. HOWEVER, THERE WOULD BE A HARVEST QUOTA OF 25 MOUNTAIN LIONS IN ZONE 1, AND A HARVEST QUOTA OF 20 MOUNTAIN LIONS IN ZONE 2. FURTHER, THE SEASON WOULD OPEN ON THE SECOND SATURDAY IN OCTOBER AND EXTEND FOR 79 CONSECUTIVE DAYS OR WHENEVER THE QUOTA WAS REACHED, WHICHEVER OCCURRED FIRST.

AYES: COMMISSIONERS GALLETTI AND MC CRACKEN.

NOES: COMMISSIONERS MURDY, BRYANT AND TAUCHER.

President Taucher stated that he concurred with Commissioner Galletti to a certain extent in that the Commission should take a conservative approach, but felt that there were other areas in the state which could also sustain a limited sport hunt of mountain lions.

Commissioner Murdy stated that there was an increased number of depredation permits issued annually. He indicated that he was encouraged by the Department's Foresthill Divide study. He realized that the sport hunting of mountain lions would not replace the need for depredation permits, but felt that in his own mind, the numbers would be reduced annually if sport hunting

occurred. Mr. Murdy indicated that he preferred an expanded version of Commissioner Galletti's motion, but reduced from the Department's proposal. He suggested that a combination of alternatives X and Y be adopted. He pointed out that it excluded Zone 5, but broke the existing zones 1-4 into subunits and that the season within a subunit would be closed if the harvest in any subunit exceeded 20 percent of the estimated lion density for that subunit. He also indicated that his suggestion included the requirement of the hunter to backtrack to locate any cubs if a lactating female had been killed.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES A LIMITED SPORT HUNT OF MOUNTAIN LIONS IN ZONES 1-4 WITH A TOTAL NUMBER OF 190 PERMITS TO BE ISSUED (ZONE 1 - 80 PERMITS; ZONE 2 - 60 PERMITS; ZONE 3 - 30 PERMITS; AND ZONE 4 - 20 PERMITS. IN ADDITION, THE MOUNTAIN LION ZONES WOULD BE FURTHER DIVIDED INTO SUBUNITS WITH BOUNDARIES IDENTICAL TO DEER ZONE BOUNDARIES. FURTHER, THE MOUNTAIN LION HARVEST IN ANY OF THE SUBUNITS WOULD NOT EXCEED 20 PERCENT OF THE ESTIMATED MOUNTAIN LION DENSITY FOR THAT SUBUNIT. FURTHER, IF A LACTATING FEMALE WAS ACCIDENTALLY TAKEN, THEN THE HUNTER WAS TO BACKTRACK AND ATTEMPT TO RECOVER THE CUBS AND TURN THEM OVER TO THE DEPARTMENT, AND THE REGULATIONS ARE AS FOLLOWS:

Section 369, is added to Title 14, CAC, to read:

369. Mountain Lion.

Except as provided in Section 402, Title 14, CAC, mountain lion may be taken only as follows:

(a) Areas:

(1) Zone 1—North Coast: Those counties of Del Norte, Humboldt, Trinity, Mendocino, Lake, Sonoma and Marin; and those portions of Siskiyou, Shasta, Tehama, Glenn, Colusa, Yolo, Sacramento, Solano, Napa, Contra Costa, Alameda and San Francisco counties lying within the area described as follows: Beginning at the California-Oregon state line and its intersection with Interstate 5; south on Interstate 5 to Highway 89; east on Highway 89 to Highway 44 at Old Station; south and west on Highway 44 to the North Fork of Battle Creek; south and west on the North Fork of Battle Creek to Battle Creek; west on Battle Creek to the Sacramento River; north on the Sacramento River to the mouth of Cottonwood Creek; west on Cottonwood Creek to Interstate 5; south on Interstate 5 to Highway 80 in the City of Sacramento; west on Highway 80 to Highway 101; north on Highway 101 to the Pacific coastline at Marin County; north along the Pacific coastline to the California-Oregon state line; east on the California-Oregon state line to the point of beginning.

(2) Zone 2—West Slope Sierra Nevada: Those counties of Plumas, Butte, Sierra, Yuba, Nevada, Sutter, Placer, Amador, Calaveras, Tuolumne and Mariposa; and those portions of Shasta, Lassen, Tehama, Glenn, Colusa, Yolo, Sacramento, El Dorado, Alpine, San Joaquin, Stanislaus, Merced, Madera, Fresno, Tulare, Kern and Los Angeles counties lying within the area described as follows: Beginning at the California-Nevada state line and its intersection with Highway 50; southwest on Highway 50 to the Sierra crest at Echo Summit; south on the Sierra crest to the Mono-Alpine county line; south on the Mono-Alpine county line to the Mono-Tuolumne county line; south on the Mono-Tuolumne county line to the Mono-Madera county line; south on the Mono-Madera county line to the Mono-Fresno county line; south on the Mono-Fresno county line to the Inyo-Fresno county line; south on the Inyo-Fresno county line to the Inyo-Tulare county line; south on the Inyo-Tulare county line to the Sequoia National Park boundary; south on the Sequoia National Park boundary to the main Kern River; south on the main Kern River to the Inyo and Sequoia National Forest boundary; southeast on the Inyo and Sequoia National Forest boundary to the end of the Chimney Meadow-Blackrock Station Road (Forest Road 21S03) near Blackrock Mountain; south on the Chimney Meadow-Blackrock Station Road to Forest Road 22S05; southeast on Forest Road 22S05 through Troy Meadows to the South Fork of the Kern River; south on the South Fork of the Kern River to the Doyle Ranch Road; south on the Doyle Ranch Road to Highway 178 in the town of Onyx; east and south on Highway 178 to Highway 14; south on Highway 14 to Highway 138; west on Highway 138 to Interstate 5; north on Interstate 5 to Highway 99 at Wheeler Ridge; north on Highway 99 to Interstate 5 in the City of Sacramento; north on Interstate 5 to Cottonwood Creek; east on Cottonwood Creek to the Sacramento River; south on the Sacramento River to Battle Creek; east on Battle Creek to the North Fork of Battle Creek; north and east on the North Fork of Battle Creek to Highway 44; north and east on Highway 44 to Highway 89 at the north entrance of Lassen Volcanic National Park; east on the Manzanita Lake Road to the Lassen Volcanic National Park boundary; north and east on the Lassen Volcanic National Park boundary to its intersection with the Caribou

Wilderness Area boundary at Sunrise Peak; east and south on the Caribou Wilderness Area boundary to the Jewel Lake Trail; east on the Jewel Lake Trail to its junction with Lassen County Road 110 near Silver Lake; east on Lassen County Road 110 to its junction with the Silver Lake Road (Lassen County Road A21); north and east on the Silver Lake Road to Highway 44; southeast on Highway 44 to Highway 36 west of Susanville; east on Highway 36 to its junction with Conservation Center Road at Susanville (County Road A-27); east on Conservation Center Road to its junction with Highway 395 at the town of Litchfield; east on Highway 395 to the Wendel-Pyramid Lake Road; east on the Wendel-Pyramid Lake Road to the California-Nevada state line; south on the California-Nevada state line to the point of beginning.

(3) Zone 3—Central Coast: Those counties of Monterey, San Benito, San Luis Obispo, Santa Barbara and Kings; and those portions of Santa Cruz, Santa Clara, Merced, Madera, Fresno, Tulare, Kern, Los Angeles and Ventura counties lying within the area described as follows: Beginning at the mouth of the Pajaro River in Monterey Bay; east on the Pajaro River to Highway 1; north on Highway 1 to Highway 152; east on Highway 152 to Highway 99; south on Highway 99 to Interstate 5; south on Interstate 5 to Highway 126; west on Highway 126 to Highway 1; south on Highway 1 to the Santa Clara River; west on the Santa Clara River to the Pacific Ocean; north on the Pacific coastline to the point of beginning.

(4) Zone 4—East Slope Sierra Nevada: In those portions of El Dorado, Alpine, Mono, Inyo, Tulare and Kern counties lying within the area described as follows: Beginning at the California-Nevada state line and its intersection with the southern crossing of Highway 266; north on Highway 266 to Highway 168; west on Highway 168 to Highway 395; south on Highway 395 to Highway 14; south on Highway 14 to Highway 178; north and west on Highway 178 to the Doyle Ranch Road in the town of Onyx; north on the Doyle Ranch Road to the South Fork of the Kern River; north on the South Fork of the Kern River to Forest Road 22S05; west and north through Troy Meadows to Chimney Meadow-Blackrock Station Road (Forest Road 21S03); northwest on the Chimney Meadow-Blackrock Station Road to the road's end at the Inyo and Sequoia National Forest boundary near Blackrock Mountain; northwest along the Inyo and Sequoia National Forest boundary to the main Kern River; northwest on the main Kern River to the Sequoia National Park boundary; northeast on the Sequoia National Park boundary to the Inyo-Tulare county line; north on the Inyo-Tulare and the Inyo-Fresno county line; to the Mono-Fresno county line; north on the Mono-Fresno county line to the Mono-Madera county line; north on the Mono-Madera county line to the Mono-Tuolumne county line; north on the Mono-Tuolumne county line to the Mono-Alpine county line at the Sierra crest; northwest on the Sierra crest to Highway 50 at Echo Summit; northeast on Highway 50 to the California-Nevada state line; south on the California-Nevada state line to the point of beginning.

(b) Season: The mountain lion season shall open on the second Saturday in October and extend for 79 consecutive days in the areas described in (a). There is no open season in the balance of the state.

(c) Bag and Possession Limit: One mountain lion of either sex per license year. Spotted kittens, immature lions (immature lions are defined as lions less than one year of age or lions weighing less than 40 pounds) and female lions accompanied by either spotted kittens or immature lions may not be taken. If a lactating female is killed, she shall be backtracked and the kittens captured and turned over to the department.

(d) Number of permits: Not more than 190 permits shall be authorized as follows:

<u>Zone 1.</u>	<u>80 permits</u>
<u>Zone 2.</u>	<u>60 permits</u>
<u>Zone 3.</u>	<u>30 permits</u>
<u>Zone 4.</u>	<u>20 permits</u>
<u>Total</u>	<u>190 permits</u>

(e) Distribution of permits: Application forms for mountain lion permits shall be made available to the public through license agents and regular offices of the department for a nonrefundable fee of \$5. Each applicant must possess a current California resident hunting license and be over the age of 12 years. No person shall submit more than one application. Applicants shall mail the application to the Department of Fish and Game, 3211 "S" Street, Sacramento, California 95816. Applications must be received before the close of the business day on the second Friday in August. Applicants shall only apply for one designated zone. Permittees and a list of alternates shall be determined by a computerized, random number selection.

Incomplete applications will not be valid. Unsuccessful applicants will not be notified. Successful applicants will be mailed notification as soon as practical. Upon receipt of the notification, the applicant shall send a \$75 cashier's check or money order along with his/her current hunting license number to the Department of Fish and Game, 3211 "S" Street, Sacramento, California 95816. The cashier's check or money order, along with the current hunting license number, shall be received by the department by the close of the business day on the second Thursday in September. Should the quota for each zone remain unfilled after the second Thursday in September, the alternate list shall be used. Successful applicants shall be provided with a mountain lion license tag upon receipt by the department of the specified fee and hunting license number by the specified day. This regulation supersedes Section 4801 of the Fish and Game Code regarding the mountain lion license tag fee.

(f) Validation of Tags: Only department employees may validate mountain lion license tags. Mountain lion license tags must be countersigned before transport of a mountain lion, except for the purpose of taking it to the nearest person authorized to countersign the license tag, on the route being followed from the point where the lion was taken. All mountain lion license tags must be presented for validation within 72 hours of killing a mountain lion. This regulation supersedes Section 4805 of the Fish and Game Code regarding persons eligible to validate mountain lion license tags.

(g) Return of Mountain Lion License Tags:

(1) Every person who takes a mountain lion pursuant to this regulation shall return the report card portion of the mountain lion license tag to the department within 10 days of taking a mountain lion. Report cards shall be returned to the department employee who validates the tag as required by subsection (f) or by the United States Mail.

(2) Every person who is unsuccessful in taking a mountain lion shall return the report card portion of the mountain lion license tag to the department within 30 days of the close of the season. Tag holders who fail to comply with this requirement shall not apply for a mountain lion license tag the following license year. If they apply, they shall be denied a mountain lion license tag.

(3) Any person who is convicted of a violation involving mountain lions shall not apply for a mountain lion license tag the following license year.

This regulation supersedes Section 4804 of the Fish and Game Code regarding forfeiture of mountain lion license tags.

(h) Use of Guides: Any holder of a mountain lion license tag who utilizes the services of a guide or guides licensed by the department shall place the guide's license number on the license tag in the space provided.

(i) Bait: No feed, bait or other materials capable of attracting a mountain lion to a feeding area shall be placed or used for the purpose of taking or pursuing mountain lions. No mountain lion shall be taken over such bait. No person shall take a mountain lion within 400 yards of any baited area.

(j) Use of Dogs: Dogs may be used in hunting of mountain lions in the areas described in subsection (a), by persons with valid mountain lion license tags. The pursuit of mountain lions under the provisions of subsection 265(c)(1)(A) is prohibited in the areas described in subsection (a) during the season described in subsection (b) of this regulation.

(k) Inspection and Report Requirements:

(1) Any person who takes a mountain lion shall personally present the head, hide, evidence of sex and edible meat from the mountain lion to a department office/officer within 72 hours of taking the mountain lion.

(2) The department may collect biological information from the mountain lion carcasses and parts thereof but shall return those portions of the carcasses not needed for scientific purposes.

(3) The holder of a mountain lion license tag shall carry the tag while hunting mountain lions, and upon killing a mountain lion, shall immediately fill out both parts of the tag. The tag shall be immediately attached to the ear of the mountain lion and kept attached for the remainder of the season and for 15 days thereafter.

(4) The department shall mark all mountain lion hides. No person shall possess, except for a period of 72 hours immediately after taking the mountain lion, the hide of a mountain lion which has not been marked or otherwise documented by the department.

(5) It is unlawful for any person to sell, offer for sale, barter, trade, or purchase the carcass of any mountain lion or parts thereof. It is unlawful to transport from this state or offer for out-of-state shipment by any common carrier the carcass of any mountain lion or parts thereof, unless the valid tag is attached and the hide has been marked by the department.

(1) Special Conditions: No person shall take a mountain lion without a valid tag for that area in possession. Any person taking a mountain lion shall provide the department with specific information regarding the kill site, use of dogs and use of a licensed guide. Any person taking a mountain lion which has a collar or other such marking device attached to it shall provide the department with such marking device within the 72-hour mandatory reporting period specified in subsection (k).

(m) Inseason Closures: Notwithstanding other provisions of Section 369, the department shall close any subunit within a mountain lion hunting zone when it makes a finding that 20% of the department's estimated density of mountain lions in that subunit has been taken. A subunit is defined as those deer hunting zone or zones (or parts of deer hunting zones) as defined by Section 360, Title 14, CAC, that are included within the mountain lion hunting zones. The department shall notify the commission, the public via the news media and the permittees of the affected zone of any implementation of this subsection. The department shall provide each successful applicant with information on the quota for the appropriate subunit or subunits within each mountain lion zone.

Authority: Sections 200, 202, 203, 219 and 1050, Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 213, 219, 1050, 1801 and 4800-4805, Fish and Game Code.

AYES: COMMISSIONERS MURDY, BRYANT AND TAUCHER.
NOES: COMMISSIONERS GALLETTI AND MC CRACKEN.

Mr. Cribbs then stated that the Commission would discuss the remaining 1987-88 mammal hunting and trapping regulations. He noted that following discussion of the proposed changes, a final motion for the overall adoption of the regulations and the implementation of the changes in the 1987-88 mammal hunting and trapping regulations was required. He pointed out that all other regulations not modified by that order would remain unchanged.

The Executive Secretary then proceeded to read through the tentatively approved regulations and the following discussions took place:

With respect to Section 263, Bud Hemman, Central Valley Sportsmen, recommended repealing this section. He pointed out that trapping could occur at night in this area but no hunting. He noted that there was BLM land available for the houndsmen to utilize; and therefore, they did not need to trespass on private property.

Bob Wilson, California Cattlemen's Association, opposed the repealing of Section 263. He noted that ranchers had lost high numbers of livestock due to trespassing problems, and that night hunting would increase those losses.

With respect to Section 265, Use of Dogs in Pursuit and/or Hunting of Mammals, Richard Peters, North State Sportsmen Coalition, recommended reinstating the dog training season for bear commencing on July 1 and ending August 31. He explained that the dog training season had been taken away from the houndsmen under false assumptions and that it should be restored. He also noted that the dog training season was a family sport.

Gerald Upholt, California Wildlife Federation, supported the houndsmen's request for reinstatement of the dog training season and suggested that the Department and the houndsmen resolve their differences and to reestablish a good working relationship.

Zake Parkazus recommended eliminating the use of dogs for hunting purposes.

With respect to Section 353, Methods Authorized for Taking of Big Game, Bob McKay, California Sportsmen's Lobby, recommended retaining the current provisions of this regulation.

Kent Woodell, Sportsmen for Equal Access, recommended the use of knives to take wild pig. He stated that this method was useful in tight situations where the hunter had his dogs cornering a wild pig. The Commission stated that this type of recommendation should be made at its February meeting and not proposed at the adoption meeting.

With respect to Section 354, Archery Equipment and Crossbow Regulations, Steve Malach, California Bowmen Hunters, recommended that in subsection (d), the use of a flu-flu arrow for game birds which were flying, but recommended the use of a regular arrow when the game birds were on the ground or water. The Executive Secretary informed Mr. Malach that this recommendation should be

made to the Commission at its June meeting when it considered changes in the resident and migratory upland game bird and migratory nongame bird (American crows only) regulations.

With respect to Section 360, Deer, Jared Hendricks, Knocti Rod and Gun Club, recommended that the season in Zone A end one week earlier. He stated that the Department's data indicated that the total deer herd count was depressed. Terry Mansfield stated that buck hunting only would not influence the total number in the deer herd, but that to increase deer numbers, the habitat needed to be improved. He stated that the Department was working toward that end through the use of Hill Bill monies to improve the habitat by use of brush burning. The Executive Secretary suggested that Mr. Hendricks meet with the Commission's subcommittee on mammals and Department staff to further discuss his concerns. Mr. Hendricks agreed with that suggestion.

The Executive Secretary stated that based on the Department's herd count inventory for Zone X-4, the Department was recommending an increase in the number of permits available for that zone.

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. MURDY, THAT
THE FISH AND GAME COMMISSION HEREBY MODIFIES THE
NUMBER OF PERMITS TO BE ISSUED IN ZONE X-4 FROM
1,700 TO 1,900.

PASSED UNANIMOUSLY.

Mr. Cribbs pointed out that based on the Department's recent herd count inventory, the Department was now recommending a reduction in the number of permits for Zone X-5a.

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. GALLETTI, THAT
THE FISH AND GAME COMMISSION HEREBY MODIFIES THE
NUMBER OF PERMITS TO BE ISSUED DURING PERIOD 1 IN
ZONE X-5a FROM 80 TO 50, AND DURING PERIOD 2 IN
ZONE X-5a FROM 290 TO 250.

PASSED UNANIMOUSLY.

Gary Zufelt recommended that the regulations for Zone X-5c remain the same as the previous year. He stated that the only reason to split an archery and rifle season was to provide additional hunter opportunity, but in his opinion, the recommendation was reducing his overall opportunity. Terry Mansfield stated that the Department's recommendation was providing more net hunter opportunity. He pointed out that the Department had also recommended a reduction in the number of permits to be issued in Zone X-5c.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY MODIFIES THE NUMBER OF PERMITS TO BE ISSUED IN PERIOD 1 FOR ZONE X-5c, FROM 100 TO 70, AND IN PERIOD 2 FOR ZONE X-5c, FROM 1,080 TO 800.

PASSED UNANIMOUSLY.

The Executive Secretary again pointed out that the Department was recommending a change in the number of permits to be issued in Zone X-7a, based on its recent herd count inventory.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY MODIFIES THE NUMBER OF PERMITS TO BE ISSUED IN ZONE X-7a FROM 1,000 TO 1,500.

PASSED UNANIMOUSLY.

Mr. Cribbs stated that based on the Department's recent herd count inventory, it was recommending a reduction in the number of permits to be issued for Zone X-8.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY MODIFIES THE NUMBER OF PERMITS TO BE ISSUED IN ZONE X-8 FROM 700 TO 500.

PASSED UNANIMOUSLY.

John Macomas opposed the split season in Zone X-11. He explained that there was no valid reason for the two two-week seasons and that the hunters were seeking additional hunting opportunities. Terry Mansfield stated that the buck ratio in Zone X-11 was below the herd objectives and the Department recommended the Commission maintain the same split season as the previous year. The Executive Secretary suggested that the Department and the sportsmen work together and come back to the Commission at its February 1988 meeting with a recommendation that would be acceptable to both parties.

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION HEREBY REESTABLISHES THE SAME SPLIT SEASON IN ZONE X-11 AS LAST YEAR, EACH PERIOD RUNNING FOR 16 CONSECUTIVE DAYS.

PASSED UNANIMOUSLY.

Lew Hubb, California Bowmen Hunters, stated that his organization was unaware of any high crippling losses that occurred during previous Gray Lodge archery either-sex deer hunts. He recommended that the S-13 hunt be modified to allow the use of archery equipment. Terry Mansfield stated that there was severe flooding on Gray Lodge last winter and that the recommendation from the field personnel was to reduce the number of permits to be issued for that special hunt as well as to eliminate the use of archery equipment.

Joe Becker stated that initially, the hunt was in the fall, but now it was held in August. He noted that the time change could have had an effect on the success rates and/or crippling loss.

Deputy Director Jensen stated that Region 2 had been working with Butte County on this proposal and the Department was under the impression that everyone supported this proposal.

The Executive Secretary stated that based on the Department's recent herd count inventory and discussions with the Nevada Department of Wildlife, the Department was recommending increasing the number of permits for the S-16, Devils Garden Muzzle Loading Rifle and Archery Hunt, Modoc County.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT
THE FISH AND GAME COMMISSION HEREBY MODIFIES THE NUMBER
OF PERMITS TO BE ISSUED IN ZONE S-16 FROM 70 TO 150
MUZZLE LOADING RIFLE PERMITS, AND FROM 30 TO 50 ARCHERY
PERMITS.

PASSED UNANIMOUSLY.

Mr. Cribbs informed the Commission that the Lassen County Board of Supervisors had not supported Supervisor Grader's recommendation to eliminate rifles in the Bass Hill area.

With respect to Section 362, Nelson Bighorn Sheep, Mark Palmer, Sierra Club, made the Commission aware that a portion of the hunting area for the proposed Nelson bighorn sheep was in a wilderness study area.

Dave Donan, Jim Williams, Gary McCain, Walt Powell, Fred Pasquarella, Gerald Upholt, Kent Woodell, Joe Becker and Steve Malach all recommended the use of archery equipment to take Nelson bighorn sheep. They emphasized that archery equipment was authorized to take other big game species; and therefore, should also be allowed to take Nelson bighorn sheep. They pointed out that long-range shooting with rifles could also cause crippling losses.

Virginia Handley opposed the Nelson bighorn sheep hunt, and in addition, opposed the use of archery equipment as it allowed for the suffering of animals.

Deputy Director Jensen stated that since this was a new program, the Department was trying to respond to the perception of crippling losses; and therefore, recommended only the use of center-fire rifles. Jack Parnell stated that for the first year, the Department was taking a conservative approach; and therefore, recommended the use of center-fire rifles only.

Bob McKay expressed a concern regarding the aging of the bighorn sheep since there was a problem relying on the horn size.

The Executive Secretary pointed out that a motion was needed to accept the Department's wording changes regarding the collection of a nonrefundable application fee at the time applications were obtained, to clarify the spotting scope requirement and to define the intent of the marking requirement for horns of rams taken.

It was then:

MOVED BY MR. BRYANT, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY MODIFIES SECTION 362, NELSON BIGHORN SHEEP, TO INCLUDE THE DEPARTMENT'S PROPOSED MODIFICATION TO ALLOW THE DEPARTMENT AND LICENSE AGENTS TO COLLECT THE NONREFUNDABLE APPLICATION FEE AT THE TIME APPLICATIONS WERE OBTAINED, TO CLARIFY THE SPOTTING SCOPE REQUIREMENTS AND TO DEFINE THE INTENT OF THE MARKING REQUIREMENTS FOR HORNS OF RAMS TAKEN.

PASSED UNANIMOUSLY.

With respect to Section 363, Pronghorn Antelope, the Executive Secretary pointed out that the dates to receive the application by the Department and the drawing date had been modified.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. MURDY, THAT THE FISH AND GAME COMMISSION HEREBY MODIFIES SECTION 363 TO INCLUDE THE DEPARTMENT'S RECOMMENDATION FOR THE ACCEPTANCE OF APPLICATIONS ON THE TUESDAY FOLLOWING THE FIRST MONDAY, AND THE DRAWING DATE TO BE THE THURSDAY FOLLOWING THE FIRST MONDAY.

PASSED UNANIMOUSLY.

With respect to Section 364, Elk, Jim Williams, California Bowmen Hunters, recommended the use of archery equipment as an authorized method of take for elk. Joe Becker recommended setting up an archery educational program for the Commission and the Commission concurred with this suggestion.

It was then:

MOVED BY MR. MC CRACKEN, SECONDED BY MR. GALLETTI, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE USE OF ARCHERY EQUIPMENT FOR THE TAKE OF ELK.

PASSED UNANIMOUSLY.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY MODIFIES SECTION 364 TO INCLUDE THE DEPARTMENT'S RECOMMENDATION FOR THE ACCEPTANCE OF APPLICATIONS ON THE TUESDAY FOLLOWING THE FIRST MONDAY, AND THE DRAWING DATE TO BE THE THURSDAY FOLLOWING THE FIRST MONDAY.

PASSED UNANIMOUSLY.

With respect to Section 401, Issuance of Permits to Kill Deer, Bear, Elk, Wild Pig, Gray Squirrel and Beaver Causing Damage, Kent Woodell stated that the estimate for the number of pigs taken under depredation permits were inaccurate. He recommended leaving the regulations as they were so that the wild pig meat was not wasted. Bob McKay also opposed any changes that would lead to the waste of animals. The Executive Secretary pointed out that the Department's intent was for only those areas where wild pigs were causing depredation problems and were not accessible to public hunting activities, such as state parks. Gary McCain voiced his concern about leaving animals to rot and to potentially give the sportsman a bad name. Bud Hemman stated that he was also concerned with the proposed regulations since wild pigs could be taken in areas not otherwise open to sport hunting. Kent DeChambeau supported Mr. Woodell's recommendation.

The Executive Secretary stated that in light of the sportsmen's concerns, he suggested that the Commission withdraw this section and take action at its May 15, 1987 meeting in Newport Beach. He pointed out that the Commission could utilize its other authorities to amend Section 401, and did not need to consider it under the normal sport hunting statutes.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY CONTINUES ITS DISCUSSION REGARDING THE AMENDMENT TO SECTION 401 AND TAKE ACTION ON THIS MATTER AT ITS MAY 15, 1987 MEETING IN NEWPORT BEACH.

PASSED UNANIMOUSLY.

With respect to Section 474, Hours for Taking, Bud Hemman requested that this section be repealed. He stated that there was no reason to keep this area closed to night hunting and that he would work out an agreement with the Department regarding any problems with the San Joaquin kit fox.

There being no additional testimony from the public, the Executive Secretary stated that it would be appropriate for the Commission to make one overall motion to implement changes which were made in the mammal hunting and trapping regulations.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT
THE FISH AND GAME COMMISSION PURSUANT TO THE AUTHORITY
VESTED BY SECTIONS 200, 202, 203, 219, 308, 331, 332, 333,
355, 1050, 2005, 3000, 3003.5, 3005.5, 3005.7, 3080, 3081,
3201, 3214, 3800, 4009.5, 4150, 4181, 4181.5, 4188, 4189,
4756, 4902, 10500, 10501 AND 10502 OF THE FISH AND GAME CODE,
AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SECTIONS 200-203.1,
206, 207, 211-222, 331, 355, 356, 1050, 1801, 2005, 3800, 3950,
4150, 4332, 4756, 4800-4805, 4902, 10500 and 10502 OF SAID CODE,
REPEALS, ADOPTS AND AMENDS ITS REGULATIONS IN TITLE 14, CALIFORNIA
ADMINISTRATIVE CODE, PERTAINING TO THE TAKE OF MAMMALS AS FOLLOWS:

(1) Subsection 265(b)(5), Title 14, CAC, is amended to read:

(5) Furbearers and nongame mammals as specified in Section 472(a) may be taken with the aid of dogs during the appropriate open season except for closures and restrictions described in ~~Section~~ subsections 265(a) and (b).

(2) Subsection 265(c), Title 14, CAC, is amended to read:

(c) Dog Training: In the course of breaking, training, or practicing dog such dogs may be permitted to pursue mammals subject to the following seasons and conditions: (Notwithstanding the provisions of Section 86 of the Fish and Game Code, for the purposes of implementing this section, "pursue" or "attempt to pursue" do not constitute "take". This section ~~supersedes~~ supersedes ~~Sections~~ Sections 3005.5 and 4756 of the Fish and Game Code.) Except for the prohibitions in subsections 265(a) and (b), Title 14, CAC, dog training is allowed as follows:

(1) Seasons:

(A) Except in areas where the mountain lion hunting season is open, mountain lions may be pursued with the aid of dogs beginning the second Saturday in October for a period of 138 consecutive days statewide if the following conditions are met:

1. An application for a permit to pursue mountain lions shall be made on the form supplied by the department and shall contain such information as the department may require including but not limited to area (this may be up to 3 adjacent counties), approximate dates, names and addresses of people in the party and the purpose of the pursuit.

2. The permit to pursue mountain lions shall be in the immediate possession of the permittee while he is in pursuit of mountain lions.

3. No person shall knowingly pursue an immature mountain lion (less than one year old).

4. A report providing the results of the pursuits and other such information as the department may require shall be submitted to the ~~department~~ Department of Fish and Game, Wildlife Management Division, 1416 Ninth Street, Sacramento, CA 95814, within 30 days of the expiration of the permit. Mountain lion pursuit-only permit holders who fail to comply with this section shall not apply for a mountain lion pursuit-only permit the following license year. If they apply, they shall be denied a mountain lion pursuit-only permit.

5. Any person who is convicted of a violation of the provisions of Section 265 shall not apply for a mountain lion pursuit-only permit for the following license year.

(B) Gray fox may be pursued with the aid of dogs from March 1 through the day preceding the opening of the gray fox season, except for closures and restrictions described in ~~Section~~ subsections 265(a) and (b).

(C) Raccoon may be pursued with the aid of dogs from April 1 through the day preceding the opening of the raccoon season, except for closures and restrictions described in ~~Section~~ subsections 265(a) and (b).

(D) Bobcat may be pursued with the aid of dogs from the day following the close of bobcat season through the day preceding the opening of the bobcat season, except for closures and restrictions described in ~~Section~~ subsections 265(a) and (b).

(2) Conditions:

(A) No person shall kill, capture or injure any animal, nor shall any person's dog be allowed to kill, capture or injure any animal.

(B) No firearm, archery gear, crossbow or other weapon capable of killing or capturing any animal may be possessed by any person while using dogs under the authority of a permit to pursue mountain lions or by any person training or practicing dogs during the seasons described in subsection (c)(1) of this section.

(C) Pursuits may not be started within 400 yards of a baited area as described in Section 257.5 of these regulations.

Authority: Sections 200, 202, 203, ~~206, 207~~, 213, and 215, ~~217, 219~~, ~~3800~~ and ~~4150~~, Fish and Game Code.

Reference: Sections ~~200-203.1~~, 200, 202, 203, 203.1, 206, 207, ~~211-222~~, 211, 212, 213, 215, 3003.5, 3800, 4000, 4150 and 4756, Fish and Game Code.

(3) Section 350, Title 14, CAC, is amended to read:

350. Big Game Defined.

"Big game" means the following: deer (genus Odocoileus), elk (genus Cervus), pronghorn antelope (genus Antilocarpa), wild pig (feral pigs, European wild pigs and their hybrids (genus Sus)), black bear (genus Ursus) and, mountain lion (genus Felis) and Nelson bighorn sheep (subspecies Ovis canadensis nelsoni) in the areas described in subsection 4902(b) of the Fish and Game Code.

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

Reference: Sections ~~200-203.1~~, 200, 202, 203, 203.1, 206, ~~207, 211-222~~, and 211, 212, 213, 215, 3950, 4700, 4900 and 4902, Fish and Game Code.

(4) Section 353, Title 14, CAC, is repealed and added to read:

~~353. Methods Authorized for Taking Big Game.~~

~~Big game, including but not limited to deer, bear, antelope, elk and wild pigs may be taken only with the following:~~

~~(a) Rifles using centerfire cartridges with softnose or expanding bullets.~~

~~(b) Bow and arrow (see section 354 for archery equipment regulations).~~

~~(c) For the taking of deer only, shotguns capable of holding not more than three shells firing size 0 or 00 buckshot may be used only in areas where the discharge of rifles is prohibited by county ordinance. Shotguns capable of holding not more than three shells firing single slugs may be used for the taking of deer, bear, and wild pigs.~~

~~(d) Muzzle loading rifles shall be all wheellock, matchlock, flintlock or percussion rifles using black or pyrodex powder and single ball or bullet loaded only from the muzzle, and with the barrel or barrels measuring 26 inches or more in length, at least .40 caliber in designation and equipped with iron sights only.~~

~~(e) Pistols and revolvers using center fire cartridges with softnose or expanding bullets may be used to take deer, bear and wild pigs.~~

~~(f) Crossbows may be used to take deer, bear and wild pigs only during the regular seasons.~~

~~Authority: Sections 200, 202, 203, 206, 207, 213, 215 and 217, Fish and Game Code.~~

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

353. Methods Authorized for Taking Big Game.

(a) Except for the provisions of subsections 353(b) through (f), Title 14, CAC, big game (as defined by Section 350, Title 14, CAC) may only be taken by rifles using centerfire cartridges with softnose or expanding bullets; bow arrow (see Section 354, Title 14, CAC, for archery equipment regulations); or wheellock, matchlock, flintlock or percussion type muzzle-loading rifles using black or pyrodex powder with single ball or bullet loaded from the muzzle and with the barrel or barrels measuring 26 inches or more in length, at least .40 caliber in designation and equipped with iron sights only.

(b) Shotguns capable of holding not more than three shells firing single slugs may be used for the taking of deer, bear and wild pigs. In areas where the discharge of rifles is prohibited by county ordinance, shotguns capable of holding not more than three shells firing size 0 or 00 buckshot may be used for the taking of deer only.

(c) Pistols and revolvers using centerfire cartridges with softnose or expanding bullets may be used to take deer, bear, mountain lions and wild pigs.

(d) Crossbows may be used to take deer, bear and wild pigs only during the regular seasons.

(e) Elk may only be taken pursuant to provisions of Section 364, Title 14, CAC.

(f) Nelson bighorn sheep may only be taken pursuant to Section 362, Title 14, CAC.

Authority: Sections 200, 202, 203, 213 and 215, Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 206, 207, 211, 212, 213, 215 and 3950, Fish and Game Code.

(5) Section 354, Title 14, CAC, is amended to read:

354. Archery Equipment and Crossbow Regulations.

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

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

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

(d) No arrow or crossbow bolt with an explosive head or with any substance which would tranquilize or poison any animal may be used. No arrow or crossbow bolt without flu-flu fletching may be used for the take of pheasants and migratory game birds, except for provisions of Section 507(b).

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

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

(g) Crossbows may not be used to take game birds and mammals during archery seasons.

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

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

Reference: Sections ~~200-203.1~~, ~~355~~ and ~~356~~, 200, 202, 203 and 203.1, Fish and Game Code.

(6) Subsection 360(a)(2)(A) Title 14, CAC, is amended to read:

(A) Area: In the County of Del Norte and those portions of Glenn, Humboldt, Lake, Mendocino, Siskiyou and Trinity counties within a line: Beginning at the California-Oregon state line and the Pacific Ocean; east along the state line to the point where Cook-Green Pass Road (Forest Service Road 48N20) intersects the California-Oregon state line; south on the Cook-Green Pass Road to Highway 96 near Seiad Valley; west and south along Highway 96 to Highway 299 at Willow Creek; southeast along Highway 299 to the South Fork of the Trinity River; southeast along the South Fork of the Trinity River to the boundary of the Yolla Bolly-Middle Eel Wilderness Area; southwest along the boundary of the Yolla Bolly-Middle Eel Wilderness Area to the Four Corners Rock-Washington Rock Trail; south and east on the Four Corners Rock-Washington Rock Trail to the boundary of the Yolla Bolly-Middle Eel Wilderness Area; east and south on the Yolla Bolly-Middle Eel Wilderness boundary to Summit Trail; south on Summit Trail to the Pacific Crest Road (U.S. Forest Service Road 24N02) the North Fork of Middle Fork Eel River; south on the North Fork of Middle Fork Eel River to Middle Fork Eel River; east on Middle Fork Eel River to confluence with Balm of Gilead Creek; north and east on Balm of Gilead Creek to confluence with Minnie Creek; east and south on Minnie Creek to Soldier Ridge Trail; north on Soldier Ridge Trail to Summit Trail; south on Summit Trail to Green Springs Trail head at Pacific Crest Road (U.S. Forest Service Road 1772); south on the Pacific Crest Road to Government Flat; south on the Mendocino Pass Road to the intersection of Forest Highway 7; west on Forest Highway 7 to the Middle Fork of the Eel River near Eel River Work Center; southwest on the Middle Fork of the Eel River to the Black Butte River; southeast along the Black Butte River to the Glenn-Mendocino county line; south along the Glenn-Mendocino and Lake-Mendocino county lines to the northern boundary of State Game Refuge 2-A; east and south along the northern and eastern boundaries of State Game Refuge 2-A to the Glenn-Lake county line near Sheetiron Mountain; south along the Glenn-Lake and Colusa-Lake county lines to Forest Service Road 18N01; west on Forest Service Road 18N01 to the Rice Fork of the Eel River; northwest along the Rice Fork of the Eel River and the shore of Lake Pillsbury to the Main Eel

River at Scott Dam; west and north along the Main Eel River to the Hearst-Willits Road; southwest on the Hearst-Willits Road to Commercial Avenue; west on Commercial Avenue to Highway 101; north on Highway 101 to its intersection with the South Fork of the Eel River; north and west along the South Fork of the Eel River to the main Eel River; west and north along the main Eel River to mouth of the Eel River and north along the Pacific coastline to the point of beginning.

(7) Subsection 360(a)(8)(D), Title 14, CAC, is amended to read:

(D) Number of Permits: ~~4,300~~ 3,800.

(8) Subsection 360(a)(9)(D), Title 14, CAC, is amended to read:

(D) Number of Permits: ~~12,000~~ 15,000.

(9) Subsection 360(a)(11)(B), Title 14, CAC, is amended to read:

(B) Season: The season in Zone D-5 shall open on the ~~fourth~~ third Saturday in September and extend for ~~37~~ 44 consecutive days.

(10) Subsection 360(a)(24)(A), Title 14, CAC, is amended to read:

(A) Area: In those portions of Glenn, Mendocino, Shasta, Tehama and Trinity counties within a line beginning at the intersection of Highway 299 and Interstate 5 in Redding; south along Interstate 5 to Black Butte Lake-Newville Road near Orland; west and north on the Black Butte Lake-Newville Road to the Round Valley-Paskenta Road; west on the Round Valley-Paskenta Road to the Pacific Crest Road (U.S. Forest Service Road 24N02) near Government Flat; north on the Pacific Crest Road to the Summit Trailhead at Green Springs; ~~north and west on the Summit Trail to the Yolla Bolly-Middle Eel Wilderness boundary; north and west on the Yolla Bolly-Middle Eel Wilderness boundary to the Four Corners Rock-Washington Rock Trail; north and west on the Four Corners Rock-Washington Rock Trail to the boundary of the Yolla Bolly-Middle Eel Wilderness Area; north along Summit Trail to Soldier Ridge Trail; south and west along Soldier Ridge Trail to Minnie Creek; north and west on Minnie Creek to Balm of Gilead Creek; west on Balm of Gilead Creek to Middle Fork Eel River; west on Middle Fork Eel River to North Fork of Middle Fork Eel River; north on North Fork of Middle Fork Eel River to Four Corners Rock-Washington Rock Trail; north and west on Four Corners Rock-Washington Rock Trail to the boundary of the Yolla Bolly-Middle Eel Wilderness Area; north along the boundary of the Yolla Bolly-Middle Eel Wilderness Area to the Tehama-Trinity county line; north on the Tehama-Trinity county line to Forest Service Arterial Road 41 at Stuart Gap; north on Forest Service Arterial Road 41 to Highway 36; west on Highway 36 (200 yards) to the Browns Creek-Harrison Gulch Road; north on the Browns Creek-Harrison Gulch Road to the Shasta-Trinity county line; northeast along the Shasta-Trinity county line to Mud Springs where the Bully Choop Mountain Road joins the Shasta-Trinity county line; north on the Bully Choop Mountain Road to Highway 299 at Buckhorn Summit and the Shasta-Trinity county line; east on Highway 299 to Interstate 5 in Redding.~~

(11) Subsection 360(b)(5)(D), Title 14, CAC, is amended to read:

(D) Number of Permits: ~~1,700~~ 1,900.

(12) Subsections 360(b)(6)(B) and (D), Title 14, CAC, are amended and (E) is added to read:

(B) Season: ~~The season in Zone X-5a shall open on the first Saturday in October and extend for 16 consecutive days.~~

1. For Period One the season in Zone X-5a shall open on the third Saturday in August and extend for 23 consecutive days.

2. For Period Two the season shall open on the first Saturday in October and extend for 16 consecutive days.

(D) Number of Permits: ~~250~~.

1. Applicants must specify Period One (50 permits) or Period Two (250 permits) (see subsections 360(b)(6)(B)1. and 2.).

(E) Special Conditions: For Period One only archery equipment as specified in Section 354 may be used.

(13) Subsections 360(b)(7)(B) and (D), Title 14, CAC, are amended and (E) is added to read:

(B) Season: ~~The season in Zone X-5b shall open on the first Saturday in October and extend for 16 consecutive days.~~

1. For Period One the season shall open on the third Saturday in August and extend for 23 consecutive days.

2. For Period Two the season shall open on the first Saturday in October and extend for 16 consecutive days.

(D) Number of Permits: ~~500~~.

1. Applicants must specify Period One (90 Permits) or Period Two (550 permits) (see subsections 360(b)(7)(B)1. and 2.).

(E) Special Conditions: For Period One only archery equipment as specified in Section 354 may be used.

(14) Subsections 360(b)(8)(B) and (D), Title 14, CAC, are amended and (E) is added to read:

(B) Season: ~~The season in Zone X-5c shall open on the first Saturday in October and extend for 16 consecutive days.~~

1. For Period One the season in Zone X-5c shall open on the third Saturday in August and extend for 23 consecutive days.

2. For Period Two the season shall open on the first Saturday in October and extend for 16 consecutive days.

(D) Number of Permits: ~~1,000~~.

1. Applicants must specify Period One (70 permits) or Period Two (800 permits) (see subsections 360(b)(8)(B)1. and 2.).

(E) Special Conditions: For Period One only archery equipment as specified in Section 354 may be used.

(15) Subsection 360(b)(10)(D), Title 14, CAC, is amended to read:

(D) Number of Permits: ~~1,000~~ 1,500.

(16) Subsection 360(b)(12)(D), Title 14, CAC, is amended to read:

(D) Number of Permits: ~~700~~ 500.

(17) Subsection 360(b)(13), Title 14, CAC, is amended to read:

(13) Zone X-9a.

(A) Area: ~~Those portions of Mono and Inyo counties within a line beginning at the intersection of Highway 395 and Cottonwood Creek; northwest along Cottonwood Creek to the Horseshoe Meadow Road; south along the Horseshoe Meadow Road to the Cottonwood Pass Trail; west along the Cottonwood Pass Trail through Horseshoe Meadow to the Inyo-Tulare county line at Cottonwood Pass; north on the Inyo-Tulare and the Inyo-Fresno county lines to the Mono-Fresno county line; north along the Mono-Fresno county line to the Mono-Madera county line; north along the Mono-Madera county line to the Mono-Tuolumne county line; north along the Mono-Tuolumne county line to the Virginia Lakes Trail (Entry Trail D11); east along the Virginia Lakes Trail to Virginia Lakes Road; east along Virginia Lakes Road to Highway 395; south on Highway 395 to Highway 167; east on Highway 167 to the California-Nevada state line; south along the California-Nevada state line to the second crossing of Highway 266; north on Highway 266 to Highway 168; west on Highway 168 to Highway 395; south on Highway 395 to the point of beginning. In those portions of Inyo and Mono counties within a line beginning at the intersection of Highway 6 and the California-Nevada state line; south along Highway 6 to its junction with Highway 395; west and north along Highway 395 to its junction with the Mammoth Scenic Loop; west and south along the Mammoth Scenic Loop to the Minaret Summit Road; west on the Minaret Summit Road to the Mono-Madera county line; north along the Mono-Madera county line to Mono-Tuolumne county line; north on the Mono-Tuolumne county line to the Virginia Lakes Trail (Entry Trail D-11); east along Virginia Lakes Trail to Virginia Lakes Road; east along Virginia Lakes Road to Highway 395; south along Highway 395 to Highway 167; east on Highway 167 to the California-Nevada state line; southeast on the California-Nevada state line to the point of beginning.~~

(B) Season: The season in Zone X-9a shall open on the second Saturday September and extend for 23 consecutive days.

(C) Bag and Possession Limit: One buck, forked horn (See Section subsection 351(a)) or better, per season.

(D) Number of Permits: ~~9,000~~ 1,500.

(18) New subsection (b)(14) is added to Section 360, Title 14, CAC, to read:

(14) Zone X-9b.

(A) Area: Those portions of Mono and Inyo counties within a line beginning at the intersection of Highway 395 and Cottonwood Creek; northwest along Cottonwood Creek to the Horseshoe Meadow Road; south along the Horseshoe Meadow Road to the Cottonwood Pass Trail; west along the Cottonwood Pass Trail through Horseshoe Meadow to the Inyo-Tulare county line at Cottonwood Pass; north on the Inyo-Tulare and the Inyo-Fresno county lines to the Mono-Fresno county line; north along the Mono-Fresno county line to the Mono-Madera county line; north along the Mono-Madera county line to Minaret Summit Road; east on the Minaret Summit Road to the Mammoth Scenic Loop to Highway 395; south and east on Highway 395 to its junction with Highway 6 at Bishop; north on Highway 6 to the California-Nevada state line; south along the California-Nevada state line to the second crossing of Highway 266; west on Highway 266 to Highway 168; west on Highway 168 to Highway 395; south on Highway 395 to the point of beginning.

(B) Season: The season in Zone X-9b shall open on the second Saturday in September and extend for 23 consecutive days.

(C) Bag and Possession Limit: One buck, forked horn (see subsection 351(a)) or better per season.

(D) Number of Permits: 2,500.

(19) Existing subsections (b)(14) and (b)(15) of Section 360, Title 14, CAC, are renumbered (b)(15) and (b)(16) respectively.

~~(14)~~ (15) Zone X-10.

~~(15)~~ (16) Zone X-11.

(20) Existing subsection (b)(16) of Section 360, Title 14, CAC, is renumbered (b)(17) and new subsections (b)(17)(C) and (D) are amended to read:

~~(16)~~ (17) Zone X-12.

(A) Area: That portion of Mono County within a line beginning at the junction of the California-Nevada state line and Highway 167 (Pole Line Road); west on Highway 167 to Highway 395; north on Highway 395 to Virginia Lakes Road; west on Virginia Lakes Road to the Virginia Lakes Trail (Entry Trail D11); northwest on the Virginia Lakes Trail to the Mono-Tuolumne county line; north along the Mono-Tuolumne county line to the Mono-Alpine county line; northeast along the Mono-Alpine county line to the Indian Springs Road; northeast on Indian Springs Road to the California-Nevada state line; southeast on the California-Nevada state line to the point of beginning.

(B) Season: The season in Zone X-12 shall open on the second Saturday in September and extend for 23 consecutive days.

(C) Bag and Possession Limit: One buck, forked horn (see Section subsection 351(a)) or better, per season.

(D) Number of Permits: ~~3,000~~ 1,500.

(21) Subsection 360(c), Title 14, CAC, is amended to read:

(c) Special Hunts.

(1) XS-1 Shasta-Trinity Special Buck Hunt, Shasta and Trinity counties.

(A) Area: In those portions of Shasta and Trinity counties beginning at the junction of Highways 3 and 299 in Weaverville; north on Highway 3 to the East Side Road at the north end of Trinity Lake; east on the East Side Road to Dog Creek Road; east on Dog Creek Road to Interstate 5 at Vollmers; south on Interstate 5 to Shasta Lake; south along the west shore of Shasta Lake to Shasta Dam; south from Shasta Dam along the Sacramento River to Keswick Dam Road; west on Keswick Dam Road to Rock Creek Road; south on Rock Creek Road to Highway 299; west on Highway 299 to the point of beginning.

(B) Season: The season for the Shasta-Trinity XS-1 Special Buck Hunt shall open on the fourth Saturday in November and extend for 9 consecutive days.

(C) Bag and Possession Limit: One buck, forked horn (See Section see subsection 351(a)) or better, per season.

(D) Number of Permits: 25.

(2) XS-2 Goodale Special Buck Hunt, Inyo County.

(A) Area: In that portion of Inyo County within a line beginning at the intersection of Highway 395 and Lone Pine Creek; west along Lone Pine Creek to the Inyo-Tulare county line; northwest along the Inyo-Tulare and Inyo-Fresno county lines to Taboose Creek; east along Taboose Creek to Highway 395; south along Highway 395 to the point of beginning.

(B) Season: The season for the Goodale XS-2 Special Hunt shall open on the first Saturday in December and extend for 16 consecutive days.

(C) Bag and Possession Limit: One buck, three points (see subsection 351(b)) or better, per season.

(D) Number of Permits: 25.

~~(2)~~ (3) S-1 San Diego Archery Either Sex Deer Hunt, San Diego County.

(A) Area: All of San Diego County, excluding the U.S. Marine Corps Base, Camp Pendleton.

(B) Season: The season for the San Diego County Archery Either Sex Deer Hunt S-1 shall open on the first Saturday in November and extend through January 31.

(C) Bag and Possession Limit: One either sex deer per season.

(D) Number of Permits: 750.

~~(3)~~ (4) S-2 Los Angeles Either Sex Archery Deer Hunt, Los Angeles County.

(A) Area: That portion of Los Angeles County, including Santa Catalina Island, south of the boundary described as follows:

Beginning at the Los Angeles-Ventura county line at the Pacific Ocean; following said county line north and east to Highway 118; east along Highway 118 to Interstate 5; northwest along Interstate 5 to Highway 138; east and south on Highway 138 to the Los Angeles-San Bernardino county line; south and west along said county line to the Los Angeles-Orange county line; west and south along the Los Angeles-Orange county line to the Pacific Ocean; west and north along the Pacific coastline to the point of beginning.

(B) Season: The season for the Los Angeles Either Sex Archery Deer Hunt S-2, shall open on the second Saturday in October and extend through January 31.

(C) Bag and Possession Limit: One either sex deer per season.

(D) Number of Permits: ~~1,750~~ 2,000.

~~(4)~~ (5) S-3 Beale Either Sex Deer Hunt, Yuba County.

(A) Area: That portion of Yuba County lying within the exterior boundaries of Beale Air Force Base.

(B) Season: The season for the Beale Either Sex Deer Hunt S-3 shall open on the second Saturday in September and extend for 51 consecutive days.

(C) Bag and Possession Limit: One either sex deer per season.

(D) Number of Permits: 20 (Military only).

(E) Special Conditions: Only shotguns with solid slugs or muzzle-loading rifles as specified in subsection (d) of Section 353 may be used.

~~(5)~~ (6) S-4 Fort Ord Buck Hunt, Monterey County.

(A) Area: That portion of Monterey County lying within the exterior boundaries of the Fort Ord Military Reservation, except as restricted by the Commanding Officer.

(B) Season: Saturdays, Sundays and federal holidays only, with the exception of the opening weekend of the quail season as provided in Section 301 of these regulations, beginning the fourth Saturday in September and ending the third Sunday in December.

(C) Bag and Possession Limit: One buck, forked horn (See Section see subsection 351(a)) or better, per season.

(D) Number of Permits: 150 (50 military and 100 general public).

(E) Special Conditions: Only shotguns with solid slugs, archery equipment as specified in Section 354, or muzzle loading rifles as specified in subsection (d) of Section 353 may be used.

~~(6)~~ (7) ~~S-6 Camp Roberts Antlerless Deer Hunt, San Luis Obispo County.~~

~~(A) Area: That portion of San Luis Obispo County lying within the exterior boundaries of the Camp Roberts Military Reservation.~~

~~(B) Season: The season for the Camp Roberts Antlerless Deer Hunt S-6 shall open on the first Monday in September and extend for 7 consecutive days.~~

~~(C) Bag and Possession Limit: One antlerless deer per season.~~

~~(D) Number of Permits: 40 (20 military and 20 general public).~~

S-5 Fort Hunter Liggett Antlerless Deer Hunt, Monterey County.

(A) Area: That portion of Monterey County lying within the exterior boundaries of the Hunter Liggett Military Reservation, except as restricted by the Commanding Officer.

(B) Season: Saturdays, Sundays and federal holidays only between the last Saturday in September and the second Monday in October.

(C) Bag and Possession Limit: One antlerless deer per season.

(D) Number of Permits: 225 (112 military and 113 general public).

~~(7)~~ (8) S-7 Monterey Archery Buck Either Sex Deer Hunt, Monterey County.

(A) Area: All of Monterey County.

(B) Season: The season for the Monterey Archery Buck Either Sex Deer Hunt shall open on the second Saturday in October and extend for 30 consecutive days.

(C) Bag and Possession Limit: One buck, forked horn (See Section 351(a)) or better, either sex deer per season.

(D) Number of Permits: 600.

(9) S-8 Monterey Private Lands Antlerless Deer Hunt, Monterey County.

(A) Area: All of Monterey County including public domain lands administered by the Bureau of Land Management, but with the exception of Fort Hunter Liggett Military Reservation, Fort Ord Military Reservation, Camp Roberts Military Reservation, and the U.S. National Forest.

(B) Season: The season for the Monterey Private Lands Antlerless Deer Hunt S-8 shall open on the first Saturday in October and extend for 23 consecutive days.

(C) Bag and Possession Limit: One antlerless deer per season.

(D) Number of Permits: 200.

~~(8)~~ (10) S-9 Tenaja Antlerless Deer Hunt, Orange County and portions of Riverside and San Diego counties.

(A) Area: All of Orange County and that portion of Riverside County west of a line beginning where Interstate 10 crosses the Riverside-San Bernardino county line; south along Interstate 10 to Highway 79; south along Highway 79 to Hemet; continuing south on County Road R3 to Highway 79; west along Highway 79 to Interstate 15; south on Interstate 15 to the Riverside-San Diego county line. That portion of San Diego County west of a line beginning where Interstate 15 crosses the San Diego-Riverside county line; south along Interstate 15 to Highway 76; west on Highway 76 to the Pacific Ocean.

(B) Season: The season for the Tenaja Antlerless Deer Hunt S-9 shall open on the first Saturday in October and extend for 2 consecutive days.

(C) Bag and Possession Limit: One antlerless deer per season.

(D) Number of Permits: 100.

~~(9)~~ (11) S-10 Camp Pendleton Either Sex Deer Hunt, San Diego County.

(A) Area: That portion of San Diego County lying within the exterior boundaries of the U.S. Marine Corps Base, Camp Joseph Pendleton.

(B) Season: Saturdays and Sundays only during the period beginning the first Saturday in September and extending for 4 consecutive weekends.

(C) Bag and Possession Limit: One either sex deer per season.

(D) Number of Permits: 160 (80 military and 80 general public).

(E) Special Conditions: The permits for the public shall be issued in groups of 53 26 for use the second and third weekends and 54 28 on the fourth weekend of the hunt. Permits will be valid for the period designated. Unsuccessful permittees may hunt on the last weekend of the season.

~~(10)~~ (12) S-11 San Diego Antlerless Deer Hunt, San Diego County.

(A) Area: All of San Diego County excluding that portion lying west of the line described as follows: Beginning at the San Diego-Riverside county line; south along Highway 395 to the San Luis Rey River; southwest along the San Luis Rey River to the Pacific Ocean.

(B) Season: The season for the San Diego Antlerless Deer Hunt S-11 shall open on the first Saturday in October and extend for 30 consecutive days.

(C) Bag and Possession Limit: One antlerless deer per season.

(D) Number of Permits: 200.

~~(11)~~ (13) S-12 Vandenberg Antlerless Deer Hunt, Santa Barbara County.

(A) Area: That portion of Santa Barbara County lying within the exterior boundaries of Vandenberg Air Force Base.

(B) Season: The season for the Vandenberg Antlerless Deer Hunt S-12 shall open on the last Monday in August and extend for 28 consecutive days.

(C) Bag and Possession Limit: One antlerless deer.

(D) Number of Permits: 200. (Military only).

~~(12)~~ (14) S-13 Gray Lodge Archery/ Shotgun Either Sex Deer Hunt, Butte and Sutter counties.

(A) Area: Those portions of Butte and Sutter counties within the exterior boundaries of the Gray Lodge State Wildlife Area.

(B) Season: The season for the Gray Lodge Archery/ Shotgun Either Sex Deer Hunt S-13 shall open on the second Saturday in August and extend for 9 consecutive days for archery hunting, and open on the fourth Saturday in August and extend for 3 consecutive days for shotgun.

(C) Bag and Possession Limit: One either sex deer per season.

(D) Number of Permits: 30 archery and 20 15 shotgun.

(E) Special Conditions: Only archery equipment as specified in Section 354 and shotguns and ammunition as specified in Section 353 may be used.

~~(13)~~ (15) S-14 Ventana Wilderness Buck Either Sex Deer Hunt, Monterey County.

(A) Area: That portion of Monterey County and the Los Padres National Forest within the exterior boundaries of the Ventana Wilderness Area.

(B) Season: The season for the S-14 Ventana Wilderness Buck Either Sex Deer Hunt shall open on the second Saturday in November and extend for 23 consecutive days.

(C) Bag and Possession Limit: One buck, ~~forked horn~~ ~~(See Section 351(a))~~ or better, either sex deer per season.

(D) Number of Permits: ~~50~~ 100.

~~(14)~~ (16) S-15 Bass Hill Archery Either Sex Deer Hunt, Lassen County.

(A) Area: That portion of Lassen County, excluding the area within the city limits of Susanville, lying within the area described as follows: Beginning at the intersection of Willard Creek Road and Highway 36 west of Susanville; east along Highway 36 to Conservation Center Road; east along Conservation Center Road to Highway 395 in Litchfield; east along Highway 395 to Mapes Road; south and west along Mapes Road to Standish-Buntingville Road; south along Standish-Buntingville Road to Blickenstaff Road; south along Blickenstaff Road to Lakecrest Road; northwest along Lakecrest Road to Highway 395; northwest along Highway 395 to Janesville Grade (County Road 208) southwest along Janesville Grade Road to the Plumas County line; northwest along the county line to Willard Creek Road; north along Willard Creek Road to the point of beginning.

(B) Season: The season in the Bass Hill Archery Either Sex Deer Hunt S-15 shall open on the third Saturday in November and extend for 23 consecutive days.

(C) Bag and Possession Limit: One either sex deer per season.

(D) Number of Permits: 80.

(E) Special Conditions: Only archery equipment as defined in Section 354 may be used.

~~(15)~~ (17) S-16 Devil's Garden Muzzle-Loading Rifle/Archery Hunt, Modoc County.

(A) Area: That portion of Modoc County within a line beginning at the intersection of the Malin Road (Modoc County 114) and the California/Oregon state line; east along the stateline to the Crowder Flat Road; south along the Crowder Flat Road to the Blue Mountain Road (Modoc County 136); west on the Blue Mountain Road to the Blue Mountain-Mowitz Butte-Ambrose Road; south on the Blue Mountain-Mowitz Butte-Ambrose Road to Highway 139; north on Highway 139 to the Malin Road; north on the Malin Road to the point of beginning.

(B) Season: The season for the Devil's Garden Muzzle-Loading Rifle/Archery Hunt shall open on the last Saturday in October and extend for 16 consecutive days.

(C) Bag and Possession Limit: One buck, three points (See Section see subsection 351(b)) or better, per season.

(D) Number of Permits: ~~70~~ 150 muzzle-loading rifle and ~~30~~ 50 archery.

(E) Special Conditions: Only muzzle-loading rifles specified in Section 353 ~~(d)~~ may be used with the ~~70~~ 150 muzzle-loading rifle permits. Only archery equipment as defined in Section 354 may be used for the ~~30~~ 50 archery permits.

~~(16)~~ (18) S-17 Santa Barbara Muzzle-Loading Rifle Hunt, Santa Barbara County.

(A) Area: In those portions of the Los Padres National Forest lying within Santa Barbara County.

(B) Season: The season for the Santa Barbara Muzzle Loading Rifle Hunt shall open on the last Saturday in November and extend for 16 consecutive days.

(C) Bag and Possession Limit: One either sex deer per season.

(D) Number of Permits: 75.

(E) Special Conditions: Only muzzle-loading weapons specified in Section 353 ~~(d)~~ may be used.

~~(17)~~ (19) S-18 Muzzle-Loading Rifle Hunt, Ventura County.

(A) Area: In those portions of the Los Padres National Forest lying within Ventura County.

(B) Season: The season for the Ventura Muzzle Loading Rifle Hunt shall open on the last Saturday in November and extend for 16 consecutive days.

(C) Bag and Possession Limit: One either sex deer per season.

(D) Number of Permits: 150.

(E) Special Conditions: Only muzzle-loading weapons specified in Section 353 ~~(d)~~ may be used.

~~(18)~~ (20) S-19 Horseshoe Ranch Muzzle-Loading Rifle Hunt, Siskiyou County.

(A) Area: That portion of Siskiyou County within the exterior boundaries of the Horseshoe Ranch Wildlife Area.

(B) Season: Period 1: Opens on the third Saturday in November and extends for 9 consecutive days; and Period 2: Opens on the first Saturday in December and extends for 9 consecutive days.

(C) Bag and Possession Limit: One buck, forked horn (See ~~Section~~ see subsection 351(a)) or better, per season.

(D) Number of Permits: Period 1: 25

Period 2: 25

Total: 50

(E) Special Conditions:

1. Only muzzle-loading weapons specified in Section 353 ~~(d)~~ may be used.

2. Permits will be valid for only one period.

3. The use of dogs is prohibited.

4. All permits must be returned to the department within 30 days of the close of the last period whether or not the permittee kills a deer.

5. Only persons possessing valid permits may possess a firearm on the wildlife area during the hunt periods.

~~(19)~~ (21) S-20 San Luis Obispo Muzzle-Loading Rifle/Archery Hunt, San Luis Obispo County.

(A) Area: That portion of San Luis Obispo County lying within the Los Padres National Forest.

(B) Season: The season for the San Luis Obispo Muzzle-Loading Rifle/Archery Hunt shall open the last Saturday in November and extend for 16 consecutive days.

(C) Bag and Possession Limit: One either sex deer per season.

(D) Number of Permits: 150.

(E) Special Conditions: Only archery equipment as specified in Section 354 or muzzle loading rifles as specified in ~~subsection (d)~~ of Section 353 may be used.

(22) S-21 Monterey Antlerless Hunt, Monterey County.

(A) Area: In those portions of the Los Padres National Forest, excluding the Ventana Wilderness Area, within Monterey County.

(B) Season: The season for the Monterey Antlerless Hunt shall open on the last Saturday in November and extend for 16 consecutive days.

(C) Bag and Possession Limit: One antlerless deer per season.

(D) Number of Permits: 50.

~~(20)~~ (23) S-22 Bass Hill Muzzle-Loading Rifle Hunt, Lassen County.

(A) Area: That portion of Lassen County, excluding the area within the city limits of Susanville, lying within the area described as follows: Beginning at the intersection of Willard Creek Road and Highway 36 west of Susanville; east along Highway 36 to Conservation Center Road; east along Conservation Center Road to Highway 395 in Litchfield; east along Highway 395 to Mapes Road; south and west along Mapes Road to Standish-Buntingville Road; south along Standish-Buntingville Road to Blickenstaff Road; south along Blickenstaff Road to Lakecrest Road; northwest along Lakecrest Road to Highway 395; northwest along Highway 395 to Janesville Grade Road (County Road 208); southwest along Janesville Grade Road to the Plumas County line; northwest along the county line to Willard Creek Road; north along Willard Creek Road to the point of beginning.

(B) Season: The season for the Bass Hill Muzzle-Loading Rifle Hunt shall open on the third Saturday in October and extend for 9 consecutive days.

(C) Bag and Possession Limit: One buck, forked horn (See Section see subsection 351(a)) or better, per season.

(D) Number of Permits: 70.

(E) Special Conditions: Only muzzle-loading weapons specified in Section 353 ~~(d)~~ may be used.

~~(21)~~ (24) S-23 Tehama Wildlife Area Buck Hunt, Tehama County.

(A) Area: That portion of Tehama County within the boundaries of the Tehama Wildlife Area and north of a line beginning at the intersection of Hogsback and Ishi roads; southeast along the Ishi Road to the Grapevine Jeep Trail; east along the Grapevine Jeep Trail to the east boundary of the Tehama Wildlife Area.

(B) Season: The season for the Tehama Wildlife Area Buck Hunt shall open on the second Saturday of November and extend for 9 consecutive days.

(C) Bag and Possession Limit: One buck, forked horn (See Section see subsection 351(a)) or better, per season.

(D) Number of Permits: 35.

(25) S-24 Shasta Lake Buck Hunt, Shasta and Siskiyou counties.

(A) Area: In those portions of Shasta and Siskiyou counties within a line beginning at the junction of Interstate 5 and Highway 89 south of the town of Mt. Shasta; east on Highway 89 to the intersection of McCloud Reservoir Road at the town of McCloud; south on the McCloud Reservoir Road along the west side of McCloud Reservoir to McCloud Dam; south and east on the McCloud Reservoir-Iron Canyon Reservoir Road to Iron Canyon Reservoir; south and east on the Iron Canyon Reservoir-Big Bend Road to the town of Big Bend at the Pit River; west and south on the Pit River to Shasta Lake at Interstate 5; north on Interstate 5 to the junction with Highway 89 at the point of beginning.

(B) Season: The season for the Shasta Lake Buck Hunt shall open the first Saturday in November and extend for 16 consecutive days.

(C) Bag and Possession Limit: One buck, forked horn, (see subsection 351(a)) or better per season.

(D) Number of Permits: 200.

~~(22)~~ (26) Conditions for Special Hunts.

(A) When hunting on military reservations or private lands, hunters shall have in their possession a written permit signed by the landowner, which may specify where and when the permittee may hunt.

(B) When required, permittees shall check in and check out of designated check stations.

Authority: Sections 200, 202, 203, ~~206, 207,~~ 213, 215, 3452 and 3453, 217 and 240, Fish and Game Code.

Reference: Sections ~~200-203.1,~~ 200, 202, 203, 203.1, 206, 207, 211-213, 215, 3452 and 3453, 217, 220 and 240, Fish and Game Code.

(22) Subsection 361(a)(2), Title 14, CAC, is amended to read:

(2) Zones B-1 through 3, D-1 through 6 and D-8 through 10, D-13, D-18, X-1 through 9b and X-12.

(A) Area: As described in Section 360(a) and (b).

(B) Season: The archery deer season in Zones B-1 through 3, D-1 through 6 and 8 through 10, D-13, D-18, X-1 through 4, X-5a (Period One), X-5b (Period One), X-5c (Period One), X-6 through 9b and X-12 shall open on the third Saturday in August and extend for 23 consecutive days.

(C) Special Conditions: An X-5a archery tag must be possessed to hunt in X-5a during Period One. An X-5b archery tag must be possessed to hunt in X-5b during Period One. An X-5c archery tag must be possessed to hunt in X-5c during Period One. All X-5a, X-5b and X-5c archery tags are valid only during Period One and only for the use of archery equipment (as defined in Section 354) in the zone indicated on the tag.

Authority: Sections 200, 202, 203, ~~206, 207,~~ 213, and 215 and ~~217,~~ Fish and Game Code.

Reference: Sections ~~200-203.1~~ 200, 202, 203, 203.1, 206, 207, 211-213, and 215, ~~217 and 220,~~ Fish and Game Code.

(23) Section 362 is added to Title 14, CAC to read:

362. Nelson Bighorn Sheep.

(a) Areas:

(1) Zone 1—Marble Mountains: That portion of San Bernardino County beginning at the intersection of Highway 66 and Kelbaker Road; north on Kelbaker Road to the junction of the west boundary of Township 6N, Range 13E located in the NW1/4, NW1/4, Section 7, Township 6N, Range 13E; north on the west boundary to the junction of the Gasline Road located in the SW1/4, SW1/4, SW1/4, Section 7, Township 7N, Range 13E; east on the Gasline Road to the junction of the east boundary of Township 7N, Range 13E located in the SE1/4, SE1/4, Section 13, Township 7N, Range 13E; south on the east boundary to the junction of the north boundary of Township 6N, Range 14E; east on the north boundary to the east boundary of Township 6N, Range 14E; south on the east boundary to the junction of Highway 66; southwest on Highway 66 to the point of beginning.

(2) Zone 2—Kelso Peak and Old Dad Mountains: That portion of San Bernardino County beginning at the junction of Kelbaker Road and the Union Pacific Railroad at Kelso, California; southwest along the Union Pacific Railroad to the south boundary of Township 11N, Range 12E; west along the south boundary of Township 11N, Range 12E, Township 11N, Range 11E and Township 11N, Range 10E to the Union Pacific Railroad; northwest along the Union Pacific Railroad to the junction of an unnamed road in NE1/4, SE1/4 of Section 19, Township 11N, Range 10E; northeast on the unnamed road

to the junction with the overhead power transmission lines; northeast on the power transmission line road to the junction of the Kelso Road; northwest on the Kelso Road to the junction of Brannigan Mine Road; southeast on the Brannigan Mine Road to the junction of the Indian Springs Road; east on the Indian Springs Road to the junction of Kelbaker Road; south on the Kelbaker Road to the point of beginning.

(b) Seasons:

(1) Special Auction Hunt: The holder of the special auction hunt permit issued pursuant to subsection 4902(d) of the Fish and Game Code may hunt in either area described in subsection 362(a) from the third Saturday in November for a period of 30 consecutive days.

(2) Except as provided in subsection 362(b)(1), the Nelson bighorn sheep season in the areas described in subsection 362(a) shall open on the first Saturday in December and extend for a period of 16 consecutive days.

(3) Except as specifically provided in Section 362, the take of bighorn sheep is prohibited.

(c) Bag and possession Limit: One mature ram defined as follows: a male Nelson bighorn sheep (*Ovis canadensis nelsoni*) having at least one horn, the tip of which extends beyond a point in a straight line beginning at the front (anterior) edge of the horn base, and extending downward through the rear (posterior) edge of the visible portion of the eye and continuing downward through the horn. All reference points are based on viewing the ram directly from a 90 degree angle from which the head is facing. A diagram showing the correct viewing procedure shall be distributed by the department to each successful applicant.

(d) Number of Permits: Not more than nine mature Nelson bighorn ram permits shall be authorized as follows:

1 special auction permit valid in both Zone 1 and Zone 2

4 general permits valid in Zone 1

4 general permits valid in Zone 2

(e) Distribution of Permits:

(1) One special permit for the taking of one mature Nelson bighorn ram shall be offered for sale at auction at a time and location announced well in advance by the department. The department shall reserve the right to refuse any bid. Any resident, nonresident or alien is eligible to bid on and receive the permit. The permit shall be offered to the highest bidder who agrees to meet all requirements to be issued either a resident or nonresident hunting license, including hunter safety requirements. The bid includes the fee for a hunting license, processing and special permit. The highest bidder in the auction shall immediately sign a binding contract for payment with the department and submit the full amount of the bid in the form of a cashier's check to the Department of Fish and Game, License and Revenue Branch, 3211 S Street, Sacramento, CA 95816 within 10 calendar days of the auction. Failure to comply with this provision shall result in the special permit being offered to the next highest bidder. The successful bidder shall be issued the special permit only after successfully completing the required hunter orientation program conducted by the department and meeting the requirements to be issued either a resident or nonresident hunting license.

(2) General Nelson bighorn ram hunting permits: Application forms shall be made available to the public through license agents and regular offices of the department for a nonrefundable fee of \$5. Each applicant must be a California resident and possess a current California resident hunting license, be over the age of 16 years and must not have been previously issued a bighorn permit.

No person shall submit more than one application. Applicants shall mail the application to the Department of Fish and Game, License and Revenue Branch, 3211 S Street, Sacramento, CA 95816. Applications must be received before the close of the business day on the second Friday in August. Permittees and a list of alternates shall be determined by computerized, random number selection. Applications shall be drawn to fill the quota for Zone 1 first, then to fill the quota for Zone 2.

Incomplete applications will not be valid. Unsuccessful applicants will not be notified. Successful applicants will be mailed notification as soon as practical. Upon receipt of the notification, the applicant shall send a \$200 cashier's check or money order along with their current hunting license number to the Department of Fish and Game, License and Revenue Branch, 3211 S Street, Sacramento, CA 95816. The cashier's check or money order, along with the current hunting license number, shall be received by the department by the close of the business day on the second Thursday in September. Should the quota for each zone remain unfilled after the second Thursday in September, the alternate list shall be used. Successful applicants shall be issued permits only after successfully completing the required hunter orientation program conducted by the department.

(f) Conditions:

(1) Only persons possessing valid Nelson bighorn ram permits are entitled to hunt bighorn sheep. Permits shall not be transferable and are valid only in the zone or zones specified.

(2) The individual awarded the special auction permit and all successful applicants for general permits shall attend and successfully complete a mandatory hunter orientation program. Licensed guides employed by successful applicants and the special auction permit bidder shall accompany their clients to this orientation program.

(3) All permits must be returned to the department within 10 days after the close of the season, even though the permittee may not have killed a Nelson bighorn ram.

(4) Nelson bighorn rams shall only be taken between one-half hour before sunrise and one-half hour after sunset.

(5) Only rifles using centerfire cartridges with expanding or softnose bullets may be used.

(6) Each permittee shall possess a spotting telescope capable of magnification of 15 power (15X), which is not affixed to a rifle, while hunting.

(7) Permit tags must be completed and attached to the carcass of a bighorn ram immediately after the animal is killed.

(8) Successful general permittees shall present the head and edible portion of the carcass of a bighorn ram to the department's checking station within 48 hours after killing the animal. If successful during the first 14 days of the season, the special auction permit holder shall notify the department's Bishop office by telephone at (619) 872-1171 within 48 hours of killing the animal and arrange for the head and carcass to be examined. If successful during the last 16 days of the season, the special auction permit holder shall present the head and carcass to the department's checking station.

(9) All successful bighorn sheep permittees shall have their permits validated and make the horns of each ram available to the department to be permanently marked in the manner prescribed by the department for identification purposes within 48 hours of killing the animal. The purpose of the permanent marking shall be to identify Nelson bighorn rams which were

legally taken and which may be transported and possessed outside the areas described in subsection 362(a).

(10) The department reserves the right to take and use any part of the permittee's bighorn ram, except the horns, for biological analysis as long as no more than one pound of edible meat is removed.

(11) The permittee shall surrender his permit to an employee of the department for any or all of the following reasons:

(A) Any act on the part of the permittee which violates any of the provisions of the Fish and Game Code, or any regulations of the commission.

(B) Any act on the part of the permittee which endangers the person or property of others.

The decision of the department in such respects shall be final and binding upon the permittee.

Authority: Sections 200, 202, 203 and 4902, Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 206, 207, 3950 and 4902, Fish and Game Code.

(23) Subsection 363(e), Title 14, CAC, is amended to read:

(e) Number of Permits: Not more than ~~550~~ 630 buck permits and ~~135~~ 150 doe permits shall be authorized as follows:

	Buck Permits	Doe Permits
Zone 1	35 70	—
Zone 2	100 <u>140</u>	100
Zone 3 (inc. 3a)	120	35 <u>50</u>
Zone 4	110 <u>115</u>	—
Zone 5	60 <u>70</u>	—
Zone 6	25 <u>15</u>	—
Archery Only	100	—
	—	—
Total	550 <u>630</u>	135 <u>150</u>

No permits will be valid in the Lava Beds National Monument or Federal and State Game Refuges lying within the hunt boundary, except for the Clear Lake National Wildlife Refuge in Modoc County and the state's Hayden Hill (IS) and Blacks Mountain (IF) refuges in Lassen County during the antelope seasons.

(f) Distribution of Permits:

The antelope hunting permits shall be issued by public drawing. Application forms shall be made available to the public through license agents and regular offices of the department. Each applicant must possess a current California resident hunting license, be over the age of 16 years, and must not have been issued an antelope permit during the last ten years. No person shall submit more than one application. Applicants shall mail the application to the Department of Fish and Game, License and Revenue Branch, 3211 S Street, Sacramento, CA 95816. Applications must be received before the close of the business day on the second Tuesday following the first Monday in July. Applicants must file for one designated zone. No more than two persons shall

submit applications in one envelope for drawing purposes. A public drawing shall be held in the office of the Department of Fish and Game, 1416 Ninth Street, Sacramento, CA 95814, on the second Thursday following the first Monday in July. Additional names will be drawn for an alternate lists for both general and archery only hunts. An alternate list will not be established for the archery only hunt.

Incomplete applications will not be valid. Unsuccessful applicants will not be notified. Successful applicants will be mailed notification on the day of the drawing as soon as practical. Upon receipt of the notification the applicant shall send a \$55 cashier's check or money order along with their current hunting license number to the Department of Fish and Game, License and Revenue Branch, 3211 S Street, Sacramento, CA 95816. The cashier's check or money order, along with the current hunting license number, shall be received by the department by the close of the business day on the first Monday in August. Should the quota for each zone remain unfilled after the first Monday in August, the alternate list shall be used.

(25) Subsection 363(g)(8)(F), Title 14, CAC, is amended to read:

(F) The specific number of antelope to be taken from this area is determined by the number of antelope present. This area will be closed once this number is reached. Only buck antelope shall be taken from this area.

Authority: Sections 331 and 10502, Fish and Game Code.

Reference: Sections 331, 10500 and 10502, Fish and Game Code.

(26) Section 364, Title 14, CAC, is amended to read:

364. Elk.

(a) Areas:

(1) Siskiyou Elk Hunt: In that portion of Siskiyou County beginning at the junction of Interstate Highway 5 with the California-Oregon state line; east along the state line to Highway 97; southwest along Highway 97 Siskiyou County Road A-12; west along Road A-12 to Interstate 5; north along Interstate 5 to the point of beginning.

(2) Shasta Elk Hunt: In that portion of Shasta County within a line beginning at the junction of Highway 299 and the Big Bend Road; north along the Big Bend Road to the Pit River at the town of Big Bend; east along the Pit River to Highway 89 at Lake Britton; south on Highway 89 to Highway 299; west on Highway 299 to the point of beginning.

(b) Seasons: The elk season for the area described in subsection 364(a)(1) shall open on the ~~third~~ second Saturday in September and continue for nine consecutive days ~~(September 20 through September 28, 1986)~~. The elk season for the area described in subsection 364(a)(2) shall open on the second Saturday in September and continue for 16 consecutive days.

(c) Bag and possession limit: One either sex elk per season.

(d) Number of Permits: ~~10~~ 20 for the area described in subsection 364(a)(1). 10 for the area described in subsection 364(a)(2).

(e) Special Conditions: (1) Each applicant must show their 1986-87 current hunting license number on their application, and (2) each applicant must have a valid resident hunting license, be at least 16 years old and a California resident.

(f) Distribution of Permits:

The elk hunting permits shall be issued by public drawing. Application forms shall be made available to the public through license agents and regular offices of the department. No person shall submit more than one application. Applicants shall mail the application to the Department of Fish and Game, License and Revenue Branch, 3211 S Street, Sacramento, CA 95816. Applications must be received before the close of the business day on the second Tuesday following the first Monday in July. No more than two persons shall submit applications in one envelope for drawing purposes. A public drawing shall be held in the office of the Department of Fish and Game, 1416 Ninth Street, Sacramento, CA 95814, on the second Thursday following the first Monday in July. Additional names will be drawn for an alternate list.

Incomplete applications will not be valid. Unsuccessful applicants will not be notified. Successful applicants will be mailed notification on the day of the drawing. Upon receipt of the notification, the applicant shall send a \$165 cashier's check or money order along with their current hunting license number to the Department of Fish and Game, License and Revenue Branch, 3211 S Street, Sacramento, CA 95816. The cashier's check or money order, along with the current hunting license number, shall be received by the department by the close of the business day on the first Monday in August. Should the quota for the hunt remain unfilled after the first Monday in August, the alternate list shall be used.

(g) Rules and regulations governing hunter. The permittee shall be subject to the following rules and regulations:

(1) No permittee shall take or possess any elk or parts thereof governed by the regulations except herein provided.

(2) Permittees shall not have the right of entry onto privately owned lands against the will or consent of the owner or person in lawful charge thereof.

(3) Only persons possessing valid elk hunting permits are entitled to take elk.

(4) All permittees ~~must check in~~ will be notified by mail as to whether they will be required to report to a checking station before hunting at the checking station located at Butte Valley Wildlife Area, Maedeel, California. All successful hunters must check out and upon completion of hunting at the checking station. The notification shall contain procedures for reporting, including the location of the checking station.

(5) Permit tags must be attached to the antlers of an antlered elk, or to the ears of antlerless elk immediately after killing.

(6) Method of Take: Only rifles using centerfire cartridges with expanding or softnose bullets, and archery equipment as defined in Section 354 may be used.

(7) Hunters will not be permitted to use dogs to take or attempt to take elk.

(8) The Department reserves the right to use any part of the permittee's elk for biological analysis as long as the amount of edible meat is not appreciably decreased.

(9) The permittee shall surrender his permit to an employee of the Department of Fish and Game for any or all of the following reasons:

(A) Any act on the part of the permittee which violates any of the provisions of the Fish and Game Code, or any regulations of the Commission made pursuant thereto.

(B) Any act on the part of the permittee which endangers the person or property of others. The decision of the Department of Fish and Game shall be final.

(10) All unsuccessful hunters must return their permit tags to the Department of Fish and Game within one week after the close of the 1986 current elk season.

Authority: Section 332, Fish and Game Code.

Reference: Section 332, Fish and Game Code.

(27) Subsections 371(d) and (e), Title 14, CAC, are amended to read:

(d) Deer Tag Applications:

(1) One Deer Application:

(A) A person shall use a one deer application to apply for any X zone or the following special hunts: XS-1, XS-2, S-15, S-16, S-19, S-22 ~~or S-23~~ through S-24.

(B) A person may use a one deer application to apply for an A, B or D deer zone tag or a special hunt tag S-1 through ~~S-4~~ S-5, ~~S-6~~, S-7, ~~S-9~~ through S-14, S-17, S-18, ~~or S-20~~ or S-21.

(C) A person may use a one deer application to apply for an archery only tag which is valid during the archery season and during the general deer season in all zones except X-5a, X-5b, X-5c and X-10. An archery only tag must be possessed to hunt in Zone X-11 during the archery season.

(2) Two Deer Application:

(A) A person may use a two deer application to apply for a combination of an A, B or D zone tag and an A, B-1, B-2 or B-4 zone tag, or one of the following special hunt tags: S-1 through ~~S-4~~ S-5, ~~S-6~~, S-7, ~~S-9~~ through S-14, S-17, S-18, ~~or S-20~~ or S-21.

(B) A person may use a two deer application to apply for two archery only tags. The first tag shall be valid for any A, B, D or X zone, except zones X-5a, X-5b, X-5c and X-10. The second application may be used for either a special hunt S-1, S-2, S-7 or for an additional archery only tag for Zone A. An archery only tag must be possessed to hunt in Zone X-11 during the archery season. Crossbows may not be used with archery only tags.

(e) The permits for all X zones and special hunts shall be distributed by a public drawing unless otherwise authorized. All A, B and D zone tags (and unfilled X zone and special hunt tags) shall be issued on a first-come, first-served basis.

(1) Applicants for the public drawings shall mail their deer tag application form to the Department of Fish and Game, 3211 S Street, Sacramento, California 95816. Applications must be received by the department by 5:00 p.m. on the second Tuesday following the first Monday of July. A public drawing shall be held on the second Thursday following the first Monday of July. The drawings for these hunts shall be held at the office of the Department of Fish and Game, 1416 Ninth Street, Sacramento, California. Incomplete applications shall not be valid.

(A) Not more than six applications may be filed jointly for any hunts which have 100 or more permits, and not more than four applications may be filed jointly for such hunts which have less than 100 permits, when mailed in one envelope for drawing purposes. The number of applicants applying as a party must be circled on the application.

(B) Applicants for special hunts may specify a special hunt, an archery only tag or an A, B, D or X zone as an alternate.

(C) Applicants for X zones may specify a special hunt, an archery only tag or an A, B, D or X zone as an alternate. (2) For hunts which are divided into periods (except S-10), applicants shall specify the hunt period. Permits shall be valid only during the period specified.

(3) permits for hunts that do not have sufficient applications to fill authorized quotas by the public drawing may be issued on a first-come, first-served basis.

Authority: Sections 200, 202, 203, ~~206~~, ~~207~~, 213, and 215 and ~~217~~, Fish and Game Code.

Reference: Sections ~~200-203.1~~ 200, 202, 203, 203.1, 206, 207, 211-213, and 215, ~~217~~, ~~221~~, ~~1050~~ and ~~4332~~, Fish and Game Code.

(28) Subsections 372(a)(24) and (26), Title 14, CAC, are amended to read:

(24) Commanding officers of any United States military installation or their designated personnel for deer ~~or bear~~ taken on their reservation.

(26) Post Office Station or Branch Manager for deer ~~or bear~~ brought to their post office.

Authority: Sections 200, 202, 203, ~~206~~, ~~207~~, 213, and 215 and ~~217~~, Fish and Game Code.

Reference: Sections ~~200-203.1~~ 200, 202, 203, 203.1, 206, 207, and ~~211-222~~ 211, 213 and 215, Fish and Game Code.

(29) Subsections 401(a) and (f), Title 14, CAC, are amended to read:

(a) A permittee may kill deer, bear, elk, wild pigs, gray squirrels, or beaver in any manner except as otherwise herein provided. No iron or steel-jawed or any type of metal-jawed traps may be used to take gray squirrels or bear. No poison may be used. Firearms using .22 caliber rimfire cartridges may be used only when authorized by the regional manager, except that such firearms may be used to take gray squirrels without such authorization. ~~No pistols shall be used.~~ The caliber and type of weapon to be used by each permittee shall be specified in each permit by the issuing officer who shall take into consideration the location of the area, the necessity for clean kills, the safety factor, local firearms ordinances, and other factors which apply. Rifle ammunition used shall have expanding bullets; shotgun ammunition shall have only single slugs except for taking gray squirrels.

(f) The carcass shall be transported to a location agreed upon between the issuing officer and the permittee, but in no case will a permittee be required to deliver a carcass beyond the limits of his property unless he is willing to do so. If the permittee and issuing officer cannot agree upon the location, the matter shall be referred to the regional manager of the region wherein the deer, bear, elk, wild pigs, gray squirrel, or beaver is killed and the latter's decision shall be final. Neither the permittee nor his assigns shall

be permitted to use the meat of the deer, bear, elk, wild pig, gray squirrel, or beaver. Beaver hides taken in accordance with this section may be sold under the provisions of a trapping license. The department may allow alternative methods of disposal of individual wild pig carcasses in circumstances where no usable meat can be salvaged.

Authority: Sections 200, 202, 203, 4181, 4181.5 and 4182, Fish and Game Code.
Reference: Sections 200-203.1, 206, 207, 211-222, 4181, 4181.5 and 4182, Fish and Game Code.

PASSED UNANIMOUSLY.

30. RECEIPT OF DEPARTMENT RECOMMENDATION SELECTION OF ENTITY TO CONDUCT BIGHORN SHEEP AUCTION (NOTE: THIS ITEM WILL ONLY BE HEARD IF THE COMMISSION APPROVES PROPOSED NELSON BIGHORN SHEEP HUNT CONSIDERED UNDER ITEM NO. 29 ABOVE).

The Executive Secretary stated that since the Commission had just approved a season for Nelson bighorn sheep, then the item before the Commission at this time was to receive the Department's recommendation for selection of an entity to conduct the bighorn sheep auction. Mr. Cribbs pointed out that the Commissioners had been provided with copies of correspondence received from James H. Duke, Jr., M.D., President, Foundation for North American Wild Sheep, Houston, Texas; Walter B. Powell, Vice President, Southern Council of Conservation Clubs, Inc., Pasadena, California; and Dr. Loren Lutz, Society for the Protection of Bighorn Sheep, as well as other interested parties.

Mr. Cribbs stated that the Department provided the following comments and recommendation:

"The Department and Commission have received requests from a number of organizations interested in assisting in auctioning a bighorn ram permit as provided by law. Although several written proposals were provided, additional, more detailed information is needed from the interested organizations. In an effort to obtain this additional information, the Department sent each organization expressing an interest in the auction a standard questionnaire.

"The intent of this effort is to maximize revenue for bighorn sheep management and research programs. The primary objective is to select the organization or group of organizations which can be most effective in assisting the Department in conducting the subject auction. A secondary objective is to recognize and unite the organizations which have been active in bighorn sheep management programs and responsible for recent statutory changes."

Kent DeChambeau concurred with postponing this item. Walt Powell stated that several groups had been working together on the bighorn sheep issue in California, and requested that a consortium of conservation groups be awarded the opportunity to auction the bighorn sheep tag. He stated that this consortium would also offer a guide to the winner of that auction.

Deputy Director Jensen stated that the Department was not prepared at this time to make a recommendation, since not all of the organizations had returned the Department's questionnaire. He stated that the Department would be prepared to make a recommendation by Wednesday, April 15. The Executive Secretary suggested that the Commission's Mammal Subcommittee meet with the Department on Wednesday to discuss this matter and make a recommendation to the Commission on who would conduct the bighorn sheep tag auction. The Commission authorized the subcommittee to make the determination of which entity was to conduct the auction for the bighorn sheep tag.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY DIRECTS ITS MAMMAL SUBCOMMITTEE TO MEET WITH THE DEPARTMENT DURING THE WEEK OF APRIL 13 TO DECIDE WHICH ENTITY WOULD BE AUTHORIZED TO CONDUCT THE BIGHORN SHEEP TAG AUCTION.

PASSED UNANIMOUSLY.

The Executive Secretary stated that items 31 - 35 had been placed on the Commission's consent calendar. He indicated that Carol Welsh had requested that item 32 be removed from the consent calendar. Mr. Cribbs stated that since there were only a few items on the consent calendar, he suggested the Commission hear each item individually. The Commission concurred.

31. REQUEST TO PUBLISH NOTICE OF INTENT TO REPEAL SECTION 163(e)(5), TITLE 14, CAC, RE: 1986-87 SAN FRANCISCO BAY PURSE SEINE QUOTA.

Summary of Proposal:

The Department is requesting that the Commission authorize its staff to publish notice of its intent to amend Section 163(e)(5), Title 14, CAC, regarding the 1986-87 San Francisco Bay purse seine quota. Commissioners were provided with information received from the State Attorney General's office relative to this issue.

In summary, on February 17, 1987, the San Francisco Superior Court rendered a final decision in the matter of the San Francisco Bay Herring, et al. versus Fish and Game Commission, et al. That decision directed the Commission and the Department to repeal amendment to Section 163(e)(5), Title 14, CAC, and to stay enforcement of the amendment relative to the individual boat quota for purse seiners. This matter will be considered by the Commission at its May 14-15 meeting in Newport Beach.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES ITS STAFF TO PUBLISH NOTICE OF ITS INTENT TO REPEAL SECTION 163(e)(5), TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, REGARDING 1986-87 SAN FRANCISCO BAY PURSE SEINE QUOTA.

PASSED UNANIMOUSLY.

32. AMENDMENT OF SECTION 671.2, TITLE 14, CAC, RE: IMPORTATION, TRANSPORTATION AND POSSESSION OF NEUTERED MALE ANIMALS.

The Executive Secretary reminded the Commission at its November 7, 1986 meeting in Redding, it authorized its staff to publish notice of its intent to amend Section 671.2, Title 14, CAC, to prohibit the importation, transportation and possession of neutered male animals. He noted that the

legal notice had been published. He pointed out that Commissioners had been provided with a copy of the Department's pre-publication of notice and pre-adoption statements as well as all correspondence on this matter. He stated that issue before the Commission was for final action repealing Section 671.2, Title 14, CAC.

Mr. Cribbs then reminded the Commissioners that they had been provided with the Department's recommendation which he entered into the record as follows:

"The existing regulation authorizes the Department of Fish and Game, with concurrence of the Department's of Health, and Food and Agriculture to issue permits for the entry of neutered male animals not otherwise admissible. This permit for entry may be issued only if the application is accompanied by a certificate issued by a licensed veterinarian. The veterinarian must present evidence that he personally performed the neutering surgery, the date he did it, or that he has examined the animal and has determined that it has been neutered.

"Animals under this section are prohibited for the following reasons: '...to reduce the depletion of these wild animal populations, or because such animals are undesirable and a menace to native wildlife, the agricultural interests of the state, or to the public health and safety...'. Neutering an animal doesn't mitigate any of the reasons for prohibiting these animals.

"The accidental or deliberate release of prohibited species into the wild is a problem. Populations of feral prohibited species would have detrimental effects upon native wildlife populations, agricultural interests and human health and welfare.

"This proposal would do away with the regulation which allows the importation of neutered male animals."

Carol Welsh, International Ferret Association, requested that the Commission postpone action on this matter until its May 15, 1987 meeting in Newport Beach. She indicated that there were many people who wished to present testimony to the Commission regarding the importation and possession of ferrets as a pet. She stated that ferrets were not wild animals, but domesticated animals; and therefore, should not fall under the Commission's regulations in Section 671, Title 14, CAC.

Commissioners Galletti and Bryant asked what would happen to the ferrets which were now in the state. The Executive Secretary stated that the ferrets that were legally permitted in the state prior to the Commission's action would be grandfathered in. He explained that the issue before the Commission was more than the ferret issue. He suggested that the Commission take action at this time, and if it wished to hear the issue of ferrets as pets, it could do so at a later date.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT
THE FISH AND GAME COMMISSION HEREBY POSTPONES ACTION
ON REPEALING SECTION 671.2, TITLE 14, CALIFORNIA

ADMINISTRATIVE CODE, REGARDING IMPORTATION, TRANSPORTATION
AND POSSESSION OF NEUTERED MALES ANIMALS UNTIL ITS
MAY 15, 1987 MEETING IN NEWPORT BEACH.

PASSED UNANIMOUSLY.

33. AMENDMENT OF SECTION 705, TITLE 14, CAC, RE: ONE-DAY SPORT OCEAN FIN
FISHING LICENSES.

Summary of Proposal:

The Commission has authorized publication of notice of its intent to amend Section 705, Title 14, CAC, regarding one-day sport ocean fin fishing licenses. That legal notice has been published. Commissioners were provided with copies of the Department's pre-publication of notice and pre-adoption statements as well as the text of the regulations in strike-out and underline format.

The following is a summary of that proposal:

"The regulations for issuance of a one-day sport ocean fin fishing license will be changed to require the date of validity and that the applicants will only have to sign their name and include their date of birth.

"A one-day sport fin fishing license is being issued to anglers going out on party boats (Fish and Game Code Section 7149(c)). Section 705, Title 14, CAC, requires that prior to being issued a validating stamp, an angler must complete an application and pay a license fee. The applications and validating stamps are issued by the party boat operator (agent) prior to the departure of the boat as a service to license buyers and to meet the requirements of Section 705, Title 14, CAC. Experience has shown that the process is time-consuming causing delays in boat departures and resulting in higher personnel costs to the party boat operators."

The Commission office has received no correspondence on this matter and the Department recommends final action.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. MC CRACKEN, THAT
THE FISH AND GAME COMMISSION, PURSUANT TO THE AUTHORITY
VESTED BY SECTION 1050 OF THE FISH AND GAME CODE, AND
TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SECTIONS 1050
AND 7149 OF SAID CODE, HEREBY AMENDS SECTION 705, TITLE 14,
CALIFORNIA ADMINISTRATIVE CODE, REGARDING ONE-DAY SPORT
OCEAN FIN FISHING LICENSES AS FOLLOWS:

Subsections (a) and (b) of Section 705, Title 14, CAC, are amended to read:

705. Hunting and Fishing Licenses, Application for.

The following procedure shall be followed in issuing hunting or sport fishing licenses:

(a) An application for a hunting or sport fishing license, except a ~~license issued pursuant to Section 7150 of the Fish and Game Code as provided in subsection 705(b), Title 14, CAC,~~ shall contain the following information about the applicant before the appropriate validating stamp is affixed:

- (1) True name
- (2) Residence address
- (3) Year of birth
- (4) Height
- (5) Color of eyes
- (6) Color of hair
- (7) Weight
- (8) Sex

(b) A sport fishing license issued pursuant to Section 7150 subsection 7149(c) of the Fish and Game Code shall contain the licensee's signature (pursuant to Section 706, Title 14, CAC), year date of birth and the date of validity.

(c) Notwithstanding the provisions of Fish and Game Code Section 1053, a person may purchase a hunting or sport fishing license, license tags or license stamps for another person, as long as the requirements of this section are met.

Authority: Sections 200, 202, 203, 205, 219, 1050 and 3050, Fish and Game Code.

Reference: Sections 70, 200-205, 219, 220, 221, 2012, 1050-1110 1050, 3007, 3031, 3031-5, 3034, 3037, 3038, 3049, 3050, 3052, 3053, 3055, 3060-3063 and 7145-7150-5 7149, Fish and Game Code.

PASSED UNANIMOUSLY.

34. ADOPTION OF COMMISSION POLICY RE: DISSEMINATION OF INFORMATION REGARDING PROPOSED CHANGES IN MAMMAL HUNTING AND TRAPPING, SPORT FISHING, MIGRATORY AND RESIDENT UPLAND GAME, AND WATERFOWL REGULATIONS.

Summary of Proposal:

Commissioners were provided with a copy of AB 407 by Assemblyman Jerry Eaves. You will note that AB 407 requires the Commission to significantly modify its notice procedures pertaining to the adoption of hunting, trapping and sport fishing regulations.

Your staff and Vern Goehring met with Assemblyman Eaves in an effort to address his concerns. The following proposed policy should accomplish that without the need to further pursue the legislation:

Commission Policy
DISSEMINATION OF INFORMATION REGARDING PROPOSED CHANGES IN
MAMMAL HUNTING AND TRAPPING, SPORT FISHING, MIGRATORY AND
RESIDENT UPLAND GAME AND WATERFOWL REGULATIONS

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

At least 30 days prior to the meeting when mammal hunting and trapping, sport fishing, migratory and resident upland game, and waterfowl regulations are adopted, the Department shall include in its statewide and regional news releases a clear summary, in legislative counsel format, of proposed substantive changes in those regulations. Such news releases shall contain a designation of the county or counties affected and the species proposed to be taken if that species was not subject to sport take in the county or counties affected during the preceding season.

Commissioners were also provided with a copy of the latest notice on the mammal regulations. The intent would be to attach the summarized proposals for changes in the mammal hunting and trapping regulations to the Department of Fish and Game news release that goes out at least 30 days before the regulation adoption meeting.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. MC CRACKEN, THAT THE FISH AND GAME COMMISSION HEREBY ADOPTS A COMMISSION POLICY REGARDING DISSEMINATION OF INFORMATION REGARDING PROPOSED CHANGES IN MAMMAL HUNTING AND TRAPPING, SPORT FISHING, MIGRATORY AND RESIDENT UPLAND GAME AND WATERFOWL REGULATIONS AS FOLLOWS:

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

At least 30 days prior to the meeting when mammal hunting and trapping, sport fishing, migratory and resident upland game, and waterfowl regulations are adopted, the Department shall include in its statewide and regional news releases a clear summary, in legislative

counsel format, of proposed substantive changes in those regulations. Such news releases shall contain a designation of the county or counties affected and the species proposed to be taken if that species was not subject to sport take in the county or counties affected during the preceding season.

PASSED UNANIMOUSLY.

35. CONFIRMATION OF EMERGENCY AMENDMENT OF SECTION 12.59, TITLE 14, CAC,
RE: SACRAMENTO RIVER WINTER-RUN KING SALMON.

Summary of Proposal:

On January 9, 1987, the Commission took emergency action to amend Section 12.59, Title 14, CAC, to provide for sportfishing closures to protect winter-run salmon in the Sacramento River. Commissioners were provided with copies of the pre-publication and pre-adoption statements regarding this matter.

The following is summary of that issue:

"Existing regulations now provided for year-round trout and salmon fishing in the Sacramento River downstream from the Deschutes bridge. The bag limit is three trout or salmon in combination, but no more than two salmon per angler per day.

"The proposed regulation change would establish closures to salmon fishing in the Sacramento River (1) from the Deschutes Road bridge downstream to Red Bluff Diversion Dam from February 1 through June 30; (2) from Red Bluff Diversion Dam downstream to the Highway 32 bridge near Hamilton City from February 1 through April 30; and (3) from the Highway 32 bridge near Hamilton City downstream to the 113 bridge at Knights Landing from January 1 through March 31.

"The proposed regulation change would also provide for closure to salmon fishing through June 30 of the entire Sacramento River from the Deschutes Road bridge downstream to the Highway 113 bridge near Knights Landing when the Department determines that 175 winter-run Chinook salmon have been taken."

The matter before the Commission is for confirmation of the January 9 emergency action. All legal requirements have been provided for, and the Department recommends confirmation.

It was then:

MOVED BY MR. MC CRACKEN, SECONDED BY MR. MURDY, THAT
THE FISH AND GAME COMMISSION HEREBY CONFIRMS ITS
EMERGENCY ACTION OF JANUARY 9, 1987, WHICH AUTHORIZED
THE FILING OF AN AMENDMENT TO SECTION 12.29, TITLE 14,
CAC, REGARDING SACRAMENTO RIVER WINTER-RUN KING SALMON
AS FOLLOWS:

Section 12.59, Title 14, CAC, is amended to read:

12.59. Sacramento River and Sacramento River Tributaries Salmon Spawning Areas Closures (Shasta, Tehama, Butte, Colusa, Glenn, Shasta, Sutter and Tehama cos.)

In the following areas are closed to all no salmon fishing may be retained and made a part of the daily bag and possession limit during the indicated periods:

(a) The Sacramento River from Keswick Dam downstream to the Deschutes Road Bridge: All year.

(b) The Sacramento River from the Deschutes Road bridge downstream to Red Bluff Diversion Dam: From February 1 through June 30.

(c) The Sacramento River from 1,000 feet below the Red Bluff Diversion Dam downstream to the Highway 32 bridge near Hamilton City: From February 1 through April 30.

(d) The Sacramento River from the Highway 32 bridge near Hamilton City downstream to the Highway 113 bridge at Knights Landing: From January 1 through March 31.

(e) All tributaries to the Sacramento River below Keswick Dam in Shasta and Tehama counties: All year.

(f) Notwithstanding the provisions of subsections 12.59(b), (c) and (d), no salmon may be retained and made a part of the daily bag and possession limit through June 30 in the Sacramento River from the Deschutes Road bridge downstream to the Highway 113 bridge at Knights Landing when the Department determines that 175 winter-run king salmon have been taken. The Department shall notify the Commission, and the public via the news media, prior to imposing any closure pursuant to this subsection.

Authority: Sections 200, 202, 205, 210, ~~219~~ and ~~220~~ 240, 315 and 315.3, Fish and Game Code.

Reference: Sections ~~200-202~~ 200, 202, 203, 205-210, and 215-222 240, 315 and 315.3, Fish and Game Code.

PASSED UNANIMOUSLY.

36. REVOCATION OF GILL/TRAMMEL NET PERMITS OF HUNG CHI VO, SEASIDE; DANG VAN TRAN, MARINA; DIET VAN TRAN, MARINA; AND CONSIDERATION OF DEPARTMENT REQUEST TO DENY ISSUANCE OF SIMILAR PERMITS TO SAN VAN LE, MARINA; CHINH VAN NGUYEN, SEASIDE; AND HOA VAN NGUYEN, SEASIDE.

The Executive Secretary stated that the Department had requested that the Commission revoke the gill/trammel net permits of Hung Chi Vo, Seaside; Dang Van Tran, Marina; Diet Van Tran, Marina; and that it be authorized to deny issuance of similar permits to San Van Le, Marina; Chinh Van Nguyen, Seaside; and Hoa Van Nguyen, Seaside. He noted that a certified letter had been sent to each of these individuals notifying them of the possible action to be taken by the Commission.

Hung Chi Vo, Seaside

Mr. Cribbs stated that the Department predicated its request on the following: On June 7, 1986, Hung Chi Vo, Seaside, was found to be aboard the commercial gill net boat "Eagle" when it docked at Moss Landing Harbor. Mr. Vo was in illegal joint possession with his deckhand, Quang Nguyen, of eight salmon. The salmon had been taken in a gill net and possessed on a gill net boat. Mr. Vo also failed to show the fish on demand.

Mr. Cribbs asked if Hung Chi Vo was present and there was no response. Mr. Cribbs indicated that the Commission had received a letter from Mr. Vo's attorney which requested that this item be postponed until the Commission's May 15, 1987 meeting in Newport Beach.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. MC CRACKEN, THAT
THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE
GILL/TRAMMEL NET PERMIT OF HUNG CHI VO, SEASIDE, UNTIL
SUCH TIME AS HE APPEARS BEFORE THE COMMISSION TO SHOW
CAUSE WHY HIS PRIVILEGES SHOULD BE REINSTATED.

PASSED UNANIMOUSLY.

Dang Van Tran, Marina

The Executive Secretary stated that the Department predicated its request upon the following information: On September 26, 1986, Dang Van Tran, Marina, was observed working a gill net in Fish and Game District 17. Mr. Tran did not possess a special gill net permit which is required to fish with gill net in District 17 waters.

On October 23, 1986 in the Monterey Municipal Court, Mr. Tran pled guilty to a violation of Fish and Game Code 8610(a), commercial fishing with a gill net in District 17 without a special permit. He was placed on two years probation and fined \$250. He has no prior convictions.

Dang Van Tran could not speak English very well and there was an interpreter available. She translated for the Commission and for Dang Van Tran. Mr. Tran indicated through the interpreter that this was his first violation in five years of commercial fishing and that he knew no other

profession. He indicated that the day was very foggy and he did not know that he was within a closed area. He noted that he had pled guilty and had paid his fine.

DeWayne Johnston stated that Dang Van Tran was found to be just a short distance within District 17 and recommended that a letter of warning be sufficient.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY ISSUES DANG VAN TRAN, MARINA, A SEVERE WARNING AND ADMONISHES HIM THAT ANY FUTURE VIOLATION OF THE COMMERCIAL FISHING REGULATIONS WOULD BE DEALT WITH IN THE MOST SEVERE MANNER AVAILABLE TO THE COMMISSION.

PASSED UNANIMOUSLY.

Diet Van Tran, Marina

Mr. Cribbs indicated that the Department predicated its request upon the following information: On September 26, 1986, Diet Van Tran, Marina, was found to be fishing aboard the gill net fishing boat "Danang I" with a gill net in the waters of Monterey Bay. Triangulation with the patrol boat compass showed that Mr. Tran had a gill net set about ten miles within the area requiring a special gill net permit.

On October 17, 1986 in the Monterey Municipal Court, Mr. Tran pled guilty to a violation of Section 8610 of the Fish and Game Code, use of gill net in an area without a special gill net permit. He was placed on three years probation and fined \$500 and a forfeiture of the gill net. He has no prior convictions.

Diet Van Tran also could not speak English very well and the interpreter was again used to translate for the Commission and for Diet Van Tran. Through the interpreter, Diet Van Tran stated that he had been fishing for three years, and that this was the first violation that he had received. He stated that he had paid his fine and requested the Commission not revoke his gill net permit.

DeWayne Johnston stated that Diet Van Tran had been almost ten miles within District 17 and recommended a three month suspension. Commissioner Galletti thought the recommendation was too severe.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE GILL/TRAMMEL NET PERMIT OF DIET VAN TRAN, MARINA, FOR A PERIOD OF 30 DAYS OR UNTIL MAY 10, 1987.

PASSED UNANIMOUSLY.

Sam Van Le, Marina

Mr. Cribbs indicated that the Department predicated its request upon the following information: On September 26, 1986, Sam Van Le was in a gill net fishing boat in the waters of Monterey Bay. Triangulation with the patrol boat compass showed that Mr. Le had assisted in setting a gill net about ten miles within the area requiring a special gill net permit.

On October 17, 1986 in the Monterey Municipal Court, Mr. Le was found guilty of violation of Fish and Game Code sections 8610, use of a gill net in an area without a special gill net permit, and 8603, use of a gill net in an unlawful manner. He was placed on three years probation and fined \$250. He has no prior convictions.

Mr. Cribbs asked if Sam Van Le was present and there was no response.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. MURDY, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE DEPARTMENT TO DENY ISSUANCE OF A GILL/TRAMMEL NET PERMIT TO SAM VAN LE, MARINA, UNTIL SUCH TIME AS HE APPEARS BEFORE THE COMMISSION TO SHOW CAUSE WHY HE SHOULD BE ISSUED A PERMIT.

PASSED UNANIMOUSLY.

Chinh Van Nguyen, Seaside

Mr. Cribbs stated that the Department predicated its request upon the following information: On September 25, 1986, Chinh Van Nguyen, Seaside, was fishing with a gill net off Moss Landing without a gill net permit or a special gill net permit as required. There was no gill net permittee aboard.

On October 16, 1986 in the Monterey Municipal Court, Mr. Nguyen was found guilty of a violation of Section 8681 of the Fish and Game Code, no gill net permit, and Section 174, Title 14, CAC, no gill net permit. He was placed on three years probation and ordered to pay a fine of \$500, plus forfeiture of net and fish.

Prior violations include January 10, 1986, sections 2000, 2002 of the Fish and Game Code, and 700 and 29.15, Title 14, CAC, take and possess 19 undersized abalone and 250 turban snails. He pled guilty and was fined \$500 with one year of probation.

Mr. Cribbs asked if Chinh Van Nguyen was present and there was no response.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE DEPARTMENT TO DENY ISSUANCE OF A GILL/TRAMMEL NET

PERMIT TO CHINH VAN NGUYEN, SEASIDE, UNTIL SUCH TIME AS HE APPEARS BEFORE THE COMMISSION TO SHOW CAUSE WHY HE SHOULD BE ISSUED SUCH A PERMIT.

PASSED UNANIMOUSLY.

Hoa Van Nguyen, Seaside

Mr. Cribbs indicated that the Department predicated its request upon the following information: On September 25, 1986, Hoa Van Nguyen was fishing with a gill net off Moss Landing without a gill net permit or a special gill net permit as required. There was no gill net permittee aboard.

On October 16, 1986 in the Monterey Municipal Court Mr. Nguyen pled guilty to a violation of Fish and Game Code Section 8681, no gill net permit, and Section 174, Title 14, CAC, no gill net permit. He was placed on three years probation and ordered to pay a fine of \$500, plus forfeiture of net and fish. He has no prior convictions.

Mr. Cribbs asked if Hoa Van Nguyen was present and there was no response.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY AUTHORIZES THE DEPARTMENT TO DENY ISSUANCE OF A GILL/TRAMMEL NET PERMIT TO HOA VAN NGUYEN, SEASIDE, UNTIL SUCH TIME AS HE APPEARS BEFORE THE COMMISSION TO SHOW CAUSE WHY HE SHOULD BE ISSUED SUCH A PERMIT.

PASSED UNANIMOUSLY.

37. REVOCATION OF LOBSTER PERMITS OF CLAYTON J. MORSE, LOMITA, AND DENNIS RAY MORSE, LOMITA.

The Executive Secretary stated that the Department had requested that the Commission revoke the lobster permits of Clayton J. Morse, Lomita, and Dennis Ray Morse, Lomita. He noted that a certified letter had been sent to each of these individuals notifying them of the possible action to be taken by the Commission.

Clayton J. Morse, Lomita

Mr. Cribbs indicated that the Department predicated its request upon the following information: On December 31, 1985, Clayton J. Morse, Lomita, along with Dennis Morse were observed to pull lobster traps belonging to other people and were also found to possess undersized lobster.

Both individuals were cited for violations of Fish and Game Code sections 8252, take and possess undersized lobster, 9002(a) pulling or disturbing trap belonging to another, and 9002(b), pulling trap belonging to another without written permission.

On September 26, 1986 in the South Bay Municipal Court, Clayton J. Morse was found guilty after a jury trial of violation of sections 8252 and 9002(b) of the Fish and Game Code. He was fined \$340. He has no prior convictions.

Mr. Cribbs asked if Clayton J. Morse was present and there was no response. Mr. Cribbs pointed out that Mr. Morse had sent a letter to the Commission office stating that he could not attend this meeting and requested the Commission reinstate his son's and his commercial lobster fishing privileges. Mr. Cribbs stated that Mr. Morse had indicated that they had learned their lessons.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE COMMERCIAL LOBSTER FISHING PRIVILEGES OF CLAYTON J. MORSE, LOMITA, UNTIL SUCH TIME AS HE APPEARS BEFORE THE COMMISSION TO SHOW CAUSE WHY HIS PRIVILEGES SHOULD BE REINSTATED.

PASSED UNANIMOUSLY.

Dennis Ray Morse, Lomita

The Executive Secretary stated that the explanation of the charges against Dennis Ray Morse, Lomita, were as set forth above for Clayton Morse. He noted that Dennis Ray Morse had no prior convictions.

Mr. Cribbs asked if Dennis Ray Morse was present and there was no response.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE COMMERCIAL LOBSTER FISHING PRIVILEGES OF DENNIS RAY MORSE, LOMITA, UNTIL SUCH TIME AS HE APPEARS BEFORE THE COMMISSION TO SHOW CAUSE WHY HIS PRIVILEGES SHOULD BE REINSTATED.

PASSED UNANIMOUSLY.

38. REVOCATION OF WHOLESALE FISH DEALER'S LICENSE OF VINCENT ANTHONY LIGUORI (DBA: LIBERTY FISH COMPANY), MONTEREY.

The Executive Secretary stated that the Department had requested that the Commission revoke the wholesale fish dealer's license of Vincent Anthony Liguori (DBA: Liberty Fish Company), Monterey. He noted that a certified letter had been sent to Mr. Liguori notifying him of the possible action to be taken by the Commission.

Mr. Cribbs stated that the Department predicated its request upon the following information:

On June 19, 1986, the Liberty Fish Company purchased sport-caught salmon and failed to make fish receipts or to keep a record of the fisherman from whom the fish were purchased.

On July 24, 1986 in the Monterey Municipal Court, Mr. Liguori pled no contest to a violation of sections 8011, failure to complete fish receipts as required; 8014, failure to submit landing receipts as required, and 8043, failure to keep records of fish purchases as required. He was fined \$75.

Prior convictions: On March 21, 1985, Mr. Liguori pled guilty to a violation of Fish and Game Code sections 8014 and 8015, relating to issuing fish receipts. He was fined \$51 and placed on one years probation.

DeWayne Johnston stated that based on previous Commission action and the Department's recommendations, the Department recommended the suspension of Mr. Liguori's wholesale fish dealer's license for the first 30 days of the commercial salmon fishing season.

Carl Zerbe, Attorney for Mr. Liguori, stated that a gentleman came into weigh sport-caught fish and was told by Mr. Liguori to remove the fish from his business. He stated that the individual came back with two commercial fish and sold them to Mr. Liguori for \$40. When Mr. Liguori asked the fisherman for his license and other documents, the fisherman said he had to get his paperwork from his boat and would be right back. Mr. Zerbe stated that Mr. Liguori had thought the individual was a commercial fisherman, and that he would not knowingly purchase sport caught fish and jeopardize his business.

Commissioner Galletti asked Mr. Liguori if he had any additional information to add and Mr. Liguori responded in the negative. Mr. Galletti recommended that since a 30-day suspension was recommended by the Department, that Mr. Liguori obtain additional background information for the Commission, and present it at the Commission's May 15, 1987 meeting in Newport Beach.

Mr. Zerbe stated that he would consult with Mr. Liguori, but since it would be expensive for Mr. Liguori to appear in Newport Beach and also pay attorney fees, he would ask Mr. Liguori to determine if he wished to appear or to take the 30-day suspension.

It was then:

MOVED BY MR. GALLETTI, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE WHOLESALE FISH DEALERS LICENSE OF VINCENT ANTHONY LIGUORI (DBA: LIBERTY FISH COMPANY), MONTEREY, FOR THE FIRST 30 DAYS OF THE COMMERCIAL SALMON FISHING SEASON. FURTHER, IF MR. LIGUORI RESPONDS TO THE COMMISSION BY APRIL 20, 1987, AND REQUESTS THAT THIS ITEM BE POSTPONED UNTIL THE COMMISSION'S MAY 15, 1987 MEETING IN NEWPORT BEACH, THAT SUSPENSION WOULD BE WAIVED UNTIL FURTHER CONSIDERATION AT THE MAY 15, 1987 MEETING.

PASSED UNANIMOUSLY.

39. REQUEST OF MARIO A. GHIO, SAN DIEGO, TO APPEAL DEPARTMENT'S DENIAL OF DRIFT GILL NET SHARK/SWORDFISH PERMIT.

The Executive Secretary stated that Mario A. Ghio, San Diego, had requested an opportunity to appeal the Department's denial of his drift gill net shark/swordfish permit. He pointed out that the Commissioners had been provided with a copy of Mr. Ghio's letter dated February 14, 1987.

Mr. Cribbs indicated that the Department had reviewed this matter and had provided the following recommendation:

"Under current law (Fish and Game Code Section 8568) a fisherman who holds a drift gill net shark and swordfish permit must demonstrate that he landed 5,000 pounds of shark and/or swordfish, or landed shark and/or swordfish for which he was paid at least \$5,000, during one of the two preceding seasons, in order to renew his permit for the succeeding season.

"Fishermen who fail to satisfy this landing requirement may appeal to the Commission. The Commission may waive the landing requirement and authorize the reissuance of a drift gill net shark and swordfish permit if it finds that the fisherman failed to satisfy the landing requirements for reasons beyond his control.

"Mr. Ghio indicates that his application for renewal of his drift gill net shark and swordfish permit for the 1986-87 season (May 1 - January 31) was denied by the Department, even though his landings during the 1984-85 season satisfied the landing requirements [5,000 pounds of shark/swordfish or shark/swordfish landings with an ex-vessel value of \$5,000 during one of the two preceding seasons; in this case, the two preceding seasons would be 1984-85 and 1985-86]. Mr. Ghio also indicates that the problems concerning the renewal of his permit resulted from several misunderstandings between his family and Department personnel regarding his permit application for the 1986-87 season. The apparent misunderstandings were further complicated by the fact that Mr. Ghio was out of the country and away from San Diego and his family during much of 1986.

"Our records confirm that Mr. Ghio did make sufficient landings during the 1984-85 season to satisfy the landing requirements for renewal of his permit during the 1986-87 season.

"However, Mr. Ghio's comments also indicate that he did not make landings during the 1985-86 or 1986-87 seasons. Thus, we will not be able to issue him a drift gill net shark and swordfish permit for the upcoming 1987-88 season, since he will not have made any landings during the two preceding seasons as required. However, given the aforementioned situation, we believe that Mr. Ghio has failed to satisfy these landing requirements for reasons beyond his control as his original absence from the fishery was on the advice of his doctor to temporarily refrain from fishing.

"Therefore, we recommend that the Commission authorize the reissuance of a drift gill net shark and swordfish permit to Mr. Mario Ghio for the upcoming 1987-88 season.

DeWayne Johnston stated that the Department recommended approval of Mario Ghio's request provided that the Commission require him to purchase a permit for the 1986-87 season and the 1987-88 season, and also that Mr. Ghio fish during the 1987-88 shark/swordfish season.

It was then:

MOVED BY MR. MURDY, SECONDED BY MR. BRYANT, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF MARIO A. GHIO, SAN DIEGO, FOR THE REISSUANCE OF HIS DRIFT GILL NET SHARK/SWORDFISH PERMIT, AND THE DEPARTMENT IS TO ISSUE SAID PERMIT ON APRIL 10, 1987 UNDER THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

40. ANNOUNCEMENT OF FUTURE MEETINGS.

The Executive Secretary pointed out to the Commission that the June 24, 1987 meeting was to receive comments from the public on the USFWS's proposal to translocate sea otters to San Nicolas Island.

5/14/87 (1:00 pm)
5/15/87 (8:00 am)

City Council Chambers
3300 Newport Boulevard
Newport Beach

6/24/87 (1:00 pm)

Auditorium, Room 102
Office Bldg. 9, 744 P Street
Sacramento

6/25/87 (1:00 pm)
6/26/87 (8:00 am)

City Council Chambers
1900 Lake Tahoe Blvd.
So. Lake Tahoe

8/7/87 (9:00 am)

Auditorium, Resources Bldg.
1416 Ninth Street
Sacramento

8/27/87 (1:00 pm)
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 Boulevard
Long Beach

11/13/87 (9:00 am)

City Council Chambers
1313 California Street
Redding

12/4/87 (9:00 am)

Auditorium, Resources Bldg.
1416 Ninth Street
Sacramento

Mr. Cribbs also reminded the Commission that Commissioner McCracken had reviewed all legislation that had been introduced to date which affected the Department and/or the Commission, and had provided his recommendations to the Commission. He noted that Commissioner McCracken requested Commission approval of this list of positions; however, he wanted it made known that the list was subject to change pending additional information, or amendments to the legislation.

It was then:

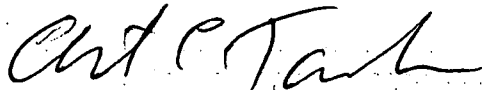
MOVED BY MR. MURDY, SECONDED BY MR. BRYANT, THAT
THE FISH AND GAME COMMISSION HEREBY APPROVES THE
SUGGESTED POSITIONS RECOMMENDED BY COMMISSIONER
MC CRACKEN ON ALL 1987 LEGISLATION.

PASSED UNANIMOUSLY.

There being no further business before the Commission, the Commission adjourned its meeting at 7:00 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, Sacramento, California 95814.)

APPROVED:



Albert C. Taucher, President

ATTEST:



Harold C. Cribbs, Executive Secretary
Minutes, Meeting of April 9-10, 1987