

State of California  
FISH AND GAME COMMISSION

Minutes, Meeting of October 3-4, 1996

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State of California  
FISH AND GAME COMMISSION

Minutes, Meeting of October 3-4, 1996

Pursuant to the call of the President, the Commission met at Hubbs-Sea World Research Institute, 2595 Ingraham Street, San Diego, on October 3, 1996. The meeting was called to order at 1:30 p.m. by President McGeoghegan.

Persons present:

FISH AND GAME COMMISSION

Douglas B. McGeoghegan	President
Richard T. Thieriot	Vice President
Frank D. Boren	Member
Margie J. Phares	Member

COMMISSION STAFF

Robert R. Treanor	Executive Director
Ronald J. Pelzman	Assistant Executive Director
Sandy J. Daniel	Executive Secretary

OFFICE OF THE ATTORNEY GENERAL

Randall Christison	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

Jacqueline E. Schafer	Director
Al Petrovich	Deputy Director, Policy
DeWayne Johnston	Chief, Wildlife Protection Division (WPD)

The following persons were also present and heard:

William Iverson	Commercial Fisherman
Kevin Mineo	San Diego Council of Bass Clubs
William Hall	Military Bass Anglers Association
Tom Hennies	Ramona Bass Anglers
Florence Lambert	The Elephant Alliance
Bill Dyer	In Defense of Animals
Joyce Pieper	The Fund for Animals
Randy Thornton	Commercial Fisherman
Michael Farmer	Commercial Fisherman
Marston Sollender	Commercial Fisherman

President McGeoghegan introduced members of the Commission, its staff, members of the Department's Directorate and Randall Christison, Deputy Attorney General.

1. REQUEST OF LOU MASCOLA, LONG BEACH, FOR COMMISSION CONSIDERATION OF AN AMENDMENT TO SECTION 231, TITLE 14, CCR, RE: PROCESSING OF SPORT CAUGHT FISH TO ALLOW SMOKING OF TUNA.
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Summary of Issue

Mr. Lou Mascola, Long Beach, requests Commission consideration of an amendment to Section 231, Title 14, CCR, regarding processing of sport caught fish to allow smoking of tuna. In a letter dated May 6, 1996, Mr. Mascola provides the following information:

"I would like to ask for an amendment to processing of Sport-Caught fish Revision No. 95/96-10, Section 231, Page 158

"(b)-authorized species

*The following species may be processed for canning only*  
be changed to read

"(b)-authorized species

*The following species may be processed for smoking and canning only,*

"And in paragraph

"(5) Fish received for processing under this subsection may only be used for canning, Tuna,.....

Be changed to read,

"(5) Fish received for processing under the subsection may only be used for canning or smoking. Tuna, except Yellowtail, not returned to the angler may be canned or smoked and sold, or sold to a cannery or fish smoker for the purpose of canning or smoking. Tuna not acceptable for canning or smoking may be sold for reductions purposes."

Department Recommendation

"Section 231 allows a person with a Sport-caught Fish Exchange Permit to accept sport-caught fish from an angler for the purpose of filleting, smoking or canning the fish. The same fish must be returned to the angler or the fish may be exchanged pound for pound, adjusted for loss during processing.

"Tuna and a few other designated fish may be exchanged for canned tuna or albacore. An exchange rate is prescribed with a sliding scale between the number of pounds of fish and money delivered by the angler and the number of cans of tuna received. For example, an angler may exchange one pound of tuna, pay a \$.90 service fee and receive one 6 1/8 ounce can of tuna from a permittee. On the other end of the scale, the angler may exchange four pounds of tuna and pay no fee for one can of tuna.

"Most anglers choose the exchange option which does not require a fee, but does require more pounds of fish exchanged for each can. The excess fish may be canned and sold or sold for the purpose of canning allowing the permittee to recover the cost of the can exchanged to the angler. If the fresh fish is of poor quality and cannot be canned, it may be sold for reduction purposes.

"The purpose of the exchange option for tuna is to prevent the waste of sport-caught fish. In the past, some anglers would catch several large tuna and eventually discard them rather than go to the effort of cleaning them. This provision allows them to exchange their fresh fish for cans which are easily transported and stored.

"Mr. Lou Mascola, United American Fish Company, Inc., has asked the Commission to consider changing Section 231 to allow tuna to be smoked in addition to canned according to the exchange rates listed for tuna. His concern is that fish delivered by anglers may not be adequately refrigerated and would not legally be acceptable for canning, but it would be acceptable for smoking. Mr. Mascola proposes giving the angler canned tuna under the exchange provisions and allowing the exchanged fish to be smoked and sold in addition to being canned and sold.

"A contact was made with Mr. Ian Boatwood, Vice President for Operations at the Tri-Union Cannery in San Pedro (formerly Pan Pacific Cannery), the only tuna cannery operating in California. Mr. Boatwood indicated that since the cannery began exchanging fish a few years ago, all the fish they have received has been of excellent quality. Mr. Boatwood stated that they are very careful to only take fish from boats that have good procedures for cooling the fish, thus maintaining the quality. The only fleet of boats the cannery has approved is from Fisherman's Landing in San Diego. Mr. Boatwood stated that they have never had to reject any fish and sell them for reduction purposes.

"When the regulation change was originally proposed to allow the sale of canned tuna, some enforcement officers were concerned. They felt that allowing the sale of canned

sport-caught fish would allow some anglers to illegally can and sell sport-caught fish without going through the exchange process. This has not proven to be a problem because the only tuna cannery in California has been reputable and it is impractical to illegally can and sell sport-caught tuna.

"However, if the regulation was changed to allow the sale of smoked tuna in addition to canned tuna, enforcement concerns would be legitimate. Smoked fish has a much higher value than canned fish and it is much easier to smoke fish than to can it. This would create an opportunity for the illegal sales of sport-caught fish because it would be very difficult to detect the sale of excess smoked fish from the illegal sale of sport fish by an angler. Sport-caught tuna could be smoked and illegally sold under the guise of having exchanged it.

"The laws and regulations make careful distinctions between sport and commercial fishing. Commercial fishing laws and regulations are written to control the amount of fish taken, assuming that the motivation of the commercial fisherman is to rapidly take many fish to increase profits.

"Sport anglers are motivated by the desire to eat the fish they take and the enjoyment they receive from the sport. The sportfishing laws and regulations are written with this in mind. If sport anglers become motivated by potential profit instead of food and enjoyment, the amount of fish taken will increase.

"The Department recommends rejection of this proposal because:

- "• the sport fish delivered for canning has been of high enough quality to be canned without exception;
- "• there is no need to permit the sale of smoked fish to prevent the waste of sport-caught fish;
- "• the sale of smoked fish would provide much more revenue than necessary to offset the cost of canned fish provided to the angler;
- "• permitting the sale of smoked, sport-caught fish would blur the regulatory differences between commercial and sport fishing; and,
- "• permitting the sale of smoked fish would create an enforcement problem because it would be difficult, if not impossible, for wardens to differentiate between legally-exchanged fish and fish being illegally sold."

## Action

Executive Director Treanor introduced the item and noted that at the request of Mr. Mascola this item would be continued to a future meeting to allow him to meet with Department staff and try to overcome the Department's objections to his proposal.

2. REQUEST OF WILLIAM IVERSON, SAN DIEGO, FOR EXPERIMENTAL GEAR PERMITS TO UTILIZE REDUCED-SIZED ESCAPE PORTS IN CRAB TRAPS TO HARVEST YELLOW AND GOLD ROCK CRABS AND TO BUILD A SPECIAL TRAP TO HARVEST KELLETS WHELK FOR COMMERCIAL PURPOSES.

## Summary of Issue

Mr. William Iverson, San Diego, requests an experimental gear permit to utilize reduced-sized escape ports in crab traps to harvest yellow and gold rock crabs for commercial purposes. In a letter dated August 19, 1996, Mr. Iverson provides the following information:

"Recently I sent you a request for a hearing in front of the Commission in San Diego regarding an experimental trap permit with reduction of crab escape rings in San Diego area. I was informed by you, due to a violation I received, I could not appear in front of the Commission until my violation was settle in court. I'm writing you requesting a hearing due to the violation was settled (9011(b)2, Fish and Game Code) of a fine of \$295.00. No probation was to be applied. If you need more copies of the recent letter I sent to you, please feel free to ask. Thank you for your time and I do look forward to meeting you in the near future."

In a follow up letter dated August 20, 1996, Mr. Iverson also provides the following information:

"Secondly, I wish to address the Commission for a second trap permit (experimental gear permit) for Kellets Whelk. Due to the California Department of Fish and Game wardens don't think I can build a trap just for them however. I may remove them from lobster traps, crab traps, etc. and list trap dimensions on my trap permit along with quantity. If you have any questions or comments, I can be reached at my Springvalley address. Thank you for taking this second request into consideration. However, I would like to be heard October 1 [sic], 1996. If you need to request gear (trap) measurements for Kellets Whelk traps, please contact me. If not, I will prepare you a folder with all info and present it to you at the meeting.

"Basically, it will be 12x24x24 made from 1x1 wire mesh (basic). Destruction devices included. Once again thank

you for your time, please feel free to contact me.  
Thank you.

"Also attached is a copy of the settlement from the court."

The Commission was provided with a copy of the court record; a letter dated June 23, 1996, from Mr. Iverson; a (top view) drawing of the trap; and the Department's cruise report prepared by Kristine Barsky dated February 1994.

#### Department Recommendation

"Section 8606, Fish and Game Code authorizes the Commission to issue an EGP to: 1) use new types of commercial fishing gear; or 2) new methods of using existing gear otherwise prohibited by the Code.

"Section 9011, Fish and Game Code requires the use of rigid circular openings (escape ports) in crab traps. Rock crab traps constructed of wire mesh with an inside mesh measurement of not less than  $1\frac{1}{8}$  inches by  $3\frac{7}{8}$  inches shall have at least one escape port of not less than  $3\frac{1}{4}$  inches inside diameter, and rock crab traps made of other material shall have at least two such escape ports.

"Mr. Iverson is requesting to be allowed to use an escape port of  $2\frac{1}{2}$  inches inside diameter in wire mesh crab traps with an inside mesh measurement of 1 inch by 1 inch. He writes to the Commission that in his experience legal size ( $4\frac{1}{4}$  inch carapace width) rock crabs can pass through a  $3\frac{1}{4}$  inch escape port. He states that this creates a financial hardship as an enormous amount of legal size rock crab has been able to escape. No data are provided in support of his experience, nor is an explanation provided regarding how he would evaluate the impacts of a smaller escape port on sublegal rock crabs.

"The Department has discussed the question of escape port size with Mr. Iverson, and explained to him that the reason for escape ports in crab traps is to provide a means by which sublegal size crabs can escape from the trap during normal fishing operations. It is important to allow sublegal crabs to escape from a trap during normal fishing operations to: 1) reduce handling mortality to sublegal male and female crabs; 2) reduce injury to small crabs from fighting; 3) reduce cannibalism; 4) allow undersize crabs to escape from lost traps before the destruct device renders the trap unfishable; and 5) speed fishing operations by reducing the amount of sorting necessary to remove sublegal crabs from the catch.

"We further explained that the data used to recommend the 3½ inch escape port size to the Legislature was collected from a variety of general fishery management research programs, including, but not limited to, at-sea sampling of commercial rock crab catches in the San Diego area during the period 1974 through 1988. Also, we would note that any legal size crabs which are able to escape through the 3½ inch escape port would still be available to commercial harvest at a later time, when they had molted and grown to a larger size.

"In our opinion, Mr. Iverson's request does not qualify for an EGP because he is neither experimenting with a new type of fishing gear nor is he exploring a new method of fishing using existing gear. The rock crab fishery is well established in southern California, and the provisions for escape ports has been in place since 1991. The size of the escape port was considered by the Legislature in relation to the escapement of under size crabs rather than to the retention of legal size crabs when the current law was adopted. (Initially, all rock crab traps were required to have two escape ports; the following year the Legislature allowed traps made of wire mesh with an inside mesh measurement of not less than 1⅞ inches by 3⅞ inches to have only one escape port).

"For these reasons, the Department recommends denial of subject request."

### Action

Executive Director Treanor introduced the item and reminded the Commission that the Department's recommendation for denial and a letter from the Santa Barbara Commercial Crab Fishermen recommending denial of Mr. Iverson's request were included in its handout materials.

Mr. Iverson was not present initially but came into the meeting and presented his request, emphasizing that undersized crabs could escape from his proposed experimental traps. Mr. Iverson reported that undersized crabs are being caught in Mexico by Mexican fisherman and included as California landings. Mr. Iverson was encouraged by WPD Chief Johnston to report any such illegal activity to the Wildlife Protection Division.

Deputy Director Petrovich indicated that the Department opposed this request because it did not see it as an experimental gear permit matter.

President McGeoghegan indicated he was not comfortable with going forward and asked for a motion to support the Department's recommendation.

It was then:

MOVED BY MR. THIERIOT, SECONDED BY MR. BOREN, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF WILLIAM IVERSON, SAN DIEGO, FOR EXPERIMENTAL GEAR PERMITS TO UTILIZE REDUCED-SIZED ESCAPE PORTS IN CRAB TRAPS TO HARVEST YELLOW AND GOLD ROCK CRABS AND TO BUILD A SPECIAL TRAP TO HARVEST KELLETS WHELK FOR COMMERCIAL PURPOSES.

PASSED UNANIMOUSLY.

3. APPROVAL OF CRITERIA FOR CONSIDERING APPEALS ON PERMANENT REVOCATIONS OF A COMMERCIAL LICENSE/PERMIT.

#### Summary of Issue

The Commission, at its August 1, 1996, meeting in Ontario, indicated that the issue of appeals of permanent revocations of commercial licenses and/or permits necessitated the establishment of criteria which may allow individuals an opportunity to appeal their revocations to the Commission. At that time, the Commission instructed its legal counsel, Randall Christison, to develop some draft criteria outlining the procedure for such appeals. Mr. Christison will be prepared to discuss the draft criteria on October 3 in San Diego. His report will be faxed to the Commissioners prior to the meeting. In addition, the criteria will be available at the meeting.

#### Action

Executive Director Treanor introduced the item. Deputy Attorney General Christison gave copies of the proposed policy to the Commissioners and explained the suggested criteria. There was discussion and the Commission decided to add language allowing a Commissioner to serve as a hearing officer.

It was then:

MOVED BY MR. THIERIOT, SECONDED BY MR. BOREN, THAT THE FISH AND GAME COMMISSION HEREBY ADOPTS THE FOLLOWING CRITERIA TO BE USED IN CONSIDERING APPEALS OF PERMANENT REVOCATIONS OF A COMMERCIAL LICENSE/PERMIT.

It is the policy of the Commission that:

- I. Where a person formerly held a permit, license or similar authorization issued under the Fish and Game Code or Title 14, Division 1, California Code of Regulations, and such permit, license or similar authorization has been revoked, the following procedures shall apply to his or her petition for reinstatement.

- II. The petition shall contain a recitation of the facts giving rise to the revocation, the date, time and location of the offense(s), the date of the revocation, and a short and plain statement of the reasons supporting the request for reinstatement. Any statements of witnesses in support of the petition shall be executed under penalty of perjury, pursuant to Code of Civil Procedure sections 2009-2015.6. Official records shall be certified.
- III. Where the revocation was based upon a conviction, the grounds set out below in subdivisions IV. and V. are the only grounds for a petition for reinstatement.
- IV. Where the claim for reinstatement is based upon wrongful revocation, the following shall apply:
- A. If the revocation was based upon a conviction in a court of competent jurisdiction, no consideration of any petition for reinstatement shall be considered until there has been a setting aside or vacation of the conviction on grounds consistent with factual innocence of illegal conduct. A setting aside, vacation, expungement, or dismissal based upon completion of probation, rehabilitation or other ground not entailing a finding consistent with factual innocence shall not constitute satisfaction of this subdivision.
- B. The following grounds shall be the only grounds upon which a claim of wrongful revocation: (1) extrinsic fraud, (2) mutual mistake, (3) newly discovered evidence which in the exercise of reasonable diligence could not have been discovered and produced at the revocation hearing.
- C. The burden of proof shall be upon the petitioner to show by clear and convincing evidence that but for the defect in the proceedings a different result would have been had.
- V. Where the claim is based upon rehabilitation, the following shall apply:
- A. If the revocation was based upon a conviction in a court of competent jurisdiction, no consideration of any petition for reinstatement shall be considered until there has been a setting aside, vacation, expungement, or dismissal of the conviction on grounds consistent with rehabilitation, if such remedy is available. If such remedy is not available, such unavailability shall appear affirmatively in the petition, together with recitation of the legal authority upon which statement of unavailability is based. Completion of the sentence

imposed, including completion of probation, shall not constitute sufficient grounds for reinstatement in the absence of satisfaction of subdivision V.B.

- B. In all cases, a period of at least five years of record free from misconduct relating to the resources of California or to any criminal conduct, excepting only Vehicle Code infractions, shall be the minimum.
- VI. All petitions shall be reviewed by the Commission's legal counsel. If, in the opinion of legal counsel, there is a substantial showing of all elements of the claim for reinstatement, he or she shall refer the matter to the Commission for further proceedings. The Commission may either place the matter on the agenda for hearing or refer it to a hearing officer. If, in the opinion of legal counsel, there is not a substantial showing of one or more of the elements of the claim for reinstatement, he or she shall recommend to the Executive Director of the Commission the matter not be placed on the agenda. In the case of a decision not to place the matter on the agenda, such decision shall constitute final administrative action.
- VII. For matters referred to a hearing officer:
- A. The hearing officer may be an Administrative Law Judge of the State of California, the Commission's legal counsel, an experienced member of the State Bar of California, or a Commissioner as the Commission in its discretion may select.
  - B. The hearing shall be conducted in the same manner as set out in California Code of Regulations, Title 14, Section 748, subdivisions (p), (q), (r), and (s) of these regulations, except as modified by the hearing officer for good cause.
  - C. The hearing officer shall provide to the Commission a proposed decision. The Commission may adopt, revise or reject the proposed decision.
- VIII. Matters placed on agenda and not referred to a hearing officer shall be heard by the Commission in the same manner as hearings on other license and permit matters.
- IX. The petition may be granted in the discretion of the Commission only upon finding of both (1) that the foregoing subdivisions have been satisfied and (2) that in the judgment of the Commission reinstatement would not present an unreasonable risk of harm to either the public or natural resources of California.

- X. Within 30 days after the service of a copy of the decision under subdivision VI. or subdivision VII.C., the petitioner may file a petition for writ of mandate under Code of Civil Procedure Section 1085, for review of the order.

PASSED UNANIMOUSLY.

4. PUBLIC FORUM.

Summary of Issue

This item is scheduled to afford any member of the public the opportunity to address and/or ask questions of the Commission relating to the implementation of its policy or to any matter within the jurisdiction of the Commission. That issue need not be related to any item on the current agenda. Not more than five minutes per individual should be allocated to receive this public input. The Commission has the option of requesting additional study or response by the Department, or it may direct its staff to schedule an agenda item to address the issue at a future meeting.

Action

Executive Director Treanor asked if there was anyone in the audience who wished to speak.

Kevin Mineo strongly supported applying the bass tournament slot limit variance proposed for Lake Oroville statewide. Mr. Mineo's position was supported by William Hall and Tom Hennies.

Florence Lambert recommended several amendments to the Commission's animal caging/animal welfare regulations for elephants including the following requirements: (1) provide a heated barn when temperatures are below 40 degrees F.; (2) allow animals to exercise freely for a minimum of 12 hours a day; (3) prohibit chaining, except to facilitate veterinary emergency care; (4) provide a pool to allow animals to immerse daily or require daily washing and brushing; (5) test elephants for tuberculosis when they enter the State of California; (6) provide a minimum of 50 gallons of accessible water for traveling elephants; (7) allow animals access to a daily mud bath; (8) require photo identification of individual animals; (9) provide mental and physical stimulation for animals at all times; and (10) provide fresh air and sunshine, when possible, for at least 8 hours a day. Bill Dyer and Joyce Pieper supported Florence Lambert's recommendations. Additionally, Mr. Dyer opposed the use of exotic animals in traveling shows and Ms. Pieper proposed a requirement that elephants be allowed to exercise on dirt for a minimum of 12 hours each day.

WPD Chief Johnston suggested that he would arrange a meeting with elephant supporters/owners and other interested parties to develop some proposed regulatory changes for the Commission's consideration.

The Commission took a 15 minute break to tour the Hubbs-Sea World Facility.

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

5. REQUEST OF RANDY THORNTON, FORT BRAGG, FOR A WAIVER OF THE COMMERCIAL SEA URCHIN LANDING REQUIREMENTS FOR PERMIT YEAR 1995/96.

#### Summary of Issue

Mr. Randy Thornton, Fort Bragg, requests a waiver of the commercial sea urchin landing requirements for permit year 1995/96. In a letter dated July 29, 1996, Mr. Thornton provides the following information:

"I am requesting an appeal for a landing waiver for my Sea Urchin permit. Enclosed is 2 (two) copies from doctors explaining sinus problems that I have acquired since I've started urchin diving. I believe that my sinus problems are the direct reason for me not getting the landings required.

"It first started in 1992. I had a reverse block after diving for sea urchins. I went to a specialist in Reno, Nevada, Dr. Trimmer. They did a cat scan of my sinuses and revealed that I did no serious damage to my sinus."

The Commission was provided with a copy of the two doctors letters.

#### Department Recommendation

"The Department recommends approval of this request. Mr. Thornton has provided information from a physician which supports his claim he was unable to dive because of medical reasons."

#### Action

Executive Director Treanor introduced the item, and informed the Commissioners that their handout material contained the Department's recommendation for approval based on medical reasons. Mr. Treanor noted that Mr. Thornton was present.

It was then:

MOVED BY MR. BOREN, SECONDED BY MS. PHARES, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF RANDY THORNTON, FORT BRAGG, FOR A WAIVER OF THE COMMERCIAL SEA URCHIN LANDING REQUIREMENT FOR PERMIT YEAR 1995/96, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

6. REQUEST OF RICHARD VELIZ, WOODLAND, FOR REINSTATEMENT OF EXPIRED COMMERCIAL SALMON VESSEL PERMIT FOR F/V PEARLY SHELLS.

#### Summary of Issue

Mr. Richard Veliz, Woodland, requests reinstatement of an expired commercial salmon vessel permit for the F/V Pearly Shells. In a letter dated June 14, 1996, Mr. Veliz provides the following information:

"My Commercial Salmon Vessel Permit was not renewed by me by the deadline of April 30, 1996. I would like to have the chance to renew my license by your committee. Without this permit my fishing vessel is worthless to me.

"At the time of renewal, I did not have the funds to purchase the permit. Things have not gone too good for me and my family since the first of the year. This has been caused by medical expenses which have been beyond my control. My wife has had a lens transplant in her eyes and the latest setback was on May 29, 1996, when she had bypass surgery on her heart. At the present time I am taking care of her recovery. She has made a fast recovery considering that she was released just 2 (two) weeks ago.

"I have saved the money to purchase my salmon permit if given the chance to be re-instated by your Commission.

"I would like to thank you for your time and consideration."

The Commission was provided with a copy of a letter from Dr. Jack E. Berger, Mr. Veliz's family physician.

#### Department Recommendation

"Mr. Veliz states in his letter that the nonrenewal of the permit was 'caused by medical expenses which have been beyond my control', relating to the lens transplant and bypass surgery performed on his wife. Dr. Jack E. Berger, M.D., corroborates Mr. Veliz's statements indicating

Mrs. Veliz has severe problems with diabetes, had eye surgery, and a coronary bypass procedure done.

"According to Fish and Game Code Section 8235 (f), '...the department shall not renew a permit for which the application for renewal is not received, or, if mailed, is received or postmarked after expiration of the permit.'

"The exceptions to this are found in Section 8246.7(a)(1): 'The commission shall...order the permit renewed...if...the failure to renew a permit...was due to death, physical illness, mental incapacity, or being called to active military duty, and the person was not reasonably able to have an agent renew the permit.'

"Based on the information submitted, the Department supports the reinstatement of this commercial salmon vessel permit with payment of \$555.00 (Commercial Boat Registration-\$200.00, Commercial Salmon Vessel Permit-\$30.00, Commercial Fishing License-\$90.00, and Salmon Stamp-\$235.00)."

#### Action

Executive Director Treanor introduced the item, and asked if Mr. Richard Veliz was present. There was no response. He then informed the Commissioners that their handout material contained the Department's recommendation for approval of reinstatement of Mr. Veliz's expired commercial salmon vessel permit.

It was then:

MOVED BY MR. BOREN, SECONDED BY MS. PHARES, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF RICHARD VELIZ, WOODLAND, FOR REINSTATEMENT OF AN EXPIRED COMMERCIAL SALMON VESSEL PERMIT FOR F/V PEARLY SHELLS, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

7. REQUEST OF MARTIN TOMICH, BELLINGHAM, WASHINGTON, FOR REINSTATEMENT OF AN EXPIRED DRIFT GILL NET PERMIT.

Executive Director Treanor reported that this item had been withdrawn and handled administratively by the Department.

8. REQUEST OF LEONARD MONTALBANO, CHARLESTON, OREGON, TO APPEAL DEPARTMENT DENIAL OF HIS APPLICATION FOR A PINK SHRIMP TRAWL VESSEL PERMIT.

Summary of Issue

Mr. Leonard Montalbano, Charleston, Oregon, requests to appeal the Department's denial of his application for a pink shrimp trawl vessel permit. In a letter dated June 20, 1996, Mr. Montalbano, provides the following information:

"I am applying for a pink shrimp trawl vessel permit. Enclosed is a delivery slip (fish landing receipt), prior to the March 31, 1994 [sic] deadline.

"The reason, I didn't apply prior to the March 31, 1996, deadline is that I didn't receive an application in the mail, and I called and requested one, but never received it."

The Commission was provided with a copy of a fish landing receipt and a copy of Mr. Montalbano's commercial fishing license application.

Department Recommendation

"Section 9942, Fish and Game Code, specifies that beginning with the 1995-96 permit year (April 1, 1995 through March 31, 1996) a pink shrimp permit in the immediately preceding permit year. Therefore, in order to obtain a current (1995-96) pink shrimp vessel permit an applicant must have possessed one in the 1995-96 license year.

"Mr. Montalbano wrote on June 20, 1996, that the reason he did not apply for a pink shrimp trawl vessel permit prior to the March 31, 1996, deadline was that he did not receive an application in the mail, and that he had called and requested one but never received it.

"Department records show that Mr. Montalbano did not possess a pink shrimp vessel permit for the 1995-96 license year. The Department telephoned Mr. Montalbano to obtain additional information and he confirmed that he did not have a permit, but that another individual who did have a permit was operating his boat. Therefore, we recommend denial of subject request."

Action

Executive Director Treanor introduced the item, and asked if Mr. Leonard Montalbano was present. There was no response. He then noted that the Department's recommendation was for denial.

It was then:

MOVED BY MR. BOREN, SECONDED BY MS. PHARES, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF LEONARD MONTALBANO, CHARLESTON, OREGON, TO APPEAL DEPARTMENT DENIAL OF HIS APPLICATION FOR A PINK SHRIMP TRAWL VESSEL PERMIT.

PASSED UNANIMOUSLY.

9. REQUEST OF ROBERT MCMILLEN, SANTA BARBARA, FOR REINSTATEMENT OF EXPIRED COMMERCIAL ABALONE AND SEA URCHIN DIVING PERMITS.

Summary of Issue

Mr. Robert McMillen, Santa Barbara, requests reinstatement of expired commercial abalone and sea urchin diving permits. In a letter dated September 3, 1996, Mr. McMillen provides the following information:

"I'm writing you about getting my abalone and urchin permit back. I was just released from Federal prison after serving six years for pot smuggling. I started commercial diving for abalone in 1959 and continued for twenty five years without a violation of any kind. I was the person who first started the urchin business in California. I was the highliner in the business until I got involved in the smuggling business. I also started the abalone association. I am, and always have been a staunch environmentalist. I formed, and was the president of the Mendocino Environmental Association for ten years. I was the person who first lobbied for limited permits in the abalone and urchin business. I was the founder of the Mendocino whale war, which was the very first group to initiate the battle to save the whales. I also fought Georgia Pacific lumber company, stopping their indiscriminate spraying of herbicides around the north coasts salmon rivers. I won that fight. I also stopped them from logging next to the rivers and destroying the marine resources.

"Now that I'm back on track again, I would dearly love to dive commercially again. I can assure you, given the chance to get a permit, I would be an attribute to the business. Abalone and urchin diving is the only occupation I know.

"Would you be kind enough to tell me how to go about getting my permits back. My Federal probation officer, Alan Costa, said he would assist me in my efforts. His phone number is: 805-963-3575. I had a flawless record while I was incarcerated, and look forward to becoming attribute to society again.

"Barbara, I have personally worked with Governor Brown, Bill Keir, The State environmental policy specialist, Charlie Moon, Fish and Game, and many other government employees. I showed the State biologists how to reproduce abalone back in the sixties.

"Thank you for your consideration. I would value a second chance at doing something I love so much. If you ever need a marine consultant, I have over three and a half years of my life under water, and I have an extensive education in marine biology and malacology."

#### Department Recommendation

"The Department recommends denial of this request. Mr. McMillen voluntarily removed himself from the fishery when he decided to engage in illegal drug activities.

"Also, we believe the abalone resource is in critical condition and that granting this request is unfair to current permittees and poses an unnecessary risk to the resource. This recommendation is made without prejudice and future requests by Mr. McMillen will be evaluated in light of the condition of the abalone resource at that time."

#### Action

Executive Director Treanor introduced the item and indicated that Mr. Robert McMillen had requested that it be postponed to the November 7-8, 1996, meeting. He explained that Mr. McMillen planned to be at the meeting but was still on probation and would not be able to travel outside Santa Barbara County until after November 2.

#### 10. REQUESTS OF IRBY ELLISTON, ARROYO GRANDE, AND MARK STEINKE, EUREKA, FOR RENEWAL OF LATE COMMERCIAL DUNGENESS CRAB VESSEL PERMIT/APPLICATIONS.

#### Summary of Issue

Mr. Irby Elliston, Arroyo Grande, and Mr. Mark Steinke, Eureka, request renewal of late commercial dungeness crab vessel permit/applications.

#### A. Irby Elliston, Arroyo Grande

Executive Director Treanor reported that the Department had handled Mr. Elliston's request administratively.

B. MARK STEINKE, EUREKA

In a letter dated June 13, 1996, Mr. Steinke provides the following information:

"I am writing you in regards to the renewal of my Dungeness Crab Vessel Permit. I have been informed by the Eureka office that the permit has expired and I am writing to you to appeal this decision and have my Crab Permit reinstated.

"I have been a crab fisherman for the past seven (7) years and qualified for a Dungeness Crab Vessel Permit two years ago when they became required.

"Prior to this year, there was no time limit on getting the permit. Therefore, not knowing that there was a deadline, I missed it. I went in on June 10 to renew my Crab Vessel Permit thinking that I was 6 months early. I believed that I had plenty of time because crab season does not open until December and I only fish the winter months, December through February. I missed the deadline by only six working days.

"I have \$20,000.00 invested in my fishing boat and another \$10,000.00 invested in the crabbing gear. I will suffer undue financial hardship if my Dungeness Crab Vessel Permit is not reinstated.

"Based on the above information I hope you will agree that I am worthy of reinstatement.

"If you have any questions or require further information, please don't hesitate to call me. Thanking you in advance for your time and trouble."

Department Recommendation

"Mr. Steinke is requesting reinstatement of his Dungeness Crab Vessel Permit for the F/V CHULA.

"Section 8280.2(e) of the Fish and Game Code states 'Renewals of all Dungeness Crab Vessel Permits shall be received by the department, or, if mailed, postmarked, by April 30 of each year.'

"Mr. Steinke has not provided any information about extenuating circumstances regarding his failure to renew his Dungeness Crab Vessel Permit. Therefore, the Department recommends denial of subject request."

## Action

Executive Director Treanor introduced the item and reported that Mr. Steinke had called the Commission office and requested that this item be put over to a meeting closer to Eureka. Mr. Treanor reported that Mr. Steinke had gone to the Department's Eureka Office six working days after the renewal deadline and Mr. Steinke had not been aware of the new renewal date. President McGeoghegan pointed out that this matter was not a resource issue and asked if the Commissioners would approve Mr. Steinke's request for late renewal of his commercial Dungeness crab vessel permit.

It was then:

MOVED BY MS. PHARES, SECONDED MR. BOREN, THAT  
THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF  
MARK STEINKE, EUREKA, FOR RENEWAL OF A LATE COMMERCIAL  
DUNGENESS CRAB VESSEL PERMIT/APPLICATION, SUBJECT TO THE  
TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND  
APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

11. REQUESTS OF MICHAEL FARMER, GOLETA, AND MARSTON SOLLENDER, VENTURA, FOR REINSTATEMENT OF SUSPENDED COMMERCIAL SEA URCHIN DIVING PERMITS.

## Summary of Issue

Mr. Michael Farmer, Goleta, and Mr. Marston Sollender, Ventura, request reinstatement of suspended commercial sea urchin diving permits.

### A. Michael Farmer, Goleta

The Commission, at its August 1, 1996, meeting in Ontario, suspended Mr. Farmer's commercial sea urchin diving permit for one year or until August 1, 1997. However, the Commission did indicate that Mr. Farmer could appear at a future Commission meeting to provide mitigating evidence which could convince the Commission to lift or reduce the suspension.

In a letter dated September 8, 1996, Mr. Farmer provides the following information:

"I have received your letter of August 12, 1996, and will respectfully appear before the California Fish and Game Commission on October 3 to request that my sea urchin permit not be suspended. I apologize for not appearing as scheduled at your August 1 meeting, but was stricken with the flu early that morning and was unable to make the trip

to Ontario. I am told, however, that Mr. Mick Kronman, who represented me at that meeting, accurately portrayed the facts of my case. I appeal, therefore, to your sense of fairness, to drastically reduce or withdraw the one-year suspension of my sea urchin permit.

"For the record, I would like to repeat details of my case, so your Commission can update its review of this issue:

- "1) By pleading guilty to a violation of Section 120.7(p)(1), Title 14, California Code of Regulations, I admitted to possessing 64 sublegal sea urchins--34 above the allowable limit, out of a load of approximately 1,500 pounds. This indiscretion was accidental, not intentional. Diving for sea urchins, as you may know, is tricky business. Dirty water, large swells and strong currents--conditions that characterized the fishing grounds on February 18, 1995, the day of the violation--make diving tough, let alone measuring thousands of sea urchins one-by-one. The very fact that the law allows a certain 'overage' attests to this difficult situation.
- "2) Regarding previous violations, the misdeed for which I was convicted in 1985 (Section 7887 of the California Fish and Game Code) was for not properly displaying commercial registration numbers on the side of my Zodiac inflatable raft, from which I was diving for urchins. The boat was properly registered. I had simply forgotten to paint the numbers on its side. This was the equivalent to driving without registration after having received a sticker from the Department of Motor Vehicles--a 'fix-it' ticket for which I was fined \$40.00. Regarding possession of sublegal lobsters and lobsters out of season, this violation occurred 15 years ago, involved only four (4) lobsters, resulted in a \$150.00 fine and was the only resource-related infraction for which I have been cited in my 17-year commercial diving career.
- "3) I have already paid a \$1,000.00 fine and had 1,500 pounds of urchins confiscated for the violation you are reviewing today. Beyond that, potential suspension of my permit would induce a severe, potentially catastrophic, economic hardship for me. Therefore, I urge you to not suspend my permit. If the Commission does vote to suspend my permit for any length of time, I would request that such suspension not commence until after

January 1, 1997, so that I may continue diving during the fall and early winter while securing another means of livelihood.

"Thank you for considering my explanations and my request."

The Commissioners were provided with a copy of the Commission's letters dated August 12, 1996 and June 14, 1996, to Mr. Michael Farmer; the Department's request dated April 26, 1996; the citation; the arrest report; the court record; and copies of Mr. Farmer's prior citations.

#### Department Recommendation

"On February 16, 1996, Mr. Michael Farmer plead guilty to taking more than 30 undersized red sea urchins in one load. Mr. Farmer has two prior violations, one in 1985 for failure to register his commercial fishing vessel and one in 1981 for taking short lobsters out-of-season.

"On August 1, 1996, the Commission considered the Department's request to suspend his commercial sea urchin diving permit. Mr. Farmer did not appear but was represented by Mr. Mick Kronman. The Commission suspended Mr. Farmer's permit for one year.

"Mr. Farmer has asked the Commission to reinstate his permit. In his letter he makes the following points:

- "• He had 64 undersized sea urchins, 34 more than is allowable by regulation.
- "• The prior violation in 1985 was for not having registration plates on his vessel.
- "• The prior violation for short lobsters and taking lobsters out-of-season was 15 years ago.

"In 1990, the regulations were amended to increase the allowable number of undersized red sea urchins from 10 to 30 per load. This change recognized that diving conditions are sometimes difficult, but that the diver still has the responsibility to ensure that he/she is harvesting legal sized sea urchins.

"The citation for the violation in 1985 indicates that the violation was the failure to register the vessel while fishing for sea urchins.

"The Department has been consistent in requesting one-year suspensions for any sea urchin permittees who have prior violations, even if those violations are not within the last few years. The sea urchin industry has asked the Commission

to take strong action for those permittees convicted of resource violations to send a consistent message that permittees must be responsible for their actions to protect sea urchin populations.

"The Department recommends that Mr. Farmer's suspension continue as imposed because Mr. Farmer must take responsibility for complying with the regulations to help ensure the well being of the sea urchin resource."

### Action

Executive Director Treanor introduced the item and noted that Mr. Farmer was present. Mr. Treanor explained that at the Commission's August 1, 1996, meeting in Ontario, Mr. Farmer's commercial sea urchin diving permit was suspended for one year. Mr. Farmer was ill and had not been present at this meeting. Mr. Treanor reminded the Commission that it had ruled that Mr. Farmer could appear at a future Commission meeting to provide mitigating evidence to try to convince the Commission to lift or reduce the suspension. He indicated that Mr. Farmer provided such information in a letter dated September 8, 1996.

Mr. Farmer pled his case, providing a history of his fishing activities.

WPD Chief Johnston indicated that the Department was recommending that Mr. Farmer's suspension continue as imposed. Mr. Johnston reported that the Commission has consistently suspended permits for one year, if the person has prior resource violations.

There was discussion among the Commissioners regarding the severity of Mr. Farmer's prior violation.

It was then:

MOVED BY MS. PHARES, SECONDED BY MR. THIERIOT, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF MICHAEL FARMER, GOLETA, AND REDUCES THE PERIOD OF SUSPENSION OF HIS COMMERCIAL SEA URCHIN DIVING PERMIT TO SIX MONTHS, COMMENCING AUGUST 1, 1996, AND ENDING FEBRUARY 1, 1997, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

AYES: Commissioners McGeoghegan, Thieriot, Phares  
ABSTAINED: Commissioner Boren

MOTION PASSED.

B. Marston Sollender, Ventura

In a letter received in the Commission office on September 3, 1996, Mr. Sollender provides the following information:

"I'm writing in regards to your July 31 letter to me.

"I would greatly appreciate being put on the October 3 or 4 Commission meeting in San Diego.

"I will need the address of the place where the meeting will be though, as it's not stated on the schedule you sent me. Thanks again Mr. Treanor for working with me."

In a letter received in the Commission office on July 15, 1996, Mr. Sollender also provides the following information:

"I was unable to make the June 20 F&G meeting as a death in the family occurred and we had to attend the funeral. I would like to reschedule a date when the meeting is closer to Ventura, if possible. Could you send me a list of where the next few F&G Commission hearings are so I can then make plans.

"Sorry for any inconvenience on my part.

"Thank you for time on this matter."

The Commissioners were provided with copies of Mr. Sollender's previous letters to the Commission; a copy of the Commission's letter dated January 29, 1996; and a letter dated August 24, 1994.

Department Recommendation

"The Department recommends that the Commission reinstate Mr. Sollender's Sea Urchin Diving Permit as detailed in the following memorandum:

"On December 22, 1991, Mr. Marston Sollender was cited for having more than 30 undersized red sea urchins in his load. He pled no contest on March 24, 1992, was fined \$250, placed on three years probation and his load was forfeited to the Department.

"On January 5, 1993, Mr. Sollender was again cited for having more than 30 undersized red sea urchins in his load. He was on probation for the first violation when this violation occurred. Mr. Sollender pled no contest on May 24, 1993, was fined \$1,500, required to perform 80 hours of community service, placed on three years probation and

the load was forfeited to the Department. The Commission suspended Mr. Sollender's sea urchin diving permit for one year from May 26, 1994 through May 27, 1995.

"On July 6, 1993, while on probation for the second violation, Mr. Sollender was cited for having more than 30 undersized red sea urchins in one load. The Commission received credible testimony from the arresting Warden and the Commission suspended Mr. Sollender's sea urchin diving permit for an additional year, through May 27, 1996, and required him to appear before the Commission before purchasing his sea urchin diving permit to show cause why his permit should be reinstated.

"On December 28, 1995, the Commission received a letter from Mr. Sollender asking for reinstatement of his permit. In his letter, Mr. Sollender indicates that he has paid heavy dues for his 'small error in judgement'. The Department is concerned that Mr. Sollender does not understand the seriousness of the violations he has committed and their impact on the sea urchin resource.

"The Department recommends that Mr. Sollender's sea urchin diving permit be reinstated if he assures the Commission that he understands the seriousness of these violations and will not violate these laws or regulations in the future. The Department recommends that the Commission warn Mr. Sollender that any future violation may result in the permanent revocation of his sea urchin diving permit.

"If the Commission approves Mr. Sollender's request, he will be required to pay the following fees: \$330 for his 1995/96 diving permit, \$90 for his 1996/97 commercial fishing operator's license and \$330 for his 1996/97 diving permit for a total of \$750. These fees should be paid by July 30, 1996, and the late application fee will be waived."

#### Action

Executive Director Treanor introduced the item and reported that the Commission had suspended Mr. Sollender's commercial sea urchin diving permit for two years, until August 1996, and had requested that he re-appear to explain why his permit should be reinstated.

Mr. Sollender asked for reinstatement, apologized for his actions and said that he felt he had paid for his actions. He assured the Commission that if his permit was reinstated he would work in a professional manner and uphold all resource laws and regulations.

WPD Chief Johnston provided background information and indicated that the Department was recommending approval of Mr. Sollender's request for reinstatement. Chief Johnston indicated that Mr. Sollender would be required to pay \$750 and that the Commission would need to waive the late application fee and instruct Mr. Sollender to obtain his license within 30 days.

It was then:

MOVED BY MR. BOREN, SECONDED BY MS. PHARES, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF MARSTON SOLLENDER, VENTURA, FOR REINSTATEMENT OF A SUSPENDED COMMERCIAL SEA URCHIN DIVING PERMIT, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

12. CONSIDERATION OF ACCEPTANCE OF A STIPULATED COMPROMISE SETTLEMENT AGREEMENT OR THE SUSPENSION OF COMMERCIAL HERRING PERMIT OF THOMAS PETER NOTO, MARINA.

#### Summary of Issue

The Department requests that the Commission suspend the commercial herring permit of Mr. Thomas Peter Noto, Marina, for the first 14 days (commencing January 1997 for 14 fishing days), of the 1996-97 commercial herring season, or other such time period as the Commission deems appropriate. A certified letter has been sent to Mr. Noto notifying him of the possible action to be taken by the Commission.

The Department's request is predicated on the fact that on April 10, 1996, in the Marin County Municipal Court, Mr. Noto pled nolo contendere to a violation of Section 163(f)(2)(C), Title 14, California Code of Regulations, setting or operating nets within 300 feet of specified piers and jetties (Fort Baker). As background, on January 29, 1996, Mr. Noto set his gill net within the 100-yard closure area around the public fishing pier at East Fort Baker, Marin County. The net marker was measured at 126 feet, and a measurement taken at half-way point of the net was at 176 feet from the pier. Mr. Noto was fined \$500.00.

Pursuant to Section 163.5, Title 14, CCR, Mr. Noto was sent a Stipulated Compromise Settlement Agreement for \$600.00 to pay a monetary penalty in lieu of receiving a suspension of his commercial herring permit. The Commissioners were provided with a copy of Section 163.5.

The Commission's authority to take this action is pursuant to Section 163(i), Title 14, CCR.

The Commissioners were provided with a copy of the Commission's letter dated September 3, 1996; the Stipulated Compromise Settlement Agreement; the Department's request dated July 29, 1996; the citation; the arrest report with photographs; Mr. Noto's 1995-96 Limited Entry Herring Permit application; and the court record.

As of September 25, 1996, the Commission office has not received Mr. Noto's signed agreement and/or check.

#### Action

Executive Director Treanor reported that Mr. Noto signed and returned the Stipulated Compromise Settlement Agreement, including his payment of \$600.00, and that staff recommended accepting the agreement in lieu of suspending his commercial herring permit.

It was then:

MOVED BY MR. BOREN, SECONDED BY MR. THIERIOT, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE PROVISIONS OF SECTION 163.5, TITLE 14, CCR, HEREBY ENTERS INTO A STIPULATED COMPROMISE SETTLEMENT AGREEMENT, WITH THOMAS PETER NOTO, MARINA, TO PAY A MONETARY PENALTY OF \$600.00 RATHER THAN AN IMPOSITION OF A SUSPENSION OF HIS COMMERCIAL HERRING PERMIT.

PASSED UNANIMOUSLY.

There being no further business, the meeting adjourned at 4:20 p.m. There was no Executive Session.

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NO EXECUTIVE SESSION HELD  
October 3, 1996

#### PENDING LITIGATION TO WHICH THE COMMISSION IS A PARTY:

- (A) MOUNTAIN LION FOUNDATION, ET AL., vs. FISH AND GAME COMMISSION, ET AL., RE: MOHAVE GROUND SQUIRREL.
- (B) NATURAL RESOURCES DEFENSE COUNCIL, ET AL., vs. FISH AND GAME COMMISSION RE: CALIFORNIA GNATCATCHER.
- (C) TOM HAYDEN, ET AL., vs. FISH AND GAME COMMISSION RE: SACRAMENTO RIVER SPRING-RUN CHINOOK SALMON.
- (D) POSSIBLE LITIGATION INVOLVING THE COMMISSION.  
State of California

State of California  
FISH AND GAME COMMISSION

Minutes, Meeting of October 4, 1996

Pursuant to the call of the President, the Commission met at Hubbs-Sea World Institute, 2595 Ingraham Street, San Diego, on October 4, 1996. The meeting was called to order at 8:30 a.m. by President McGeoghegan.

Persons present:

FISH AND GAME COMMISSION

Douglas B. McGeoghegan	President
Richard T. Thieriot	Vice President
Frank D. Boren	Member
Margie J. Phares	Member

COMMISSION STAFF

Robert R. Treanor	Executive Director
Ronald J. Pelzman	Assistant Executive Director
Sandy J. Daniel	Executive Secretary

DEPARTMENT OF FISH AND GAME

Jacqueline E. Schafer	Director
Al Petrovich	Deputy Director, Policy
Dick Bernheimer	Deputy Director, Administration
DeWayne Johnston	Chief, Wildlife Protection Division (WPD)
Alan Baracco	Assistant Chief, Inland Fisheries Division (IFD)

The following persons were also present and heard:

Zack Walton	State Water Contractors
Lynne Baker	Concerned Citizen
Bill Geyer	Resource Landowners Coalition

President McGeoghegan introduced members of the Commission, its staff, and members of the Department's Directorate.

13. BRIEFING BY DEPARTMENT ON ITS 1996-97 BUDGET AND PROJECTIONS FOR FISCAL YEAR 1997-98.

Summary of Issue

Mr. Richard Bernheimer, Deputy Director, Administration, will brief the Commission on the Department's 1996-97 budget and discuss projections for FY 1997-98. The Commissioners were provided with a copy of a report regarding the budget status.

Action

Executive Director Treanor introduced the item and indicated that it had been continued from the August 30, 1996, meeting in South Lake Tahoe.

Deputy Director Bernheimer briefed the Commission on the Department's budget, using charts and graphs to help relate the information. He reported that the budget for FY 1996-97 totaled \$164.7 million, including an increase of \$1.3 million or 0.8 percent from the previous fiscal year. He emphasized that this increase reflected the Department's efforts to strategically realign the budget to correct long-standing, base budget deficiencies. Mr. Bernheimer reported that the General Fund portion of the budget has decreased from over \$8 million in 1989-1990 to less than \$3 million and that the Environmental License Plate and Public Resource Account funds have remained relatively stable over the same period but both are below their highs. He reported that license revenues have increased about \$1 million a year during the last ten years due entirely to the indexing of the rates for inflation. He indicated that fishing licenses and related items have decreased by 300,000 while hunting licenses and related items have increased by 250,000 items. He mentioned that the trend in fishing license sales has been in a steady decline except for the year when the "wear your license" provision was implemented, while hunting license sales have trended upward the last five years.

President McGeoghegan asked if lowering the license fees would result in increased revenues. Mr. Bernheimer indicated that some states have lowered license fees and found that revenues dropped. Director Schafer added that she believed the state of Texas tried lowering license fees to increase revenues but the net result was a loss of revenue.

Deputy Director Bernheimer noted that the Department was a target for budget cuts because the Department is not solely dependent on the General Fund but has other funding sources. Director Schafer noted that one of the problems is that the Legislature is not convinced the Department can manage the money it has so why should it receive more.

There was discussion between the Commissioners and the Department regarding the Commission's desire for early briefings on the Department's budget and the role Commissioners could play during budget hearings and assistance in securing additional funding for the Department.

Deputy Director Bernheimer requested to attend a future meeting and report on improvements and accomplishments in other areas of Department administration.

14. RECEIPT OF DEPARTMENT PRELIMINARY STATUS REPORT ON 1996 SACRAMENTO RIVER SPRING-RUN CHINOOK SALMON SPAWNING ESCAPEMENT.

Summary of Issue

This item is scheduled to receive the Department's preliminary status report on the 1996 Sacramento River Spring-run Chinook salmon spawning escapement, pursuant to Section 670.6, Title 14, CCR. The Commission's policy on Monitored Species requires the Department to begin its report at the October 1996 meeting.

The Commissioners were provided with a copy of Section 670.6, Title 14, CCR, and the Commission's findings rejecting the Spring-run petition. The preliminary status report will be provided at the Commission meeting.

Action

Executive Director Treanor introduced the item and reminded the Commission that the Department was providing this item pursuant to the Commission's recently adopted Monitored Species regulation and that the final report would be provided at the December meeting.

IFD Assistant Chief Baracco provided the Department's preliminary report on spring-run Chinook salmon. He reported that overall fish escapement in 1996 was down from last year and that the most significant decrease was in Butte Creek. Mr. Baracco stated that December's report would include complete reports on adult monitoring, juvenile monitoring and restoration activities.

There was discussion among the Commissioners about reexamining the data on spring-run Chinook salmon and possibly a reconsideration of the petition. President McGeoghegan suggested that the Commission wait to hear the final report in December before reexamining the data.

Zack Walton provided a handout to the Commission of escapement data from 1940 through 1996. He said that he would

like to see escapement numbers for this year greater or comparable to last year, and greater than those of three years ago. He also commented on the hybridization issue and the need to monitor the Feather, Yuba and Sacramento rivers. He reported that the monitoring group would be meeting for the first time in mid-October.

Lynne Baker expressed her disappointment in the Commission's failure to accept the spring-run Chinook salmon petition.

15. RECEIPT OF DEPARTMENT STATUS REPORT ON COMMERCIAL SALMON LIMITED ENTRY FISHERY.

Summary of Issue

At the Commission's August 1, 1996, meeting, Commissioner Boren requested an update on the various limited entry fisheries. The Department volunteered to begin the updates with the Commercial Salmon Fishery at the Commission's October 1996 meeting. Therefore, this item is scheduled to receive the Department's status report on the commercial salmon limited entry fishery. In a memo dated September 10, 1996, the Department provides the following information:

"In 1979, the Legislature enacted a moratorium on participation in the commercial salmon fishery, which resulted in the issuance of nontransferable commercial salmon permits beginning in 1980. In 1982, the statute was redefined to only include individuals who met certain qualifications criteria during 1974-1979.

"In 1983, additional legislation was passed that further defined the qualifications for holding a commercial salmon permit, and moved the permit from the individual to the vessel. In that year, 4,626 commercial salmon vessel permits were issued.

"In 1986, an economic study was done to assess the status of the commercial salmon fishery. The study confirmed the need for permanent limited entry legislation. This report, '*The Economic Issues Associated With Commercial Salmon Fishing and Limited Entry in California*,' reinforced what was already known: The size of the fleet was decreasing, but there was no impact on the landings.

"During the 1987-88 regular session, AB 2366 (Hauser) was written, amended several times, and passed. This law took effect on January 1, 1989, thereby creating a permanent commercial salmon fishery limited entry program.

"The annual salmon fishing permits allow specific fishing vessels to land salmon in California. The permits may be

transferred to another vessel with the same or less fishing potential, as recommended by the Commercial Salmon Review Board (Board) and approved by the Department. The transfer process is restrictive. In addition to the fishing potential, a permit can only be transferred if the owner can show a 50% ownership interest in the replacement vessel.

"This year, 1996, there were approximately 2,217 vessel permits issued. The attrition rate from the fishery has averaged five percent per year.

"The Department consults with the Board every year on the issuance of new permits. Given the status of the commercial salmon fishery and the fact that in any given year, at least 30 percent of the permitted vessels do not land salmon, the Board has consistently recommended that no new permits be issued. Entry into the commercial salmon fishery can be obtained by purchasing a vessel with a valid salmon permit or by going through the rather restrictive permit transfer process."

### Action

Executive Director Treanor introduced the item. Deputy Director Petrovich reported that the limited entry salmon fishery was down from a high of 4,626 permittees to the current 2,217 permittees and that this is below the goal of 2,500 permittees. IFD Assistant Chief Baracco reported that the salmon poundages landed in California were a minor component of the California and world-wide consumption of salmon and that the catch of wild fish in Alaska dwarfs California's market. Mr. Petrovich reported that 30 percent of vessels permitted in California do not land salmon.

Commissioner Boren inquired if a limited entry fishery for salmon was still necessary. Mr. Baracco reported that the limited entry fishery is actually not driven by resource needs but offers a form of protection for the resources by establishing a known number of participants and allowing the setting of quotas, etc. accordingly. In response to a question from Commissioner Thieriot, Mr. Baracco stated that, in California, commercial fishermen take 75 percent of all salmon harvested.

President McGeoghegan suggested that the Department report on another limited entry fishery at a future meeting.

16. RECEIPT OF DEPARTMENT RECOMMENDATION FOR CATCH-AND-RELEASE WATERS PURSUANT TO SECTION 1727 OF THE FISH AND GAME CODE.

Summary of Issue

This item is scheduled to receive the Department's recommendation for Catch-and-Release waters pursuant to Section 1727 of the Fish and Game Code. The Commission was provided with a copy of a list of waters to be designated and the rationale for their inclusion in the catch-and-release program. The list includes 20 miles of stream and three lakes. The Department will be prepared to discuss this issue on October 4.

Action

Executive Director Treanor reported that pursuant to the statutes, the Department annually recommends up to twenty-five miles of stream and one lake or reservoir for inclusion as catch-and-release waters. He indicated that this year's recommendation included 20 miles of stream and three lakes.

Deputy Director Petrovich reported that these streams and lakes already have catch-and-release regulations and the Department is simply including them on the list of catch-and-release waters to satisfy the code requirement. He pointed out that this issue will be discussed during the 1997 sport fishing regulation process.

It was then:

MOVED BY MR. BOREN, SECONDED BY MS. PHARES, THAT  
THE FISH AND GAME COMMISSION HEREBY ACCEPTS THE DEPARTMENT'S  
REPORT AND RECOMMENDATION ON CATCH-AND-RELEASE WATERS  
PURSUANT TO SECTION 1727 OF THE FISH AND GAME CODE.

PASSED UNANIMOUSLY.

17. ADOPTION OF GUIDELINES AND CRITERIA FOR CREDIT ALLOCATION AND HIRING RE: TROUT HABITAT RESTORATION AND IMPROVEMENT PROJECTS PURSUANT TO AB 2925. (SHER; CHAPTER 1296, 1994).

Summary of Issue

Legislation was passed in 1994, which became law without the Governor's signature, that provides for a tax credit for salmon and steelhead habitat restoration and improvement projects. Among other things, the law requires the Department to establish criteria for determining the amount of credit to which a taxpayer is entitled, accept applications for credit allocation and certification, issue certifications regarding credit allocation amounts, and provide an annual listing to the Franchise Tax Board of those taxpayers who were issued a certification and of the

amount of any credit authorized. The Department has held several meetings with interested parties to help develop the guidelines and criteria for the credit allocations. The law requires the Commission to adopt the guidelines at a noticed meeting and after one or more public workshops.

The Department provided its draft criteria to the Commission at its August 30, 1996, meeting in South Lake Tahoe. The Commission was provided with a copy of the Department's report.

#### Department Recommendation

"For review, AB 2925 (Sher; Chapter 1296, 1994) provides a tax credit to private land owners and companies who restore habitat in streams or watersheds used by salmon or steelhead. AB 2925 modified the State Revenue and Taxation Code (Code), Section 17053.66 (e)(2) and others. It requires the Department to establish criteria for tax credit allocation, to establish tax credit application guidelines and to establish hiring guidelines. The Code also requires the Commission to adopt these guidelines and criteria after one or more workshops are held.

"The Department presented proposed guidelines and criteria at the workshop held by the Commission for the Timber Tax Credit Program at the August 29 Commission meeting. Proposed hiring guidelines, application guidelines, and criteria for credit allocation are attached.

"The Department is now asking the Commission to adopt these guidelines and criteria at the October meeting."

#### Action

Executive Director Treanor introduced the item and reported that this meeting was scheduled to consider adoption of the guidelines.

IFD Assistant Chief Baracco responded to a question that was brought up at the meeting at South Lake Tahoe regarding retroactivity credit. He reported that the Franchise Tax Board indicated there would be no problem for applicants to amend their 1995 tax returns for work that qualified under the program.

It was then:

MOVED BY MR. BOREN, SECONDED BY MS. PHARES, THAT  
THE FISH AND GAME COMMISSION HEREBY ADOPTS THE FOLLOWING  
GUIDELINES AND CRITERIA FOR CREDIT ALLOCATION AND HIRING  
REGARDING SALMON AND STEELHEAD TROUT HABITAT RESTORATION  
AND IMPROVEMENT PROJECTS, PURSUANT TO AB 2925 (SHER;  
CHAPTER 1296, 1994):

### Hiring Guidelines

Pursuant to the State Revenue Taxation Code, Section 17053.66(b)(2), to qualify for credit, the application must agree to provide employment to "unemployed persons previously employed in either the commercial fishing or forest product industry.

This condition will be considered met if:

- (a) The application makes a reasonable attempt to hire persons who can show they are unemployed from the commercial fishing or forest products industry and gives hiring preference to these persons. An allowance will be made to hire persons currently employed by the forest products or commercial fishing industry who will soon be laid off, or
- (b) the application seeks unemployed persons from the commercial fishing or forest products industry by 1) advertising project openings at industry-related job centers and retraining centers or programs, or advertise in inappropriate forest products industry or commercial fishing industry publications, and 2) by contacting unemployed persons listed at any of various industry-related job centers, employment agencies, or retraining centers.

### Criteria for Allocation of Tax Credit

Pursuant to the State Revenue Taxation Code, Section 17053.66(b)(2) and (e)(2), the following are "criteria for allocation of the credit amounts in the case where more than five hundred thousand dollars (\$500,000) of credits are requested annually."

No individual taxpayer or entity can receive more than 10 percent of the tax credit fund, or \$50,000..

The amount of each taxpayers credit allocation will be computed as follows: 1) Divide the annual credit allocation (\$500,000) by the total estimated qualified cost of all approved projects; and 2) multiply each approved project's estimated qualified cost by the quotient from (1). If an individual taxpayer or entity applies in 1996 for more than \$50,000 of credit, projects that benefit coho salmon of that taxpayer or entity will be selected first until \$50,000 is accumulated. The remainder of the projects will be eliminated from tax credit consideration.

AYES: Commissioners Boren, Phares, Thieriot  
ABSTAINED: Commissioner McGeoghegan (out of room during vote).  
MOTION PASSED.

18. RECEIPT OF DEPARTMENT SEMI-ANNUAL REPORT ON LANDS RECEIVED AS MITIGATION FOR DELTA LEVEE REPAIR.

Summary of Issue

This item is scheduled to receive the Department's semi-annual report on lands received as mitigation for Delta levee repair. In a memo dated August 14, 1996, the Department provides the following information:

"As requested in your October 7, 1992, memo, we are providing our semi-annual report on lands received as mitigation for Delta Levee repair. We are submitting this information for inclusion as an agenda item on the Commission Meeting schedule for October 3 and 4, 1996.

"The site mentioned in this report is located on Twitchell Island, Reclamation District No. 1601, in Sacramento County. Attached are the conservation easement, mitigation agreement, and mitigation plan for this 4.04-acre site. It has been established to mitigate for losses of habitat that occurred on Twitchell and Bradford Islands between 1991 and 1993. Habitat types created on Twitchell Island include scrub-shrub, freshwater marsh, and riparian forest."

The Commission was provided with a copy of the conservation easement, mitigation agreement and mitigation plan.

Action

Executive Director Treanor introduced the item. Deputy Director Petrovich reported that at its October 1992 meeting the Commission approved the Department's request to accept mitigation lands for delta levee repair and this was a semi-annual report on the subject.

It was then:

MOVED BY MR. BOREN, SECONDED BY MR. THIERIOT, THAT  
THE FISH AND GAME COMMISSION HEREBY ACCEPTS THE DEPARTMENT'S  
SEMI-ANNUAL REPORT ON LANDS RECEIVED AS MITIGATION FOR DELTA  
LEVEE REPAIR.

PASSED UNANIMOUSLY.

19. ATTORNEY GENERAL REPORT RE: POSSIBLE COMMISSION ACTION  
RELATIVE TO FERRETS.

Summary of Issue

This item is scheduled to receive the Commission's legal counsel's, Randall Christison, Deputy Attorney General, opinion concerning the Commission's authority regarding ferrets. Mr. Christison will be prepared to discuss his report at the Commission meeting. His draft report will be faxed to the Commissioners prior to the October meeting.

Action

Executive Director Treanor reported that this item would be put over to the Commission's November meeting in Yosemite to allow Deputy Attorney General Christison to discuss the item with legal counsel from the Domestic Ferret Association. Mr. Treanor stated that Mr. Christison would be providing a report at that meeting on the Commission's authority to take action to legalize ferrets.

CONSENT CALENDAR

Items 20 and 21 have been placed on the Commission's consent calendar. Your staff knows of no opposition to these proposals at this time, other than as may be specified in the analysis. The Department has provided a recommendation on each of these items which calls for approval or modified approval by the Commission. Any item may be removed from the consent calendar by the Commission or upon the request of the Department or someone in the audience who would like to speak to that item. Your staff has prepared a summary of consent calendar items which will be made available to the audience. One overall motion is appropriate for approval of these items.

Executive Director Treanor introduced the Consent Calendar and indicated that the Department had requested that Item #20 be removed from the consent calendar and postponed to the November Commission meeting in Yosemite. He then asked if anyone from the audience wished to comment on any of the consent calendar items, and there was no response.

It was then:

MOVED BY MR. BOREN, SECONDED BY MR. THIERIOT, THAT  
THE FISH AND GAME COMMISSION HEREBY APPROVES ITS  
OCTOBER 4, 1996, CONSENT CALENDAR. FURTHER, ITEM #20 IS  
POSTPONED UNTIL A FUTURE MEETING.

PASSED UNANIMOUSLY.

20. REQUEST OF DEBORAH M. WARRICK, SOUL OF THE WOLF WILDLIFE SANCTUARY AND EDUCATION FOUNDATION, INC., AGOURA, FOR AN AMENDMENT TO HER RESIDENT EXHIBITOR'S PERMIT TO ADD BINTURONGS, LEMURS, BEARS AND HEDGEHOGS.

Summary of Issue

Ms. Deborah M. Warrick, Soul of the Wolf Wildlife Sanctuary and Education Foundation, Inc., Agoura, requests an amendment to her Resident Exhibitor's permit to add binturongs, lemurs, bears and hedgehogs. In a letter dated August 26, 1996, Ms. Warrick provides the following information:

"I would like to be placed on the agenda for your October 3 and 4 commission meeting, with your permission. I've spoken with Jim Zobel who has been assisting me in obtaining permits for various species, to include binturongs, lemurs, bears, etc. I currently have permits for wolves, foxes, tigers, lions, and cougars. He suggested I go before the Commission to ask your permission for such animals.

"The exotics I desire would be used for educational purposes. I visit schools regularly; the children are thrilled with wolf pups and baby tigers, but would also like to see hedgehogs, binturongs, lemurs, etc. I do not plan to breed any of the animals in question. I am experienced with tigers, lions and wolves. I would have absolutely no problem caring for other, smaller exotics such as those mentioned above."

Department Recommendation

"The Department of Fish and Game recommends approval to add binturongs and hedgehogs under the following conditions:

- "• The applicant provides documentation in the form of a resume which outlines her qualifying experience with each species as specified in Section 671.1(b)(2)(A)(2), Title 14, California Code of Regulations (CCR);
- "• The applicant provides a letter of recommendation from the facility/facilities where she gained her experience as specified in Section 671.1(b)(C), Title 14, CCR;
- "• The appropriate holding facilities are in compliance with Sections 671.2-671.3, Title 14, CCR;
- "• Concurrence from the departments of Health Services and Food and Agriculture;
- "• Payment of the \$30.00 permit amendment fee; and
- "• The applicant agree to include in her exhibiting educational program information why these animals should not be kept as pets.

"The Department will approve the addition of bears and lemurs (these are welfare animals which do not require Commission approval) contingent upon Ms. Warrick's compliance with Sections 671.1-671.3, Title 14, CCR."

### Action

This item was withdrawn at the request of the Department to enable them to investigate new information that had become available and possibly require Ms. Warrick to attend a future meeting.

21. REQUEST TO PUBLISH NOTICE OF COMMISSION/DEPARTMENT INTENT TO AMEND SECTIONS 5.37 AND 671(c)(5)(J)2., TITLE 14, CCR, AND TO ADD SECTION 238.6, TITLE 14, CCR, RE: STOCKING OF TRIPLOID GRASS CARP.

### Summary of Issue

The Department requests that the Commission authorize its staff to publish notice of its intent to amend Section 5.37 and 671(c)(5)(J)2., Title 14, CCR, and to add Section 238.6, Title 14, CCR regarding stocking of Triploid grass carp.

The Commission was provided with a copy of the Department's Pre-publication of Notice Statement with the text of the regulations in underline format. The Department's proposal can be summarized as follows:

"Grass carp (*Ctenopharyngodon idella*) are exotic fishes native to East Asia. They are voracious eaters of submerged aquatic vegetation. Aquatic plants are often a nuisance in bodies of water like golf course ponds and irrigation canals, where they can ruin the appearance of ponds, impede the flow of water and restrict human movement. The stocking of grass carp can eliminate or control the growth of nuisance aquatic vegetation.

"Grass carp will also eat plants which are components of our native aquatic ecosystems. Alteration of these aquatic ecosystems could adversely affect local fish, amphibians, waterfowl, and other aquatic organisms. Some of these organisms have been designated as threatened, endangered, rare, or species of special concern. For this reason, the stocking of grass carp has been, and must continue to be, carefully regulated. Until last year the stocking of grass carp was prohibited in California, except in the Imperial and Coachella valleys of southeastern California, where they are used in irrigation canals and golf course ponds for the control of nuisance aquatic vegetation. Stocking is limited to sterile fish.

"Legislation was passed in 1995 (SB 157, Kelly) which expanded the authority to stock sterile grass carp within Imperial, Riverside and San Bernardino counties. The new statute mandates the Department to adopt regulations that provide for the control of aquatic plant pests using artificially introduced triploid grass carp under a permit issued by the Department.

"The Department is therefore proposing to adopt regulations mandated by the statute (Article 4, Fish and Game Code). The regulations provide for the following:

"The new regulations do not restrict grass carp stocking programs approved by the Department on or before June 1, 1995. Stocking done under these programs is regulated by Section 238.5, Title 14, CCR, which continues to require a Private Stocking Permit (Form FG 749 (5/93)).

"For programs not approved before June 1, 1995, the following restrictions apply:

"Stocking of grass carp shall be done under provisions of a Special Triploid Grass Carp Stocking Permit (Form FG 749-TGC (12/96)) issued by the Department.

"The term of the permit shall be one calendar year or remaining portion of the year. All permits expire on December 31. Permits must be renewed by March 1 of the following year. If permit renewal fees are not received by the Department on or before June 1, the Department may eradicate all grass carp present in ponds for which permits have lapsed. The holders of lapsed permits shall reimburse the Department for all eradication costs.

"Charges and fees related to the Triploid Grass Carp Stocking Permit program are summarized as follows:

"Permit application fee:	\$750.00	per application plus
	\$500.00	for each noncontiguous pond to be stocked.
"Renewal fee:	\$250.00	per renewal, plus
	\$175.00	for each noncontiguous pond to be stocked

"Because of concerns for human-induced movement of grass carp to unauthorized areas, the Department shall not issue Special Grass Carp Stocking Permits for water bodies open to public angling, or residential golf course ponds, unless the

Department has determined that these sites are secure. Until January, 1999, the Department shall not issue grass carp stocking permits in condominium areas except for three experimental locations selected by the Department in consultation with the Imperial Irrigation District. The latter limitation is necessary to allow an evaluation of the human-induced movement of grass carp into unauthorized waters.

"Stocking shall be limited to fish which are individually verified as triploid (sterile) and are disease- and, parasite-free.

"All fish shall be tagged with serially numbered tags to identify them as the property of the owner. Permittees will be required to provide the Department with the tag serial numbers of all fish stocked within ten days of stocking.

"Permittees will be required to post all stocking locations with notices declaring penalties for removal of grass carp.

"Permittees will be required to allow the Department access to stocking areas for inspections prior to stocking and for follow-up inspections.

"Prior to receiving a grass carp stocking permit, the prospective permittee will be required to submit a completed Application For Triploid Grass Carp Stocking Permit (Form FG 749-TGC (12/95)). A preliminary inspection shall be required for each proposed stocking site. Also, permittees will be required by March 1 of each year to submit an annual report to the Department describing the progress of the vegetation control program.

"The new regulations will appear as Section 238.6, Title 14, CCR.

"The Department is proposing to amend Section 671, subsection (c)(5)(J)2., Title 14, CCR, to add a reference to new Section 238.6.

"To reduce the incentive for anglers to fish for grass carp, the Department is also proposing to amend Section 5.37, Title 14, CCR, to add the provision that grass carp inadvertently taken (by anglers) must be immediately returned unharmed to the water.

"In addition to eliminate the potential for commercial harvest and transfer of harvest grass carp, the Department is proposing to amend subsection (f) of Section 226.7, Title 14, CCR, to add the provision that grass carp inadvertently taken must be immediately returned unharmed to

the water.

"The Department may revoke a Triploid Grass Carp Stocking Permit at any time upon its determination that the permittee has not complied with the terms and conditions of the permit. Upon revocation of the permit, the Department may seize all grass carp remaining in previously permitted ponds."

The adoption hearing is scheduled for December 6, 1996, in Eureka.

22. RECEIPT OF DEPARTMENT LEGISLATIVE REPORT.

Summary of Issue

This item is scheduled to afford the Commission an opportunity to receive the Department's Legislative Report. The Department will be prepared to discuss this item and respond to any questions the Commission may have at the October 4, 1996, meeting. At the time the analysis was completed, the Department had not provided its Legislative Report. The Legislative Report will be provided at the meeting.

Action

Executive Director Treanor introduced the item and indicated that the report was part of the Commissioner's handout material.

Director Schafer described SB 649, Costa, which changed the enforcement regime under Section 5650 and the new Department team of water quality experts to implement the Governor's direction to bring certainty and scientifically sound definition to Fish and Game Code Section 5650.

Bill Geyer spoke regarding two endangered species bills: AB 350, Bustamante, requires recovery strategy program and SB 1804, Monteith, requires wildlife habitat contract for designated property.

23. RECEIPT OF DEPARTMENT INFORMATIONAL ITEMS.

This item is set aside to afford the Department an opportunity to present the Commission with informational items.

Action

Executive Director Treanor reported the Commission had received the Department's Quarterly Status Report on the Natural Community Conservation Planning Program.

24. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.

Summary of Issue

This item is scheduled for the Commission to receive informational items from its staff and to afford the Commission an opportunity to discuss items of interest with the Department.

Action

On behalf of the Commission, President McGeoghegan read and presented Margie Phares with a resolution. Ms. Phares accepted the resolution and stated she enjoyed her time as a Commissioner.

25. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.

This item is scheduled for the Commission's Legal Advisor to discuss any informational items and certain legal issues or procedures with the Commission. In addition, the Commission may wish to provide its legal counsel with suggested informational item topics of future meetings.

There were no informational items.

26. ANNOUNCEMENT OF FUTURE MEETINGS.

**1996 MEETING SCHEDULE**

DATE	LOCATION
November 7-8	Ahwahnee Hotel Yosemite National Park Yosemite
December 5-6	Board of Supervisors Chambers 825 Fifth Street Eureka

**DRAFT  
1997 MEETING SCHEDULE**

DATE	LOCATION
February 6-7	Monterey
March 6-7	Sacramento
April 3-4 **	Alturas
May 5-6 Joint Meeting with Board of Forestry?	Sacramento
June 12-13	Bridgeport
July 31-August 1	Santa Barbara
August 28-29 * Start Sport Fishing Regulations	Sacramento
October 2-3 *	San Diego
November 6-7 *	Redding
December 4-5 *	Long Beach

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

\*\* April meeting in Alturas would facilitate a subcommittee meeting re: mammal hunting regulations as a prelude to the biennial changes heard in February-April 1998.

Action

The Commissioners decided to eliminate the January 1997 meeting, hold the March meeting in Sacramento, hold the early August meeting in Santa Barbara, and finalize the 1997 Draft meeting schedule at the November Commission meeting in Yosemite.

There being no further business, the Fish and Game Commission meeting was adjourned at 11:00 a.m.