

State of California
FISH AND GAME COMMISSION

Minutes, Meeting of February 1-2, 1996

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State of California
FISH AND GAME COMMISSION

Minutes, Meeting of February 1-2, 1996

Pursuant to the call of the President, the Commission met in the Hyatt Regency, 200 South Pine Avenue, Long Beach, California, on February 1, 1996. The meeting was called to order at 1:00 p.m. by President McGeoghegan.

Persons present:

FISH AND GAME COMMISSION

Douglas B. McGeoghegan	President
Margie J. Phares	Member
Frank D. Boren	Member

COMMISSION STAFF

Robert R. Treanor	Executive Director
Ronald J. Pelzman	Assistant Executive Director
Jon Snellstrom	Management Services Technician

OFFICE OF ATTORNEY GENERAL

Randall Christison	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

Al Petrovich	Deputy Director, Policy
Kassandra Fletcher	Deputy Director, External Affairs
DeWayne Johnston	Chief, Wildlife Protection Division (WPD)
Ken Zanzi	Assistant Chief, Wildlife Management Division (WMD)
Jack Edwards	Deputy Chief, Wildlife Protection Division (WPD)

The following persons were also present and heard:

Leonard Jaffe	Los Carneros Associates
Hal Cribbs	Los Carneros Associates
Debra M. Olsen	Attorney, Los Carneros Community Association
Roberta Corkill	Ca. Lobster & Trap Fishermen's Association
Jeanne Carley	Legislative Director, California Domestic Ferret Association
Bob Shea	Commercial Abalone Diver
Gretchen Wyler	Coalition to Protect Ca. Wildlife
Donald R. Gilbert	Maritech
Ted James	Planning Director, Kern County
Robert K. Moor	Cal Sea Lift
Edward Carvajal	Commercial Fisherman

Victor La Fontaine
Bob Todd
Gary Fink
Ron Goode
Joyce Pieper
Edward Hamilton
Lucia Hendriks

Commercial Fisherman
Commercial Fisherman
County of San Diego
Ta-Hoot Deer Ranch
The Fund For Animals
Exotic Bird Breeders of America
Wife of Commercial Fisherman

President McGeoghegan introduced the Commission, its staff, Deputy Director Petrovich, Deputy Director Fletcher, and Randall Christison of the Attorney General's office.

1. RATIFICATION OF ELECTION OF OFFICERS.

Summary of Issue

Commissioner Boren stepped down as President at the conclusion of the Commission's January 9, 1996, meeting in Sacramento. At that time, he nominated Commissioner Douglas McGeoghegan as President and Commissioner Richard Thieriot as Vice President, pursuant to the Commission's policy on Election of Officers. That motion was passed unanimously by the Commissioners present at the January 9 meeting which included Commissioners Boren, Dutton and Phares. Commissioner Boren then instructed staff to schedule ratification of this action at the Commission's February meeting in Long Beach.

Action

Commissioner Boren explained his reasons for stepping down as President and indicated the Commission should ratify its January 9, 1996, action regarding the election of its officers.

It was then:

MOVED BY MR. BOREN, SECONDED BY MS. PHARES, THAT
THE FISH AND GAME COMMISSION HEREBY RATIFIES ITS ACTION OF
JANUARY 9, 1996, BY ELECTING DOUGLAS MCGEOGHEGAN AS ITS
PRESIDENT AND RICHARD THIERIOT AS ITS VICE PRESIDENT FOR
1996.

PASSED UNANIMOUSLY.

2. PRESENTATION OF 40-YEAR AWARDS TO VOLUNTEER HUNTER EDUCATION INSTRUCTORS.

Summary of Issue

The Department requests that this item be scheduled to afford it and the Commission the opportunity to honor volunteer instructors with 40 years of service in the Department's Hunter Education Program. There are currently six instructors who have taught classes each year since the inception of the program in California in 1954. There are four instructors who have received formal invitations to this Commission meeting for the presentation of awards and to receive their certificates. A Department representative will make the presentations.

Action

WPD Deputy Chief Edwards discussed the Hunter Education Program. He indicated that six instructors have taught the entire 40 years. He then presented Don Stehsel and Buel Kennedy with resolutions commending them for their 40 years as volunteer Hunter Education instructors.

3. ADOPTION/RATIFICATION OF COMMISSION FINDINGS RE: LISTING THE SOUTHERN TORRENT SALAMANDER (*Rhyacotriton variegatus*) AS A THREATENED SPECIES NOT WARRANTED.
(COMMISSION ACTION ONLY. NO PUBLIC TESTIMONY.)

Summary of Issue

At the Commission's January 8, 1996, meeting in Sacramento, the Commission determined that the southern torrent salamander (*Rhyacotriton variegatus*) did not warrant listing as a threatened species. This item is scheduled for the Commission to ratify its finding as expressed at the January 8, 1996, meeting in Sacramento. Commissioners received a copy of the draft finding.

Action

Executive Director Treanor summarized the Commission's January 8, 1996, determination that the southern torrent salamander did not warrant listing as a threatened species. He also summarized the draft finding.

It was then:

MOVED BY MS. PHARES, SECONDED BY MR. BOREN, THAT
THE FISH AND GAME COMMISSION HEREBY RATIFIES THE FOLLOWING
FINDING OF ITS JANUARY 8, 1996, DECISION THAT THE SOUTHERN
TORRENT SALAMANDER (*Rhyacotriton variegatus*) DOES NOT
WARRANT LISTING AS A THREATENED SPECIES:

Notice is hereby given that, pursuant to the provisions of Section 2075.5 of the Fish and Game Code, the California Fish and Game Commission at its January 8, 1996, meeting in Sacramento, made a finding that the petitioned action to list the southern torrent salamander (*Rhyacotriton variegatus*) as a threatened species is not warranted for the following reasons:

1. While the southern torrent salamander was not detected in several areas where its presence was expected and its habitat was degraded in these areas, it has been found in many areas where the amount of its habitat has been significantly reduced or altered by timber harvest operations, including tree harvest yarding and road building.
2. Improved logging techniques and protective measures for riparian areas have high potential for reducing the impacts of timber harvest operations on southern torrent salamander habitat, if the habitat is correctly identified and the protective measures are properly applied. However, compliance and effectiveness monitoring for mitigation measures has not been done.
3. In areas where this salamander and its habitat are difficult to find (e.g., southern Mendocino County) there is no information available to determine if this is a result of timber harvest, climate, unsuitable geology, or a combination of these factors.
4. Information is not available to determine if the patchy occurrence of the southern torrent salamander throughout its range is recent (caused by timber harvest) or is a long-term historic decline caused by changes in climate or other natural occurrences. A study of the population genetics of the southern torrent salamander using molecular methods has recently begun, under the direction of Dr. Susan M. Haig, National Biological Service, Oregon State University, Corvallis, Oregon. The data gathered will be used to assess the metapopulation structure and help determine if the species has been historically declining or has declined due to human activities within its range over the past 100 years.
5. Salamanders are protected in the California Forest Practice Rules under Class II Watershed measures, if properly implemented.
6. After training, knowledgeable foresters have shown they can recognize habitat and implement regulations which

require mitigation for impacts when planning logging operations; including, road building, crossing location, road maintenance, tractor operations, and burning for site preparation. (Foresters usually do not oversee the operation.)

7. After training, knowledgeable forest practices inspectors with the California Department of Forestry (CDF) can recognize habitats and are required to review operations and protect natural resources identified in the Timber Harvest Plans.

Also, the Commission concurs with the following Department recommendations:

1. The Commission encourages the California Board of Forestry to add specific protection measures in the form of rules or policy guidance to CDF for the southern torrent salamander including descriptive language of aquatic habitats.
2. Adequate protection measures should be developed and implemented by the Board of Forestry for springs, seeps, and other forest wetland habitats in the transition zone between Class II and III waters to protect the southern torrent salamander as well as other hard to recognize species.
3. The Department should continue to consider the southern torrent salamander a Species of Special Concern and work closely with CDF and the timber industry to monitor the effectiveness of identification and protection of southern torrent salamander habitat during timber harvest operations.
4. The Department should provide reporting documents and data base services for the timber industry and other interested parties and encourage continued State sponsored or approved training workshops (e.g., watershed academy) and surveys for the southern torrent salamander.
5. The Department should reevaluate and report to the Commission the status of the southern torrent salamander, including recovery, management, or protection actions needed, when the results of the current population genetics study and more population data are available.

Finally, the Commission will continue to work with the Board of Forestry to ensure that the protective measures identified here are carried out.

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

Hal Cribbs provided a chronology of events regarding the Los Carneros Project. He believed that the \$650,000 agreed to by Los Carneros Associates should be adequate for mitigation of any wetland losses caused by the project. He stated that the Department should allow the project to move forward and not continue to create additional obstacles with Santa Barbara County. Leonard Jaffe and Debra Olsen indicated that they had met all environmental concerns and their Project should be allowed to begin construction. They indicated that the Department was changing its comments and previous agreements.

President McGeoghegan stated that the Commission believed the matter should be handled administratively. He appointed Commissioner Phares to work with the Project proponents and the Department to resolve the issue effectively. He asked that all parties meet during a recess in the meeting to establish a time-frame for their meeting or conference call.

Roberta Corkill asked several questions and expressed concern over the Department's closure of certain areas to trap fishing for spot prawn, while trawlers are allowed to continue to fish in those areas. The Department will respond to Ms. Corkill's questions at the next Commission meeting.

Jeanne Carley stated that the issue of legalization of ferrets is not a project under CEQA and asked that the matter be expedited. Deputy Attorney General Christison responded that the regulatory matter did require a CEQA review.

Bob Shea requested correction of two statements attributed to him in the document certifying changes in the commercial abalone regulations. Ron Pelzman agreed to correct the statements.

Gretchen Wyler stated that the animal welfare suggestions made at the Department's scoping meeting were excluded from the draft black bear environmental document and that she will submit their recommendations in writing.

Don Gilbert explained his plans for an abalone aquaculture project in San Diego County. He stated it is economically impossible to tag or mark larval abalone individually and requested that his aquaculture study agreement with the Department be amended accordingly. Commissioner Boren stated that the Commission can ratify agreements, but not modify them if it would unnecessarily confine a future Commission. Mr. Gilbert requested that Item 7 of the Agreement be changed to allow harvesting of abalone earlier than now allowed. Commissioner Phares stated that if he can prove that what he is doing increases the resource, there is no problem with giving permission to harvest. Deputy Director Petrovich reminded the Commission that Mr. Gilbert would be harvesting abalone less than the legal sport and commercial size limit, but the Department has not found anything in the literature that validates the methods Mr. Gilbert would be using. President McGeoghegan informed Mr. Gilbert that he could make his request again after the Department is satisfied that the measure of success of his program can be determined clearly.

5. REQUEST OF ROBERT W. ALLEN, SAN DIEGO, FOR REINSTATEMENT OF AN EXPIRED GENERAL GILL AND TRAMMEL NET PERMIT AND DRIFT GILL NET SHARK AND SWORDFISH PERMIT.

Item 5 was removed from the agenda and will be handled administratively by the Department.

6. CONSIDERATION OF SUSPENSION OF COMMERCIAL LOBSTER PERMIT OF HAI VAN HUYNH, SAN DIEGO.

Summary of Issue

The Department requests that the Commission suspend the Commercial Lobster Permit of Hai Van Huynh, San Diego. A certified letter has been sent to Mr. Huynh, notifying him of the possible action to be taken by the Commission.

The Department requests that the Commission suspend the Commercial Lobster Permit of Hai Van Huynh for a period of one year from February 2, 1996, through February 1, 1997, or such other time period as the Commission deems appropriate.

The Department's request is predicated on the fact that on July 10, 1995, in the San Diego Municipal Court, Mr. Hai Van Huynh pled guilty to violations of sections 8252, 9010(c) and 2012 of the Fish and Game Code, take and possess undersize lobster, escape ports in lobster traps not accessible to lobsters and failure to exhibit lobster traps on demand by a Department Warden.

As background, on December 7, 1994, Hai Van Huynh and Nhut Van Nguyen were observed retaining undersized lobsters while fishing off San Diego. The short lobsters were placed in an illegal offshore receiver; both men denied having any lobster offshore until confronted with the receiver and the illegal catch by a Department Warden; both were cited formally for 46 violations of Fish and Game Code sections 8252, 2012 and 9010(c). Mr. Huynh, was sentenced to 110 days of public service, plus a \$1,750 fine, or 35 additional days of public service in lieu of the fine and placed on three years' probation. The seized lobsters were sold by the Department. Mr. Huynh has no known prior violations.

The Commission's authority to take this action is pursuant to Section 8256 of the Fish and Game Code.

The Commission was provided with a copy of the Commission's letter dated December 29, 1995; the Department's request dated October 10, 1995; the citation; the arrest report; and the court record.

Action

Executive Director Treanor asked if Mr. Huynh was present; there was no response.

WPD Chief Johnston read the proposed findings for the Commission.

It was then:

MOVED BY MR. BOREN, SECONDED BY MS. PHARES, THAT
THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE COMMERCIAL
LOBSTER PERMIT OF HAI VAN HUYNH, SAN DIEGO, FOR A PERIOD OF
ONE YEAR, OR UNTIL FEBRUARY 1, 1997, AND ADOPTS THE
FOLLOWING FINDINGS:

1. Mr. Huynh pled guilty on July 10, 1995, in the San Diego Municipal Court, to a violation of Section 8252, Fish and Game, "Take and possession of undersized spiny lobster", and Section 2012, Fish and Game Code, "Failure to show upon demand fish and the apparatus used".

2. The Department of Fish and Game believes, and the Commission adopts the view, that the requirement to obey all commercial fishing regulations for spiny lobsters is of utmost importance in the proper management of the spiny lobster resource.
3. Section 8256, Fish and Game Code, allows the Commission to suspend a commercial lobster permit for up to one year for a violation of the terms or provisions of the laws relating to the taking of spiny lobsters by the permittee, his agent, servant, employee or those acting under his direction and control.
4. Mr. Huynh's actions in taking of undersized lobster and failure to show upon demand fish and the apparatus used warrant the suspension of his commercial lobster permit for one year.
5. Mr. Huynh did not appear to present mitigating evidence sufficient to dissuade the Commission from suspending his commercial lobster permit for one year. Mr. Huynh must take responsibility for failing to obey all commercial fishing regulations for spiny lobsters because of the important public policy involved.

PASSED UNANIMOUSLY.

7. RECEIPT OF PUBLIC TESTIMONY RE: THE GOVERNOR'S REGULATORY REFORM INITIATIVE. RECOMMENDATIONS ARE SOLICITED FOR THOSE REGULATIONS WHICH THE PUBLIC BELIEVES ARE BURDENSOME AND SHOULD BE REPEALED OR REVISED.

Summary of Issue

The Commission, at its December 8, 1995, meeting in Sacramento, and its January 8, 1996, meeting in Sacramento, heard from the Department regarding the Governor's Executive Order directing all State agencies to conduct a comprehensive review of State regulations which adversely affect the activities of businesses and individuals outside of State government. The Department suggested that public recommendations be solicited on any regulations which could be eliminated or amended at future Commission meetings. The first meeting was the January 8 meeting in Sacramento. The second one will be today (February 1) and the third will be March 7, 1996, in Redding.

Action

Executive Director Treanor presented the item.

Ted James submitted a letter requesting changes in nine items in Section 670.1, Title 14, CCR, regarding the regulations pertaining to the California Endangered Species Act.

Robert Moor, Edward Carvajal, Victor La Fontaine, and Bob Todd objected to legislation restricting collection of certain fish and coral by the aquarium industry. Mr. Carvajal recommended a limited entry program to collect leopard shark, garibaldi, red rock shrimp, and other species. Mr. Todd submitted written material.

Gary Fink indicated that state and federal regulations relating to the Endangered Species Act and other environmental regulations need to be revised and simplified to protect the rights of private property owners.

Ron Goode stated that the application and permit fees for fallow deer farming are burdensome.

Joyce Pieper objected to the repeal or modification of Section 251.4, "pursuing or shooting birds and mammals from motor-driven air or land vehicles..." ; Section 650, "scientific collecting permits"; and Section 654, "permits for possession of protected species for exhibition purposes".

Edward Hamilton requested allowing captive breeding of endangered species in California. He also stated that an exemption should be added to Section 671 allowing for spayed or neutered animals, specifically with regard to ferrets.

Lucia Hendriks submitted written information regarding an inconsistency between the Fish and Game Code and Title 14 regarding the percentages of Pacific mackerel allowed in relation to the total load of fish caught.

8. RECEIPT OF DEPARTMENT REPORT RE: LEGISLATION.

Summary of Issue

This item is scheduled to afford the Commission an opportunity to receive the Department's proposed 1996 legislation. The Department will provide the Commission with its Legislative Report and will be prepared to discuss this item and respond to any questions the Commission may have at the February 1, 1996, meeting. The Department's Legislative Report was provided to the Commission.

Action

Deputy Director Fletcher presented the Department's report.

9. RECEIPT OF DEPARTMENT INFORMATIONAL ITEMS.

Summary of Issue

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

A. QUARTERLY REPORT ON THE GAME BIRD HERITAGE PROGRAM.

Summary of Issue

In a memo dated January 10, 1996, the Department provides the following information:

"Revenues generated from the sales of upland game stamps as reported by the License and Revenue Branch for fiscal year 1994-95 totaled \$1,174,522. Revenues for July through November of fiscal year 1995-96 were \$843,767.75. This figure is down approximately six percent from the same period last year (\$893,694.50).

"The Conservation Edition of the 1995-96 Upland Game Bird Stamp print has been received by the Game Bird Heritage Program. This special edition of 150 prints is available for \$35 each, to conservation organizations to use for fund raising purposes only. Limited Edition Prints for purposes other than fund raising may be purchased at the artist's price either through Steiner Prints or through his art dealers.

"The Game Bird Heritage Advisory Committee met on November 30, 1995, with representatives from the Congressional Sportsmen's Foundation, California Waterfowl Association, and Quail Unlimited in attendance. The meeting was held at the California Waterfowl Association's conference room in Sacramento.

"The focus of the meeting was the 1994-95 Fiscal Report, the Special Hunts Program (including junior pheasant hunts), and the selection of the 1996-97 Upland Game Stamp artist. Over-all the Advisory Committee was pleased with the 1994-95 Fiscal Report and the growth and success of the Special Hunts Program. Decisions that were made concerning the selection of the Upland Game Stamp artist include; artists may not compete two years in a row, the subject depicted on the 1996-97 stamp will be a mourning dove, and Quail Unlimited will lead the artist selection each year.

"The number of Special Game Bird Hunts increased significantly this year. Statewide there were 33 junior pheasant hunts, one women's pheasant hunt, six family

pheasant hunts, eight public dove hunts (private land), 18 public pheasant hunts (Lands Access Program), and 525 junior opportunities on Licensed Game Bird Clubs.

"A three million dollar annual insurance policy has been purchased using Game Bird Heritage funds to cover the Department of Fish and Game and private landowners for liability relating to special hunts conducted on private property. This has proven a major break through for encouraging private landowners to open their lands for Department sponsored hunting events."

Action

Executive Director Treanor introduced this item.

Deputy Director Petrovich requested that the Commission authorize its staff to publish notice of its intent to amend regulations regarding a limited entry permit system and other items regarding the commercial lobster fishery in order to be able to consider changes prior to the opening of this year's season.

It was then:

MOVED BY MR. BOREN, SECONDED BY MS. PHARES, THAT
THE COMMISSION AUTHORIZES ITS STAFF TO PUBLISH NOTICE OF ITS
INTENT TO AMEND SECTION 122, TITLE 14, CCR, RE: COMMERCIAL
LOBSTER FISHERY REGULATIONS.

PASSED UNANIMOUSLY.

10. 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.

A. BRIEFING ON REGULATORY PROCESS.

Assistant Executive Director Pelzman for the Commission, will be providing a presentation on the Regulatory Process for the Commission.

Action

Assistant Executive Director Pelzman explained the regulatory process (Administrative Procedure Act) and provided

the Commission with a workbook highlighting the Commission's responsibilities when adopting regulations.

11. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.

Summary of Issue

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 for future meetings.

Action

There were no Legal Counsel informational items.

There being no further business, the meeting recessed at 5:00 p.m. to reconvene in Executive Session.

EXECUTIVE SESSION
February 1, 1996

The Commission met in closed Executive Session at 5:10 p.m., pursuant to the authority of Government Code Section 11126(q) to consider the following items:

PENDING LITIGATION TO WHICH THE COMMISSION IS A PARTY:

- (A) California Domestic Ferret Association vs. Fish and Game Commission, et al., Re: ferrets.
- (B) Mountain Lion Foundation, et al., vs. Fish and Game Commission, et al., Re: Mohave ground squirrel.
- (C) Natural Resources Defense Council, et al., vs. Fish and Game Commission, Re: California Gnatcatcher.
- (D) Possible litigation involving the Commission.

Persons present:

FISH AND GAME COMMISSION

Douglas B. McGeoghegan	President
Margie J. Phares	Member
Frank D. Boren	Member

COMMISSION STAFF

Robert R. Treanor	Executive Director
Ronald J. Pelzman	Assistant Executive Director
Jon Snellstrom	Management Services Technician

OFFICE OF ATTORNEY GENERAL

Randall Christison	Députy Attorney General
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DEPARTMENT OF FISH AND GAME

Al Petrovich	Deputy Director, Policy
Kassandra Fletcher	Deputy Director, External Affairs

The Executive Session adjourned at 5:30 p.m.

State of California
FISH AND GAME COMMISSION

Minutes, Meeting of February 1-2, 1996

Pursuant to the call of the President, the Commission met in the City Council Chambers, 333 West Ocean Boulevard, Long Beach, California, on February 2, 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
Ted W. Dutton	Member
Margie J. Phares	Member
Frank D. Boren	Member

COMMISSION STAFF

Robert R. Treanor	Executive Director
Ronald J. Pelzman	Assistant Executive Director
Jon Snellstrom	Management Services Technician

OFFICE OF ATTORNEY GENERAL

Randall Christison	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

Al Petrovich	Deputy Director, Policy
Kassandra Fletcher	Deputy Director, External Affairs
DeWayne Johnston	Chief, Wildlife Protection Division (WPD)
Ken Zanzi	Assistant Chief, Wildlife Management Division (WMD)
Sonke Mastrup	Wildlife Management Division

ELECTED OFFICIALS

Brooks Firestone	Assemblyman, District 35
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The following persons were also present and heard:

Olivia Silva Maiser	Aide to Attorney General Dan Lungren
Robert B. Frost	Ca. Cattlemen's Association & Ca. Wool Growers' Association
Butch Kughn	California Bowman Hunters & State Archery Association
Craig Fritz	Legislative Rep., California Bowman Hunters & State Archery Assoc.

Mike Shanks
John Kerr
Phil Nowaski

Werner Reither
Angelika Brinkmann-Busi
Madeline Bernstein
Virginia Handley
Norma Sandler
Mary Sheehy
Bill Dyer

James Garrett

Patricia McPherson
Betty Denny Smith
Rich McLellan

Concerned Sportsman
Modoc County Fish & Game Commission
California Bowman Hunters & State
Archery Association
Orange Belt Field Archers
California Native Plant Society
Executive Director, Los Angeles SPCA
The Fund For Animals
Concerned Citizen
Calif. Rep., Friends of Animals
Coalition to Protect California
Wildlife
Wildlife Protection League In
Defense of Animals
Last Chance For Animals
American Humane Association
Coalition to Protect California
Wildlife

President McGeoghegan introduced the Commission, its staff, Deputy Attorney General Christison, Deputy Director Petrovich, Deputy Director Fletcher, and Assemblyman Brooks Firestone.

12. WORKSHOP RE: MARCH 1996 BALLOT PROPOSITION 197 ON MOUNTAIN LIONS.

Summary of Issue

This item is scheduled to brief the Commission regarding the March 26, 1996, ballot Proposition 197 on mountain lions. Senator Tim Leslie will be present to discuss his intent in authoring SB 28, which is now Proposition 197. Senator Leslie will also explain the Commission's and Department's new roles if Proposition 197 is passed by the voters on March 26, 1996. Also invited to speak is Mr. William Yeates, President of the Mountain Lion Foundation.

Action

Executive Director Treanor introduced the item.

Assemblyman Brooks Firestone stated that Senator Leslie was unable to attend this meeting and asked him to attend on his behalf. Assemblyman Firestone made a presentation and submitted a written statement supporting Proposition 197 on behalf of Senator Leslie.

Olivia Silva Maiser read a statement from Attorney General Dan Lungren in support of Proposition 197.

Robert Frost, Butch Kughn, Craig Fritz, and Mike Shanks supported Proposition 197.

Madeline Bernstein, Virginia Handley, Norma Sandler, Bill Dyer, and James Garrett opposed Proposition 197.

Bill Dyer asked for an explanation of the agenda item. He urged that the Commission not take a position on Proposition 197.

Commissioner McGeoghegan explained that the Commission could not legally take a position on a ballot proposition.

13. RECEIPT OF ANNUAL REPORT RE: U.S. ARMY, FORT HUNTER LIGGETT, ANTLERLESS DEER HUNT, MONTEREY COUNTY, UNDER SECTION 640, TITLE 14, CCR.

Summary of Issue

This item is to receive the Annual Report regarding the U.S. Army Fort Hunter Liggett, Antlerless Deer Hunt, Monterey County, which was held in 1995 under the provisions of Section 640, Title 14, CCR. The Department provided the Commission with a copy of the U.S. Army's report, its proposal for 1996, as well as a copy of Section 640, Title 14, CCR. No action needs to be taken by the Commission at this time regarding the plan and request, as this issue is discussed in conjunction with the mammal hunting and trapping regulations considered by the Commission at its February, March and April 1996 meetings.

Action

Executive Director Treanor summarized the issue.

WMD Assistant Chief Zanzi presented Fort Hunter Liggett's annual report and recommendations.

14. RECEIPT OF ANNUAL REPORT RE: U.S. MARINE CORPS, CAMP PENDLETON, EITHER-SEX DEER HUNT, SAN DIEGO COUNTY, UNDER SECTION 640, TITLE 14, CCR.

Summary of Issue

The Commission was provided with the management plan and request for an either-sex deer hunt on Camp Pendleton Marine Base, San Diego County, as provided for under Section 640, Title 14, CCR. As with Item Number 13, no action is required by the Commission at this time, as the matter will be discussed concurrently with the mammal hunting and trapping regulation adoption hearings.

Action

Executive Director Treanor summarized the issue.

WMD Assistant Chief Zanzi presented Camp Pendleton's annual report and recommendations.

15. RECEIPT OF RECOMMENDATIONS FOR CHANGES IN THE 1996-97 MAMMAL HUNTING AND TRAPPING REGULATIONS.

Summary of Issue

As the Commission is aware, it will consider proposed changes in the 1996 Mammal Hunting and Trapping Regulations at its meetings scheduled in February, March and April 1996. The Commission was provided with the Department's recommended changes for the 1996-97 Mammal Hunting and Trapping Regulations.

This hearing is held by the Commission under the provisions of Section 207 of the Fish and Game Code for the purpose of receiving recommendations from its own officers, the Department, other public agencies, organized groups and private citizens as to what regulation changes should be made with respect to mammals.

Under the provisions of sections 450-460 of the Fish and Game Code, special deer hunts (antlerless and either-sex) as well as hunts on military installations pursuant to sections 452 and 3455 of the Fish and Game Code will be considered at the same time and in the same manner as changes in the deer hunting regulations. The Commission is not required to hold hearings on the special deer hunt proposals. However, under the provisions of those statutes, those counties having veto power may hold, on their own, a public hearing regarding special antlerless hunts in their own counties and, by resolution, may object to or recommend modification to the Department's proposals. Such hearings must be held no later than February 2, 1996. (Note: Those hunts

scheduled for military installations are not subject to county veto.)

During the receipt of recommendations the Commission may, if it wishes, receive testimony supporting any of the recommendations. The Commission ordinarily extends this courtesy, if requested, although it is preferred that persons wait until the second meeting for presentation of arguments in support of or opposition to the proposed regulation changes. After all recommendations are received, they will be compiled by Commission staff and the written recommendations will be mailed to the Commissioners prior to the March 8, 1996, meeting in Redding. After consideration of written and oral recommendations at the Redding meeting, the Commission will announce those regulations it intends to further consider at its April 5, 1996, meeting in Sacramento with final adoption to be considered at the Commission's April 25, 1996, teleconference meeting in Sacramento. All correspondence received by the Commission office postmarked no later than February 2, 1996, will be included in the compilation of recommendations for changes in the 1996-97 Mammal Hunting and Trapping Regulations.

The Department's Pre-publication of Notice Statements and the proposed regulation changes prepared by the Department relative to its proposals are provided to the Commission. The statements and regulations mentioned above will be available to the public in the Commission office on February 2, 1996. The draft environmental documents relating to the Department's proposals will be available to the public on or before February 5, 1996. Testimony on the draft environmental documents will be accepted at the Commission's March 8, 1996, meeting. Written comments on these documents may be submitted to the Commission office until 5:00 p.m. on March 22, 1996. Written comments on the proposed regulations may be submitted to the Commission office until April 5, 1996. Testimony on the proposed regulations may be presented at Commission hearings on March 8, 1996, in Redding and on April 5, 1996, in Sacramento.

The Commission was also provided an overview of the scheduling dates which are necessary to meet the requirements of the Administrative Procedure Act and the California Environmental Quality Act. The Commission also received the Department's tentative regulations for antlerless or either-sex deer hunts as submitted to the Commission on December 8, 1995, at its meeting in Sacramento as well as a copy of a newspaper article regarding wild pigs.

Action

Assistant Executive Director Pelzman summarized the issue.

WMD Assistant Chief Zanzi summarized the Department's recommendations for changes to the 1996-97 Mammal Hunting and Trapping regulations in sections 251, 265, 308, 311, 360, 361, 362, 363, 364, 365, 368, 370, 371, 460, 472 and 477.

Commissioner Boren recommended an additional alternative for Section 368, wild pigs, to include: (1) no limit, (2) no fees or tags, and (3) no prohibition of waste because they are domestic pigs that have gone wild and are a menace.

Commissioner McGeoghegan recommended reinstating the three-point antler restrictions in zones X-1 through X-5B.

John Kerr reiterated Modoc County's five recommendations previously submitted to the Commission by letter earlier in the year.

Butch Kughn submitted a packet of written recommendations on behalf of the California Bowman Hunters.

Phil Nowaski requested an allocation of a minimum of 500 archery late season either-sex tags for all B Zones.

Craig Fritz recommended returning to the old deer zone numbers to avoid confusion.

Werner Reither recommended an allocation of 75 archery antelope tags for the 1996 season.

Angelika Brinkmann-Busi recommended landowners be allowed to eradicate wild pigs on their property and supported Commissioner Boren's recommendation for no bag limit on wild pigs. She submitted a letter stating her concerns regarding the wild pig management program.

Virginia Handley submitted written comments on sections 251(b), 251.5(e), 257.5(b)(1), 264, 265(b), 265(b)(5), 265(b)(6), 265(b)(6)(c), 265(b)(6)(d), 265(c)(1), 265(d)(1), 354, 465.5, 465.5(b), and 465.5(d). She was opposed to any late season hunts, especially archery, when the deer are in rut.

Norma Sandler opposed bear hunting and trapping of red fox. Mary Sheehy, Bill Dyer, James Garrett, Patricia McPherson, and Betty Denny Smith opposed trapping nonnative red fox and any trapping for fur.

Rich McLellan opposed hunting.

Executive Director Treanor asked if there was anyone else in the audience who wished to provide comments on this item, and there was no response.

Executive Director Treanor indicated that Item 16 was being removed from the consent calendar and would be discussed at this time.

16. AMENDMENT OF SECTION 231, TITLE 14, CCR, RE: PROCESSING OF SPORT-CAUGHT FISH.

Summary of Issue

The Commission, at its October 6, 1995, meeting in Redding, took emergency action to amend Section 231, Title 14, CCR, regarding processing of sport-caught fish. An emergency regulation lasts up to 120 days, unless it is officially adopted to make that regulation change "permanent". This item is scheduled to extend the emergency regulations the Commission adopted on October 6, 1995.

In summary, the proposed regulation change is as follows:

"Current law prohibits the possession of sport fish caught from a boat in a place of business where fish are bought, sold or processed unless otherwise provided in law or regulation. The purpose of this law is to prevent sport anglers from selling their catch.

"Current regulations provide the exception by requiring a sport-caught fish processor's permit of any person who, for a fee or exchange, cans or smokes sport-caught fish. This activity provides a valuable service of preserving sport-caught fish for anglers. This service is in high demand in several areas of the state.

"This proposal would make the following changes:

- "1. Current regulations permit canning or smoking sport-caught fish. The proposed regulations add the authorization for permittees to fillet fish as a service for sport anglers.
- "2. Current regulations require the permittee to can or smoke the fish. The proposed regulations will allow a permittee to obtain processed fish from other persons and exchange the processed fish for fresh sport-caught fish. The permit will be renamed 'Sport-caught Fish Exchange Permit.'
- "3. Current regulations contain a sliding scale prescribing the amount of tuna and money that may be exchanged for one 6 1/8 ounce can of tuna. It is inferred, but not clearly stated, that the excess tuna exchanged by the angler but not returned by the permittee may be sold to

offset processing costs. The proposed regulations will clearly authorize the sale of this tuna for canning.

- "4. Current regulations require the permittee to record the identity of the angler and the species and amount of fish received for exchange or processing. No records are required showing the date the fish were received and the disposition of the fish. The proposed regulations require these records.
- "5. Current regulations do not require a person transporting sport-caught fish for processing to have documents showing the consignor, consignee or weight or number and species of the fish. Commercially-caught fish are required to be so documented. Commercially-caught fish could be illegally transported without documentation as sport-caught fish. The proposed regulations will require documentation for persons transporting sport-caught fish.
- "6. Current regulations require that all fish delivered to a permittee be marked by removing the upper lobe of the tail, except salmon, which the sportsman must mark. The requirement for sport anglers to mark salmon will be eliminated from the sport fishing regulations this coming year. The proposed regulations will require the permittee to mark salmon the same as all other fish possessed for processing.
- "7. Current regulations require that exchanged tuna must be used for canning except yellowtail, which must be donated to a non-profit charitable institution. In only one of the subsections relating to the exchange rates, there is a reference to the subsection restricting the use of yellowtail. This reference is unnecessary and causes confusion because it is only in one subsection relating to the exchange ratios and not the others. The proposed regulations will eliminate the unnecessary verbiage."

The Commission was provided with copies of the Department's Pre-publication of Notice and Pre-adoption Statements, with the text of the regulations in strikeout/underline format. There were no public comments received in the Commission office pertaining to the proposed amendment.

Action

Executive Director Treanor provided a summary of the issue.

WPD Chief Johnston explained the regulations and responded to questions from Commissioners Phares and Dutton.

It was then:

MOVED BY MR. BOREN, SECONDED BY MR. DUTTON, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE PROVISIONS OF SECTIONS 200, 202, 205, 5510, 7121, 7701 AND 7708 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET OR MAKE SPECIFIC SECTIONS 200-202, 1050, 5510, 7121, 7701 AND 7708 OF SAID CODE, HEREBY AMENDS SECTION 231, TITLE 14, CALIFORNIA CODE OF REGULATIONS, RE: PROCESSING OF SPORT-CAUGHT FISH. (NOTE: THE REGULATORY LANGUAGE WILL BE INCLUDED AS AN APPENDIX IN THE COMMISSION OFFICE MASTER MINUTES.)

PASSED UNANIMOUSLY.

CONSENT CALENDAR

Items 17 through 19 have been placed on the Commission's consent calendar. Commission 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. Commission staff has prepared a summary of consent items which will be made available to the audience. One overall motion is appropriate for approval of these items.

It was then:

MOVED BY MS. PHARES, SECONDED BY MR. BOREN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES ITS FEBRUARY 2, 1996, CONSENT CALENDAR, ITEMS 17-19.

PASSED UNANIMOUSLY.

17. REQUEST TO PUBLISH NOTICE OF INTENT TO AMEND SECTION 27.80,
TITLE 14, CCR, RE: OCEAN SALMON SPORT FISHING REGULATIONS.

Summary of Issue

This item is scheduled to receive an "early warning" from the Department regarding any proposed regulation changes in the ocean salmon sport fishing regulations which the Department may anticipate the Pacific Fisheries Management Council (PFMC) will be considering in the next few months. The PFMC will be adopting its regulations the second week in April; therefore, the Commission will consider adoption of the State regulations at its April 25, 1996, teleconference meeting in Sacramento. The Commission will need to authorize its staff to publish notice of its intent to amend Section 27.80, Title 14, CCR, regarding ocean salmon sport fishing regulations in order to allow adequate public notice prior to its adoption in April.

In summary, the Commission's normal action in this matter is to bring Commission regulations into conformance with federal regulations as adopted by the Pacific Fisheries Management Council and approved by the Secretary of Commerce. The Department will be prepared on February 2 to briefly report to the Commission on any anticipated amendments to Section 27.80.

18. REQUEST TO PUBLISH NOTICE OF INTENT TO AMEND SECTION 650,
TITLE 14, CCR, RE: SCIENTIFIC COLLECTING PERMITS.

Summary of Issue

The Department requests that the Commission publish notice of its intent to amend Section 650, Title 14, CCR, regarding scientific collecting permits. The Department's proposed changes can be summarized as follows:

"Existing regulations authorize the department to issue permits for the take and use of wildlife for scientific and educational purposes. The regulations provide for permit terms and conditions, application requirements, notification prior to take and post-take reporting. They also authorize inspection by department employees, authorize and provide for permit cancellation, denial, and appeal. Current regulations also authorize the take of birds for marking and release and describe the permit terms and conditions, application process, methods of capture and defines marking.

"The proposed regulatory change will repeal existing regulations regarding bird banding and amend regulations regarding scientific collecting by combining and clarifying the authorizations and conditions of both permit programs.

In addition, the proposed regulations will authorize and provide for conditions under which dead wildlife may be possessed and utilized. The major elements of the proposed Section 650, Title 14, CCR are:

- "■ The take and possession of marine plants, live or dead birds, mammals, fishes, amphibians, or reptiles for scientific, educational, or propagation purposes except as authorized is prohibited;
- "■ Take is defined to include capture and release;
- "■ The department is authorized to limit the kind and number of specimens, the type of equipment and methods used, the time and season for take, and the areas where take may occur;
- "■ Minimum qualifications and the application process are described;
- "■ The department is authorized to issue, deny, suspend, revoke, and amend permits;
- "■ The permit suspension and denial appeal process is described;
- "■ The possession and use of certain dead wildlife is authorized without a permit for persons or groups described;
- "■ Limitations regarding use of specimens taken and possessed are described;
- "■ Pre-take notification is required and described, post-take records are required and described;
- "■ Ownership of accidentally killed wildlife is retained by the state;
- "■ 'Marking' is defined;
- "■ Permit restrictions are defined;
- "■ The department and permit sponsors are authorized to inspect specimens at any time; and,
- "■ Permittees are required to carry their permit at all times while taking wildlife."

The record contains a copy of the Department's Pre-publication of Notice Statement and the regulations in ~~strikeout~~/underline format. The adoption hearing will be scheduled for the Commission's April 5, 1996, meeting in Sacramento.

19. REQUEST OF KARLA K. MAJEWSKI, PACIFIC ANIMAL PRODUCTIONS, FALLBROOK, TO AMEND RESIDENT EXHIBITOR'S PERMIT TO ADD PRAIRIE DOG (*Cynomys leucurus*), EUROPEAN HEDGEHOG (*Erinaceus europaeus*), KINKAJOU (*Potos flavus*), RACCOON (*Procyon lotor*), BINTURONG (*Arctictis binturong*), ARMADILLO (*Dasyus noveminctus*) AND WALLABY FOR EXHIBITION PURPOSES.
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Summary of Issue

Ms. Karla K. Majewski, Pacific Animal Productions, Fallbrook, requests that her resident exhibitor's permit be amended to add a Prairie dog (*Cynomys leucurus*), European hedgehog (*Erinaceus europaeus*), Kinkajou (*Potos flavus*), raccoon (*Procyon lotor*), binturong (*Arctictis binturong*), armadillo (*Dasyus noveminctus*) and wallaby for exhibition purposes.

In a letter dated December 15, 1995, Ms. Majewski provides the following information:

"I am making a request to be placed on next month's agenda to amend our detrimental species permit to include the following:

"Prairie Dog (*Cynomys leucurus*), European hedgehog (*Erinaceus europaeus*), Kinkajou (*Potos flavus*), Raccoon (*Procyon lotor*), Binturong (*Arctictis binturong*), Armadillo (*Dasyus noveminctus*) and Wallaby (specific species unknown).

"Pacific Animal Productions is a wildlife education, movie and T.V. production company in Southern California. We currently hold permits for several exotic species and are requesting to include the above listed animals to our permits. The request is in part to expand school programs geographic diversity from an instructional point of view, as well as provide several different small mammals for an upcoming media project. Our policy is to provide educational material on species at our lecture which include handout sheets that stress the importance of habitat preservation and ecological balance, as well as discouraging the keeping of wild animals as personal pets and household novelties. Special efforts are taken to make clear that the general public knows that we are a State and governmentally licensed and inspected facility that provides professional care for these animals. We are making this multiple request as per suggestion from the department, as we are planing on getting these species over the next 11 months. We hope that you will comply with this request. Thank you for your time."

Department Recommendation

"The Department recommends approval of this request pending receipt of 1) an updated resume documenting that Ms. Majewski has the minimum one year full time hands-on experience with each animal requested, 2) an outline of how she uses the animals in her public exhibition, and 3) approval from the Department of Food and Agriculture and the Department of Health Services."

20. ANNOUNCEMENT OF FUTURE MEETINGS.

1996 DRAFT MEETING SCHEDULE

DATE	LOCATION
*March 7-8	Redding Discuss mammal hunting regulations
*April 4-5	Sacramento Further discussion of mammal hunting regulations
April 25	Sacramento (Conference Call) Adoption of mammal regulations
May (Joint Meeting with Board of Forestry)	Ontario (Changed to a week earlier in Sacramento.)
June 20-21	Bridgeport Receipt of resident & migratory bird recommendations
August 1-2	Santa Barbara Adopt resident & migratory upland game bird regulations
August 29-30	South Lake Tahoe Adopt waterfowl regulations
October 3-4	San Diego
November 7-8	Yosemite
December 5-6	Eureka

There being no further business, the Fish and Game Commission meeting was adjourned at 12:15 p.m.

#T14 231. Processing Exchanging of Sport-Caught Fish.

(a) A sport-caught fish processor's exchange permit is required of any person or persons who for a fee, or for exchange, can or smoke fish exchange fresh fish taken under the authority of a sport fishing license for filleted, smoked or canned fish as provided in this section. Upon application and payment of \$50, the department shall issue such permits.

(1) Where Issued. Permits shall be issued at department offices in San Diego, Long Beach, Monterey, Menlo Park, Eureka, Redding, Yountville and the Licenses and Revenues Branch in Sacramento.

(2) Limitations of Permit. Permits are nontransferable.

(3) Duration of Permit. Permits shall be valid from January 1 to December 31, inclusive or if issued after the beginning of that term, for the remainder thereof.

(b) Authorized Species. Any legally taken species of sport-caught fish may be possessed for filleting, smoking or canning if the same fish is returned to the angler or if the fish is exchanged pound for pound, adjusted for loss during processing, or adjusted according to (c) below for various tunas. A reasonable fee to cover processing costs may be charged. The following species may be possessed for canning only, as authorized in subsection (c) below: albacore, bluefin tuna, yellowfin tuna, bigeye tuna, skipjack, and yellowtail. For the purpose of this section, skipjack and yellowtail are included as tuna along with bigeye, bluefin and yellowfin.

(c) Exchange Process.

(1) Permittees may accept tuna for canning and provide in exchange canned tuna as follows:

(A) For each pound of tuna received, a permittee shall provide one 6-1/8 ounce can of tuna and may charge a service fee not in excess of \$.90 per can of fish provided; or

(B) For each two pounds of tuna received, a permittee shall provide at least one 6-1/8 ounce can of tuna and may charge a service fee not to exceed \$.60 per can; or

(C) For each three pounds of tuna received, a permittee shall provide at least one 6-1/8 ounce can of tuna and may charge a service fee not to exceed \$.30 per can (~~see subsection 231(c)(5) for yellowtail~~); or

(D) For each four pounds of tuna received, a permittee shall provide at least one 6-1/8 ounce can of tuna. There shall be no processing charge; or

(E) For each three pounds of yellowtail received, a permittee shall provide at least one 6-1/8 ounce can of tuna and may charge a service fee not to exceed \$1.10 per can.

(2) Permittees may accept tuna for canning and provide in exchange canned albacore as follows:

(A) For each pound of tuna received, a permittee shall provide one 6-1/8 ounce can of albacore and may charge a service fee not in excess of \$1.25 per can of fish provided; or

(B) For each two pounds of tuna received, a permittee shall provide one 6-1/8 ounce can of albacore and may charge a service fee not in excess of \$1.00 per can; or

(C) For each three pounds of tuna received, a permittee shall provide one 6-1/8 ounce can of albacore and may charge a service fee not in excess of \$.75 per can; or

(D) For each four pounds of tuna received, a permittee shall provide one 6-1/8 ounce can of albacore and may charge a service fee not in excess of \$.50 per can; or

(E) For each five pounds of tuna received, a permittee shall provide one 6-1/8 ounce can of albacore and may charge a service fee not in excess of \$.25 per can; or

(F) For each six pounds of tuna received, a permittee shall provide one 6-1/8 ounce can of albacore. There shall be no processing charge.

(3) Permittees may accept albacore for canning and provide in exchange canned albacore as follows:

(A) For each pound of albacore received, a permittee shall provide one 6-1/8 ounce can of albacore and may charge a service fee not in excess of \$.75 per can of fish provided; or

(B) For each two pounds of albacore received, a permittee shall provide one 6-1/8 ounce can of albacore and may charge a service fee not in excess of \$.50 per can; or

(C) For each three pounds of albacore received, a permittee shall provide one 6-1/8 ounce can of albacore and may charge a service fee not in excess of \$.25 per can; or

(D) For each four pounds of albacore received, a permittee shall provide one 6-1/8 ounce can of albacore. There shall be no processing charge.

(4) Cans of fish exchanged shall be indelibly marked or embossed with "Not for Sale" or "Illegal to Sell."

(5) Fish received for processing under this subsection may only be used for canning. Tuna, except yellowtail, not returned to the angler may be canned and sold or sold to a cannery for the purpose of canning. Tuna not acceptable for canning may be sold for reduction purposes, except yellowtail Yellowtail which must be donated to a non-profit charitable institution for food purposes only and may be fresh or processed.

(d) Species Limitation. Salmon may only be exchanged for salmon. Striped bass may only be exchanged for striped bass. Tuna may only be exchanged for tuna.

(e) Records. Immediately upon receiving fish, a permittee shall record the name, address and fishing license number of the angler, the date the fish were received and the number and weight of all fish by species received from that angler. At the time the fish are returned to the angler or otherwise disposed of, the permittee shall record the species and weight of the fish returned or if not returned to the angler, the disposition of the fish, and the date of return or disposition. Permittees shall keep and maintain all records required by these regulations at their place of business for three years and shall make them available to authorized department personnel upon demand.

~~(f) (Reserved)~~

~~(g)~~ (f) Transportation. Permittees may transport or provide for the transportation of tuna to canneries or processing facilities outside of California. Fish being transported shall be accompanied by a bill of lading, waybill, invoice or similar accountable document showing the name and address of the consignor.

the name and address of the consignee and a listing of all fish by species and the number or weight of each species.

(h) (g) Marking. All fish, ~~except salmon which the sportsman must mark,~~ shall be marked by the permittee by removing the entire upper lobe of the tail. This marking shall be done in the presence of the person delivering such fish. Fish so marked shall be kept separate from commercially taken fish until transported to a cannery or processing facility.

(i) (h) Waste. It shall be unlawful for any person to allow the deterioration or waste of any sport-caught fish.

(j) (i) Revocation of Permits. Any permit may be revoked or suspended by the commission upon a violation by the permittee or the permittee's agent, servant, employee or person acting under the permittee's direction or control of any provision of these regulations or of the provisions of the Fish and Game Code relating to the receiving, processing or sale of fish taken under authority of a sport fishing license.

NOTE

Authority cited: Sections 200, 202, 205, 5510, 7121, 7701 and 7708, Fish and Game Code. Reference: Sections 200-202, 1050, 5510, 7121, 7701, ~~and 7708, 8040-8041, 8042 and 8045,~~ Fish and Game Code.

History 10. Certificate of Compliance as to 10-16-95 order including amendment of subsections (a), (b), (c), (e), (g) and (h) transmitted to OAL 2-9-96 and filed 3-13-96, operative 3-13-96.