

State of California
FISH AND GAME COMMISSION

Minutes, Meeting of November 3-4, 1994

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State of California
FISH AND GAME COMMISSION

Minutes, Meeting of November 3, 1994

Pursuant to the call of the President, the Commission met in Monterey on November 3, 1994. The meeting was called to order at 10:00 a.m. by Vice President Owen.

Persons present:

FISH AND GAME COMMISSION

Frank D. Boren	President
Gus A. Owen	Vice President
Douglas B. McGeoghegan	Member
Richard T. Thieriot	Member

COMMISSION STAFF

Robert R. Treanor	Executive Director
Ronald J. Pelzman	Assistant Executive Director
Marilyn H. Mearns	Word Processing Technician

OFFICE OF THE ATTORNEY GENERAL

William Cunningham	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

Boyd Gibbons	Director
Al Petrovich	Deputy Director
Tim Farley	Chief, Inland Fisheries Division
DeWayne Johnston	Chief, Wildlife Protection Division
Olga Martin Steele	Assistant Division Chief, WMD
Sandra Wolfe	EEO and Special Projects Manager
Bob Hulbrock	Aquaculture Coordinator
Jim Steele	Environmental Services Division

The following persons were also present and heard:

Jeanne Carley	Assist. Dir. CA Domestic Ferret Assoc.
Benjamin Huang	Carson Pet Store
Judy Raymond	Exotic Pet Owner
Lee Raymond	Exotic Pet Owner
John Acheson	Brother-in-Law of the Raymond Family
Neil Guglielmo	Commercial Fisherman
Nick Guglielmo	Commercial Fisherman
Jenny Chung	Carson Pet Store
Karen Zelmer	Concerned Citizen
Dennis Murphy	Santa Cruz County Fish & Game Comm.
Christopher Michalak	Sea Urchin Diver

Commissioner Owen introduced members of the Commission, its staff, members of the Department's Directorate and William Cunningham, Deputy Attorney General.

1. REVIEW OF WHITE STURGEON BROODSTOCK COLLECTION PROGRAM AND CONSIDERATION OF PERMIT RENEWALS.

Summary of the Issue

This item is scheduled to receive the Department's report regarding a review of the 1994 White Sturgeon Broodstock Collection Program. Commissioners were provided with copies of the Department's report and recommendation as well as a copy of the proposed 1995 permit terms and conditions. The Commissioners also received copies of the summary of the seventh annual report of Domestic White Sturgeon Broodstock Research Development Program from the Aquaculture and Fisheries Program at the University of California, Davis. The Department will be prepared to discuss its report and recommendations at the Commission meeting.

Action

Mr. Bob Hulbrock, Aquaculture Coordinator for the Department of Fish and Game, gave a brief history of both the White Sturgeon Broodstock Collection Program and the Striped Bass Broodstock Collection Program. Mr. Hulbrock explained that the striped bass and the white sturgeon programs were designed to develop domestic broodstock for both species. He pointed out that these programs had been in operation for a number of years and were reviewed by the Commission annually, who authorized permits for the participants. He explained that it was originally understood that the wild fish that were collected would remain the property of the State and would be returned to the wild after spawning, if possible, but the progeny would be the property of the aquaculturists.

Mr. Hulbrock discussed the aquaculturists' responsibilities regarding their mitigation requirements, such as replanting young-of-the-year and setting aside a number of the progeny for broodstock development. He identified the various farms in the program.

Mr. Hulbrock indicated that the only change requested this year for the white sturgeon program was the number of wild fish to be captured by the participants. He stated that both the Department and the aquaculturists recommended that the number of fish allowed to be collected yearly, per permit, would be reduced from 20 to 15 fish. He noted that the purpose of this change was to indicate the progress that had been made in the program.

After answering several inquiries from the Commission, Mr. Hulbrock concluded by recommending, on behalf of the Department, continued approval of the program.

It was then:

MOVED BY MR. MCGEOGHEGAN, SECONDED BY MR. OWEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE RENEWAL OF THE WHITE STURGEON BROODSTOCK COLLECTION AND BREEDING PERMITS ISSUED TO THE FISHERY, GALT; SEAFARMS, HERALD; AND SIERRA AQUAFARMS, ELVERTA, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

2. REVIEW OF STRIPED BASS BROODSTOCK COLLECTION PROGRAM AND CONSIDERATION OF PERMIT RENEWALS.

Summary of the Issue

This item is scheduled to receive the Department's report regarding a review of the Striped Bass Broodstock Collection Program for 1994. Commissioners were provided with copies of the Department's report and recommendation.

Department Recommendation

"Attached is our report on the subject agenda item including review of 1994 activities, program progress, conclusions, and recommendations. (Commissioners were provided with copies.)

"We conclude that:

- "1. The striped bass broodstock collection program has no documented adverse effects on either the striped bass population or an angling success for striped bass or other fishes.
- "2. Only two private aquaculturists remain actively involved in attempting to reproduce a domestic striped bass broodstock.
- "3. Two private aquaculturists can be allowed to electrofish in the Sacramento-San Joaquin Estuary without causing any problem for anglers or bass spawning activity.

"We recommend that:

- "1. The striped bass broodstock collection program be continued in 1995.
- "2. Any striped bass broodstock collection permit for 1995 allow a maximum of 30 bass per permittee.

- "3. The Commission authorize the Department to issue striped bass broodstock collection permits for 1995 to Professional Aquacultural Services, Chico, California and The Fishery, Galt, California."

Action

Mr. Bob Hulbrock briefly discussed the history and development of the program at the University of California at Davis. He indicated that it was important to allow U.C. Davis to continue with their program to increase their expertise. He reported that electrofishing was the means for collecting the adult fish and that it did not have any impact on the resource. Mr. Hulbrock recommended that the program be continued and that both permittees be approved for 1995.

It was then:

MOVED BY MR. OWEN, SECONDED BY MR. THIERIOT, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE RENEWAL OF THE STRIPED BASS BROODSTOCK COLLECTION AND BREEDING PERMITS TO PROFESSIONAL AQUACULTURAL SERVICES, CHICO, AND THE FISHERY, GALT, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

3. REQUEST OF BENJAMIN HUNAG, CARSON PET, COACHELLA, FOR AUTHORIZATION TO TEMPORARILY IMPORT FERRETS, ALLIGATOR SNAPPING TURTLES AND RED EAR TURTLES FOR EXPORT TO JAPAN.

Summary of the Issue

Mr. Benjamin Hunag, Carson Pet, Coachella, requests authorization to temporarily import ferrets, alligator snapping turtles and red ear turtles for export to Japan. In a letter dated October 7, 1994 Mr. Hunag provides the following information:

"Regarding the live stocks ...Ferrets (mustelidate)
ship from Penna. State

"alligator snapper turtle
(macrolemys temminch)
ship from LA state

"red ear turtle (pseudemys scripta) ship from LA state

"For the above, we would like to export to Japan and it would be transhipped at Los Angeles Airport (ship from the port of Penn. State and LA state to Los Angeles Airport, and it will not take out from airport and just change the airlines to connect to the international airport).

"Please confirm by return fax if we can export it? As we will have the U.S. Fish & Wildlife inspector to inspect and clearance for the export, or it should be legal to export.

Your permit to allow us to export will be legal and appreciated. Looking forward to your reply, thanks."

Department Recommendation

"The Department recommends denial of this request to import ferrets and snapping turtles. Commission approval is not required for a permit to import red ear turtles.

"The Department believes ferrets and snapping turtles can survive in California and pose a risk to native species of fish and wildlife. There is a ready market in California for these animals and no permit conditions will satisfactorily guarantee that all animals will stay at the airport until they are shipped out of the State.

"Scheduling shipments of live animals on international flights from within the United States is risky. Flights to certain countries are relatively infrequent. If the scheduled flight is delayed, canceled, or missed, the shipper is faced with the additional expense of keeping the animals alive under humane conditions until they can be shipped out or returned to the point of origin."

Action

Benjamin Hunag, Carson Pet Store, explained his business of exporting various animals. He disagreed with the various Federal and State laws that prohibited the importation and exportation of animals and its impact on California pet stores. Mr. Hunag stated that captive breeding could not provide the number of animals needed by the pet stores.

DeWayne Johnston, Chief, Wildlife Management ^{Protection} Division, reviewed the Department's recommendation and explained some of the problems that have occurred previously in similar situations. He explained that the Department opposed the request because of the possibility that the imported animals could get loose at the airports or could be smuggled out. Mr. Johnston answered questions from the Commissioners related to the importation of exotic species into the State.

Jeanne Carley, representative from the Fund for Animals, expressed her concern that if there were any unscheduled delays at the airports, the animals' well being could possibly be a problem. She also stated her belief that California was missing out on a sizable amount of business by banning some of these exotic animals.

Commissioner Owen commented that the Commission is not allowed to consider the economic implication, but rather the species, when it relates to California wildlife.

It was then:

MOVED BY MR. MCGEOGHEGAN, SECONDED BY MR. THIERIOT, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF BENJAMIN HUNAG, CARSON PET, COACHELLA, FOR AUTHORIZATION TO TEMPORARILY IMPORT FERRETS, ALLIGATOR SNAPPING TURTLES AND RED EAR TURTLES FOR EXPORT TO JAPAN.

PASSED UNANIMOUSLY.

4. REQUEST OF BRENDAN HO, UNIVERSAL BAIT, SAN JOSE, FOR AUTHORIZATION TO IMPORT AND POSSESS MARINE WORMS (Marphysa sanguinea) FOR SALE AS BAIT.

Summary of the Issue

Mr. Brendan Ho, Universal Bait, San Jose, requests authorization to import and possess marine worms (Marphysa sanguinea) for sale as bait. In a letter dated October 7, 1994 Mr. Ho provides the following information:

"I'm writing to ask for permission to import marine worms for the purpose of commercial and sport fishing. I intend to sell these worms as bait on the open market.

"Enclosed is full information on the worm. The worm originates in the South of Vietnam and here is the scientific of the worm:

"-Phylum: ANNELIDA
"-Class: POLYCHAETA
"-Family: EUNICIDAE
"-Genus: MARPHYSA
"-Species: SANGUINEA

"Please let me know soon if the marine worm is suitable for importation into the U.S. and if I may do it. Thank you."
(Commissioners were provided with copies of the referenced attachments.)

Department Recommendation

"According to the literature provided by Mr. Ho with his request, *Marphysa sanguinea* is native to the North Atlantic Ocean, being present both along the eastern seaboard of the United States and the shores of Great Britain, as well as off Vietnam. It is reported to reach two to three feet in length, although most specimens encountered are six to seven inches long.

"We have been unable to locate any record of the species being found off California or anywhere along the Pacific coast of the United States. Therefore, we believe that live importation of this species for bait would be tantamount to an introduction of an exotic species to California. The Commission policy on Introduction of Exotics states:

- "I. Proposals to introduce exotic species shall be submitted to the Fish and Game Commission for approval. The Department will review and evaluate proposals to insure that the potential effects of such introductions will not have unacceptable negative impacts on native species, agriculture interests, and public health and safety.
- "II. In considering proposed introductions, the Commission and Department will be guided by the following:
 - "A. Introduction of exotic species will be authorized only after potential impacts have been carefully evaluated and it has been demonstrated that such impacts will be negligible or positive. Such an evaluation will consider the species ability to disperse outside the introduction area.
 - "B. Initial experimental introduction of an approved exotic species will be made under conditions that will permit the action to be reversed, such as introduction into a confined area or introduction of sterile individuals.
 - "C. Benefits of the action will be described, including why the need cannot be satisfied through improved management to enhance native species or previously established non-native species.
- "III. Introduction of previously established non-native species into areas of the State where they have not been established will be permitted only after it has been determined by the Department that they will have no significant negative impacts.

"IV. Definitions:

"An exotic species is any mammal, bird, fish, amphibian, reptile, invertebrate or plant that is not native to California which does not presently exist as a viable population in a wild condition in the State.

"The Department believes this species meets the definition of an exotic species, and does not qualify for consideration for introduction under the Commission's policy. Therefore, we recommend denial of this request."

Action

Mr. Ho provided a brief life history of the worms and explained that they were used for fishing bait. Commissioner Boren explained that the Commission was opposed to bringing exotic animals into California. Deputy Director Petrovich expressed concern that when a non-native species was imported, it enhanced the possible introduction of exotic species into the wild and the potential for competition with California's native species.

Mr. Boren indicated that the Commission was not willing to change its policy at this time. Commissioner Boren suggested that better communication was needed with the public so that permit requests which conflicted with Commission policy did not come before the Commission.

Commissioner McGeoghegan verified with Mr. Ho that he understood the Commission's policy against the introduction of exotic species. Mr. Ho responded that he believed that this particular worm already existed in California. Commissioner Boren noted that while this worm might have been introduced into other states, it was not currently known to exist in California.

It was then:

MOVED BY MR. MCGEOGHEGAN, SECONDED BY MR. OWEN, THAT THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF MR. BRENDAN HO, UNIVERSAL BAIT, SAN JOSE, FOR AUTHORIZATION TO IMPORT AND POSSESS MARINE WORMS (Marphysa sanguinea) FOR SALE AS BAIT.

PASSED UNANIMOUSLY.

5. REQUEST OF JUDY RAYMOND, NAPA, TO APPEAL THE DEPARTMENT DENIAL OF HER PERMIT TO IMPORT AND POSSESS A CAPUCHIN MONKEY FOR PET PURPOSES.

Summary of the Issue

Ms. Judy Raymond, Napa, requests the opportunity to appeal the Department's denial of her permit application to import and possess a capuchin monkey for pet purposes. In a letter dated September 26, 1994, Ms. Raymond provides the following information:

"I am appealing to you in regards to obtaining a permit for a Capuchin monkey. My husband wrote a letter and filled out the appropriate forms for a permit from Fish and Game to obtain this monkey last January. The petition was denied and, in the written response from Fish and Game, they stated that they would forward our original letter to you and that we could appeal through you if we wished.

"In July, 1993, I wanted to find a Capuchin monkey for my daughter, Krisha, for her 16th birthday. She had been quite ill for a few months and was having a very difficult time. She had wanted a monkey all of her life and I hoped this would give her some hope. I called our local Fish and Game (in Yountville) and asked where I could find a monkey. The man I spoke with said he wasn't sure they were legal to obtain but would get back to me. He called later and said that Sacramento would not permit monkeys in California.

"Shortly after that, I was reading the pet ads in the San Francisco Chronicle and there was an ad for monkeys. The number turned out to be a broker in Huntsville, Alabama. Her name is Shyla Boskett and she stated that she had a USDA license to sell exotic animals. She said she was familiar with California laws but that if I had a monkey, California would issue me a permit. They would never issue a permit to obtain a monkey. They wanted to discourage people from getting monkeys and this was their way of doing this. She said they would never take it away from me once I had it and obtaining a permit would be no problem.

"I paid \$3,000.00 for a Capuchin monkey that was flown on Delta Airlines to the Oakland Airport for me to pick up. She said this was the way to get him here and it wouldn't be a problem. And, it wasn't. Maybe I believed her because I wanted her to be right, but so far it seemed she was telling the truth. No one seemed upset at the airport nor did they ask questions or seem concerned that this wasn't the right thing to do. I filled out paperwork for the airlines and was on my way.

"A few days later, I called Fish and Game in Sacramento and told them I had a Capuchin monkey and wanted to obtain a permit. They said everyone was in a meeting and would call me back soon. A few days later I still hadn't heard anything and so I called back a second time. This time the woman I spoke with said in no uncertain terms that there was no way I could keep a monkey in California and it would have to go.

"Within a few days, while I was away, two wardens from Fish and Game came to my door and spoke with my daughter asking if we had a Capuchin monkey. She stated that her mother said she couldn't talk about it but I would be back shortly. (I had told her to tell no one about the monkey at this point since I had gotten this response for Fish and Game and that we possibly would not be able to keep him. Until that time, everyone on our street knew we had a monkey). When I came home she was in tears and gave me the card the warden had left for me. I called the number and they apparently were waiting down the street for me to come home!! They came to my door and checked out the monkey and said they would get back in touch. I gave them all the information I had, Veterinarian release, shipment papers, letter from the breeder, etc. They also stated that he appeared to be in extremely good health and that this was unusual because most monkeys came illegally into California from Mexico, etc., and were a health problem. Our monkey was in perfect health and was very happy. (He was also about 10 weeks old at this time).

"It took approximately three to four weeks for Fish and Game to get back to me and tell me the monkey had to go. They told me they even went back to the state the monkey came from (Tennessee) and they were told by that F&G Department that they had no problem with the monkey and if California did, they could do as they pleased. They would not help them.

"My sister-in-law was visiting from Washington state at the time with her children. She offered to take the monkey home with her until our situation was resolved. So, they called Fish and Game in Washington to make certain they wouldn't have a problem in Washington. F&G couldn't even quite understand what they needed to know. They didn't care if they had a gorilla!. So, my daughter and the monkey went to stay in Washington. He is still there. My daughter goes to visit and help care for him on vacations. She is still quite ill and does not travel easily so this has been difficult.

"I called Ms. Boskett (the broker who sold me the monkey). She offered to sell him for me in Washington but said that I would have to put the ad in the paper. She could not do this. That made me think that once again she was trying to work around the law and I did not want to put other people through the pain we have been through, nor did I want to hurt our monkey by moving him around. He has become a unique little 'person' to us and we feel very responsible for his welfare.

"I forgot to mention that when I received the monkey, there were only a few instructions with him. I went to the library trying to find help on feeding, training, etc., and could not find any books to help. So I called Ms. Boskett back and asked her to find me some information. She called later and said she found some books and that I needed to deposit \$175.00 into her bank account and gave me her account number and information. This was the same as I did for the \$3,000.00 purchase fee. I do not have a receipt. However, I am certain the bank will have the transfer information. Incidentally, I have only received one book for the \$175.00. It was 'loaned' from Ms. Boskett's personal library until mine could come in. This was possibly a \$25.00 book. I have written Ms. Boskett but she has not responded.

"I have spoken at length with the Marine World head trainer for primates, Mark Jardarian. I asked him if they would be interested in our monkey. He said we had a big problem because now that the monkey has been hand raised he would not survive in a group of monkeys. He will always have to be hand raised. They have no facility for a single Capuchin monkey.

"This baby monkey bonded with my daughter like she was the mama monkey. Krisha literally let the monkey hang on her almost 24 hours a day, which is what the mother monkeys do. The monkey identified Krisha instantly and did not want to be out of her sight or touch. He had to be bottle fed and diapered every 2 to 4 hours, round the clock, and she did this for the 6 weeks that we had him. When she had to leave him in Washington, it was extremely traumatic for the monkey as well as Krisha. He would cry and not want to eat and Krisha fell into a deep depression.

"Krisha has been diagnosed as having a severe adjustment disorder and the psychiatrist wrote a letter to Fish and Game requesting that Krisha's monkey be allowed to live with her in California and that this would be extremely beneficial to Krisha's mental welfare. She has improved health-wise in that she now attends a few classes at school but is still extremely depressed and isolated. Chronic

fatigue is a poorly understood illness, but it is like having a flu every day of your life. You never get well, but you do seem to get better and can function in a somewhat normal fashion. However, it is not normal for a teenager to be sick all of the time. Her friends have quit wanting anything to do with her because she is sick all the time. She is miserable, depressed and a very lonely girl. She is a senior at our local high school. She desperately wants to be with her monkey. I cannot tell you the sorrow in this child's life.

"I would be willing to do anything I can to help her get him back. Krishna is willing to enter any kind of program to help her get him here. I asked the Department of Fish and Game if I could find training and show him in our Elementary Schools in Napa. I would be happy to comply with whatever recommendations you would ask of me. I know there are a great number of monkeys in California, some legal, some not. He has been seen by a Veterinarian in Seattle (I have enclosed a copy of the form) who deals with primates at the University of Washington. She states that he is in perfect health. He has been vaccinated and tested for diseases. He has been neutered and is now a little over a year old.

"Can you help me? I apologize for the length of this letter. I didn't know how else to tell you our story. Please, if there is any way we can comply with your regulations, help us." (The Commissioners have been provided with copies of all referenced materials.)

Department Recommendation

"The Department of Fish and Game recommends denial of Ms. Raymond's request to import and possess one Capuchin monkey for pet purposes. The Department's recommendation for denial of this request is consistent with Commission policy adopted January 9, 1987.

"The Department of Health Services concurs because these animals represent a significant infectious disease and injury risk to persons coming in contact with them."

Action

Mrs. Judy Raymond stated that she was making this request as a parent on behalf of her daughter. She explained that she was told by a warden that it was illegal to obtain a monkey in California, but she had contacted a source for a monkey anyway. Mrs. Raymond indicated that the person in Tennessee selling the monkey lead her to believe that she could purchase a monkey and obtain a permit afterward. She discussed the bond that had been established between her daughter and the monkey and her efforts

to find a home for the animal. Mrs. Raymond stated that she did understand the State's position on this issue, but she hoped that the Commission would reconsider, because of the special situation with her daughter's chronic fatigue syndrome.

Mr. DeWayne Johnston, Chief, Wildlife Protection Division, explained that several standards had to be met by any owner of a monkey. Mr. Johnston stated that this issue was different than the Helping Hands Program which would terminate in two years. He indicated that the Department believed that another pet would serve the same purpose in the daughter's therapy. He pointed out that because this was an intentional action, after Mrs. Raymond was specifically told it was illegal, it could be construed as a conspiracy and could be punishable in a court of law.

Mrs. Raymond stated that she did not intentionally obtain the monkey, but had misunderstood the permit process. Mr. McGeoghegan suggested that she pursue a permit as an exhibitor. Commissioner McGeoghegan further explained that the Commission would not change its policy at this time.

Dr. Lee Raymond, the father of Krishna, inquired about the history of the Commission's policy regarding a ban on these exotic animals. He requested an exception to the current policy, stating that the animal was neutered and did not have any diseases. He noted that the early development of the monkey was important. His brother-in-law, Mr. John Acheson, also spoke in support of the Raymonds and stated that there was no "conspiracy" in their obtaining the monkey. He spoke further about chronic fatigue syndrome and the background of the monkey.

Commissioner Owen spoke briefly about the past problems that of exotic animals and that Mrs. Raymond should have made an effort to find out more about the permit process. He also stated that she should continue to find a home for the monkey.

Commissioner McGeoghegan asked Mr. Johnston if there were any exceptions to this issue. Mr. Johnston related an instance where a monkey had been well cared for by a family for 20 years. He pointed out that any exceptions involved those monkeys which had been in California for a number of years.

Mr. Johnston responded to several questions from the Commissioners regarding Federal laws and the Lacey Act. Commissioner Thieriot stated that he did not think this was an intentional act, and that he was willing to consider this permit.

Mr. Johnston stressed the importance of consistency in dealing with this issue, i.e. the importation of any exotic animal. He explained that prior to the late 1980's, these issues required much more time and were a more frequent issue before the Commission. Mr. Johnston suggested that it be handled in another manner.

Commissioner Boren pointed out that only zoos and exhibitors were currently allowed permits, but that perhaps a medical issue was involved, such as psychotherapy. He asked if the daughter was currently under treatment. Mrs. Raymond inquired if a temporary permit could be issued since it was so crucial to her daughter's mental health. Commissioner McGeoghegan asked when the doctor's letter was written to the Department of Fish and Game. Mr. Boren asked if this item could perhaps be put over to a future meeting and perhaps hear testimony from the therapist.

Director Gibbons stated that this type of issue would continue to come before the Commission. He indicated that the general policy prohibiting bringing exotic animals into California had been effective, and was necessary to protect native species. He pointed out that the current policy was to limit permits to qualified exhibitors, which made sense and was not an emotional based decision. He stated that the pressure would continue.

Mr. Boren asked if the psychiatric profession could benefit from this as well. Mr. Gibbons responded that this was likely the case. Mr. Gibbons noted that Labrador retrievers might also serve the same purpose. Mr. Boren inquired as to what might be the impact of permitting this in the long run.

Commissioner Thieriot asked if this issue had the same level of detriment as the importation of Tilapia. Mr. Johnston stated that this issue was different; that the population overseas was at risk and that the Animal Welfare Act and the USDA were involved, since disease was an issue as well. Mr. Johnston discussed the differences between detrimental vs. welfare animals.

Mr. Cunningham raised the issue of the health hazards.

Mr. Acheson spoke further about the welfare of the monkey and the Raymond's excellent care of the monkey.

Commissioner McGeoghegan recommended that the Raymond's pursue a permit under the exhibitor's permit process and contact the Department regarding the necessary two years of experience.

It was then:

MOVED BY MR. MCGEOGHEGAN, SECONDED BY MR. OWEN, THAT
THE FISH AND GAME COMMISSION HEREBY DENIES THE REQUEST OF
JUDY RAYMOND, NAPA, FOR AUTHORIZATION TO IMPORT AND POSSESS
A CAPUCHIN MONKEY FOR PET PURPOSES.

AYES: Commissioners Boren, Owen, and McGeoghegan.
NOES: Commissioner Thieriot.

MOTION PASSED.

Mr. Acheson pleaded the case further. Mr. Owen responded that this was their decision, but that it could be brought to the Commission again. Commissioner McGeoghegan indicated that if the Raymond's wanted to bring this up to the Commission at a later time, it was up to them.

6. REQUEST OF NEIL AND NICK GUGLIELMO, SAN PEDRO, FOR AN EXPERIMENTAL GEAR PERMIT TO HARVEST LOBSTERS AND CRABS WITHIN THE CONSTRUCTION SITE OF PIER 400, LOS ANGELES HARBOR, FOR COMMERCIAL PURPOSES.

Summary of the Issue

Nick and Neil Guglielmo, San Pedro, request an experimental gear permit to harvest lobsters and crabs within the construction site of Pier 400, Los Angeles Harbor, for commercial purposes. In a letter dated September 28, 1994, the Guglielmo brothers provide the following information:

"Thank you for giving us the opportunity to discuss a proposal with you. My brother and I have been commercial fishermen for the past twenty years fishing out of the Los Angeles Harbor. We respect our natural resources and are proud to say we have a great rapport with the Department of Fish and Game staff located in your Long Beach office. We would like to share a proposal for your consideration which we believe will be of mutual benefit. As you are aware, the Port of Los Angeles is in the process of developing a major new landfill project known as Pier 400. This project will be located in a very heavily populated crab and lobster area.

"In order for the massive landfill project to begin, it is our understanding that the Port first intends to build a dike and then pump huge amounts of sand to construct road to enable the Port to construct Pier 400. Therefore we would like to share our proposal for your consideration:

"1) We request special permission for a specific time (45 days and one 30 day extension option to fish and trap the lobster and crab in this area before they are lost and buried under tons of dirt;

"2) In order to catch as many juvenile crab and lobster, we proposed to use a 2" x 2" wire trap and relocate the juvenile catch immediately to a destination approved and supervised the Department of Fish and Game;

"3) We would allow a Fish and Game observer on board at all times which will allow them to monitor and supervise the operation;

"4) We would keep daily logs and report status to your Commission on a monthly basis;

"5) In return, we would be able to sell all adult lobster and crab.

"On September 26, 1994, we met with Mr. Antoine Atallah, Pier 400 project manager, and Mr. Mike Dzida, chief construction inspector of the Port at the Port of Los Angeles Administration Building. After discussing our proposal, they thought it was a good idea as long as the project did not interfere with their construction schedule. Based on the construction schedule, it would be from six months to one year before construction in this populated area would begin. We have attached a copy of the blueprint for your information. (Copies of the blueprint and the map have been provided to the Commissioners.)

"Again, thank you for giving us the opportunity to share this proposal with you. We believe this proposal would be a great benefit to both protecting our natural resources and helping our livelihoods. We look forward to working with you and are open to additional conditions and restrictions."

Department Recommendation

"Nick and Neil Guglielmo wrote the Commission on September 28, 1994 to obtain an experimental gear permit to harvest lobsters and crabs within Fish and Game District 19B, Los Angeles Harbor.

"Section 8258, Fish and Game Code, authorizes the use of lobster traps to take spiny lobster in Districts 18, 19, 20A and portions of District 20, but not in District 19B. Section 8606, Fish and Game Code, in part, directs the Commission to "encourage the development of ... new methods of using existing commercial fishing gear by approving permits to be issued by the department, ... subject to ... restrictions. A permit may authorize the ... use of existing gear in areas otherwise closed to that use by this code."

"The Port of Los Angeles is planning to construct a new pier in the outer Los Angeles Harbor, which involves landfill of existing water area, including potential habitat for spiny lobster and crabs. Subject request is to allow trapping of lobsters and crabs in the area of the proposed landfill prior to construction. Undersize lobsters and crabs would be moved away from the area and legal sized animals would be retained for sale by the applicants.

"Subject request does not appear related to the development of methods of using existing gear to demonstrate that such use would be feasible or appropriate for commercial purposes in District 19B. Rather this request appears intended as a temporary commercial venture, in conjunction with a one-time 'rescue' operation for juvenile lobsters and crabs, involving Commission authorization of commercial harvest of all adult lobsters and crabs which may be trapped. Recreational fishers do pursue the harvest of the lobster and crab resource in this area from time-to-time.

"We believe that the "rescue" value of this proposed operation is minimal because the natural mobility of spiny lobsters and crabs will allow them to move out of the area as the rock rip-rap and fill material is placed in the water. We believe that this natural mobility would repopulate an area unless the trapping were limited to the few days immediately prior to placement of the fill material.

"Also, as noted above experimental gear permits are intended to be used to evaluate possible legislative changes in commercial fishing regulations and we believe it would be inappropriate to open District 19B for commercial lobster harvest. Therefore we recommend denial of subject request at this time.

"If Messrs. Guglielmo wish to pursue the matter further, we ask that they first discuss their plan with Mr. Dave Parker, Senior Marine Biologist, 330 Golden Shore, Suite 50, Long Beach, California, 90802, or telephone (310) 590-5129."

Action

Mr. Neil Guglielmo provided a history of harvesting from the area in question and the potential harm to the resource as a result of the planned construction work in that area. Mr. Guglielmo explained how the lobsters needed to be treated in order to survive.

Deputy Director Al Petrovich explained that the original purpose of the experimental gear permit was to evaluate a particular gear type or fishery. Mr. Petrovich noted that the Department did not view this as a salvage or gear issue. He explained that the lobster would move out and then naturally move back into the area.

Commissioner Owen asked if it was possible that some lobsters could be lost as a result of the construction work. Mr. Petrovich stated that the Department did not believe there was any danger to the lobster resource. Mr. Nick Guglielmo stated that they only wanted to harvest those lobsters that would

be lost as a result of the construction in the area. Deputy Director Petrovich indicated that the lobsters would not be blocked out, but would be able to move in and out.

Mr. Boren asked if there would be any additional cost incurred by the Department as a result of this request. Mr. Petrovich stated that there would be administrative and observer costs incurred by the Department. Messrs. Guglielmo stated that since this was their livelihood for the past 20 years, they would do nothing to endanger this resource.

Commissioner Owen inquired about the financial impact of this permit and the time constraints involved in making this decision. Mr. Guglielmo stated that construction would not begin for another two or three months in that particular area. Mr. Petrovich suggested that with the Commission's approval, perhaps this issue could be discussed further and a decision made at a future meeting. Mr. Petrovich then agreed with Commissioner Owen's suggestion that tentative approval could be granted with the understanding that they could return to the Commission, if there were any unresolved problems.

It was then:

MOVED BY MR. MCGEOGHEGAN, SECONDED BY MR. THIERIOT, THAT THE FISH AND GAME COMMISSION HEREBY TENTATIVELY APPROVES THE REQUEST OF NEIL AND NICK GUGLIELMO, SAN PEDRO, FOR AN EXPERIMENTAL GEAR PERMIT TO HARVEST LOBSTERS AND CRABS WITHIN THE CONSTRUCTION SITE OF PIER 400, LOS ANGELES HARBOR, FOR COMMERCIAL PURPOSES, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

7. CONSIDERATION OF AMENDMENTS TO COMMISSION AND BOARD OF FORESTRY JOINT POLICY ON COHO SALMON.

Summary of the Issue

The Commission, at its May 9, 1994 meeting in Yreka, adopted a joint policy statement on coho salmon with the Board of Forestry. The Board had adopted the policy statement at their May 4, 1994 meeting. On May 9 the Department indicated that some of its divisions had not had an opportunity to thoroughly review the proposed policy; and therefore, requested that if it had any recommended changes it would be allowed to bring those back to the Commission. The Commission received those proposed changes at its October 7, 1994 meeting in Palm Springs. This meeting is scheduled for Commission consideration of the Department's

comments and recommendations, to receive any public comments on the proposals and then consider amendment to its joint policy on coho salmon.

Commissioners were furnished copies of the Department's comments and the joint policy with the Department's proposed changes in strikeout/underline format.

Action

Commissioner Boren requested that this item be put over until a future Commission meeting. He noted that this would give him an opportunity to meet with the subcommittee from the Board of Forestry.

8. CONSIDERATION OF AMENDMENTS TO COMMISSION WATER POLICY.

Summary of the Issue

The Commission at its October 7, 1994 meeting in Palm Springs received the Department's recommendations for amendments to the Commission's Water Policy. The Department's recommendation is as follows:

"We believe the policy on water would be approved by adding a short section which recognizes the Department of Fish and Game's need to maintain field and technical expertise in the area of instream flow analysis. Instream flow is a rapidly developing area of natural resources science, and our Department needs to remain on the leading edge.

"Our suggested addition is that a new Section 'K' be added and that it read as follows:

"K. Maintain field and technical expertise in all areas of instream flow assessment in order that the Department can provide recommendations which are biologically sound and technically defensible."

Action

Executive Director Treanor summarized the issue for the Commission.

Mr. Boren asked if personnel resources were an issue or problem in the implementation of any of these policies. Mr. Petrovich indicated that a position was cut, and passage of this policy would help focus on instream flows.

It was then:

MOVED BY MR. MCGEOGHEGAN, SECONDED BY MR. OWEN, THAT
THE FISH AND GAME COMMISSION HEREBY AMENDS ITS WATER
POLICY AS FOLLOWS:

WATER

It is the policy of the Fish and Game Commission that:

I. The quantity and quality of the waters of this state should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife. Commensurate with this policy, the Commission recognizes that:

A. The waters of the state are a limited resource subject to ever increasing demands; and that

B. Conservation and the efficient management of water resources are necessary to meet the competing needs of urban communities, industry, agriculture, recreation and fish and wildlife.

II. Quantity:

To provide maximum protection and enhancement of fish and wildlife and their habitat, the Department shall:

A. Review and comment on proposed water development projects, on application for licenses or permits for water use, water development, and on projects affecting aquatic habitat.

B. Recommend and seek the adoption of proposals necessary or appropriate for the protection and enhancement of fish and wildlife and their habitat. The primary habitat objective is the maintenance of natural conditions in state waters, the adaption of impounded waters for fish and wildlife purposes, and the creation of new waters or areas which will support fish and wildlife, provided that such new waters enhance fish and wildlife.

C. Oppose the issuance of permits or licenses, or the authorization of appropriation of funds for water use projects which have not prevented or adequately compensated for damage to fish and wildlife resources.

D. Prepare and render reports on water use or development in relation to their effect on fish and wildlife at the request of federal or state agencies whenever the same may be required by law or otherwise be appropriate.

E. Monitor and maintain surveillance over existing water use projects to prevent avoidable damage to aquatic habitat and to insure compliance with fish and wildlife protection or enhancement requirements.

F. Take an active part in the planning of water development projects, and take appropriate action designed to insure adequate water supplies to maintain and enhance fish and wildlife habitat.

G. Assist, cooperate, and negotiate agreements with federal, state, public or private agencies or organizations, subject to the approval of the Commission, provided Commission approval shall not be required for agreements of a routine nature except when they call for a substantial augmentation of the budget.

H. Seek an allocation of water for fish and wildlife on an equitable basis with other uses, and protect fish and wildlife from the hazards created by such other uses.

I. Periodically reassess permit and license terms and conditions and where feasible, seek corrective action where original terms and conditions were inadequate.

J. Advise the Commission at one of its regularly scheduled meetings of any project which may have significant adverse impacts on fish and wildlife, and shall indicate the measures by which fish and wildlife resources will be protected from damage by the project in question. The Department shall also state the extent to which the agency or person preparing the plans for such project has incorporated therein plans for enhancing such resources.

K. Maintain field and technical expertise in all areas of instream flow assessment in order that the Department can provide recommendations which are biologically sound and technically defensible.

III. Quality:

Encourage and support programs to maintain or restore a high quality of the waters of this state, and prevent the degradation thereof caused by pollution and contamination. The Department shall take all appropriate actions to further these ends. In addition, the Department shall inform the State Water Resources Control Board and Regional Water Quality Control Board of water quality problems affecting fish and wildlife and shall seek mutual cooperation in solving such problems.

IV. Access:

Endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife.

9. 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. 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.

Commissioners were given copies of a letter from Bob Rittenhouse, Stockton Quail Unlimited Chapter, regarding the Game Bird Heritage Program.

The Department of Fish and Game has provided extensive responses to Mr. Rittenhouse's concerns, however, Mr. Rittenhouse requests the opportunity to discuss his concerns regarding the Upland Game Stamp Program with the Commission. Staff believes that it was best to discuss these concerns under the Public Forum agenda item. If the Commission wishes to gather additional information regarding this issue, it may schedule the matter for a future Commission meeting and/or request the Department to provide a report to the Commission at a future date.

Action

Ms. Jeanne Carley, Assistant Director California Domestic Ferret Association, spoke regarding the current ban on ferrets. She compared the laws of other states to that of California. She explained that the health concerns that were previously an issue had since been resolved. She pointed out that other states had supported legislation to lift their bans and list the ferret as a domestic animal. She stated that she believed that the Department of Fish and Game had overstepped its bounds in regards to the ferret ban.

Mr. Boren asked if this had been brought up at the Legislature recently and Ms. Carley responded that it had and was denied. Commissioners Thieriot and Boren agreed that since this issue was in litigation, it should be discussed in the Executive Session. Mr. Boren stated that the Commission would determine if this issue should be brought before the Commission at a later date.

Ms. Jenny Chung spoke regarding the exportation of exotic animals, alligators, and snapping turtles to Japan and requested that the Commission reconsider Mr. Hunag's request to take these animals through the airports. Mr. Boren explained that this item had already been discussed and would not be discussed during the public forum item.

Ms. Karen Zalmer spoke in support of the ban against hunting bears. Ms. Zalmer asked for information in reversing the decision to permit dogs with radio collars to hunt bears. She also expressed her concerns with poaching. She stated that since there was a lack of wardens and the current illegal market for bear parts, there should be a ban on bear hunting. Mr. Owen stated that the bear population was currently very healthy. Director Gibbons confirmed the healthy bear population. Commissioner McGeoghegan responded with further information about the current bear population and stated that philosophical opposition was a different issue. He pointed out that hunting had so far been the best management tool in regards to controlling the bear population. He also pointed out that there was currently a large poaching ring which the Department of Fish and Game had recently arrested. Commissioner McGeoghegan also confirmed that if there was a problem, the Commission and the Department of Fish and Game would take an active part in curtailing any problems. Mr. Boren reminded Ms. Zalmer that when the animal regulations came up in another year, it would be appropriate for her to come forward then.

Mr. Dennis M. Murphy, Santa Cruz County Fish and Game Advisory Committee, spoke about the status of coho salmon in Santa Cruz County, Scott Creek and the protection given to this water. Mr. Murphy discussed the lack of any management plan for marine mammals such as harbor seals and California sea lions. He displayed a May 1994 issue of National Geographic magazine regarding marine mammals. He requested the Department pursue a permit from the federal government to eliminate this problem.

Deputy Director Petrovich responded that the Department was aware of this situation, but that the problem was in identifying the threat to a particular species and in identifying the particular culprit. Commissioner Owen pointed out that this was currently an important issue and had been addressed by the current protection afforded to the coastal coho. Commissioner Owen asked Mr. Murphy for any suggestions he could offer to solve this problem. Mr. Murphy suggested that education would be important. Mr. Gibbons pointed out that the National Marine Fisheries Service (NMFS) would be the lead in solving this problem. Director Gibbons stated that coho and steelhead were endangered due to environmental issues, but that the marine mammal threat was another matter.

Mr. Murphy stated that the problem needed to be addressed immediately or the resource would be lost. He pointed out that the permits must be given now or the resource would be impacted too greatly to survive. Commissioners McGeoghegan and Boren agreed that something should be done. Commissioner Boren asked for information regarding studies available to support Mr. Murphy's claim for immediate action. Mr. Murphy explained

the local process of studying the damage to the spawning fish and their experiences that support his claims about marine mammal damage to the fish.

Deputy Director Petrovich stated that the feeding habits of marine mammals and their impact had been studied. He reiterated that the specific "offending animals" had to be determined and that it was a lengthy process to obtain a permit for take. Mr. Gibbons explained that this was not a simple issue, that there were major obstacles with the federal protection of various marine mammals and it would entail a major shift in the federal policy.

Commissioner McGeoghegan stated that this was a very important issue which should be resolved. Mr. Petrovich responded that California had not received any funding to gather the necessary information.

Commissioner McGeoghegan asked Mr. Petrovich if any threatened and endangered listings were being considered in the near future. Mr. Petrovich confirmed that NMFS was considering potential salmon and steelhead listings.

Mr. Boren asked if, as an experiment, it would be possible to obtain a permit to allow a 5 to 10% harvest for a particular county. Mr. Petrovich responded that it could, but it would likely be rejected due to lack of data. Mr. Owen indicated that he was open to suggestions and Mr. Boren supported taking action in this matter. Commissioner McGeoghegan suggested that Mr. Lecky of the National Marine Fisheries Service be asked to provide assistance. Commissioner Boren requested that Commission staff work with the Department to outline a course of action and report at the next Commission meeting. Mr. Murphy indicated that Santa Cruz County data could be made available to the Department of Fish and Game and that he could work with the Department. Mr. Boren requested that the Commission staff report back to Mr. Murphy. Deputy Director Petrovich agreed and indicated that Mr. Murphy's information would possibly be helpful.

10. REQUEST OF JOHN HETT, SAN DIEGO, FOR REINSTATEMENT OF HIS SUSPENDED COMMERCIAL DRIFT GILL NET SHARK AND SWORDFISH PERMIT.

Summary of Issue

The Commission, at its October 6, 1994 meeting in Palm Springs, suspended Mr. John R. Hett's commercial drift gill net shark and swordfish permit for a period of one year. Mr. Hett did not attend that meeting. The following week Mr. Hett contacted the Commission office indicating that he had been on an extended fishing trip for approximately 90 days and had not received the Commission's letter notifying him of the

Commission's October 6 meeting. Mr. Hett did indicate that a friend signed for the Commission's certified letter, but did not open the letter and just left it with the rest of his mail until he returned home on October 10, 1994.

Mr. Hett is requesting reinstatement of his suspended commercial drift gill net shark and swordfish permit. He will be prepared at the November 3 meeting to present any mitigating evidence that he has to persuade the Commission to reinstate his permit.

The Department's request is predicated on the fact that on May 13, 1994 in the Del Norte Municipal Court, Mr. Hett pled nolo contendere to a violation of Section 8586.4(b) of the Fish and Game Code, use of a drift gill net more than 6,000 feet in length.

As background, the Department of Fish and Game had received confidential information that the F/V Temptation may be using an illegal length of drift gill net. On November 17, 1993, the F/V Temptation docked at the Crescent City Harbor to offload its recent catch. A Fish and Game warden contacted Mr. John R. Hett at that time and requested that his drift gill net be measured. It was agreed that the measurement would take place on November 18, 1993. The Commissioners have been provided with copies of the Department's investigation report for more complete information. Mr. Hett was placed on two (2) years' probation and his catch of 4,268 pounds of swordfish; 458 pounds of thrasher shark; and 45 pounds of mako shark were forfeited to the Department. The Commission's authority to take this action is pursuant to Section 12158.5 of the Fish and Game Code and Section 106(i), Title 14, CCR.

Commissioners were given copies of the Commission's letter dated August 31, 1994 to Mr. John R. Hett; the Department's request dated July 22, 1994; a copy of the citation; the Department's arrest report and the court record and a letter from Mr. August Felando who is representing Mr. Hett.

Action

Executive Director Treanor stated that this item had been handled administratively by the Department.

11. REQUEST OF VINCE MARINKOVICH, SAN PEDRO, TO ADD TONY MARINKOVICH TO HIS COMMERCIAL DRIFT GILL NET SHARK AND SWORDFISH PERMIT.

Summary of Issue

Vince Marinkovich, San Pedro, requests that his father Tony be added to his commercial drift gill net shark and swordfish permit. In a letter dated September 10, 1994, Mr. Marinkovich provides the following information:

"The purpose of this letter is to request your assistance in obtaining a joint operating license for Drift Gill Net Shark/Swordfish. Our current license is in my son Vince Marinkovich's name alone. I, Tony Marinkovich would like also to be able to use his license to fish our boat (F/V BIMBO) when he is unable to be on board due to his extenuating circumstances at home.

"The reason for this request is that my grandson, Vince Jr. was born handicapped, which required my son to devote a great deal of his time to his son's care. This has rendered him unable to be aboard the boat at all times. Enclosed you will find letters better explaining the conditions that surround Vince's care.

"By granting this request it would enable us to share the responsibilities of the boat's daily operation, and allow my son to devote more of his time to the care of his child.

"Any assistance in this matter would be greatly appreciated." (Commissioners were provided with copies of the above-referenced information.)

Department Recommendation

"Most commercial fishing licenses and permits, including drift gill net shark and swordfish permits are issued to only one individual to be identified as the licensee or permittee. Fish and Game Code Section 8563 provides for a permittee who is seriously ill to request approval for another fisherman to substitute for him, provided adequate medical evidence is presented. There is no authority in law to allow a substitute for the illness of a family member, but the Commission has established precedence in a couple of situations where a family member was ill and required the presence of the permittee. If a permittee wished to permanently transfer the permit, he could do so pursuant to Fish and Game Code Section 8561.5.

"The permittee, Mr. Vince Marinkovich, has submitted documentation which adequately substantiates the need for him to spend considerable time with his handicapped son. His request is to have his drift gill net permit jointly issued to him and his father, Mr. Tony Marinkovich, to allow Tony to fish with the drift gill net when Vince is unable to be aboard the boat.

"Because Tony advised a member of my staff that Vince does not wish to permanently transfer his permit, and because the Department is opposed to issuing a permit in two names, we recommend the Commission authorize the Department to issue a letter permit giving Mr. Tony Marinkovich (L-26031)

permission to substitute for his son on an as needed basis. We also recommend the letter permit be valid until March 31, 1996, unless suspended, revoked or transferred prior to that time. All other requirements for maintenance and renewal of a drift gill net permit shall remain in effect."

Action

Executive Director Treanor briefly summarized the issue and indicated that Mr. Marinkovich was not present. He stated that the Mr. DeWayne Johnston, Chief of Wildlife Protection Division, would provide the Department's recommendation. Mr. Johnston stated that due to the unusual circumstances related to Mr. Marinkovich's son's health, the Department recommended approval of their request to issue a letter permit on an as needed basis.

It was then:

MOVED BY MR. THIERIOT, SECONDED BY MR. OWEN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF VINCE MARINKOVICH, SAN PEDRO, TO ADD TONY MARINKOVICH TO HIS COMMERCIAL DRIFT GILL NET SHARK AND SWORDFISH PERMIT, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

12. CONSIDERATION OF SUSPENSION OF COMMERCIAL LOBSTER PERMIT OF TUAN ANH HUYNH, SAN DIEGO.

Summary of the Issue

The Department requests that the Commission suspend the commercial lobster permit of Mr. Tuan Anh Huynh, San Diego, for a period of one year, from November 4, 1994 through November 3, 1995, or such other time period as the Commission deems appropriate. The Department's request is predicated on the fact that on January 6, 1994 in the San Diego Municipal Court, Mr. Huynh pled guilty to a violation of Section 8252 of the Fish and Game Code, possessing undersized spiny lobsters.

As background, on November 6, 1993, a Fish and Game warden found Mr. Huynh with 43 spiny lobsters on board his vessel; forty of which were under the legal minimum size. Mr. Huynh was placed on three years probation, fined \$500, but could perform ten days public work service in lieu of the fine and his catch was forfeited to the Department. The Commission's authority to take this action is pursuant to Section 8256 of the Fish and Game Code.

Mr. Huynh does not have any commercial fishing licenses for the 1994-95 permit year.

Commissioners were provided with copies of the Commission's October 3, 1994 letter to Mr. Tuan Anh Huynh; the Department's request dated August 11, 1994; a copy of the citation; the Department's arrest report and the court record.

Action

Executive Director Treanor summarized the matter before the Commission. He asked if Mr. Tuan Anh Huynh was present, and there was no response.

DeWayne Johnston presented the Department's recommendation and its proposed findings.

It was then:

MOVED BY MR. MCGEOGHEGAN, SECONDED BY MR. THIERIOT, THAT THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE COMMERCIAL LOBSTER PERMIT OF TUAN ANH HUYNH FOR A PERIOD OF ONE YEAR FROM NOVEMBER 4, 1994 TO NOVEMBER 3, 1995 PURSUANT TO THE FOLLOWING FINDINGS:

- 1.) Mr. Huynh plead guilty on January 6, 1994, in the San Diego Municipal Court of a violation of Section 8252, Fish and Game Code, taking and possessing 40 out of 43 undersized spiny lobsters.
- 2.) The Department of Fish and Game believes, and the Commission adopts the view, that the requirement to obey the size limit 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 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 and possessing undersized spiny lobsters 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 obeying the size limit for spiny lobsters because of the important public policy involved.

PASSED UNANIMOUSLY.

13. CONSIDERATION OF SUSPENSION OF COMMERCIAL SEA URCHIN DIVING PERMIT OF CHRISTOPHER ROBERT MICHALAK, VENTURA.

Summary of the Issue

This item was originally scheduled for the Commission's August 4, 1994 meeting in San Luis Obispo; however, Mr. Michalak indicated that he had just received notice of this matter and requested that the matter be postponed until the Commission's November meeting. The Commission concurred with that request.

The Department requests that the Commission suspend the commercial sea urchin diving permit of Christopher Robert Michalak for a period of one year from November 4, 1994 through November 3, 1995, or such other time period as the Commission deems appropriate. The Department's request is predicated on the fact that on December 10, 1993 in the Malibu Municipal Court, Christopher Robert Michalak pled guilty to a violation of Section 120.7(p)(4), Title 14, CCR, regarding using an inaccurate measuring gauge. As background, Mr. Michalak's catch was inspected on December 15, 1992 at the Ventura Harbor. He was found to have an over limit of undersized sea urchins. Mr. Michalak was cited for a violation of Section 120.7(p)(1), Title 14, CCR, and his load of 505 pounds of sea urchins was seized. Mr. Michalak pled not guilty and was later found guilty after a jury trial. At the request of both the District Attorney and Mr. Michalak's counsel, the conviction was set aside and Mr. Michalak pled guilty to using an inaccurate measuring tool, for a violation of Section 120.7(p)(4). He was fined \$1,200 or to complete 24 hours of public service and was placed on 24 months probation. His catch was forfeited and he is to obey all Fish and Game laws. Mr. Michalak has one prior violation on August 18, 1992, possession of more than 30 undersized red sea urchins in one load, Section 120.7(p)(1), Title 14, CCR. He was fined \$300 and his catch of 555 pounds was forfeited to the Department. (Commissioners were provided with copies of the Department's arrest report, the court record and other pertinent background material).

The Commission's authority to take this action is pursuant to Section 120.7(k), Title 14, CCR.

Commissioners were furnished with copies of the Commission's letter dated June 20, 1994 to Mr. Christopher Robert Michalak; the Department's request dated March 24, 1994; the Department's arrest report; the citation; the court record and background on Mr. Michalak's prior conviction.

Action

Executive Director Treanor summarized the issue for the Commission.

Mr. Michalak stated his position regarding the suspension of his sea urchin diving permit. He presented several letters of recommendation to support his contention that his license should not be suspended. (Commissioners were also provided copies of the letters prior to the Commission meeting.)

Mr. DeWayne Johnston presented the Department's recommendation for a 30 day suspension, as well as the Department's findings.

It was then:

MOVED BY MR. OWEN, SECONDED BY MR. THIERIOT, THAT THE FISH AND GAME COMMISSION HEREBY SUSPENDS THE COMMERCIAL SEA URCHIN DIVING PERMIT OF CHRISTOPHER ROBERT MICHALAK, VENTURA, FOR A PERIOD OF 30 DAYS, FROM NOVEMBER 3, 1994 UNTIL DECEMBER 2, 1994, PURSUANT TO THE FOLLOWING:

- 1.) Mr. Michalak pled guilty on December 10, 1993 in the Los Angeles Municipal Court of a violation of Section 120.7(p)(4), Title 14, CCR, failure to use accurate measuring device to determine the size of red sea urchins being taken.
- 2.) The Department of Fish and Game believes, and the Commission adopts the view, use of an accurate measuring device to determine the size of red sea urchins being taken is of utmost importance in the proper management of the red sea urchin resource.
- 3.) Section 120.7(k), Title 14, CCR, allows the Commission to suspend a sea urchin permit for a violation of the terms or provisions of the laws or regulations relating to the taking of sea urchins by the permittee, his agent, servant, employee or those acting under his direction and control.
- 4.) In making this determination, the Commission has considered Mr. Michalak's previous violation on August 18, 1992 of Section 120.7(p)(1), Title 14, CCR, take and possession of more than 30 undersized red sea urchins.
- 5.) Mr. Michalak's actions in failing to possess and use an accurate measuring device to determine the size of red sea urchins being taken, and his prior violation, warrants the suspension of his sea urchin diving permit for one year.
- 6.) Mr. Michalak presented mitigating evidence sufficient to dissuade the Commission from suspending his sea urchin diving permit for one year. Since Mr. Michalak

must take responsibility for failing to possess and use an accurate measuring device to determine the size of red sea urchins and because of the important public policy involved, his permit is hereby suspended for 30 days from November 3, 1994 to December 2, 1994.

PASSED UNANIMOUSLY.

14. BRIEFING BY DEPARTMENT ON KLAMATH RIVER SALMON REGULATION PROCESS. (TESTIMONY BY INVITATION ONLY.)

Summary of Issue

In adopting its Klamath River Sport Salmon Regulations and the Ocean Salmon Regulations for the North Coast, the Commission has become aware that many different jurisdictions are involved in salmon management on the Klamath River System. This item is scheduled to receive a Department briefing to identify all of the different jurisdictions involved, a summary of the Federal process for salmon management and the regulatory timeline affecting California salmon fisheries. The Department will have a representative present at the Commission meeting to describe the process for the Klamath River and to answer any questions that the Commission may have. Commissioners were given a copy of the summary of salmon management authorities and the regulatory timeline affecting California salmon fisheries.

Action

Deputy Director Petrovich discussed the status of the Klamath River System and its regulations. He mentioned that there was to be a meeting with the various tribes in the area. He pointed out that the tribes had been successful in working with the Federal government towards their goals to improve the Klamath River resources. Mr. Petrovich suggested that the Commission work more closely with these tribes towards meeting its goals. Mr. Owen suggested that perhaps the tribes could find some interest in the predation problems with marine mammals and assist in this regard.

Commissioner Boren discussed the current situation of impasse and the lack of consensus on this issue. Deputy Director Petrovich indicated that the Hoopa Tribe was very interested in supporting habitat enhancement efforts. The Commissioners requested suggestions from Mr. Petrovich and if joint resolutions with the tribes would be possible. Commissioner Boren proposed that the Department work with Commission staff prior to the meeting with the tribes in December. Commissioner McGeoghegan asked if there could be an informal meeting prior to the December Commission meeting. Executive Director Treanor responded that he had already been in contact with some of the tribal leaders to arrange such a meeting.

15. BRIEFING BY DEPARTMENT ON THE "OUTDOORS-WOMAN PROGRAM".

Summary of Issue

The Department held its first "Becoming an Outdoors-Woman" program September 23 through September 25, 1994 at the Feather River Inn by Greyeagle, California. The three-day outdoors skills workshop was well attended with 100 participating women and many instructors. This item is scheduled for the Department to brief the Commission on the success of this program and its future in California. Commissioners were provided with articles regarding the workshop.

Action

Ms. Sandra Wolfe, EEO and Special Projects Manager, provided a slide and video presentation of the successful "Becoming an Outdoors-Woman" program to the Commission. She stressed the importance of women's role in the education of youth towards the future of various aspects of fish and wildlife management. Ms. Wolfe stated that there was sufficient interest from the public to schedule another workshop in April 1995 near Lake Cachuma in Santa Barbara County.

16. RECEIPT OF DEPARTMENT LEGISLATIVE REPORT.

There was no legislative report.

17. 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.

Action

Mr. DeWayne Johnston, Chief, Wildlife Protection Division, discussed the recent arrest of individuals involved in an abalone poaching ring off of the Sonoma Coast.

A. STATUS REPORT ON THE NATURAL COMMUNITY
CONSERVATION PLANNING PROGRAM (NCCP).

The Department of Fish and Game NCCP managers and staff had been working with the County of San Diego to further the allocation of coastal sage scrub and clarifying jurisdictional considerations. The Department provided a status update to the Commission at the meeting. There were no new enrollments, but Riverside County Habitat Conservation Agency, representing seven cities and the County, signed a Memorandum of Understanding, which will serve as an enrollment for those jurisdictions. Department staff also reported on recent public outreach and educational activities; meetings with the Department of Fish and Game and U.S. Fish and Wildlife Service staff; meetings with San Diego County

regarding Multiple Species Conservation Plan (MSCP) and Multiple Habitat conservation Plan (MNCP) plans; and meetings with Orange, Riverside, San Bernardino and Los Angeles counties.

B. STORY OF THE MONTH.

The Department provided a written report regarding undercover and surveillance operations of several commercial poaching rings and the subsequent arrests.

C. QUARTERLY REPORT ON MORRO BAY MANZANITA
(Arctostaphylos morroensis) REGIONAL PLANNING
EFFORT.

A written report regarding the Department's continued progress was provided to the Commission.

D. MISCELLANEOUS.

The Department staff also reported on the national grant received for the Coles Levee Ecosystem Preserve in Kern County and the arrests of several anglers holding counterfeit licenses.

Deputy Director Petrovich stated that Chief Deputy Director Sullivan would be stepping down from his position as of November 7, 1994.

18. 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

Commissioner Boren inquired about public hearings on mountain lions and the deer populations. He discussed the Commission's draft goals and objectives and reminded the Department to provide its comments at the Commission's December meeting.

19. 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

Mr. Bill Cunningham reported on the rules pertaining to the Open Meetings Act and handed out a brochure. He discussed the information gathering process and the need to be aware of the rules and to adhere to those rules. Mr. Cunningham stressed the importance of conducting its business in public if something was relevant to all of the Commissioners and related to an action before the Commission. He discussed the pertinent laws and the need to provide any contacts to Executive Director Treanor. He pointed out that infractions of the Act constituted a misdemeanor, with a \$1500 fine. He noted that a violation would set aside any decision made by the Commission on that issue, as well as put the Commission and its staff at risk for liability. He expressed the difficulty in determining what entailed a "public" meeting and that sometimes it was merely a matter of public perception.

Commissioner Thieriot asked several questions of Mr. Cunningham regarding the differentiation of past information or knowledge and information presented at a Commission meeting. Mr. Cunningham clarified that if a Commissioner based a decision on something received outside of the public arena or from their own past experience, the Commissioner should enter it into the record for the benefit of all of the other Commissioners.

Mr. Cunningham stated that this matter was brought to his attention as a result of a recent court case involving the issue of public meetings and the changing public views. Mr. Cunningham indicated that he would discuss conflict of interest issues at the next Commission meeting.

There being no further business, the meeting recessed at 4:05 p.m. to reconvene in Executive Session.

State of California
FISH AND GAME COMMISSION

November 3, 1994

The Commission met in closed Executive Session at 4:05 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) Natural Resource Defense Council, et al., vs. Fish And Game Commission Re: California Gnatcatcher.
- (B) California Domestic Ferret Association vs. Fish And Game Commission, et al., Re: Ferrets.
- (C) Pacific Lumber Company vs. Fish And Game Commission, et al., Re: Marbled Murrelet.
- (D) Mountain Lion Foundation, et al., vs. Fish And Game Commission, et al., Re: Mohave Ground Squirrel.
- (E) Vincent James Puleo vs. Fish And Game Commission Re: Suspension Of Commercial Sea Urchin Diving Permit.
- (F) Possible Litigation Involving the Commission.

Persons present:

FISH AND GAME COMMISSION

Frank D. Boren	President
Gus A. Owen	Vice President
Douglas B. McGeoghegan	Member
Richard D. Thieriot	Member

COMMISSION STAFF

Robert R. Treanor	Executive Director
Ronald J. Pelzman	Assistant Executive Director

OFFICE OF THE ATTORNEY GENERAL

William Cunningham	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

Boyd Gibbons	Director
Al Petrovich	Deputy Director

The Executive Session adjourned at 5:05 p.m.

State of California
FISH AND GAME COMMISSION

Minutes, Meeting of November 4, 1994

Pursuant to the call of the President, the Commission met at the Monterey Beach Hotel, 2600 Sand Dunes Drive, Monterey, California, on November 4, 1994. The meeting was called to order at 8:30 a.m. by President Boren.

Persons present:

FISH AND GAME COMMISSION

Frank D. Boren	President
Gus A. Owen	Vice President
Douglas B. McGeoghegan	Member
Richard D. Thieriot	Member

COMMISSION STAFF

Robert R. Treanor	Executive Director
Ronald J. Pelzman	Assistant Executive Director
Marilyn H. Mearns	Word Processing Technician

OFFICE OF THE ATTORNEY GENERAL

William Cunningham	Deputy Attorney General
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DEPARTMENT OF FISH AND GAME

Boyd Gibbons	Director
Al Petrovich	Deputy Director
DeWayne Johnston	Chief, Wildlife Protection Division
Tim Farley	Chief, Inland Fisheries Division
Olga Martin Steele	Assistant Chief, Wildlife Mgmt. Div.
Jim Steele	Environmental Services Division
John Brode	Associate Fish Biologist, IFD
Bob Hulbrock	Aquaculture Coordinator

The following persons were also present and heard:

Robert Taylor	Timber Industry Representative
Craig Bell	Northern Calif. Assoc. of River Guides
Phil Pritting	Northern Calif. Assoc. of River Guides
Ron Allen	Concerned Citizen
Gordon Ruser	Sierra Club, Angeles Chapter
Jim Brown	City of San Diego, San Diego County
William B. Phillips	Attorney for Donna Kinyon
Mark Morrison	Camatta Ranch
Domenico Grillo	Commercial Fisherman
Andrew Capestro	Attorney for Domenico Grillo

Vittorio Lombardo
Matteo Sardina
Dr. Jonathan Roughgarden
Zeke Grader
Giuseppe "Joe" Spadaro
Joseph M. Aliotti
Pierre Mercurio
Buster Crivello

Commercial Fisherman
Commercial Fisherman
Prof. of Marine Biology, Stanford Univ.
Executive Director, PCFFA
Commercial Fisherman
Fish and Salmon Dealer
Fishing Boat Owner
Fish Processor

President Boren introduced members of the Commission, its staff, Director Boyd Gibbons, Deputy Director Al Petrovich and William Cunningham, Deputy Attorney General. Director Gibbons presented Assistant Executive Director Ronald Pelzman with the Director's Achievement Award from the Department of Fish and Game for his valuable assistance in preparation of the Department's suction dredge mining regulations.

20. CONSIDERATION OF PETITION TO LIST THE SOUTHERN SEEP SALAMANDER (*Rhyacotriton variegatus*) AS A THREATENED SPECIES CANDIDATE.

Summary of Issue

This item is scheduled for Commission consideration of the petition to list the Southern seep salamander (*Rhyacotriton variegatus*) as a threatened species candidate. The Commission originally heard this item at its October 7, 1994 meeting in Palm Springs. At that time it continued consideration of the petition pending Department and Commission evaluation of the new information submitted during receipt of public testimony on this matter. The Department will provide additional information and its recommendation on this matter at the meeting.

On May 16, 1994, Mr. John M. Gaffin submitted a petition to list the Southern seep salamander as a threatened species. Pursuant to Section 2073 of the Fish and Game Code, the Commission, on May 19, 1994 referred the petition to the Department of Fish and Game for its evaluation. As required by Section 2073.5 of the Fish and Game Code, the Department has up to 90 days from receipt of the petition to provide its recommendation to the Commission. The Commission, pursuant to Section 2074.2 must consider the petition, the Department's written report and comments received and make a finding regarding whether or not the petitioned action is warranted, and if so, notice the species as a candidate species.

The Commission, under legal criteria for listing set forth in the California Endangered Species Act, is not authorized to give consideration to potential economic losses present or future in making the factual determination as to whether listing is warranted. Both the determination of said economic impacts and the resolution of such conflicts are left to other agencies under California law on a case-by-case basis. The Commission's

position is that in implementing the California Endangered Species Act, it is not legally permitted to consider economic impacts and no implication should be drawn from this action that it has such authority or that it has exercised it.

Commissioners were provided with copies of the petition, the Department's original analysis of the petition, as well as correspondence received in the Commission office concerning this matter.

Action

Executive Director Treanor summarized the issue before the Commission. Mr. Tim Farley, Chief, Inland Fisheries Division, provided a brief overview of the subject, as well as the Department's evaluation of the additional new data presented at the October Commission meeting. Mr. Farley reported that, while the new data would add substantially to the body of knowledge on the Southern seep salamander on private lands, there was nothing in the new information which would change the Department's original recommendation to designate the salamander as a candidate species. Mr. Farley discussed the field trips conducted the past month and the information obtained from them. He explained the various (definitions) classes of water courses and the difference between the classes. He stated that the Department recommended adoption of the Draft Special Incidental Take Order, pursuant to Section 2084 of the Fish and Game Code. He indicated that the Department's position was that the Special Order requirements would not require any additional Board of Forestry rules, beyond those already applicable. He also proposed that the Department monitor the effectiveness of those rules during the 12-month status review period and include the results with its final recommendation.

Mr. Farley then introduced Mr. John Brode, Inland Fishery Division's reptile and amphibian expert, and Mr. Jim Steele from the Environmental Services Division. Mr. Steele provided a short slide presentation and addressed questions related to timber harvesting practices and the Draft Special Incidental Take Order requirements. His slide presentation included examples of typical seep salamander habitat.

Commissioner Owen inquired about what effects the improved timber harvest practices had on the species. Mr. Steele indicated that he had not reviewed the original petition, but that the current petition was more broad based.

Commissioner Owen inquired as to what action had been taken in the past regarding the seep salamander. Mr. Steele explained "relic" populations, and indicated that the salamander's range had been reduced. Mr. Steele then discussed the small isolated

pockets of habitat available for the seep salamander in response to Commissioner Owen's questions regarding the necessary habitat for the salamander's survival.

Commissioner McGeoghegan asked about the benefits of candidacy for the salamander. Director Gibbons responded that it would require compliance with the Board of Forestry's rules and to work in a preliminary protective manner. Commissioner McGeoghegan asked if legal access would be a question in the proposed study. Director Gibbons stated that it would force the foresters to recognize particular stream classes that may need protection and that education and additional emphasis could be beneficial.

Commissioner Thieriot asked if enough time was available to complete the study. Mr. Steele responded that the industry's information was very new. He indicated that the Department would require an additional year to complete its review.

Commissioner Thieriot inquired about the possible deleterious effects on the timber industry and requested an explanation of the timber review process. Mr. Steele indicated that the timber industry was responsive to problems brought about by their actions, but that implementation could be slow and that a monitoring system was needed. Mr. Steele stated that a full-year review, should provide some of the necessary answers.

Mr. Cunningham responded to legal questions and interpreted the appeal court's language regarding listing of a species.

Commissioner McGeoghegan asked about salamander habitat, the effect of timber harvesting on private and public lands and if the proposed 2084 Agreement would be an addition to the timber harvest plan.

Mr. Gaffin was asked what percentage of the seep salamander population was on publicly owned lands. He responded that it was approximately one-third. He clarified that his estimate reflected the range of the population, not the entire population.

Commissioner Owen suggested that the Department be given an additional 30 days to review the data submitted.

Commissioner Boren explained that the Department had determined that the petition met the legal requirements, i.e. there was a substantial possibility that the species may warrant protection; and therefore, believed that the Commission should consider acceptance of the petition for candidacy.

Mr. Cunningham reviewed the history associated with the original seep salamander petition, when it was rejected in 1987 for lack of information on the extent of population and habitat loss rates. He noted that the habitat range information was missing or not addressed in the earlier petition.

Commissioner Thieriot asked if anyone from the timber industry was present. He asked what effect a survey for the salamander under a 2084 Agreement would have on the industry's flexibility. Mr. Robert Taylor stated that it could be a problem since there was the possibility of some misclassifications of the different streams. He indicated that they would have to worry about smashing even one salamander with a bulldozer, which would be a criminal act. He stated that they could try to operate within the 2084 Agreement guidelines.

Commissioner McGeoghegan asked if the 2084 Agreement noticing procedures would address the incidental take concerns. Mr. Boren briefly reviewed the process and confirmed that take conditions would be in place at that point.

Commissioner Owen asked if the Department believed the current petition addressed the items that caused it to be rejected in 1987. Mr. Gibbons responded that all that was needed was an adequate census. Mr. Tim Farley indicated that candidacy decisions were often based on limited data and assured the Commission that if, after a 12-month Department review by biological staff, listing was not warranted, then the Department would recommend that the species not be formally listed. Mr. Gibbons stated that a full year of examination was necessary, and that the Department could provide the Commission with quarterly reports.

It was then:

MOVED BY MCGEOGHEGAN, SECONDED BY MR. BOREN, THAT THE FISH AND GAME COMMISSION HEREBY FINDS THAT THE PETITIONED ACTION TO LIST THE SOUTHERN SEEP SALAMANDER (Rhyacotriton variegatus) AS THREATENED MAY BE WARRANTED; AND THEREFORE, DESIGNATES THE SOUTHERN SEEP SALAMANDER AS A CANDIDATE FOR THREATENED SPECIES STATUS. FURTHERMORE, THE DEPARTMENT IS DIRECTED TO REPORT BACK TO THE COMMISSION WITHIN ONE YEAR FROM THE DATE OF THE COMMISSION'S FINDINGS CONCERNING THE PETITION WITH A RECOMMENDATION AS TO WHETHER THE SPECIES SHOULD BE LISTED AS EITHER THREATENED OR ENDANGERED.

AYES: COMMISSIONERS MCGEOGHEGAN, BOREN AND THIERIOT.
NOES: COMMISSIONER OWEN.

MOTION PASSED.

Executive Director Treanor clarified that if the petition was accepted for candidacy, the intent was to complete the Department's Draft Section 2084 Incidental Take Order for public review and the matter would be considered for adoption at the December Commission meeting in Eureka.

Commissioner McGeoghegan requested that the official candidacy be delayed until the adoption of the Section 2084 Incidental Take Order.

It was then:

MOVED BY MCGEOGHEGAN, SECONDED BY MR. BOREN, THAT THE FISH AND GAME COMMISSION HEREBY AGREES TO POSTPONE POSTING NOTICE OF THE ABOVE ACTION TO LIST THE SOUTHERN SEEP SALAMANDER (Rhyacotriton variegatus) AS A THREATENED SPECIES CANDIDATE UNTIL AFTER ADOPTION OF THE SECTION 2084 INCIDENTAL TAKE ORDER AT THE COMMISSION'S DECEMBER MEETING.

PASSED UNANIMOUSLY.

21. AMENDMENT OF SECTIONS 2.08, 5.15, 5.82, 7.50(b)(63), AND 28.20, TITLE 14, CCR, TO ALLOW THE TAKE OF CATFISH, BULLHEADS AND SUNFISH FROM BARRETT LAKE, SAN DIEGO COUNTY, REDUCE THE CATFISH DAILY BAG LIMIT IN THREE LOS ANGELES COUNTY LAKES, MODIFY EEL RIVER SPORT FISHING REGULATIONS, AND LENGTHEN SEASON DATES FOR PACIFIC HALIBUT.

Summary of Issue

The Department requests that the Commission amend sections 2.08, 5.15, 5.82, 7.50(b)(63), and 28.20, Title 14, CCR, during its off-year review of the sport fishing regulations. The proposed changes will: 1) modify Barrett Lake (San Diego County) sport fishing regulations to prevent fishing mortality of largemouth bass while allowing the take of other warm water species; 2) reduce the catfish daily bag limit in Los Angeles County lakes from ten to five, to extend the harvest period each season over a longer time period; 3) modify Eel River sport fishing regulations to reduce the take of salmon and steelhead; and 4) lengthen the season dates for the take of Pacific halibut.

The Commission was provided with copies of the Department's Pre-publication and Pre-adoption statements, as well as the text of the regulations in strikeout/underline format.

Action

Mr. Tim Farley, Chief of the Department's Inland Fisheries Division, discussed the background of Barrett Lake and a modification introduced by Mr. Jim Brown, City of San Diego, regarding barbless hooks. Mr. Farley stated that the proposed modification was for all artificial lures to have barbless hooks.

Mr. Farley discussed the historical salmon run size of the Eel River and the difficulty in accurately measuring the run sizes today because of the extremely low numbers. He indicated

that the low number of fish for the Upper Eel was indicative of the dramatic decline. He then went on to discuss the causative factors, possible remedies and restoration efforts.

Mr. Farley summarized the fishing regulations and the process involved in formulating those regulations, the Fishery Restoration Action Plan and the current proposals developed by the Department. He explained some of the various closures over the past year and the specific areas that were involved; the results of the various public meetings and a summary of the public comments.

Mr. Farley indicated that there was strong public support for very restrictive regulatory actions. He reported on the numerous letters and summarized the support and opposing public input. He noted that the Department's Region 3 office had received 26 letters after the public meetings which were in support of the proposed regulations. He stated that a majority did not feel that enough was being done. He indicated that the Department believed that it was important to continue its Basin Management Plan and to propose an Eel River Fishery Action Plan.

Mr. Craig Bell, Northern California Association of River Guides discussed the Eel River regulations and the impact of development and changes over the last 20 years. Mr. Bell expressed his support for the proposed regulations and his belief that Department understaffing was part of the cause of the depletion. He suggested that programs be developed to correct some of the problems and that a regulation package would not solve all of the problems. He stated that landuse practices should be corrected and were currently inadequate. He disagreed with the regulations on the Klamath River and noted his concern with the overall decline in the number of anglers today.

Mr. Phil Pritting, President of the Northern California Association of River Guides, stated that more than closures were currently needed. Mr. Pritting supported the proposed regulations, but believed that they needed to be even more stringent to provide more protection to the fishery. He also discussed the natural environmental changes, such as the drought followed by heavy rains that have effected that fishery. He disagreed with the use of barbless hooks, especially with the treble hooks and "pinching them down." He stated that his organization did not support a closure, but they did support fishing with barbless hooks, even with the problems he discussed previously.

Mr. Ron Allen, concerned citizen, opposed the complete closure of the river until more studies were completed.

Mr. Tim Farley responded to the issue of fish mortality when utilizing barbless hooks and expressed his support for a complete closure. He explained that the proposed changes were not the final solution, but that an action plan would be developed in the near future, which would provide a possible long-term solution. He also discussed the October 31, 1994 meeting between the Department and Cal Trout. Director Gibbons noted that it would be beneficial if Cal Trout was more timely in providing its input to the Department. Mr. Farley explained how the fish population totals were estimated and that their estimates did not apply to the entire system.

It was then:

MOVED BY MR. OWEN, SECONDED BY MR. THIERIOT, THAT THE FISH AND GAME COMMISSION, PURSUANT TO THE AUTHORITY VESTED IN SECTIONS 200, 202, 205, 210, 220, 240 AND 315 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET AND MAKE SPECIFIC SECTIONS 200, 202, 205-210 AND 215-222 OF SAID CODE, HEREBY AMENDS SECTIONS 2.08, 5.15, 5.82, 7.50(b)(63), AND 28.20, TITLE 14, CCR, WHICH ARE INCLUDED AS APPENDIX A IN THE COMMISSION OFFICE MASTER MINUTES.

PASSED UNANIMOUSLY.

Executive Director Treanor stated that Mr. Jim Brown, San Diego County, wished to speak regarding the removal of hydrilla from Lake Murray and the reopening of this lake. Mr. Treanor pointed out that the existing regulations would need to be amended to open this lake. Mr. Boren indicated that this was a last minute change and informed Mr. Brown that this was not acceptable. Mr. Brown pleaded for an emergency amendment. Mr. Farley also stated that additional changes were not acceptable at this time. Mr. Brown stated that he wanted the Commission to waive the regulations. Mr. Boren informed Mr. Brown that these proposed changes should go through the normal regulatory process as set by statute.

22. AMENDMENT OF SECTION 630, TITLE 14, CCR, RE: ECOLOGICAL RESERVES.

Summary of Issue

The Commission at its October 7, 1994 meeting in Palm Springs continued its consideration of amending Section 630, Title 14, CCR, regarding Ecological Reserves. The main issue was whether or not to allow any type of hunting at the Coal Canyon Ecological Reserve. The Department requested that the Commission continue its consideration of this matter to clarify the proposed wording of the amendment to Section 630 and transmit the new proposal to all interested parties for a 15-day public review and comment period. That transmittal has been completed.

The Commission, at its August 5, 1994 meeting in San Luis Obispo, authorized its staff to publish notice of Commission intent to amend Section 630, Title 14, CCR, regarding Ecological Reserves. That legal notice has been published. Commissioners were provided with copies of the Department's Pre-publication of Notice and Pre-adoption statements, as well as the text of the regulations in ~~strikeout~~/underline format.

In summary, the Department's proposed regulations are as follows:

"Section 630, Title 14, CCR, currently lists 87 habitat areas as State ecological reserves. This section also includes general rules and regulations for designated ecological reserves, as well as special area regulations which protect the biological values, while permitting compatible public use of the areas.

"The proposed regulatory change would designate 10 areas as California State ecological reserves. They are: Dales Lake, Tehama County; San Felipe Creek, Imperial County; Indian Joe Springs, Inyo County; River Springs Lake, Mono County; Coal Canyon and Laguna Laurel, Orange County; Estelle Mountain, Santa Rosa Plateau (including lands owned by the county and The Nature Conservancy), and Sycamore Canyon, Riverside County; and Plaisted Creek, San Diego County. At present, these properties, owned by the State, are undesignated. The proposed regulatory amendment will provide authority to the department to protect wildlife habitat values including rare, threatened, and endangered species and special habitats thereon, and will regulate public use and authorize certain departmental management activities.

"The proposed regulatory changes also will accommodate or restrict public use as outlined below:

- "- Permit hunting in accordance with general hunting regulations on the proposed San Felipe Creek and River Springs Lake ecological reserves.
- "- Permit upland game hunting in accordance with general hunting regulations on the proposed Indian Joe Springs, Estelle Mountain, and Coal Canyon ecological reserves.
- "- Prohibit the use or possession of rifles and pistols on Coal Canyon Ecological Reserve.
- "- Permit waterfowl hunting in accordance with the general waterfowl regulations on the proposed Dales Lake Ecological Reserve.

- "- Permit grazing and biological research under permit from the department, and allows target shooting only in certain designated areas on the Carrizo Plain Ecological Reserve.
- "- Permit only those animals which assist visually impaired or disabled persons, and restrict equestrian use to docent-led tours on the proposed Santa Rosa Plateau Ecological Reserve."

Commissioners were also provided with copies of the summary of correspondence received on this issue prior to the last Commission meeting (October 7, 1994), plus six additional letters received prior to this meeting.

Action

Olga Martin Steele, Assistant Chief, Wildlife Management Division, explained the hunting proposal at the Coal Canyon Reserve. She discussed current access to the reserve and the management plan developed by the Department. She indicated that public input was being solicited according to the CEQA process.

Commissioner Owen asked what was included in the management plans. Ms. Steele indicated that it was currently in draft form and would be made available prior to being finalized. She explained that the plan would consider all uses for the land. Mr. John Anderson, Lands and Natural Areas Coordinator for Region 5, answered Commissioners' questions regarding the land use of the reserve and the difference between consumptive and non-consumptive use of the area. He indicated that the Department works very closely with the different local agencies to address any concerns at the time of initial contact.

Mr. Boren asked about the processes involved, especially compliance with CEQA guidelines, and if there was any possibility of combining them, rather than introducing yet another process. Mr. Anderson responded that CEQA applied to adoption of the management plan. Mr. Anderson pointed out that hunting was an existing use at Coal Canyon.

Mr. Gordon Ruser, Angeles Chapter of the Sierra Club, read a letter presented to the Commissioners that was opposed to hunting in the Coal Canyon Ecological Reserve. He discussed the type of habitat found in Coal Canyon as compared to other areas. He further discussed the geographical details of Coal Canyon and the lack of upland game habitat potential for the area. He stated his concerns with the possible negative financial repercussions and the impact on sensitive species in the area. Mr. Ruser stated that he had led docent tours in the area and wanted to

insure that the sensitivity of the area was preserved. He reaffirmed Angeles Chapter of the Sierra Club's opposition to hunting at Coal Canyon Ecological Reserve.

Commissioner Thieriot asked Ms. Steele how much time was available for non-consumptive use and the types of restrictions to be imposed. Ms. Steele responded that it depended on what kind of hunting activity was eventually authorized and could possibly be only eight or nine months of the year.

It was then:

MOVED BY MR. OWEN, SECONDED BY MR. BOREN, THAT THE FISH AND GAME COMMISSION PURSUANT TO THE AUTHORITY VESTED IN SECTIONS 1580, 1581, 1583, AND 1907 OF THE FISH AND GAME CODE, AND TO IMPLEMENT, INTERPRET, AND MAKE SPECIFIC SECTIONS 1526, 1528, 1530, AND 1580-1584 OF SAID CODE, HEREBY AMENDS SECTION 630, TITLE 14, CCR, REGARDING ECOLOGICAL RESERVES AS FOLLOWS:

Subsections (b)(75)(B) through (D) of Section 630, Title 14, CCR, are added to read:

(B) Target shooting is permitted in designated areas.

(C) Notwithstanding the provisions of subsection (a)(15), grazing may be allowed under permit from the department.

(D) Notwithstanding the provisions of subsections (a)(1), (3), (5), (6), and (12), the department may issue permits to conduct biological research or monitoring compatible with the purposes of the reserve.

Subsections (b)(88) through (97) of Section 630, Title 14, CCR, are added to read:

(88) Dales Lake Ecological Reserve, Tehama County.

(A) Waterfowl hunting shall be permitted in accordance with the general waterfowl regulations per Section 502.

(89) San Felipe Creek Ecological Reserve, Imperial County.

(A) Hunting shall be permitted in accordance with the general hunting regulations.

(90) Indian Joe Springs Ecological Reserve, Inyo County.

(A) Upland game hunting shall be permitted in accordance with the general hunting regulations.

(91) River Springs Lakes Ecological Reserve, Mono County.

(A) Hunting shall be permitted in accordance with the general hunting regulations.

(92) Coal Canyon Ecological Reserve, Orange County.

(A) Hunting shall be permitted in accordance with the general hunting regulations, but only at such times and in specific areas as designated by the department.

(b) Method of take restrictions: Shotguns and archery equipment only.

(93) Laguna Laurel Ecological Reserve, Orange County.

(94) Estelle Mountain Ecological Reserve, Riverside County.

(A) Upland game hunting shall be permitted in accordance with the general hunting regulations.

(95) Santa Rosa Plateau Ecological Reserve, Riverside County.

(A) Notwithstanding the provisions of subsection (a)(18), only those animals assisting visually impaired or disabled persons are permitted.

(B) Notwithstanding the provisions of subsection (a)(7), equestrian use shall be limited to docent-led tours.

(96) Sycamore Canyon Ecological Reserve, Riverside County.

(97) Plaisted Creek Ecological Reserve, San Diego County.

PASSED UNANIMOUSLY.

23. REQUEST OF SHERYL MADISON, CASTRO VALLEY, FOR RECONSIDERATION OF COMMISSION DENIAL FOR AUTHORIZATION TO IMPORT AND POSSESS A CAPUCHIN MONKEY FOR EXHIBITION PURPOSES.

Summary of Issue

Sheryl R. Madison, Intermission Productions, requests that the Commission reconsider its denial of her request for authorization to import, possess and transport a capuchin monkey for exhibition purposes. As the Commission may recall, it denied Ms. Madison's request at its October 7, 1993 meeting in San Diego. The item was originally scheduled for the Commission's August 5, 1993 meeting in Crescent City. At that time Ms. Madison failed to appear at that meeting, but provided some background information on her production, "The Little Red Riding Hood Variety Show." Based on that information, the Department's recommendation, as well as a recommendation from the Department of Health Services, the Commission denied her request for failing to meet the Commission's regulatory requirement for two full years of hands-on general experience for caring for wild animals, which would include experience of at least one full year of handling the specific type of animal for which the permit was being requested.

At that meeting, Ms. Madison failed to satisfy the Commission and the Department that she had this required experience; and therefore, her request was denied. Ms. Madison appeared at the Commission's October 7 meeting in San Diego and again failed to convince the Commission or the Department that she had the qualifying experience. The Commission did inform Ms. Madison that she could outline her experience in a résumé format and submit that to the Department for its evaluation; however, Ms. Madison has failed to adequately identify her experience for the Department.

Ms. Madison has hired an attorney, Mr. William B. Phillips, who will be appearing on her behalf at the November 4, 1994 meeting to try and convince the Commission to issue Ms. Madison a permit.

Commissioners were provided with copies of all background material on this item.

Department Recommendation

"Ms. Sheryl Madison was denied her request for a Capuchin monkey at the Fish and Game Commission's August 5, 1993 meeting and October 8, 1993 meeting, and is again asking the Commission's approval to import an infant Capuchin monkey for use in her 'The Red Riding Hood Variety Show.'

"The Department of Fish and Game recommends denial of her request because Ms. Madison has not provided sufficient documentation of her qualifications to professionally exhibit any species of wildlife.

"The Department's recommendation for denial of this request for a pet monkey is consistent with Commission policy adopted January 9, 1987. The Department of Health Services concurs with the Department's request for denial."

Action

Executive Director Treanor summarized the history of this issue and explained that the matter had been postponed at the request of Ms. Madison. He introduced Mr. William B. Phillips, Ms. Madison's attorney, who confirmed that the matter had been postponed.

Mr. Treanor then explained that Mr. Phillips wished to address another issue, but that there was a court case pending in which the judge was waiting for a decision from the Commission. He clarified that the Commission could listen to Mr. Phillips' testimony and then decide if the matter should be scheduled for the next Commission meeting.

Mr. Phillips briefly explained Ms. Kinyon's request and how she had originally acquired the raccoon. He pointed out that her residence bordered on BLM property, the raccoon had imprinted on Ms. Kinyon, and had been neutered so it was impossible to allow the Department to take the animal from Ms. Kinyon. Mr. Treanor verified that this item would be placed on the December agenda and since Mr. Phillips had presented the Commission with the details, it would not be necessary for the Kinyons to appear at that meeting.

24. CONSIDERATION OF DECLARING ABANDONED AQUACULTURE LEASES OF JIM K. WILSON, SHELLFRESH INTERNATIONAL (M-430-07), MARSHALL; JOHN P. CHANDLER, CHANDLER SHELLFISH FARM (M-430-18), BEN LOMAND; GARY JOHNSON, CONCEPTION BAY ABALONE COMPANY (M-657-02), SANTA BARBARA; AND MARTIN STRAIN, POINT REYES OYSTER COMPANY (M-430-08), TOMALES.

Summary of Issue

This item is scheduled at the Department's request because Shellfresh International, Chandler Shellfish Farm, and Conception Bay Abalone Company have failed to submit their renewal applications for their aquacultural registration. In addition, Mr. Martin Strain, Point Reyes Oyster Company has requested that Lease No. M-430-08 be declared abandoned. For the first three lessees the Department has recommended that the Commission require these lessees to appear and show cause why their leases should not be declared abandoned. The first three lessees have been notified by the Commission and requested to appear at the Commission's November 4, 1994 meeting in Monterey.

Commissioners were provided with copies of a letter from Mr. Martin Strain requesting abandonment of Lease No. M-430-08 on Tomales Bay, as well as a letter from Mr. Jim K. Wilson, Shellfresh International.

Department Recommendation

"Shellfresh International (M-430-07) has not paid their lease rental of \$1,650 per year since July 1993, has not registered their facility with the Department for 1994, has not submitted a proof-of-use report for the period July 1, 1993 through June 30, 1994, nor has contributed the required amount to the Tomales Bay Cleanup Fund, all required by the terms of their lease. This lease has not been developed and there are no structures present on the lease. The Department recommends the Commission declare lease M-430-07 abandoned for failure to meet the conditions of the lease. The Department will continue to seek the payment of back lease rental fees.

"Chandler Shellfish Farm (M-430-18) has not paid their lease rental of \$250 for 1994-95, has not registered their facility, has not submitted a proof-of-use report for the 1993-94 period, and has not contributed their share to the Tomales Bay Cleanup fund. This lease has not been developed and there are no structures present on the lease. The Department recommends the Commission declare lease M-430-18 abandoned for failure to meet the conditions of the lease. The Department will continue to seek the payment of back lease rental fees.

"Conception Bay Abalone Company (M-657-02) has recently paid their lease rental fee (paid \$40.00 10/07/94) but has not registered their facility for 1994. In the absence of proof of registration of their facility, The Department recommends the Commission declare lease M-657-02 abandoned for failure to meet the conditions of the lease. The Department believes there to be submerged structures present on this lease."

(Department Recommendation dated October 20, 1994)

"The Department has received a request from Mr. Martin Strain, President, Point Reyes Oyster Company, requesting abandonment of this lease. The Department has verified that there are no structures present on the lease. However, lease rental fees of \$187.06 are due for the period July 1, 1994 through August 31, 1994. Mr. Strain has also requested refund of his share of the Tomales Bay Cleanup Fund.

"The Department recommends approval of this request, provided Mr. Strain remits the lease rental fee noted above."

Action

Deputy Director Petrovich stated that the Department had been notified that Mr. Johnson wished to retain his lease and the Department had agreed. Mr. Petrovich requested that Mr. Johnson, Conception Bay Abalone Company, be placed on the Commission's December meeting calendar, pending receipt of his registration application. Mr. Petrovich stated that Mr. Chandler, Chandler Shellfish Farm, was in the process of selling his facility, but the Department did not wish to hold up any Commission action on this lease, especially since there were unpaid fees involved. Deputy Director Petrovich then summarized the Department's recommendation on the leases of Wilson, Strain and Chandler to declare them abandoned and to put the matter of Mr. Johnson, Conception Bay Abalone Company, over to the December Commission meeting.

It was then:

MOVED BY MR. BOREN, SECONDED BY MR. OWEN, THAT
THE FISH AND GAME COMMISSION HEREBY DECLARES
ABANDONED AQUACULTURE LEASE NO. M-430-07 OF
SHELLFRESH INTERNATIONAL, MARSHALL.

AND

MOVED BY MR. BOREN, SECONDED BY MR. OWEN, THAT
THE FISH AND GAME COMMISSION HEREBY POSTPONES ITS
DECISION RE: ABANDONMENT OF AQUACULTURE LEASE
NO. M-657-02, CONCEPTION BAY ABALONE COMPANY,
SANTA BARBARA.

AND

MOVED BY MR. BOREN, SECONDED BY MR. OWEN, THAT
THE FISH AND GAME COMMISSION HEREBY DECLARES ABANDONED
AQUACULTURE LEASE NO. M-430-18, CHANDLER SHELLFISH FARM,
BEN LOMAND.

AND

MOVED BY MR. BOREN, SECONDED BY MR. OWEN, THAT
THE FISH AND GAME COMMISSION HEREBY DECLARES
ABANDONED AQUACULTURE LEASE NO. M-430-08, TOMALES BAY.

PASSED UNANIMOUSLY.

25. REQUEST OF DANIEL G. WALKER, FONTANA, AND JAMES R. VERVERKA,
VISALIA, FOR REINSTATEMENT OF THEIR REVOKED NATIVE REPTILE
AND AMPHIBIAN CAPTIVE PROPAGATION PERMITS.

Summary of Issue

Daniel G. Walker, Fontana, and James R. Ververka, Visalia,
request reinstatement of their revoked native reptile and
amphibian captive propagation permits.

A. Daniel G. Walker, Fontana

In a letter dated September 26, 1994, Mr. Walker provides
the following information:

"This letter is to request a hearing before the Fish and
Game Commission about the recent revocation of my Native
reptile and amphibian propagation permit, Number RA-0055.

"I wish to be placed on the agenda for November 2 or 3 in
Monterey, California. Please respond as soon as possible
so that I can schedule a day off from my employment."

Department Recommendation

"On May 1, 1994, Mr. Walker was cited for taking native
reptiles without a valid fishing license. On June 21, 1994,
he pled guilty in the Mt. San Jacinto Municipal Court.

"On September 20, 1994, the Department revoked Mr. Walker's
Native Reptile and Amphibian Captive Propagation Permit.
This permit authorizes the permittee to breed and sell

specified native species of reptiles under regulations prescribed by the Commission. Section 185.5(b)(5) allows the Department to revoke or suspend a permit to failure to comply with the provision of a permit or failure to comply with these regulations. One of the provisions of the permit is to comply with all other laws and regulations pertaining to importation, transportation and possession of animals. The permittee may then request a hearing before the Commission.

"Because Mr. Walker violated the regulations governing the taking and possession of native reptiles, the Department recommends that his permit be suspended for six months."

Action

Executive Director Treanor summarized the issue. Mr. Treanor asked if Mr. Walker was present, and there was no response. Mr. Treanor stated that no action was necessary, since Mr. Walker's permit was already suspended.

B. James R. Ververka, Visalia

In early October, Mr. Ververka's attorney, Samuel Reisman, contacted the Commission office and requested a hearing for reinstatement of his client's permit. Mr. Reisman was to submit this request in writing, however, it has not been received by October 26. Upon contacting Mr. Reisman on October 26, 1994, he indicates that he would now like to postpone his client's appeal to a future meeting.

Department Recommendation

"On May 14, 1994, Mr. Ververka sold an undercover warden a California rosy boa that was 16 inches long, two inches longer than permitted in Section 185.5(e)(1). Mr. Ververka also failed to provide a receipt as required in Section 185.5(f).

"On August 6, 1994, Mr. Ververka sold another undercover warden a California common kingsnake that was 22 inches long, six inches longer than permitted in Section 185.5(e)(2).

"Mr. Ververka was arrested by the Department on September 20, 1994 for these two violations as a part of an undercover investigation into the illegal collection and sales of native reptiles. The Department revoked Mr. Ververka's Native Reptile and Amphibian Captive Propagation Permit.

"This permit authorizes the permittee to breed and sell specified native species of reptiles under regulations prescribed by the Commission. Because it is not possible to separate individual reptiles collected from the wild from

those bred in captivity, the regulations prohibit the sales of snakes larger than designated sizes (14 inches for a rosy boa, 16 inches for a California kingsnake and 18 inches for a gopher snake) to reduce the possibility of the sale of snakes collected from the wild.

"Section 185.5(b)(5) allows the Department to revoke or suspend a permit to failure to comply with the provision of a permit or failure to comply with these regulations. The permittee may then request a hearing before the Commission.

"Because Mr. Ververka violated the regulations governing the sale of native reptiles on two separate occasions, the Department recommends that his permit be suspended for one year or for the length of his court-imposed probation, if any is imposed when the case is adjudicated, whichever is longer."

Action

Executive Director Treanor stated that this item had been postponed at Mr. Ververka's attorney's request.

26. REQUEST OF MARK MORRISON, SANTA MARGARITA, FOR AUTHORIZATION TO MAINTAIN POSSESSION OF AN ASIAN WATER BUFFALO FOR EXHIBITION AND BREEDING PURPOSES.

Summary of Issue

Mark Morrison, Santa Margarita, requests authorization to maintain possession of an Asian water buffalo for exhibition and breeding purposes. In a letter dated September 12, 1994, Mr. Morrison provides the following information:

"Currently, we have an Asian water buffalo. He has been in our possession since July 1989. We did not realize that we needed a permit for him. Recently, we were informed by Capt. Phil Nelms of the Fish and Game Wildlife Protection Division, that it was required. Fish and Game have been here numerous times in the past two years and no one said anything about a permit for our water buffalo. We are requesting that our Asian water buffalo be added to our detrimental species permit. We sent in an application with the \$30.00 fee, three months ago and were told by Capt. Phil Nelms that this will cover us for the addition of the water buffalo. If you have any questions, please contact us."

Department Recommendation

"The Department of Fish and Game recommends approval of Mr. Morrison's request to include Asiatic water buffalo (Bubalus bubalus) on his Detrimental Species Permit for

exhibition purposes. The Asiatic water buffalo currently in possession was obtained with permission from the Department. However, the Department generally opposes the breeding of exotic hoofstock.

"The Department of Fish and Game's Wildlife Investigation Laboratory has no objection to the exhibition request."

Action

Mr. Morrison explained his request for a permit to exhibit and breed Asian water buffalo on the Camatta Ranch. He stated that his father was a veterinarian, his mother a zoologist and that he was a fifth generation rancher in California.

Mr. Owen inquired about the other animals at the Camatta Ranch and the disposition of the water buffalos. Mr. Morrison explained the different animals on his ranch and the layout of the ranch as a guest ranch which was the purpose of exhibiting the animals.

Mr. Owen pointed out that the issue the Department opposed was the breeding of the water buffalos. Mr. Morrison replied that his interest in breeding was to secure a natural breeding environment for the interest of the public. He also mentioned that the water buffalo were beneficial at clearing the pond areas of cattails and moss from around the lakes.

Mr. DeWayne Johnston explained that the Department's original recommendation was to oppose issuing a breeding permit. He stated that the Department now recommended conditional approval of Mr. Morrison's request.

It was then:

MOVED BY MR. OWEN, SECONDED BY MR. THIERIOT, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF MARK MORRISON, CAMATTA RANCH, SANTA MARGARITA, FOR AUTHORIZATION TO MAINTAIN POSSESSION OF AN ASIAN WATER BUFFALO FOR EXHIBITION AND BREEDING PURPOSES, SUBJECT TO THE TERMS AND CONDITIONS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE COMMISSION.

PASSED UNANIMOUSLY.

CONSENT CALENDAR

Items 27 through 30 have been placed on the Commission's consent calendar. Commission staff knows of no opposition to these proposals at this time. The Department has provided a recommendation on each of these items which either calls for approval or modified approval by the Commission. Any item may

be removed from the consent calendar by the Commission or upon request of the Department or someone in the audience who would like to speak to that item. The Commission staff has prepared a summary of consent items which has been made available to the audience. One overall motion is appropriate for approval of these items.

Action

It was then:

MOVED BY MR. OWEN, SECONDED BY MR. THIERIOT, THAT
THE FISH AND GAME COMMISSION HEREBY APPROVES ITS
NOVEMBER 4, 1994 CONSENT CALENDAR, ITEMS 27 THROUGH 30.

PASSED UNANIMOUSLY.

27. RECEIPT OF DEPARTMENT REPORT AND FINDINGS RE:- SILVERKING OCEANIC FARMS.

Summary of Issue

This item is scheduled to receive the Department's report regarding ocean ranching at SilverKing Oceanic Farms, Santa Cruz. SilverKing Oceanic Farms has operated the only registered aquaculture facility authorized for salmon and steelhead ocean ranching in the state. Authority for the operation was provided by sections 15900-15908 of the Fish and Game Code. The permit for the operation was included as regulatory language adopted by the Commission and set forth in Section 235.2, Title 14, CCR. In the Department's report it noted that SilverKing Oceanic Farms had apparently complied with all of the terms and conditions of the permit and the laws and regulations governing the operation and, therefore, recommended that the permit be continued.

Commissioners were provided with copies of the Department's report and sections 15900-15908 of the Fish and Game Code and Section 235.2, Title 14, CCR.

28. REQUEST OF BARBARA DICELY, OCCIDENTAL, FOR AUTHORIZATION TO IMPORT AND POSSESS CHEETAHS (Acinonyx jubatus) FOR EXHIBITION PURPOSES.

Summary of Issue

Ms. Barbara Dicely, Occidental, requests authorization to import and possess cheetahs (Acinonyx jubatus) for exhibition purposes. In a letter dated September 26, 1994 Ms. Dicely provides the following information:

"I would like to amend my inventory of animals on my Fish and Game permit to include cheetahs (Acinonyx jubatus). I would like to be put on the agenda for the November Commission hearing for approval.

"I am planning on obtaining cheetahs from zoos in the United States. Cheetahs are currently listed in California as detrimental species because of the cheetah louse. When zoos were importing wild caught cheetahs, the San Diego Zoo had an infestation of cheetah lice. It has been illegal to import wild caught cheetahs for many years. Everyone I have spoken to says there are no lice in the captive bred cheetah population, in fact they have never even seen one.

"I am planning on using the cheetahs in my education program and eventually establishing a breeding colony in conjunction with Bob Tenney at the West Coast Game Park in Brandon, Oregon.

"I currently use seven species of wild cats in my education program, including a snow leopard, African leopard, cougar, serval, caracal, Canada lynx and Siberian lynx. I present my program to elementary, junior high and high schools, regional parks, etc. My program has been well received. Teachers report the students learn much about endangered species and the increasing loss of wildlife on our planet. I suggest ways the individual students and schools can help to protect the animals we have left. I also provide each school with a curriculum packet each teacher can use in the classroom after my presentation. I feel the cheetah will be an invaluable addition to my program because it is so highly endangered and it is an animal the children readily recognize.

"I have been working with wild cats for over 12 years. I have had my own compound for 10 years. I have successfully raised other endangered cats such as leopards and snow leopards (the most endangered of the big cats). I have worked with other endangered species such as clouded leopards, jaguars, and tigers.

"My compound consists of 22 very secluded acres. I feel it will be an ideal setup for a successful cheetah colony. My compound is not open to the public. We travel to the schools, etc. They do not come here.

"Moorpark College in Los Angeles, is one of only two schools in this country offering a degree in exotic animal training and management. Moorpark has been sending students specializing in wildlife education to my compound for internship. Moorpark feels the students get to experience

an education program as well as the daily operation of a wild cat compound. The student I had interning this spring was hired by the Cincinnati Zoo after graduating in June.

"I will have an extensive support group that is very knowledgeable about cheetahs. Bob Tenney at West Coast Game Park is one of the few private zoos in the country licensed for cheetahs. Christine Llewellyn, who has been assisting me with the care of my cats for over three years, is a trainer at Marineworld Africa, USA. She has been working with cheetahs at Wildlife Theatre for two years. Jan Giacinto has owned cheetahs for over twenty years. Pete Hendriksen, my veterinarian, has contacts with veterinarians at the National Zoo, San Diego Zoo, UC Davis Veterinary School and Marineworld.

"Thank you for your prompt action on my request. I am looking forward to moving ahead with this project as soon as possible. If you need additional information, please call me."

Department Recommendation

"The Department recommends approval of Ms. Dicely's request to add cheetahs (Acinonyx jubatus) to her current Resident Exhibitor's Permit for exhibition purposes.

"The Department of Fish and Game's Wildlife Investigation Laboratory has no objection to this request."

29. DEPARTMENT REQUEST FOR AUTHORIZATION TO ACCEPT CONSERVATION EASEMENTS, MITIGATION AGREEMENTS, AND MITIGATION PLANS FOR MEDFORD ISLAND FIELDS 25 AND 36, MEDFORD ISLAND FIELD 51A, AND TERMINOUS TRACT.
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Summary of Issue

The Department requests Commission approval for its acceptance of conservation easements, mitigation agreements, and mitigation plans for Medford Island Fields 25 and 36, Medford Island Field 51A and Terminous Tract. In a memo dated October 12, 1994 the Department provides the following information:

"Enclosed is a packet of information regarding mitigation sites acquired under the SB 34 Program during the last six months. The Commission at its October 2, 1992 meeting, approved the Department's request to accept mitigation for Delta levee repair. This memo and the enclosed information constitute our semi-annual report, as directed by a memo from you to me (enclosed) outlining the results of that Commission meeting. We are submitting this information for inclusion as an agenda item on the Commission meeting scheduled for November 3 and 4, 1994.

"Two of the sites discussed here are located on Medford Island, Reclamation District No. 2041; the third is on Terminous Tract, Reclamation District No. 548. All are located in San Joaquin County. The information packet contains the conservation easements, mitigation agreements, and mitigation plans for all three mitigation sites.

"Delta levee repair work funded by SB 34 must not result in net long-term losses of riparian, wildlife, or fisheries habitat. Unavoidable losses of any of these habitat types must be mitigated through creation of habitat at a nearby location. The mitigation sites at Medford Island have been established to mitigate for losses of habitat that occurred throughout the Delta between 1987 and 1991. Habitat types created on these sites include scrub-shrub and riparian forest. The mitigation site at Terminous Tract was established to mitigate for past and future losses of habitat on Terminous Tract. All three plans contain provisions for upland buffer zones as part of their designs." (Copies of the referenced enclosures have been provided to Commissioners under separate cover.)

30. CONFIRMATION OF COMMISSION APPROVAL AT ITS OCTOBER 7, 1994 MEETING RE: DEPARTMENT REQUEST FOR REDIRECTION OF DUCK STAMP FUNDS FOR FISCAL YEAR 1994-95.

Summary of Issue

This item is to confirm the Commission's approval of the Department's request made at the October 7, 1994 meeting in Palm Springs regarding the redirection of Duck Stamp funds for fiscal year 1994-95. The Department's proposal is as follows:

"The Department of Fish and Game requests a redirection of Duck Stamp funds for fiscal year 1994-95 from a project approved by the Fish and Game Commission at their March 3, 1994 meeting. The Department requests this redirection to support two projects that are higher priorities. In March, the Commission approved a proposal to purchase a truck and trailer for an estimated \$85,000. The Department planned to use this equipment to allow the sharing of equipment between different wildlife areas in the State. The Department is proposing to redirect some of these funds to other projects that will have immediate effects on the management of waterfowl habitat and populations.

"The Department proposes to redirect \$32,000 to fund additional work on waterfowl diseases and their control. Of particular interest recently has been the role and impact of domestic flocks of ducks as potential reservoirs for Duck Viral Enteritis (DVE). This disease has led to large scale die-offs in the wild in some instances, but its occurrence in California has so far been limited to domestic or urban flocks of ducks. Control of this disease has been expensive and controversial. Additionally, other diseases, such as

botulism and avian cholera, annually affect waterfowl. Control and management of these mortality factors requires enhanced coordination with, and education of, the public.

"Using existing staff, the Department is proposing to use Duck Stamp Account funds to conduct a serological survey for the presence of antibodies to DVE (\$12,000), investigate urban waterfowl sites and provide consultation with other individuals and agencies to alleviate potential disease problems (\$10,000), and create and distribute a brochure for the public regarding the role and impact of waterfowl diseases and potential control activities (\$10,000).

"The Department also proposes to redirect \$24,000 toward the management of the Napa-Sonoma Marshes Wildlife Area. These Duck Stamp Account funds would provide part of the salary of existing staff who would manage water levels and check salinities daily, rehabilitate water control structures on two freshwater ponds on the wildlife area, complete the planning and permit acquisition process for additional water control structures, and operate the waterfowl hunting program on this area.

"In a related matter, at the March meeting the Commission approved the use of \$100,000 in Duck Stamp Account funds to be used to help create an endowed waterfowl professorship at the University of California, Davis. By mid-August, the California Waterfowl Association (CWA) had raised nearly 76 percent of the \$325,000 needed to create the endowment, and has commitments from several individuals and foundations which should satisfy the remaining financial requirements. An alternative project to enhance duck production on private lands was approved by the Commission should CWA meet all the requirements for the endowment. Thus, the Department will not be partially funding the endowment, but will instead work with CWA to develop the specifics of the proposal to enhance duck production on private lands."

"More specific project proposals are attached. (Commissioners have been given copies of these proposals.) The remaining \$29,000 will remain in the Duck Stamp Account for future allocation to other projects."

31. REQUEST OF DOMENICO GRILLO, MONTEREY, TO APPEAL DEPARTMENT DENIAL OF ROUNDHAUL CREW MEMBER EXPERIENCE.

Summary of Issue

Domenico Grillo, Monterey, requests the opportunity to appear before the Commission to appeal the Department's denial of his roundhaul crew member experience. In a letter dated September 29, 1994 from his attorney, Mr. Andrew Capestro, the following information is provided:

"Please be advised that Domenico Grillo does hereby request a hearing before the Fish and Game Commission concerning the notice which Mr. Grillo received from Frank Henry, dated September 26, 1994, concerning the denial of claimed Roundhaul Crew Experience Points. A copy of the letter from the California Department of Fish and Game dated September 26, 1994, is attached hereto. (Commissioners were provided with copies of the referenced letter.)

"Pursuant to California Fish and Game Code §8552.8(b), the applicant, Domenico Grillo, requested verification of the points allotted to him for Roundhaul Crew Experience. The Department of Fish and Game notified the applicant that 10 license points had been verified for Roundhaul, however, only 5 crew experience points for Roundhaul had been verified.

"The applicant thereafter forwarded proof concerning Roundhaul experience. That proof constituted the following:

"1. An affidavit from Vittorio Lombardo swearing under penalty of perjury that the applicant had fished continuously in the Roundhaul Herring Fishery from January 1977 through the 1978-79 season.

"2. An affidavit from Matteo Sardina swearing under penalty of perjury that the applicant had fished in the Roundhaul Herring Fishery during the 1981-82 season.

"3. An affidavit from Vito Ferrante swearing under penalty of perjury that the applicant had fished in the Roundhaul Herring Fishery during the 1983-84 season.

"Each of the affiant is a holder of a Herring permit for fishing on the San Francisco Bay, using Lampara or Roundhaul nets. Copies of their affidavits are attached hereto together with the letter of Andrew J. Capestro dated September 22, 1994, requesting crew member experience points for the 1978-79, 1981-82 and 1983-84 seasons.

"In addition, the applicant was reported as a crew member on the list submitted to the Department by Dan Yoakum for the 1993/94 season. Mr. Yoakum is the holder of a Roundhaul permit and uses that permit in conjunction with his roe-on-kelp permit. Mr. Grillo has submitted proof of payment for crew work to the Department of Fish and Game. A copy of that cashiers check is attached hereto and incorporated herein. Points for that season were also denied.

"It is respectively requested that the Department of Fish and Game show cause before the Fish and Game Commission as to why the applicant's Herring Fishery Points should be denied. It is respectfully requested that the Commission accept the proof submitted by the applicant and award to the applicant the crew experience points to which he is entitled.

"It is further requested that the hearing be held during the Commission's meeting scheduled for Monterey, California, November 3 and 4, 1994. The applicant would prefer that the hearing be held on November 4, 1994. All permittees submitting affidavits concerning Mr. Grillo's participation in the fishery can be present and ready to testify, if the hearing is held on November 4, 1994, in Monterey. Mr. Grillo has been informed that at least one of the witnesses will not be available on November 3, 1994, but will be available November 4, 1994." (Commissioners have been provided with all referenced documents.)

Department Recommendation

"Mr. Andrew Capestro, Attorney for Domenico Grillo wrote the Commission on September 29, 1994 to appeal the Department's denial of Mr. Grillo's crewmember experience points in the roundhaul herring roe fishery. Mr. Grillo had submitted affidavits as his proof of experience.

"Fish and Game Code Sections 8550 to 8559 govern the issuance of herring fishing permits. Specifically, subsection 8552.8(a)(2) authorizes the awarding of five points for one year of service as a paid crewmember in the herring roe fishery, as determined pursuant to Section 8559. Section 8559 charges the Commission to require applicants for herring permits to demonstrate, to the satisfaction of the Department, proof of payment as a crewmember in the herring fishery based on tax records or copies of cancelled checks offered and accepted as payment for service in the California herring roe fishery.

"The affidavits submitted by Mr. Grillo do not meet the required statutory standard and were not accepted. Also, we have attached copies of the crewmember lists submitted by Messrs. Lombardo, Sardina, and Ferrante, for the years in question. Mr. Grillo's name does not appear on any of the lists.

"Mr. Grillo also offered a photocopy of a check from Mr. Dan Yoakum as proof of payment as a crewmember in the roe-on-kelp herring fishery for the 1993-94 license year. The Department did not approve those experience points, because they do not apply to the roundhaul fishery. Subsection 8552.8(a)(2)

specifies that experience points are awarded based on the type of gear that is authorized under the herring permit to be obtained.

"The Department notes that while Mr. Yoakum does have a roundhaul permit, this permit is surrendered to the Department each year in order for him to participate in the roe-on-kelp fishery."

Action

Mr. Domenico Grillo's attorney, Andrew Capestro, explained the fishing history of the case. He discussed the changes in the quotas over the years required by the various permits. He also explained the problems involved with the transfer attempts for Mr. Noto's license. Mr. Capestro also discussed Mr. Grillo's fishing experiences and how they might pertain to the necessary crewmember points for Mr. Grillo. Mr. Capestro requested that the Commission consider these experiences as sufficient and adequate to make Mr. Grillo eligible for a roundhaul permit.

Deputy Director Petrovich stated that Section 8959 of the Fish and Game Code, among other things, requires tax records or copies of cancelled checks as payment for permits to help establish crewmember points. He explained the history of the herring fishery permits and the Department's search for Mr. Grillo's name on the crewmember list for the period in question. He indicated that the Department was unable to locate the logs with Mr. Grillo's name. Mr. Petrovich pointed out that it was Mr. Grillo's choice to change his gill net permit to a roe-on-kelp permit.

Mr. Grillo responded that it was at Mr. Petrovich's suggestion that he looked into the new permit. Mr. Grillo's attorney also pointed out that there were some expensive considerations related to the gear for Mr. Grillo and the implications and possible problems if he were to fish as a crewmember partner with Mr. Noto.

Commissioner McGeoghegan inquired as to the history of the crewmember list process and how it came about. Mr. Capestro explained the development of the crewmember list and Mr. Petrovich verified the information. Commissioner McGeoghegan asked if there were some incentives to convert permits at this time. Mr. Petrovich stated that the Department believed that the affidavit alone may not be sufficient without the necessary, appropriate records.

Mr. Cunningham swore in Vittorio Lombardo and Matteo Sardina prior to their oral statements to the Commission in support of Mr. Grillo's claim.

Mr. Lombardo confirmed that Mr. Grillo had fished on the F/V LITTLE JOE on his roundhaul permit until he obtained his own permit for the 1982 season. Mr. Capestro showed the log sheets to Mr. McGeoghegan and Mr. Boren.

Mr. Matteo, of the F/V SWAN, indicated that Mr. Grillo fished for him for one week in 1980.

A brief discussion ensued between the Commissioners, Mr. Capestro and Mr. Petrovich regarding the importance of adhering to the standards for qualification of permit points.

It was then:

MOVED BY MR. BOREN, SECONDED BY MR. MCGEOGHEGAN, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES THE REQUEST OF DOMENICO GRILLO, MONTEREY, FOR HIS ROUNDHAUL CREW MEMBER EXPERIENCE.

PASSED UNANIMOUSLY.

32. BRIEFING ON LIMITED ENTRY FISHERIES.

Summary of Issue

During the past several meetings the Commission has discussed some ideas for possible management of several of the state's commercial fisheries. The Commission at its August 25, 1994 meeting in South Lake Tahoe, received a briefing from Commission staff which included the statutory and regulatory provisions of the fisheries with an overview of the resources harvested and their monetary value. At its October 7, 1994 meeting in Palm Springs, the Commission received a status of the resource, the role of the Commission and management options and again, in a workbook format, the Department briefly discussed the status of these limited entry fisheries.

At this meeting, the Commission has invited Professor Jonathan Roughgarden from Stanford University, a marine biologist, to discuss results of his findings of the marine resources throughout the state and his ideas regarding future management of these resources. In addition, Mr. Zeke Grader, Executive Director from Pacific Coast Federation of Fishermen's Association will also provide testimony from a commercial fisherman's viewpoint regarding limited entry fisheries. Dr. Roughgarden anticipates that his presentation will take approximately one hour. This workshop should provide for spirited discussions and conclude a long Commission meeting on a lively note.

Action

Mr. Zeke Grader discussed limited entry fisheries and their associated issues. He stated that the Magnuson Act and the creation of a conservation ethic have both had an effect on the creation of limited entry fisheries. He indicated that many fishery restoration programs would not have been possible

without limited entry fisheries having already been established. Mr. Grader stated that limited entry fisheries did not function as a "conservation tool" by themselves, but that seasons, size limits, quotas and other mechanisms were also in place to protect the resources as well. He emphasized the importance of limited entry fisheries as a short term and temporary action of protection. Mr. Grader maintained that moratoriums longer than two or three years were detrimental to the fishing industry. He pointed out that there were currently several moratoriums on some fisheries, such as the sea cucumber and crab. He discussed the different permits which were viewed as a "resource rental," the unknown financial potential of permit transfers, the concept of Individual Transferable Quotas (ITQs), bid system possibilities, the associated costs of enforcement and monitoring of fisheries, and the ability of the management agencies to implement limited entry fisheries systems. He also discussed the financial growth potential with some fisheries, new markets and new processing procedures that may soon appear in the Western United States.

Mr. Grader responded to Commissioners' questions and indicated that he would like to work further with the Commission towards the goals and issues of limited fishery matters.

Commissioner Boren announced that the Commission would now hear from Professor Roughgarden.

Marine Biologist, Professor Jonathan Roughgarden of Stanford University, gave a slide presentation, explained the larval stages through the adult stages, and described the management schemes for different fishery resources. He specifically discussed fishery resources around the Santa Cruz area. He described the California currents, upwellings, winds, water and earth turnings and their effects on the resources. He discussed the new radar technology currently available to provide information regarding currents and larval location which has the possibility of determining "population demographics" for the resource.

Dr. Roughgarden also discussed the issue of quotas and the use of resource economists. He indicated that in most instances, the actual catch was below set quotas. He questioned the social decisions of managing for profit or managing for the resource and the possibility of taxing for a particular fish taken according to the numbers of that particular fish.

A brief discussion and question period followed Professor Roughgarden's presentation. Several meeting attendees participated in the discussion and provided the following testimony.

Joseph M. Aliotti, Aliotti Wholesale Fish Company, stated his disagreement with legislation introduced by Mr. Grader, concerning making the squid fishery a limited entry fishery.

Mr. Frank Hutcho, U.S. Freezer Fish Company of Monterey, commented on the status of various fisheries and the effects of limited entry.

Mr. Buster Crivello, Sea Products Company, discussed limited entry and the pioneering of the herring fishery.

Joe Spadaro, commercial squid fisherman, spoke about the status of the squid fishery and the adverse effects of limited entry fisheries. Mr. Spadero supported an overall limit for everyone, rather than a limited entry.

Pierre Mercurio, commercial fishing boat owner, stated his support for limited entry fisheries and his belief that it was set up to protect the fishery.

Philip Renato, Monterey Fish Company, spoke about the market for fish and specifically the squid fishery. Mr. Renato stated that he did not believe limited entry was necessary.

President Boren thanked those persons providing testimony to the Commission. (Commissioner Owen had to leave the Commission meeting at 2:00 p.m.)

33. ANNOUNCEMENT OF FUTURE MEETINGS.

1994 FISH AND GAME COMMISSION MEETINGS

<u>DATE</u>	<u>MEETING SITE</u>
DECEMBER 1 (Thurs. 10:00 a.m.)	City Council Chambers
2 (Fri. 8:30 a.m.)	531 K Street Eureka, CA

DRAFT

1995 COMMISSION MEETING SCHEDULE

January 4 (Wed)	San Diego
February 2-3	Santa Barbara
March 2-3	Ukiah
April 6-7	Alturas/Susanville
May 18-19	Yosemite
June 22-23	Bishop

August 3-4

San Rafael

August 24-25

Long Beach

October 5-6

Redding

November 2-3

San Diego

December 7-8

Sacramento

There being no further business, the November 4, 1994 Fish and Game Commission meeting was adjourned at 3:15 p.m.

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