



GAINES & ASSOCIATES

“SPECIAL REPORT”

CALIFORNIA FISH AND GAME COMMISSION UPDATE

APRIL 24, 2017

This *Gaines & Associates “California Fish and Game Commission Update”* is intended to provide our clients with the status of issues currently in front of the California Fish and Game Commission – including what to expect at this week’s meeting in Van Nuys, a detailed recap of what took place on agenda items of concern at their February 2017 meeting in San Diego, and all actions of note that took place during two subsequent Commission conference calls held on March 15th and April 13th.

Gaines & Associates recognizes that our Special Reports are lengthy and may often provide more information than many believe necessary. However, this reporting is done for the sole benefit of our clients who have varying conservation and wildlife interests. The information provided is to ensure that all our clients get sufficient detail on the issues/agenda items of greatest importance to them.

This “*Special Report*” is client privileged and provided as a service to clients of Gaines & Associates.

CALIFORNIA FISH & GAME COMMISSION – April 2017 Meeting Agenda

The April 2017 meeting of the California Fish and Game Commission is scheduled for April 26th and 27th at the:

*Airtel Plaza Hotel
7277 Valjean Ave
Van Nuys, CA 91406*

In accordance with the Commission’s 2017 two-day meeting format, wildlife and sport fish related issues will be considered on “Day One”, and all marine fishery related items considered on “Day Two”. As such, at this week’s meeting, wildlife and sport fish items are slated for the Wednesday, April 26th meeting agenda, with all marine related items scheduled for consideration on the Thursday, April 27th meeting agenda. Agenda items of interest and concern to clients of *Gaines & Associates* are highlighted below.

Gaines & Associates will attend the April 26th meeting of the Commission in Van Nuys on behalf of our clients, as well as provide testimony on items of concern. For more information or background on our efforts to protect and promote our client's interests on any of the items to be discussed, please contact us at info@gainesandassociates.net

To view the full agenda, click [FGC - April 2017 Mtg Agenda](#)

Day 1 – April 26th, 2017 – 9:00 AM

Agenda Item 7 – Wildlife Resources Committee

(A) Work Plan Development

I. Update on Work Plan and Draft Timeline

II. Discuss and Approve New Topics

Because the Wildlife Resources Committee (WRC) serves as a subcommittee of the Commission, its topic areas and Work Plan are subject to Commission discussion and approval.

Under this agenda item, Ms. Erin Chappell, Commission staff lead for the WRC, will update the Commission on current topic areas of WRC discussion and ask for Commission approval to place them on the May 24th WRC meeting. Those topics, their schedule for WRC discussion and possible recommendation of action to the full Commission, are as follows:

- 1) Sport Fish 2018 Season – Discussion/Recommendation
- 2) Falconry – Discussion
- 3) Lead Ban Implementation – Discussion
- 4) Wild Pig Management – Discussion
- 5) Predator Policy Work Group – Discussion

Ms. Chappell will then request Commission approval to add the new topic of Commission Climate Change policy to the May 24th meeting agenda.

To review the Commission staff summary for agenda item 7 regarding the WRC, click [FGC Staff Summary - WRC](#)

Agenda Item 8 – Discuss Proposed Changes to Upland Game Bird Hunting Regulations

Each year, the Commission considers the recommendations of the Department of Fish and Wildlife (DFW) in establishing annual regulations for the taking of resident and migratory upland game birds. This item will serve as the second, or “discussion” hearing on regulatory changes DFW will propose for 2017/18 upland game bird seasons.

Expect DFW staff to give a brief presentation which will note that the Department is not recommending any changes to last year's general hunting seasons for taking resident and migratory upland game birds – with the exception of adjusting the annual number of general season sage grouse hunting permits by zone for the 2017/18 season.

As this is the “discussion” hearing on this item, the Commission will not take any action. DFW's final recommendation will be brought forward to the Commission and considered for adoption at their June 21st meeting in Smith River.

In anticipation of testimony strongly urging the Commission to close sage grouse season statewide in 2017, *Gaines & Associates* will provide testimony in support of DFW providing maximum reasonable hunting opportunity, consistent with habitat conditions and lek counts.

Gaines & Associates will be pleased to provide testimony on behalf of our clients on this agenda item.

To review the Commission staff summary on Agenda Item 8 regarding 2017/18 upland game bird hunting regulations, click [FGC Staff Summary – Upland Game Bird](#)

Agenda Item 9 – Adopt Proposed Changes to Central Valley Salmon Sport Fishing Regulations

This item will serve as the final discussion and adoption hearing for Central Valley salmon sport fishing regulations. The Commission annually adopts Central Valley salmon sport fishing regulations to conform state regulations with federal regulations. Typically, the Commission adopts specific salmon bag and possession limits at an early April teleconference – after the Pacific Fishery Management Council (PFMC) has reviewed the status of west coast salmon stocks and allocation recommendations have been adopted by the National Marine Fisheries Service (NMFS). However, this year, the April 13th Commission teleconference served as a second “discussion” hearing to allow additional time for review of the California Environmental Quality Act (CEQA) document. DFW did not present its final allocation recommendations at the April 13th teleconference meeting. Rather, DFW’s recommended bag and possession limits for Central Valley fall-run Chinook salmon will be provided to the Commission at this Commission meeting.

To review the Commission staff summary on Agenda Item 9 regarding 2017 Central Valley salmon sport fishing regulations, click [FGC Staff Summary – 2017 Central Valley Salmon](#)

Agenda Item 10 – Adopt Proposed Changes to Waterfowl Hunting Regulations

This item will serve as the final discussion and adoption hearing for waterfowl regulations for the upcoming 2017/18 waterfowl season.

At this meeting, DFW Waterfowl Program Lead Melanie Weaver will give a presentation on DFW’s recommended seasons and bag limits for ducks and geese in all five of California’s waterfowl hunting zones. Ms. Weaver will begin by noting that the only changes that DFW is proposing are:

- 1) No change in duck season length or bag – *except change to one pintail*
- 2) Modify boundary descriptions for the Southern California and Colorado River zones
- 3) 3-way split for whitefronts in NE Zone, to coincide with white goose season
- 4) Increase daily bag limit for white geese for the Colorado River Zone from 10 to 20 per day

Ms. Weaver will likely reiterate that, since waterfowl are migratory and cross international and state boundaries, the U.S. Fish and Wildlife Service (USFWS) must first establish a season and bag limit “framework” within which the states may be more restrictive, but not more liberal. The framework for the 2017/18 waterfowl season was approved by the Flyway Councils and was adopted by the USFWS in October 2016. Ms. Weaver will continue by stating that the proposed

federal framework for the 2017/18 waterfowl season will allow for a 107-day season and 7 daily duck bag limit – including:

- 7 mallards (only 2 hen mallards)
- 1 pintail
- 2 canvasback
- 2 redheads
- 3 scaup (during an 86-day season)

Ms. Weaver will then provide the Department's *recommended* duck seasons by zone, which are as follows:

DFW Recommended Duck Seasons

- *Northeastern Zone Season:*
 - Regular Season: October 7 – January 19 (105 days)
 - Scaup: Oct 7 – Dec 3 (58 days) and December 23 – January 19 (28 days)
- *Balance of the State/Southern San Joaquin Valley/Southern California Zones:*
 - Regular Season: October 21 – January 28 (100 days)
 - Scaup: November 4 – January 28 (86 days)
- *Colorado River Zone:*
 - Regular Season: October 20 – January 28 (101 days)
 - Scaup: November 4 – January 28 (86 days)

Ms. Weaver will then summarize the Department's *recommended* goose bag limits and seasons by zone, which are as follows:

DFW Recommended Goose Seasons & Bag Limits

- *Northeastern Zone Goose Seasons:*
 - Regular Season:
 - Dark Geese: October 7 – January 14 (100 days)
 - White Geese & Whitefronts: October 7 – December 3 (58 days), and January 6 – January 19 (14 days)
 - Late Season: White Geese & Whitefronts: February 6 – March 10 (33 days)
- *Northeastern Zone Goose Bag Limits:*
 - 30 Birds Total/Day, But No More Than:
 - 20 White Geese
 - 10 Dark Geese
 - No More Than 2 Large Canada Geese
- *Balance of the State Zone Goose Seasons:*
 - Early Canada Goose Season: September 30 – October 4 (5 days)
 - Regular Season: October 21 – January 28 (100 days)
 - Late Season: White Geese & Whitefronts: February 10 – February 14 (5 days)
- *Balance of the State Zone Goose Bag Limits:*
 - 30 Birds Total/Day, But No More Than:

- 20 White Geese
- 10 Dark Geese

- *Southern San Joaquin and Southern California Zone Goose Season:*
 - Regular Season: October 21 – January 28 (100 days)
- *Southern San Joaquin and Southern California Zone Goose Bag Limits:*
 - 30 Birds Total/Day, But No More Than:
 - 20 White Geese
 - 10 Dark Geese

- *Colorado River Zone Goose Season:*
 - Regular Season: October 20 – January 28 (101 days)
- *Colorado River Zone Goose Bag Limits:*
 - 20 Birds Total/Day: Up to 20 White/4 Dark

- *Black Brant*
 - Northern Zone: November 8 – December 14
 - Balance of the State Zone: November 9 – December 15

- *Special Management Areas*
 - North Coast
 - Regular Season: November 7 – January 28 (83 Days)
 - Late Season: February 17 – March 10 (22 Days)
 - Sacramento Valley
 - Regular Season: October 21 – December 21 (62 Days)
 - Imperial Valley
 - Regular Season: November 4 – January 28 (86 Days)
 - Late Season: February 3 – February 19 (17 Days)

- *Youth Hunt Weekend*
 - Northeastern Zone: September 23rd and 24th
 - All Other Zones: February 3rd and 4th

Note that the above are DFW's recommended seasons and bag limits, the Commission will determine the final waterfowl seasons and bag limit regulations for 2017/2018 at this meeting.

After presenting the Department's proposed waterfowl seasons and bag limits for the upcoming 2017/2018 season, Ms. Weaver will dive into most controversial item in the waterfowl proposal package – DFW's recommendation to pull 28 days out of the general whitefronted goose season in the Northeastern (NE) Zone and shift it to the late season depredation hunt. At issue is the fact that both public and private lands are open to hunting during the general season, offering maximum hunting opportunity; whereas only private lands (with the exception of some public waters and DFW Type C Wildlife Areas) are open during the late depredation season hunt. Ms. Weaver will note that the Modoc County Fish and Game Commission requested that whitefront goose season mimic white goose season to coincide with when the greatest concentration of birds is in their area. Ms. Weaver will also state that DFW is proposing that Type A and B State

Wildlife Areas and federal Klamath Complex and Modoc National Wildlife Refuges remain closed during the late goose season. Ms. Weaver will explain that DFW's reasoning for closing these public lands is that the late season is a "depredation hunt" and that the geese depend heavily on private lands. But since there are too few hunters to harvest enough geese to notably impact depredation, the best approach is to only shoot the private lands to haze the geese off to the non-hunted public lands that are intended to provide habitat for the birds.

Gaines & Associates will provide testimony on behalf of our waterfowl clients to ensure overall maximum waterfowl hunting opportunity in all five California waterfowl hunting zones for the 2017/2018 season. *Gaines & Associates* will also provide testimony strongly urging the Commission to deny the Department's recommendation to shift 28 days out of the NE Zone general whitefront season into the late season to maintain maximum opportunity for California's hunting community.

To review the Commission staff summary on Agenda Item 10 regarding 2017/2018 waterfowl regulations, click [FGC Staff Summary - Waterfowl](#)

Agenda Item 11 – Adopt Proposed Changes to Mammal Hunting Regulations

This item will serve as the final discussion and adoption hearing on 2017 hunting regulations for deer, archery deer, nelson big horn sheep, antelope, elk, and Shared Habitat Alliance for Recreational Enhancement (SHARE) elk hunts.

Expect DFW Wildlife Branch Chief T.O. Smith to give an overview on the Department's specific 2017 season tag allocation recommendations for all big game species. Mr. Smith should also touch upon some section specific proposals being brought forward by DFW, including the following proposed regulatory changes:

- Additional deer hunts in zones G-8, J-10, G-10 and G-11
- Establishing a Goodale tule elk hunt in the western portion of the Independence zone
- Establishing a Goodale SHARE elk hunt
- Modifying the season for the zone A-33 (Fort Hunter Liggett Late Season Archery Either Sex Hunt) to open the season on the first Saturday in October and close on November 12th

Gaines & Associates and our clients have closely reviewed the Department's specific tag allocations for all big game species and have already met with DFW staff to discuss concerns. *Gaines & Associates* will also provide testimony on behalf of our clients at this meeting to seek Commission support of our proposed changes in the few remaining problem areas.

To review the Commission staff summary on Agenda Item 11 regarding 2017 mammal hunting regulations – including complete detail on DFW's proposed tag allotments for all big game species – click [FGC Staff Summary – 2017 Mammal](#)

Agenda Item 12 – Discuss Proposed Changes to Regulations Concerning Deer Tagging and Reporting Requirements

This item will serve as the final discussion and adoption hearing on DFW's effort to clean-up and clarify how hunters may comply with the recently instituted mandatory deer harvest reporting.

Under this item, DFW staff should very briefly highlight the Department's proposed regulatory amendments which are intended eliminate "in person" delivery of report cards to DFW, and add a provision stating if a report card is submitted by mail and not received by the DFW, it is considered "not reported."

To provide some background, beginning with the 2016 season, deer hunters are obligated to report their hunting results – whether successful or unsuccessful. Currently the regulation states that one of the methods of satisfying the reporting requirement is to do so "in person at the address specified." However, the address specified on the tag is a post office box and not a physical location. With an estimated 180,000 deer tags sold annually, none of the Department's regional offices are staffed to take and process walk-in reports. In addition, license sales agents (private parties that can sell licenses and tags) cannot receive report cards. To address this concern, DFW is proposing to change the regulations to simply delete the "in-person" option, since it is not technically available.

Secondly, even with on-line reporting now available, DFW still expects to receive tens of thousands of report cards by mail each year. Invariably, a small number of these report cards may get lost in the mail. Since, it is not possible for DFW to track mailed harvest report cards, it is the responsibility of deer hunters to confirm their report was received. The language being brought forward by DFW will simply clean-up the regulations to clarify that it is the responsibility of the tag holder to confirm that their report was received by the Department by accessing their account in the ALDS system.

To review the Commission staff summary on Agenda Item 12 regarding deer tag reporting regulations, click [FGC Staff Summary – Deer Tag Reporting](#)

Agenda Item 13 – Use of GPS on Dogs for the Pursuit/Take of Mammals or for Dog Training
(A) Adopt Proposed Changes to Regulations
(B) Authorize Publication of Notice of Intent to Amend Regulations

At their April 2016 meeting, the Commission approved the use of global positioning system (GPS) collars and treeing switches for dogs aiding a hunter in the pursuit of mammals. Shortly after the hearing, the *Public Interest Coalition* filed a petition in Superior Court in Sacramento County seeking a Writ of Mandate invalidating the Commission's action, based on the argument that the Commission failed to comply with the procedural requirements of the California Environmental Quality Act (CEQA). To address this concern, the Commission determined that re-opening the topic for further rulemaking was the best approach to resolve the litigation, as it would allow the Commission and DFW the opportunity to prepare the necessary CEQA documentation. To do so, the Commission would have to re-notice the topic for consideration of a reversal of their April 2016 action – in other words, to consider reinstating ban the use of GPS.

To get the ball rolling, the Commission placed publication of notice to consider restoring the ban on their October 2016 meeting agenda. In accordance with Commission procedure, the item was again placed on their December 2016 meeting agenda for additional discussion, with the intent of possible adoption of the ban taking place at their February 2017 meeting. Throughout this process, the Commission made it clear from the dais that they had no option but to go through the multi-meeting process of re-adopting a ban on GPS, but that – as soon as the ban was adopted – they would start the process to re-legalize their use. Further, to avoid the confusion (for both enforcement and users) of a short period of the collars being illegal in the field, the Commission stated that they would intentionally delay Office of Administrative Law (OAL) review/authorization of the Commission's adoption action until after the ban was again lifted.

When the February 2017 meeting arrived the necessary CEQA document was still not yet complete, prohibiting the Commission from taking any action. Instead, the Commission announced that the CEQA document should be completed by DFW the following month and would be presented to the Commission at one of two conference call meetings scheduled prior to the April 26th meeting – allowing the Commission to consider adoption at this meeting. The CEQA document was, in fact, completed by DFW and presented to the Commission at their April 13th conference call, clearing the way for re-adoption of the ban on GPS under item (A) of this agenda item. (See below recap of the February Commission meeting and the March and April conference calls).

True to their word, under agenda item (B) of this topic, the Commission will authorize publication of notice of re-legalizing their use – initializing the multi-meeting process that should result in again approving the use of GPS at their August 2017 meeting.

Note that during this follow-up review of this issue, GPS collars will remain legal, pursuant to the Commission authorizing their use at the April 2016 meeting. In addition, due to the Commission's delay in OAL approval, there should be no time when the use of the collars will be illegal. Gaines & Associates and California Houndsmen for Conservation will continue to keep users current on the status of the regulations throughout this process.

In close partnership, the *California Houndsmen for Conservation* and *Gaines & Associates* attended each of the above Commission meetings and conference calls, providing detailed testimony which both acknowledged the unfortunate need for the Commission to go through this difficult process, and strongly supported the continued legal use of GPS collars on dogs used for the pursuit of mammals. *Gaines & Associates* will again be pleased to assist our clients with providing testimony on this agenda item.

To review the Commission staff summary on Agenda Item 13 regarding GPS collars, click [FGC Staff Summary - GPS](#)

Agenda Item 17 – Non-Marine Petitions for Regulation Change and Non-Regulatory Requests from Previous Meetings

(A) Action on Petitions for Regulation Change

IV. Petition #2017-001 to Allow Firearm Possession While Archery Hunting for Big Game

(C) Update on Pending Regulation Petitions and Non-Regulatory Requests Referred to Staff and the Department for Review

I. Petition #2015-008 to Repeal Hunting of American Badger and Gray Fox

This agenda item will provide for discussion of two petitions of interest to *Gaines & Associates* clients: 1) Petition #2017-001 to allow firearm possession while archery hunting for big game; and 2) Petition #2015-008 to prohibit hunting of American badger and the gray fox in California.

Petition #2017-001, brought forward by the NRA, seeks to amend current regulations which prohibit archers to possess a firearm while hunting during any archery season, or hunting during a general season with an archery only tag. This petition seeks to amend the existing general prohibition on firearm possession to apply only to firearm “use” so that mere possession is not prohibited or, alternatively, to add language which would exempt those with a valid carry concealed weapon license from its restriction. *Gaines & Associates* expects this petition to be forwarded by the Commission to DFW for evaluation and recommendation.

Petition #2015-008, brought forward by the *Paula Lane Action Network (PLAN)*, argues that hunting of the American badger should be banned because it has been a species of special concern in California since 1987, and has suffered diminishing populations and significant fragmentation of and loss of habitat. The petition also calls for a prohibition on hunting of the gray fox.

In April 2016, the Commission referred Petition #2015-008 to the Predator Policy Workgroup (PPWG) for evaluation and recommendation – a Commission appointed subcommittee on which *Gaines & Associates* has a seat. After nearly a year, the petition was finally placed on agenda for discussion at the PPWG’s February 2017 meeting. At that meeting, following the lead of *Gaines & Associates*, the majority opinion of the PPWG was to: a) separate the gray fox from the American badger so the two species be evaluated separately based on their own status; b) deny the petition on the gray fox; and c) forward the portion of the petition related to the American badger to DFW for further assessment – the standard process for evaluating petitions brought forward from the public to the Commission. *Gaines & Associates* is hopeful that the Commission will embrace the majority position of the PPWG.

If the Commission’s decision is to take action on either of these petitions, they would have to place them on a future Commission agenda for authorization to publish notice, then also place the topics on agenda for discussion and possible adoption at subsequent meetings.

Gaines & Associates will be pleased to provide testimony on behalf of our clients on this agenda item.

To review the Commission staff summary on Agenda Item 17 regarding these petitions, click [FGC Staff Summary - Petitions](#)

CALIFORNIA FISH & GAME COMMISSION – February 2017 Meeting Recap

The February 2017 meeting of the California Fish and Game Commission was held in Rohnert Park on February 8th and 9th. Under the Commission’s “two-day” meeting format for 2017, wildlife and sport fish related issues of importance were considered on the February 8th meeting agenda, with marine fishery related items considered on the February 9th meeting agenda. All notable activity associated with agenda items of concern to clients of *Gaines & Associates* is highlighted below.

To view the full agenda, click [FGC - February 2017 Mtg Agenda](#)

Day 1 – February 8th, 2017

The Commission’s February 8th, 2017 meeting was gaveled open by Commission President Eric Sklar with four Commissioners present. In addition to President Sklar, Vice-President Jacque Hostler-Carmesin, and Commissioners Russell Silva and Peter Silva were present. Commissioner Anthony Williams was absent.

Agenda Item 2 – Election of Commission President and Vice-President

Commissioner Hostler-Carmesin opened this item by motioning that Commissioner Sklar be nominated for another one-year term as President of the Commission for 2017. Before the motion

could be seconded, Commissioner Sklar modified the motion to include that Commissioner Hostler-Carmesin also be nominated for another term as Vice-President. The modified motion was then quickly seconded by Commissioner Burns and passed unanimously.

Among other things, the responsibilities of the Commission President include:

- ✓ Chairing Commission meetings
- ✓ Representing the Commission as a voting member of the Wildlife Conservation Board
- ✓ Providing guidance to Commission staff
- ✓ Serving as primary contact with Department of Fish and Wildlife Director

To review the Commission staff summary on Agenda Item 2 regarding the Commission officer elections, click [FGC Staff Summary – Officer Elections](#)

Agenda Item 3 – Committee Assignments

(A) Marine Resources Committee

(B) Wildlife Resources Committee

(C) Tribal Committee

Commission President Sklar opened this item by noting that assignments to serve as Chairs/Co-Chairs of the Commission's three committees – the Marine Resources Committee (MRC), the Wildlife Resources Committee (WRC) and the Tribal Committee (TC) – are made at the discretion of the Commission President. Commission President Sklar followed by stating that he would like the committee assignments to remain the same in 2017 as they were in 2016. He then announced that the committee Chairs/Co-Chairs for 2017 are as follows:

- Commissioners Eric Sklar and Peter Silva Co-Chair MRC
- Commissioners Anthony Williams and Russell Burns Co-Chair WRC
- Commissioner Jacque Hostler-Carmesin Chairs TC

Commission President Sklar then made a motion to approve the committee Co-Chair assignments as stated. The motion was seconded by Commissioner Silva and quickly unanimously approved.

Each committee meets three times per year. MRC is charged with providing recommendations to the Commission regarding marine issues, the WRC is tasked with providing recommendations to the Commission regarding wildlife/sport fish related issues. The TC provides the Commission with recommendations relative to matters associated with California's Native American tribes and tribal communities. No more than two Commissioners may Co-Chair each committee.

To review the Commission staff summary on Agenda Item 3 regarding the Commission Committee Assignments, click [FGC Staff Summary – Committee Assignments](#)

Agenda Item 10 – Wildlife Resources Committee

(A) January 2017 Meeting Summary

I. Receive and Adopt Recommendations

(B) Work Plan Development

I. Update on Work Plan and Draft Timeline

II. Discuss and Approve New Topics

Ms. Erin Chappell, Commission staff lead for the WRC, led off this item by noting that the WRC last met on January 18th in Redding and covered the following topics:

- Possible regulation changes for upland game bird hunting
- Initial discussion of possible regulation changes for sport fishing for 2018
- Initial discussion of potential additional changes to falconry regulations
- Discussions on possible changes to wild pig management
- Summary of the Predator Policy Workgroup (PPWG) efforts

Ms. Chappell then highlighted that the May 24th WRC meeting will include a Delta Fisheries Forum to discuss predation and other impacts to listed fishery species, and to explore Commission options for working with other agencies to reduce those impacts.

Ms. Chappell then brought forward to the full Commission for their consideration and approval the following two WRC recommendations from the WRC's January 18th meeting:

1. Authorize staff to notice a rulemaking package for the 2017/18 upland game bird regulations;
2. Approve the following topics for discussion at the May 24th WRC meeting:
 - a. 2018 sport fish regulations
 - b. Changes to falconry regulations
 - c. Wild pig management
 - d. Predator Policy Workgroup update
 - e. Nonlead ammunition implementation

Ms. Chappell closed by stating that, per the Commission's recent request, sport fishing regulations on the Russian River will be added to the WRC's draft workplan.

Following Ms. Chappell's update and review of the WRC January 2017 meeting, Commissioner Hostler-Carmesin motioned that the Commission approve the recommendations brought forward from the January 18th meeting of the WRC. The motion was seconded by Commissioner Burns and approved by the Commission.

Gaines & Associates was pleased to attend the January 18th meeting of the WRC in Redding on behalf of our clients.

To review the Commission staff summary on Agenda Item 10 regarding the WRC –click [FGC Staff Summary - WRC](#)

Additional WRC January 18th 2017 Meeting Detail

To see the full January 18th WRC meeting agenda, click [WRC – January 2017 Agenda](#)

To review the detail meeting summary of the January 18th WRC meeting, click [WRC - January 2017 Mtg Summary](#)

To review the meeting documents from the January 18th WRC meeting, click [WRC – January 2017 Mtg Docs](#)

To view the in-meeting presentations provided at the January 18th WRC meeting, click [WRC – January 2017 Mtg Presentations](#)

Agenda Item 14 – Authorize Publication of Notice of Intent to Amend Upland Game Bird Hunting Regulations

This item served as the initial “notice” hearing on regulatory changes DFW is proposing for the 2017/2018 upland game bird seasons.

DFW Wildlife Branch Chief T.O. Smith opened this topic by introducing Scott Garner, DFW Upland Program Lead, who gave a brief presentation on the Department’s only notable proposed change for the 2017 upland game bird regulations – their 2017 allocation of sage grouse permits. Mr. Gardner quickly went over the criteria DFW uses in making their permit recommendations – including using the size and trend of the spring breeding population based on lek counts to estimate fall populations; using 5% of the low projected fall population for maximum allowable harvest; and recommending zero permits in any zone where maximum allowable harvest falls to 5 or less birds. Mr. Gardner noting that DFW is highly conservative in their annual sage grouse hunting permit allocations, and that hunting does not have any potential to significantly affect their populations.

Mr. Gardner continued his presentation by stating that this year’s spring lek surveys have not been completed yet and, until they have that information, DFW can only offer permit ranges. Mr. Gardner stated that DFW would not get this year’s spring lek detail until April and will provide their final recommendation to the Commission prior to their adoption of the 2017 upland game bird regulatory package at the June 2017 meeting.

Mr. Gardner then went over the result of last year’s hunt, noting that permits were only allocated in one of the four sage grouse zones – the North Mono Zone, where 30 permits were released, resulting in the harvest of only 13 birds. Mr. Garner noted that DFW has not recommended any permits for the other three zones – the East Lassen, Central Lassen and South Mono – for several years due to population losses resulting from fire and drought. He stated that, although sage grouse populations have suffered in those three zones, populations are doing historically well in the North Mono Zone.

Mr. Gardner then commented that the range of possible permits DFW is bringing forward this year is narrower than previous years to be more reflective of their actual permit allocations in recent years. In the past, DFW has used a range of 0 to 100 permits. Mr. Gardner stated that this year DFW is narrowing the ranges to:

- a. East Lassen Zone: [0 - 25] (2-bird) permits
- b. Central Lassen Zone: [0 - 15] (2-bird) permits
- c. North Mono Zone: [0 - 45] (1-bird) permits
- d. South Mono Zone: [0 - 20] (1-bird) permits

Following Mr. Gardner’s presentation, *Gaines & Associates* provided the only testimony on the item. Testifying on behalf of the *National Wild Turkey Federation*, the *California Bowmen Hunters/State Archery Association* and the *California Hawking Club*, *Gaines & Associates* stated that, although it’s early in the annual upland game rulemaking process, these groups support the Department’s conservative approach to sage grouse management, but also appreciate the Department recommendations to continue to have a hunting season for sage grouse in those zones where it is biologically supportable. *Gaines & Associates* closed its comments by stating that the *California Hawking Club* is looking forward to working within the WRC format to take a look at possibly adjusting their falconry season in next year’s 2018 upland game bird rulemaking package.

Following *Gaines & Associates*' testimony, the Commission voted unanimously to authorize DFW to publish notice of their 2017 upland game bird hunting rulemaking package.

To review the Commission staff summary on Agenda Item 14 regarding 2017/18 upland game bird hunting regulations, click [FGC Staff Summary – Upland Game Bird](#)

Agenda Item 15 – Discuss Proposed Changes to Waterfowl Hunting Regulations

This item served as the second, or “discussion” hearing on the changes to waterfowl regulations DFW is proposing for the 2017/2018 waterfowl season.

DFW Wildlife Branch Chief T.O. Smith opened this topic by introducing DFW Waterfowl Program Lead Melanie Weaver who provided a presentation that opened with a brief overview of the status on the current health of North American waterfowl populations. Ms. Weaver noted that, with the exception of the pintail, continental waterfowl populations look very good. Focusing in on closer to home, Ms. Weaver noted that “western mallard” surveys conducted in California, Oregon, Washington, British Columbia and Alaska show that western mallard populations are up 18% over the previous year to 1.07 million. She then pointed out that all but two geese species are over objective.

Ms. Weaver then explained that the U.S. Fish and Wildlife Service (USFWS) federal framework for the 2017/2018 waterfowl season was approved by the Flyway Councils and was adopted by the USFWS in October 2016. Ms. Weaver then noted that federal framework for the 2017/2018 waterfowl season will allow for a 107-day season and 7 daily duck bag limit – including 7 mallards (only 2 hen mallards), 1 pintail, 2 canvasback, 2 redheads, and 3 scaup (during an 86-day season).

With this federal framework in place, Ms. Weaver stated that DFW will not propose any change in duck season length or bag limits for the 2017/2018 season – except for the mandatory USFWS framework reduction to one pintail. Ms. Weaver then closed by summarizing the following changes that DFW is bringing forward for the 2017/2018 waterfowl season:

- No change in duck season length or bag – *except change to one pintail*
- Modify the boundary descriptions for the Southern California and Colorado River zones
- Allow the whitefront season to be split into three segments for the Northeastern Zone to coincide with the white goose season
- Increase the daily bag limit for white geese for the Colorado River Zone from 10 to 20 per day to mimic the Arizona bag limit

Ms. Weaver then focused in on DFW’s recommended whitefront season in the Northeastern Zone, commenting that the proposal is causing some heartburn for some of their constituents. Ms. Weaver stated that the DFW proposal is in response to a request from the Modoc County Fish and Game Commission that whitefront season mimic white goose season. She noted that this is about depredation and that the proposal would coincide with when the greatest concentration of birds is in the Modoc area. Ms. Weaver stated that DFW is also proposing that Type A and B State Wildlife Areas (WA) and federal Klamath Complex and Modoc National Wildlife Refuges (NWR) remain closed during the late goose season. Ms. Weaver explained that these geese depend heavily on private lands and that the late season is a “depredation hunt”. Since there are too few hunters to harvest enough geese to notably impact depredation, the only

way to impact depredation concerns on private lands is to only shoot those private lands and haze the geese off to the non-hunted public lands that are intended to provide habitat for the birds.

Gaines & Associates was pleased to provide testimony on this item on behalf of the *Tulare Basin Wetlands Association*, the *Suisun Resource Conservation District*, the *Black Brant Group* and the *Cal-Ore Wetland and Waterfowl Council*. We opened our testimony by stating that we were certainly frustrated by the reduction in the daily bag to one pintail, but that we understood that change was mandated by the USFWS. *Gaines & Associates* then stated that we did have serious concerns regarding DFW's recommendation to do a three-way split in the whitefront season in the Northeast Zone to mimic the white goose season. We stated that that change would take 28 days out of the general whitefront season when hunting is open to all on both public and private lands, and shift it to the late season which is open mostly only on private lands – resulting in a tremendous loss of public hunting opportunity. *Gaines & Associates* then commented that we had only learned of the DFW's proposal 24 hours earlier, had not had time to discuss the recommendation with the Department. We closed by stating that we had hoped to do that in the coming weeks in an effort to reach some kind of resolution before the final regulations are adopted at the Commission's April 26th meeting.

Being that this was the “discussion” hearing on this topic, no Commission action was taken.

To review the Commission staff summary on Agenda Item 15 regarding 2017/2018 waterfowl regulations, including DFW's presentation, click [FGC Staff Summary - Waterfowl](#)

Agenda Item 16 – Discuss Proposed Changes to Klamath River Basin Salmon Sport Fishing Regulations

Agenda Item 17 – Discuss Proposed Changes to Central Valley Salmon Sport Fishing Regulations

This item served as the second, or “discussion” hearing on *both* the 2017 Klamath and Trinity River and the Central Valley salmon sport fish regulations.

Kevin Shaffer, Chief of the DFW Fisheries Branch, opened this topic by providing a presentation which covered both this agenda item on Klamath and Trinity River salmon sport fishing, as well as agenda item 17 on Central Valley salmon sport fish regulations. Mr. Shaffer's started his presentation with a look at the chinook salmon's complex life cycle, and the various “runs” of the chinook that we have in California.

Mr. Shaffer then briefly highlighted the complicated process and schedule that must be gone through before determining final annual salmon fishing regulations. Mr. Shaffer noted that, each year, the Pacific Fishery Management Council (PFMC) reviews the status of west coast salmon stocks in February and March, coordinates with the states, federal government and the tribes, performs their environmental assessment, and holds public meetings. The PFMC then makes their final allocation determinations in early April. Mr. Shaffer stated that, this year, the PFMC will finalize their 2017 regulations on April 12th and, with the PFMC information in hand, the California Fish and Game Commission will be meeting via teleconference on April 13th to adopt California's 2017 regulations.

Moving on to DFW's recommendations, Mr. Shaffer stated that, until the PFMC makes their determinations, DFW can only propose ranges. He then continued by noting that the Central Valley salmon regulatory options currently under consideration are:

- Lower American River: Daily bag limit: 0-4 fish; Possession limit: 0-8 fish
- Feather River: Daily bag limit: 0-4 fish; Possession limit: 0-8 fish
- Sacramento River: Daily bag limit: 0-4 fish; Possession limit: 0-8 fish

He continued by stating that the regulatory options currently under consideration for the Klamath/Trinity are:

- Klamath Basin quota range: 0-67,000 fish >22 inches
- Daily bag limit range: 0-4 fish > 22 inches
- Possession limit range: 0-12 fish > 22 inches
- Season: August 15 – December 31 (Klamath River)
- Season: September 1 – December 31 (Trinity River)

Being that this was the “discussion” hearing for both agenda items 16 and 17, there was no action taken by the Commission. Specific bag and possession limits for Central Valley fall-run Chinook salmon will be recommended by DFW to the Commission at their April 13th teleconference meeting, after final PFMC recommendations are adopted and approved by NMFS.

To review the Commission staff summary on Agenda Item 16 regarding 2017 Klamath Basin salmon regulations – including DFW’s presentation on agenda items 16 and 17, click [FGC Staff Summary – 2017 Klamath Basin Salmon](#)

To review the Commission staff summary on Agenda Item 17 regarding 2017 Central Valley salmon regulations, click [FGC Staff Summary – 2017 Central Valley Salmon](#)

Agenda Item 18 – Discuss Proposed Changes to Mammal Hunting Regulations

This item served as the second, or “discussion” hearing on the setting of 2017 hunting regulations for deer, archery deer, nelson big horn sheep, antelope, elk, and Shared Habitat Alliance for Recreational Enhancement (SHARE) elk hunts.

DFW Wildlife Branch Chief T.O. Smith handled this item with the very brief statement that the Department would not bring forward any notable quota changes for deer, elk, antelope, big horn sheep, bear or pigs. He noted that the only change they were recommending was to spilt the elk hunting zone in the Owens Valley to better segregate hunters that hunt that area.

Following T.O. Smith’s brief opening statement, *Gaines & Associates* was the only speaker to offer testimony on this agenda item. *Gaines & Associates* was pleased to provide testimony on behalf of the *California Deer Association*, the *Rocky Mountain Elk Foundation* and the *California Bowmen Hunters/State Archery Association*. In our testimony, we noted that we have an excellent working history with the Department on determining annual mammal regulations and tag allocations. We stated that we look forward to receiving the Department’s proposed tag allotments for all the various big game species reasonably prior to the Commission’s April adoption hearing on 2017 mammal regulations again this year so we can review the proposal and have time to meet with DFW, as necessary, to discuss any outstanding questions or concerns.

Being that this was the “discussion” hearing on this topic, no Commission action was taken. The Commission will adopt the final 2017 mammal regulations at their April 26th meeting in Van Nuys.

To review the Commission staff summary on Agenda Item 18 regarding 2017 mammal hunting regulations, click [FGC Staff Summary – 2017 Mammal](#)

Agenda Item 19 – Discuss Proposed Changes to Regulations Concerning Deer Tagging and Reporting Requirements

This item served as the second, or “discussion” hearing on DFW’s effort to clean-up and clarify how hunters may comply with the recently instituted mandatory deer harvest reporting.

DFW Wildlife Branch Chief T.O. Smith opened this item with the very brief statement that this proposed change was simply to clean-up current regulatory language by eliminating “in person” delivery of report cards to DFW, and adding a provision which states that if a report card is submitted by mail and not received by the DFW, it is considered “not reported.”

To provide some background, beginning with the 2016 season, deer hunters are obligated to report their hunting results – whether successful or unsuccessful. Currently the regulation states that one of the methods of satisfying the reporting requirement is to do so “in person at the address specified.” However, the address specified on the tag is a post office box and not a physical location. With an estimated 180,000 deer tags sold annually, none of the Department’s regional offices are staffed to take and process walk-in reports. In addition, license sales agents (private parties that can sell licenses and tags) cannot receive report cards. To address this concern, DFW is proposing to change the regulations to simply delete the “in-person” option since it is not technically available.

Secondly, even with on-line reporting now available, DFW still expects to receive tens of thousands of report cards by mail each year. Invariably, a small number of these report cards may get lost in the mail. Since, it is not possible for DFW to track mailed harvest report cards, it is the responsibility of deer hunters to confirm their report was received. The language being brought forward by DFW will simply clean-up the regulations to clarify that it is the responsibility of the tag holder to confirm that their report was received by the Department by accessing their account in the ALDS system.

Further discussion, Commission consideration and possible final adoption of DFW’s proposed changes to deer tagging and reporting requirements will take place at the Commission’s April 26th meeting in Van Nuys.

To review the Commission staff summary on Agenda Item 19 regarding deer tag reporting regulations, click [FGC Staff Summary – Deer Tag Reporting](#)

Agenda Item 20 – Adopt Proposed Changes to Regulations Concerning the Use of Dogs for the Pursuit and Take of Mammals

As noted earlier in this *Special Report*, at their April 2016 meeting, the Commission approved the use of GPS collars and treeing switches for dogs aiding a hunter in the pursuit of mammals. Shortly after the hearing, a petition was filed in Superior Court in Sacramento County seeking to Invalidate the Commission’s action based upon the fact that they had not complied with the procedural requirements of the California Environmental Quality Act (CEQA). To address this concern, the Commission reopened the topic for further rulemaking to allow the Commission and DFW the opportunity to prepare the necessary additional CEQA documentation.

This item was opened by the Commission's Legal Counsel Mike Yaun who stated that – although this agenda item was listed as the proposed adoption hearing on possible changes to this regulation – staff recommendation was that the Commission not adopt any proposed changes at this meeting, but instead continue the adoption hearing on this topic to the Commission's April 26th meeting. At issue here was the fact that the CEQA document which must be approved by the Commission prior to adoption of any regulatory changes was still not ready for delivery to the Commission for consideration. Mr. Yaun continued by noting that staff recommended that the item also be placed on agenda for discussion at the March 15th Commission teleconference call to allow DFW to provide the Commission with the necessary environmental analysis at that time, and to set the Commission up for adoption at their April 26th meeting.

Following Mr. Yaun's opening statements, Commission President Sklar agreed that the Commission must delay adoption of the proposed changes. Commissioner Sklar then stated that he is also going to suggest that the effective date of any regulatory changes that may be adopted at the Commission's April meeting be 12 months from the date of passage by the Commission. Commissioner Sklar noted that the delay would allow the Commission time to do the environmental analysis necessary to see if the Commission wants to reinstate the approval of the use of GPS collars.

Following Commissioner Sklar's comments, *Gaines & Associates* was pleased to join the *California Houndsmen for Conservation* in offering testimony on this issue. In their testimony, the *California Houndsmen for Conservation* questioned the many inaccurate arguments called out in the numerous letters submitted to the Commission on the issue from animal-rights interests, noting that none of the authors of those letters had ever even been in the field with hounds. In our testimony, *Gaines & Associates* stated that the use of GPS collars on hounds does not give the hunter an unfair advantage. Rather, it does allow the handlers to be sure their dogs get home safely by staying out of harm's way. We continued by noting that we appreciated the Department's and the Commission's efforts to work through this difficult process, and that we appreciated Commission President Sklar's desire to put a 12 month delay on any regulatory changes to the GPS regulation that may be adopted at the April Commission meeting in order to allow for a reversal of the possible adoption of the ban before it goes into effect.

Following our testimony, Commission Hostler-Carmesin made a motion that the Commission continue possible adoption of the regulation to the April 2017 Commission meeting in Van Nuys, that additional discussion on the issue be placed on agenda for the Commission's March 15th conference call meeting, and that implementation of any changes to the current regulation be delayed for 12 months following Commission adoption. Commissioner Burns seconded the motion and it quickly passed unanimously.

To review the Commission staff summary on Agenda Item 20 regarding GPS collars, click [FGC Staff Summary - GPS](#)

Agenda Item 23 – Non-Marine Petitions for Regulation Change and Non-Regulatory Requests from Previous Meetings

(C) Update on pending regulation petitions and non-regulatory requests referred to staff and the Department for review

This agenda item served to provide for discussion and testimony on a petition brought forth by a sweeping coalition of animal-rights groups which calls for a ban on all night-time hunting and trapping in the gray wolf territory, based on the argument that these overly restrictive regulations are necessary to protect wolves from mistaken killings (Petition 2015-010); and a petition brought

forward by the *Center for Biological Diversity* and *Project Coyote* which calls for the Commission to raise commercial trapping license fees to the “levels necessary for the full recovery of the reasonable administrative and implementation costs of the trapping program” (Petition 2015-009).

In our testimony on the issue, *Gaines & Associates* first noted that wolves in California are already offered the highest possible protection under both state and federal law. Further, the California law already requires the use of “Have a Heart” type traps that allow for the unharmed release of a non-targeted animal – such as a wolf – if mistakenly trapped. In response to comments made by some animal-rights interests that testified earlier that confused poachers with hunters, we also clarified that law-abiding hunters are not poachers and that no one in North America hates poachers more than the law-abiding hunting community. We closed our comments from the podium by strongly urging the Commission to not take action on the request to prohibit night-time hunting and trapping in gray wolf territory.

Following *Gaines & Associates*’ testimony, DFW Deputy Director for Fish and Wildlife Stafford Lehr stated that the same DFW limited staff that is required to work on the many petitions for species listing and other proposals being constantly brought forward by animal-rights interests are the same staff that would be required to work on this request. Mr. Lehr closed by saying that DFW simply does not have the staff available to deal with this request.

Following some questions and comments from the dais, some clarification from Commission Counsel Mike Yaun and additional comments from Mr. Lehr, Commission President Sklar denied the request stating that the Commission does not have the staff to deal with these issues alone, and that the Department doesn’t have time to assist. No further Commission action was required.

To review the Commission staff summary on Agenda Item 23 regarding these petitions, click [FGC Staff Summary - Petitions](#)

CALIFORNIA FISH & GAME COMMISSION – March 15 2017 Teleconference Recap

On March 15th, the Commission held a teleconference call to cover two issues: 1) April 2017 recreational ocean salmon fishing regulations; and 2) to discuss proposed changes to regulations concerning the use of dogs for the pursuit and take of mammals.

To view the full agenda, click [FGC – March 15 2017 Teleconference Agenda](#)

Agenda Item 3 – Discuss and Adopt Proposed Changes to Season Dates, Size Limits and Daily Bag Limits for April 2017 Recreational Ocean Salmon Fishing

Barry Miller, Environmental Scientist with DFW’s Ocean Salmon Project, opened this topic by clarifying that this agenda item was intended to conform California’s April ocean fishing regulations in state waters with recently adopted federal regulations. He then began his presentation by providing an outline of the very complicated ocean salmon annual regulatory setting process. Mr. Miller then went over the population status of three runs of chinook salmon in California waters: 1) the Sacramento River fall-run chinook: noting that their estimated 2017 index forecast is 230,700 – pointing out that that number is on the lower end of annual forecasts, but not so low that closures are required; 2) the Klamath River fall-run chinook, noting that their estimated 2017 index is only 52,246 fish – the lowest abundance forecast on record – eliminating the ability to offer any ocean fishing opportunity in the immediate vicinity around the Klamath River; and 3) Sacramento River winter-run chinook – a species which is ESA listed as

endangered – noting that no ocean abundance forecasts are available, but stating that because DFW is still very concerned about the 2013 through 2016 brood years of the species due to the impact of the recent prolonged drought, they recommend that PFMC take extra precautionary measures to ensure their protection.

Mr. Miller followed with an overview of the location of the California's five ocean management areas off the coast of California: 1) the Klamath Management Zone; 2) Horse Mountain to Point Arena; 3) Point Arena to Pigeon Point; 4) Pigeon Point to Point Sur; and 5) Point Sur to the U.S./Mexico Border. *Mr. Miller then stated that the April 2017 proposed salmon ocean fishing regulations approved by the PFMC allow for two fish – except for the Klamath Management Zone, which will be closed for the month of April. The Horse Mountain to Point Arena area will have a minimum size of 20", with all areas south of Point Arena having a minimum size of 24". These PFMC regulations for April will serve as DFW's recommendation to the Commission for California's state regulations.*

Mr. Miller then went through the range of May through November 2017 recreational season alternatives for the five management areas. Mr. Miller noted that the Klamath Management Zone was closed throughout the entire period, with the northern management areas closer to the Klamath River area suffering more closure than usual to protect the Klamath stocks; while the southern areas were suffering greater closures to protect the winter-run. Mr. Miller noted that the commercial fishery will also suffer more closures.

Mr. Miller then went through the remaining meeting process – noting that federal fishing regulations for May through November 2017 would be adopted by the PFMC on April 11th, with California's state regulations for May through November 2017 adopted by the Commission at their teleconference call meeting scheduled for April 13th.

Following Mr. Miller's presentation, and some additional comments offered by DFW staff, Commissioner Silva motioned that the Commission adopt the April 2017 ocean salmon fishing regulations as presented by DFW. The motion was seconded by Commissioner Williams and approved unanimously by the Commission.

To review the Commission staff summary on Agenda Item 3 regarding April 2017 recreational ocean salmon regulations, click [FGC Staff Summary – April 2017 Ocean Salmon](#)

Agenda Item 4 – Discuss Proposed Changes to Regulations Concerning the Use of Dogs for the Pursuit/Take of Mammals

Commission legal counsel Mike Yaun opened this item by reminding the Commission that this item is on the agenda due to the litigation filed against the Commission charging that appropriate environmental analysis was not done prior to the Commission legalizing the use of GPS in April 2016. Mr. Yaun stated that the Commission's original schedule had this item planned for adoption at the February 2017 meeting, but Commission staff had requested that the schedule be backed up to allow more time for DFW to complete the background environmental document. Mr. Yaun noted that the revised schedule had today's agenda item serving as another "discussion" hearing on the issue, and an opportunity to allow DFW to provide the completed document to the Commission – with final adoption scheduled for the April Commission meeting in Van Nuys. Mr. Yaun continued his remarks by saying that, despite the extra time granted and DFW's efforts to complete the document in time for today's meeting binder, DFW needs additional time to complete the analysis. Mr. Yaun stated that, as a result, Commission staff was requesting that today's "discussion" hearing on this topic be put over to the April 13th

teleconference meeting to provide DFW the additional days they need, with the adoption hearing remaining April 26th in Van Nuys.

Following some clarification by Mr. Yaun regarding exactly what the environmental document will include, the Commission opened the item for public comment. *Gaines & Associates* was pleased to offer testimony in support of putting the item over to the April 13th teleconference meeting to be sure the environmental background was done properly, and also in support of the 12 month delay in implementation of the ban, when adopted, to allow for the Commission to complete the process to again authorize the use of GPS.

Following public testimony, Commissioner Williams motioned that the item be put over to the April 13th meeting. The motion was seconded by Commissioner Burns and passed unanimously.

To view the meeting advisory regarding the Commission staff request to put agenda item 4 over to the April 13th teleconference meeting, click [FGC Staff Request – Schedule Delay](#)

To review the Commission staff summary on Agenda Item 4 regarding use of dogs for pursuit of mammals, click [FGC Staff Summary – Use of Dogs for Mammals](#)

CALIFORNIA FISH & GAME COMMISSION – April 13 2017 Teleconference Recap

On April 13th, the Commission held a teleconference call to cover several issues related to sport fishing, and to discuss proposed changes to regulations concerning the use of dogs for the pursuit and take of mammals.

To view the full agenda, click [FGC – April 13 2017 Teleconference Agenda](#)

Agenda Item 4 – Adopt Proposed Changes to Season Dates, Size Limits and Daily Bag Limits for May to November 2017 Recreational Ocean Salmon Fishing

As with the March teleconference call dealing with the April 2017 recreational ocean salmon fishing regulations, Barry Miller, Environmental Scientist with DFW's Ocean Salmon Project, took the lead for DFW on this topic. Mr. Miller opened his presentation by clarifying that this agenda item was intended to conform California's May through November 2017 ocean fishing regulations in state waters with federal regulations adopted earlier that week. He again provided an outline of the ocean salmon annual regulatory setting process, went over the population status of three runs of chinook salmon in California waters, provided an overview of California's five ocean management areas, and highlighted the decision-making process.

Mr. Miller then provided the May through November 2017 proposed salmon ocean fishing regulations, as approved by the PFMC earlier in the week, as follows:

- Klamath Management Zone: *Closed*
- Horse Mountain to Point Arena:
 - May 1 – May 31; Minimum size 20"
 - August 15 – November 12; Minimum size 20"
- Point Arena to Pigeon Point: May 15 – October 31; Minimum size 20"
- Pigeon Point to Point Sur: May 1 – July 15; Minimum size 24"
- Point Sur to the U.S./Mexico Border: May 1 – May 31; Minimum size 24"

Following Mr. Miller's presentation, some additional comments by DFW staff and public testimony, Commission President Sklar motioned that the Commission adopt the May through November 2017 ocean salmon fishing regulations as presented by DFW. The motion was seconded by Commissioner Williams and approved unanimously by the Commission.

To view the DFW staff presentation on Agenda Item 4 regarding May through November 2017 recreational ocean salmon regulations, click

[DFW Presentation – May/November 2017 Ocean Salmon](#)

To review the Commission staff summary on Agenda Item 4 regarding May through November 2017 recreational ocean salmon regulations, click

[FGC Staff Summary – May/November 2017 Ocean Recreational Salmon](#)

Agenda Item 5 – Adopt Proposed Changes to Klamath River Sport Fishing Regulations

DFW Deputy Director of the Wildlife and Fisheries Division Stafford Lehr opened this item by stating the recommendation that DFW is about to make is a very difficult request. Mr. Lehr began by saying that the 2017 ocean abundance forecast for Klamath River fall-run chinook is the lowest on record, and that the fishery is "approaching an overfished condition". Mr. Lehr noted that although the decision on regulations for recreational fishery in the Klamath/Trinity is with the Commission, the PFMC recommendations weigh heavily in the deliberation. Mr. Lehr stated that there is a whole suite of factors – ranging from in-river water quality, flow conditions and ocean conditions – that have placed stress on this particular population of fish. But, regardless of the cause, due to the severe status of the population, extra precaution is warranted. Mr. Lehr then summarized his presentation by saying that it is with a "heavy heart" that the Department is recommending no fall Chinook salmon recreational fishery in the Klamath and Trinity Rivers for 2017.

Mr. Lehr then did take time to note that there still will be some recreational fishing opportunity in the Klamath region – including the spring Chinook salmon season in the Klamath River which will continue through August 14th; the spring Chinook salmon season in the Trinity River which will continue through August 31st; the steelhead fishery in the Klamath and Trinity Rivers remains open; the Smith River also offers some Chinook salmon opportunity; and there are opportunities in southern Oregon.

Following public testimony, Commission President Sklar motioned that the Commission adopt the Klamath sport fishing regulations as recommended by DFW. The motion was seconded by Commissioner Burns and approved unanimously by the Commission.

To view Mr. Lehr's presentation on Agenda Item 5 regarding 2017 Klamath River fall Chinook salmon regulations, click

[DFW Presentation – 2017 Klamath River Sport Fishing](#)

To review the Commission staff summary on Agenda Item 5 regarding Klamath River fall Chinook salmon regulations, click [FGC Staff Summary – Klamath River Sport Fishing](#)

Agenda Item 6 - Discuss Proposed Changes to Central Valley Salmon Sport Fishing Regulations

This item served as the “discussion” hearing on DFW’s proposed changes to Central Valley salmon sport fishing regulations, with the possible adoption taking place at the Commission’s April meeting in Van Nuys.

DFW Deputy Director Stafford Lehr quickly handled this item by stating that the Department currently only has ranges of bag and possession limits for the suite of Central Valley waters, and that they will not have their final recommendations available until the adoption hearing in Van Nuys later this month.

Being that this was the “discussion” hearing on this topic, no Commission action was taken. The Commission will adopt the final 2017 Central Valley salmon sport fishing regulations at their April 26th meeting in Van Nuys.

To review the Commission staff summary on Agenda Item 6 regarding Central Valley salmon sport fishing regulations, click [FGC Staff Summary – Central Valley Salmon Sport Fishing](#)

Agenda Item 7 – Discuss Proposed Changes to Regulations Concerning the Use of Dogs for the Pursuit/Take of Mammals

Commission legal counsel Mike Yaun handled this item by giving the Commission a very brief overview of the issue, and why it was on the agenda (See March 15th Meeting Recap above). Mr. Yaun then stated that the Department had completed their analysis of the possible effects of using/not using GPS on dogs pursuing mammals, and that the document was in their meeting binder. Mr. Yaun then summarized that the DFW analysis had not identified any significant possible effects from either using or not using the equipment.

Following Mr. Yaun’s comments, the item was opened for public comment. *Gaines & Associates* was again pleased to offer testimony on behalf of the *California Houndsmen for Conservation*. We opened our testimony by commenting that we fully understood the procedural difficulties associated with this topic, and that we appreciated the Commission’s and Department’s patience with this issue. We then continued by saying that the use of GPS on hounds is not about giving hunters an unfair advantage in the field. Rather, it is about the humane treatment and the health of the dogs. We closed by stating that the *California Houndsmen for Conservation* strongly supports maintaining the ability to use GPS on hounds pursuing mammals in California.

Following public testimony, Commission Williams stated that the Commission should propose some delay in implementation of a ban, should it be adopted at the late April meeting, to allow the Commission an opportunity to consider reversing the ban. Commission legal counsel Mike Yaun followed Commissioner Williams comments by stating that a delay in implementation could be done, with the easiest way to do so being to specify a specific effective date when/if the ban is approved. Commission President Sklar agreed that a specific effective date should be part of the motion at the adoption hearing in late April. With that, the meeting was adjourned.

To review the Commission staff summary on Agenda Item 7 regarding use of dogs for pursuit of mammals, click [FGC Staff Summary – Use of Dogs for Mammals](#)

PLAN AHEAD!!!

BELOW ARE THE DATES AND LOCATIONS OF UPCOMING COMMISSION RELATED MEETINGS!

WILDLIFE RESOURCES COMMITTEE – Next Meeting – May 24, 2017

The next meeting of the Commission's Wildlife Resources Committee will be held on May 24th, 2017 at the following location:

***Resources Building
Auditorium, First Floor
1416 Ninth Street
Sacramento, CA 95814***

CALIFORNIA FISH & GAME COMMISSION – June 2017 Meeting

The June 2017 meeting of the California Fish and Game Commission is scheduled for June 21st and 22nd and will be held at the following location:

***Howonquet Hall Community Center
101 Indian Court
Smith River, CA 95567***

To submit your own comments to the Commission, the WRC, or the PPWG on any of the above issues of concern, you may email them at fgc@fgc.ca.gov. Be sure to include the subject of the regulations in the e-mail subject line. Comments can also be mailed to the Commission's Sacramento office at:

*California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090*

For more information on any of the topics discussed above, or how Gaines & Associates can help you protect your outdoor interests, contact us at info@gainesandassociates.net

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