



GAINES & ASSOCIATES

“SPECIAL REPORT”

CALIFORNIA FISH AND GAME COMMISSION UPDATE

JUNE 20, 2017

This *Gaines & Associates “California Fish and Game Commission Update”* is intended to provide our clients with the status of items of concern currently in front of the California Fish and Game Commission – including what to expect at this week’s meeting in Smith River, and a recap of what took place on agenda items of concern at the Commission’s April 2017 meeting in Van Nuys.

Gaines & Associates recognizes that our Special Reports may be 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 – June 2017 Meeting Agenda

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

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

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, June 21st meeting agenda, with all marine related items scheduled for consideration on the Thursday, June 22nd meeting agenda. Agenda items of interest and concern to clients of *Gaines & Associates* are highlighted below.

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 - June 2017 Mtg Agenda](#)

Day 1 – June 21st, 2017 – 9:00 AM

Agenda Item 9 – Wildlife Resources Committee

(A) May 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

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. Commissioners Anthony Williams and Russell Burns Co-Chair the WRC.

Under this agenda item, Ms. Erin Chappell, Commission staff lead for the WRC, will open by providing the full Commission with a summary of the May 24th meeting of the WRC that was held in Sacramento. The items covered at the May 2017 WRC meeting were as follows:

- 1) Draft FGC climate change policy*
- 2) Annual regulations for sport fishing*
- 3) Falconry regulations*
- 4) Wild pig management*
- 5) Predator Policy Workgroup*

Ms. Chappell will then bring forward to the full Commission the WRC recommendation that the Commission:

- a) Authorize publication of notice of the Department of Fish and Wildlife (DFW) proposed 2018 sport fish regulations, as presented and discussed at the meeting; and*
- b) Refer Petition #2015-014, which proposes changes to low flow restrictions on coastal streams, to DFW for further evaluation and recommendation.*

Following Commission action on the above two items, Ms. Chappell will update the Commission on the current WRC Work Plan and Draft Timeline for the many topics currently approved for WRC consideration, as detailed below:

- 1) Upland Game Birds – Discussion at the September 2017 WRC Meeting*
- 2) Mammals – Discussion and Recommendation at the September 2017 WRC Meeting*
- 3) Waterfowl – Discussion and Recommendation at the September 2017 WRC Meeting*
- 4) Central Valley Salmon – Discussion and Recommendation at the September 2017 WRC Meeting*
- 5) Klamath River Salmon – Discussion and Recommendation at the September 2017 WRC Meeting*

- 6) *Falconry – Discussion and Recommendation at the September 2017 WRC Meeting*
- 7) *Wild Pig Management – Discussion and Recommendation at the September 2017 WRC Meeting*
- 8) *Predator Policy Workgroup – Discussion and Recommendation at the September 2017 WRC Meeting*
- 9) *Delta Fisheries Forum (May 24, 2017) – Discussion and Recommendation at the September 2017 WRC Meeting*

With the already robust workload that has been placed on the WRC, as identified above, Ms. Chappell will not bring forward any new topics for the Commission to consider placing on the WRC agenda at this time.

For a complete summary of the May 24th WRC meeting, click [WRC – May 2017 Mtg Summary](#)
To view all the documents for the May 24th WRC meeting, click [WRC - May 2017 Mtg Docs](#)

To review the Commission staff summary for agenda item 9 regarding the WRC, click [FGC Staff Summary - WRC](#)

Agenda Item 10 – Adopt 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 third, or “adoption” hearing on regulatory changes DFW will propose for 2017/18 upland game bird seasons.

Expect DFW staff to give a presentation on their detailed upland game bird regulation proposal for 2017/18. Again, the primary focus of the DFW presentation will be sage grouse. *In somewhat of a surprise, DFW is expected to amend their proposal for 2017 sage grouse hunting to recommend zero (0) permits in all four hunt zones statewide.*

DFW’s rationale for this historic change is based on spring lek (male sage grouse) counts in all four hunt zones which show a decline in population sizes from 2012 through 2017 ranging from 47% to 62%. At the April 2017 Commission meeting, DFW stated that they would recommend zero permits for the East Lassen, Central Lassen and South Mono zones due to poor habitat conditions and low lek counts. However, all indications at that time were that some permits would be allocated for the North Mono zone.

Hunting permits have only been issued consistently from 2012 through 2016 in the North Mono Zone, where lek counts have remained well above the long-term average in recent years. However, lek counts were significantly down in 2017 and the estimated population in the North Mono Zone is currently 47% below the high in 2012. DFW notes that these counts may be confounded by poor access to the area with winter conditions that persisted into the lek count season. Additionally, sage grouse are being actively translocated from North Mono to supplement a small population of grouse outside the hunt zone in Parker Meadows, which places another stress on the North Mono Zone population.

DFW may also note that they have received over 4,258 emails in opposition to sage grouse hunting, with 4,248 from an online email petition supporting the Center for Biological Diversity’s recommendation for closure. Only three emails were received in support of sage grouse hunting.

At both the February and April 2017 Commission meetings, *Gaines & Associates* was pleased to provide testimony on behalf of the *National Wild Turkey Federation* in strong support of continuing the sage grouse hunting in those zones where DFW believed sage grouse populations to be healthy.

DFW is not expected to recommend any other changes to last year's general hunting seasons for taking resident and migratory upland game birds.

Following the DFW presentation, testimony from the public, and any Commission questions or comments, the Commission will adopt the 2017/18 upland game bird regulations

To review the Commission staff summary on Agenda Item 10 regarding 2017/18 upland game bird hunting regulations, click [FGC Staff Summary – Upland Game Bird](#)

***Agenda Item 17 – Department informational items
(A) Director's report***

Under this item, among other things, expect Director Bonham to touch upon the removal of Tim (T.O.) Smith as DFW's Chief of the Wildlife Branch.

CALIFORNIA FISH & GAME COMMISSION – April 2017 Meeting Recap

The April 2017 meeting of the California Fish and Game Commission was held in Van Nuys on April 26th and 27th. Under the Commission's "two-day" meeting format for 2017, wildlife and sport fish related issues of importance were considered on the April 26th meeting agenda, with marine fishery related items considered on the April 27th 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 - April 2017 Mtg Agenda](#)

Day 1 – April 26th, 2017 – 9:00 AM

The Commission's April 26th, 2017 meeting was gaveled open by Commission President Eric Sklar with four Commissioners present. In addition to President Sklar, Commissioners Anthony Williams, Russell Silva and Peter Silva were present. Commission Vice-President Jacque Hostler-Carmesin was absent.

***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, lead off by noting that the current topic areas under consideration by the WRC are:

- 1) *2018 Sport Fishing Regulations*

- 2) *Falconry*
- 3) *Lead Ban Implementation*
- 4) *Wild pig management*
- 5) *Predator Policy Workgroup*

Ms. Chappell then asked the Commission if the topic of Lead Ban Implementation could be pulled from the May 2017 WRC agenda and placed on the September 2017 WRC meeting agenda, due to some of the detail necessary to have a discussion on that topic not yet being available. Ms. Chappell then noted that Commission staff was recommending that an update of the Commission's Climate Change Policy be added to the May 2017 WRC agenda.

Following public comment that largely focused on the Predator Policy Work Group, Ms. Chappell stated that the initial timeline established by the Commission was for the Work Group to provide its final product to the WRC for consideration at the May 2017 WRC meeting. Ms. Chappell continued by noting that, although the Work Group had made some progress in agreeing upon an overarching predator policy statement, it had yet to dive into specific regulations. Ms. Chappell closed by commenting that, as a result, she would be coming to the May 2017 WRC meeting looking for some guidance on the timeline for the Predator Policy Work Group moving forward.

Following Ms. Chappell's comments, WRC Co-Chair Commissioner Anthony Williams stated that he thought that only one or two more meetings of the Predator Policy Work Group were necessary – depending on what Commission staff and the Work Group recommends. He stated that he agreed that it is time to bring that effort to a close, and that he and his WRC Co-Chair, Commissioner Russell Burns, were anxious to get the Work Group recommendations and bring something back to the full Commission this fall for consideration.

Following Commissioner Williams' comments, the Commission voted unanimously to approve the WRC work plan, timeline and agenda, including the request to add the update of the Commission's Climate Change Policy, as recommended by the WRC.

To review the Commission staff summary on Agenda Item 7 regarding the WRC, click [FGC Staff Summary - WRC](#)

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

This agenda item served as the second, or “discussion” hearing on regulatory changes DFW will propose for 2017/18 upland game bird seasons.

The item was opened by Commission staff, Erin Chappell, who noted that DFW would not recommend any substantive 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.

Following Ms. Chappell's comments, DFW Chief of the Wildlife Branch T.O. Smith noted that, due to the late winter we had this year, DFW had not yet been able to get out and conduct lek counts. He stated that, as a result, DFW did not have an update on the current health of sage grouse to provide to the Commission at this time. He closed by noting that DFW would have that data shortly and will be prepared to provide their final recommendations for sage grouse permits for 2017/18 season to the Commission at their June Commission meeting.

Given DFW was not planning on bringing forth any other proposed changes to last year's regulations, there were no further comments from DFW, Commission staff, or the dais regarding any of the other upland game species.

Following Mr. Smith's comments, public testimony was taken. *Gaines & Associates* was pleased to provide testimony on behalf of the *National Wild Turkey Federation* in strong support of DFW providing maximum reasonable hunting opportunity, consistent with habitat conditions and lek counts.

Final adoption of the 2017/16 upland game bird regulations will take place at the Commission's June meeting in Smith River.

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 served 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 annually 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. As such, DFW provided their final recommended bag and possession limits for Central Valley fall-run Chinook salmon to the Commission at this meeting.

This item began with a brief presentation by DFW Fisheries Branch Chief Kevin Shaffer. Mr. Shaffer opened by stating that Central Valley salmon sport fishing regulations impact three distinct regulatory areas – the Upper Sacramento River, the American River and the Feather River. Mr. Shaffer then briefly covered the PFMC process and goals DFW must follow each year before bringing their final Central Valley fall-run chinook recommendations forward to the Commission for their consideration. Mr. Shaffer continued by noting that the PFMC goal for fall-run Chinook salmon in the Central Valley is 122,000 minimum hatchery and natural area adult escapement, and that the projected return for 2017 – absent fishing – is only 133,242 hatchery and natural area adult escapement. Mr. Shaffer noted that the projected return is that high in part due to the very protective measures taken in the ocean. Mr. Shaffer stated that – although they did consider some reductions in daily bag and possession limits due to the projected low return – DFW believes their best supportable angling recommendations for 2017 Central Valley fall-run chinook are as follows:

- *Lower American River: Daily bag limit: 2 fish; Possession limit: 4 fish*
- *Feather River: Daily bag limit: 2 fish; Possession limit: 4 fish*
- *Sacramento River: Daily bag limit: 2 fish; Possession limit: 4 fish*

Shifting gears, Mr. Shaffer then stated that – in an effort to help winter-run Chinook salmon recover from impacts suffered from the prolonged drought – DFW was also recommending that

the Commission consider a “permanent” annual closure in the 5½ mile stretch of the Upper Sacramento River from Keswick Dam down to Highway 44 bridge. Mr. Shaffer noted that the DFW recommendation was for the closure to run annually from April 1st to July 31st, until DFW monitoring indicates that the population has sufficiently rebounded.

Following Mr. Shaffer’s presentation, and brief public comment, the Commission voted unanimously to certify the environmental Negative Declaration submitted by the Department, and to adopt the Central Valley salmon sport fishing regulations as presented by DFW.

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 served as the final discussion and adoption hearing for waterfowl regulations for the upcoming 2017/18 waterfowl season.

The item began with DFW Waterfowl Program Lead Melanie Weaver providing a presentation on DFW’s recommended 2017/18 seasons and bag limits for ducks and geese in all five California’s waterfowl hunting zones. Ms. Weaver opened her talk by stating that DFW was not proposing any changes to last year’s duck season and bag limit regulations, *other than the reduction to one pintail mandated by the federal framework*, and the following changes:

- 1) *Modification of boundary descriptions for the Southern California and Colorado River zones*
- 2) *3-way split for whitefronts in NE Zone, to coincide with white goose season*
- 3) *Increase in daily bag limit for white geese for the Colorado River Zone from 10 to 20 per day*

After presenting the Commission with the Department’s detailed duck and goose season recommendations for all California waterfowl hunting zones, Ms. Weaver focused in on DFW’s proposed 3-way split for whitefronts in Northeast (NE) Zone. By far the most controversial component of the Department’s sweeping waterfowl package, this recommendation included pulling 28 days out of the general whitefront goose season in the Northeastern (NE) Zone and shifting them 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.

In defense of the Department’s proposal for the NE zone, among other things, Ms. Weaver stated that the recommendation was based on a Modoc County Fish and Game Commission request that whitefront goose season mimic white goose season to coincide with when the greatest concentration of both species of birds are in their area. Ms. Weaver explained 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.

Ms. Weaver then closed her presentation by saying that DFW recognizes that there is a lot of concern over the Department’s proposed 3-way split for whitefronts in the NE zone. She stated

that, to address these concerns, DFW was willing to offer some possible solutions – including creating a goose Special Management Area (SMA) in the Klamath Basin within the NE zone and promoting the Shared Habitat Alliance for Recreational Enhancement (SHARE) Program, beginning with the 2018/19 waterfowl season.

Following Ms. Weaver’s presentation, the Commission called for public comment. *Gaines & Associates* was pleased to provide testimony on behalf of the *Tulare Basin Wetlands Association, the Cal-Ore Wetland and Waterfowl Council, the Suisun Resource Conservation District, and the Black Brant Group* which began by our thanking the Department for working with us to try to reach agreement on all aspects of their massive waterfowl regulations package in all five California waterfowl hunting zones for the 2017/2018 season. *Gaines & Associates* stated that we were pleased to support nearly all the Department’s sweeping recommendations for 2017/18 waterfowl season. However, we had serious concerns regarding the Department’s recommended 3-way split for whitefronts in the NE zone, and the resulting loss of 28 days of public hunting opportunity. Among other things, *Gaines & Associates* countered DFW’s position that the change was needed to address depredation problems in Modoc county by stating that the Commission had received a letter from Siskiyou County opposing the proposal due to the economic impact and loss of public hunting opportunity it would have within their county. *Gaines & Associates* closed testimony by stating the we supported the Department delaying their recommended 3-way split for whitefronts in the NE zone until the 2018/18 season, when it could be rolled out simultaneously with the proposed Klamath Basin goose SMA and an expanded SHARE Program in the region to preserve public hunting opportunity.

At the close of our testimony, Commissioner Williams commented to *Gaines & Associates* that his understanding was that if the Commission wanted to make the change we wanted in the DFW recommendation for the NE zone goose season, it would require a re-notice of the DFW proposal and re-opening of the public comment period. Commissioner Williams continued by stating that the delay would, in-turn, exceed the calendar deadline DFW and the Commission was under to approve the package, possibly impacting the entire waterfowl season statewide.

In response to Commissioner Williams’ comments, *Gaines & Associates* stated that what we were requesting is, in effect, to maintain last year’s regulations for the NE zone. Continuing, we noted that, since our recommendation was technically “no change” to the 2016/17 regulation, it would not require a re-notice.

Following our response, Commissioner Williams asked the Department for comment. Deputy Director of Fish and Wildlife Stafford Lehr confirmed that *Gaines & Associates* was correct in stating that Commission adoption of our recommendation would not require re-notice and there would be no delayed impact upon the waterfowl season. Following Mr. Lehr’s statement, the Commission opted to leave the item open to allow for internal discussion during the next break, and to move on to other items.

Following the break and additional internal Commission discussion on the issue, the Commission re-opened the topic. Commission President Sklar stated that he recognized the valid concerns of the agricultural community and that he would be inclined to give them greater protections next year, but that he expected them to also do their part by stepping up to create more SHARE Program opportunities on their lands. Commissioner Williams agreed. The Commission then voted unanimously to approve the waterfowl regulations for the 2017/18 waterfowl season, as recommended by DFW, but with no change to the traditional NE zone whitefront goose season, as recommended by *Gaines & Associates*.

To view the comprehensive waterfowl seasons and bag limits adopted by the Commission for the 2017/18 waterfowl season for all five zones, click [2017/18 Waterfowl Regs](#)

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

Agenda Item 11 – Adopt Proposed Changes to Mammal Hunting Regulations

This item served as the final discussion and adoption hearing on 2017 hunting regulations for deer, archery deer, nelson big horn sheep, antelope, elk, and SHARE elk hunts.

DFW Wildlife Branch Chief T.O. Smith opened the topic with a brief presentation on the Department's final 2017 season tag allocation recommendations for all big game species. Mr. Smith began with deer, stating that deer populations were stable throughout most of the state, allowing DFW to recommend an increase deer tag allocations in many zones. Mr. Smith noted that in southeastern part of the state, however, impacts to populations due to the heavy winter required DFW to recommend some tag reductions in Region 6.

Moving on to bighorn sheep, Mr. Smith stated that zero tags were recommended for Kelso and Old Dad Peak due to those populations still recovering from the 2013 outbreak of pneumonia. Mr. Smith then noted that DFW was recommending a total of 18 wild sheep tags for 2017 – one tag less than the approved 2016 allocation.

Mr. Smith then commented on DFW's recommendation for pronghorn, stating that populations were stable – with the exception of Zone 4 in Lassen County. Mr. Smith noted that to address population concerns in that area, DFW was recommending that the early hunt (Hunt 740) and late hunt (Hunt 742) be reduced by 10 tags each from last year – leaving a total of 70 general tags. Mr. Smith stated that the archery tags for the area (Hunt 745) were also reduced by 5 tags, leaving a total of 5 archery tags.

Commenting on elk, Mr. Smith stated that DFW was recommending a total of 325 tags for general elk hunts – a net reduction of 7 tags from 2016. Mr. Smith noted that there would be no loss of hunting opportunity, however, as the 7 tags have simply been shifted over to antlerless tags allocated to the SHARE Program.

Mr. Smith then closed his presentation by cautioning the Commission. He stated that it was the wettest winter ever after six years of drought, migrations were delayed due to snow storms, lots of snow must melt before vegetation is made available to the animals, that additional surveys must be conducted to evaluate winter kill, and that DFW may come back to the Commission to request emergency regulations in the future to reduce deer and antelope tag quotas.

Following Mr. Smith's presentation, Commission President Sklar opened the topic up to public comment. Testifying on behalf of the *California Deer Association*, the *Rocky Mountain Elk Foundation*, the *California Chapter of the Wild Sheep Foundation*, *California Houndsmen for Conservation*, and the *California Bowmen Hunters/State Archery Association*, *Gaines & Associates* opened its testimony by noting the close partnership we have with the Department on big game related issues. We stated that, again this year, Department staff worked hard to provide their draft tag allocation recommendations to *Gaines & Associates* well ahead of today's meeting so we could evaluate them with our clients and identify any concerns we may have. We continued by noting that, in those areas where we did have concerns, the Department took the time to meet with us to discuss the issues and seek resolution. We stated that, because of these

efforts, we were pleased to support DFW's recommended tag allocations for all big game species at this time.

Continuing our testimony, *Gaines & Associates* then noted that there were a couple of remaining areas of concern that we would like to have addressed in next year's proposal, and that we have a commitment from the Department to work with us on those areas over the coming months. First, we stated that we wanted to work with the Department on a more equitable and reasonable allocation of archery tags. Second, moving over to sheep, we commented that – with the strong support of the *California Chapter of the Wild Sheep Foundation* – DFW has been historically ultra-conservative in their proposed allocation of wild sheep tags. We stated that Fish and Game Code allows for the harvest of up to 15% of the mature rams in each management area, and that 15% number – in and of itself – is highly conservative. Making matters more concerning, we pointed out that none of the historical tag allocations have even come close to the highly conservative allowable 15% harvest. Knowing this, we looked forward to working with the Department to add additional sheep tags in 2018.

Finally, remaining on the topic of wild sheep, we stated that we also looked forward to working with the Department on taking a look at possibly splitting some of the very lengthy sheep seasons into separate smaller periods to allow for a higher quality hunting experience.

Following public testimony, the Commission voted unanimously to approve the proposed addendum to the final environmental document for elk and adopt the mammal hunting regulations, as presented by the Department.

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 served 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.

This topic opened with a very quick summary of the item by Commission staff Erin Chappell, who noted that the proposed amendments were intended to eliminate “in person” delivery of deer report cards to DFW, and to add a provision stating if a report card is submitted by mail and not received by the DFW, it is considered “not reported.”

Following Ms. Chappell's brief comments, DFW Deputy Director Stafford Lehr pointed out that the requirement that deer hunters – whether successful or not – report back to the Department has been a huge success. Highlighting the importance to the Department of having that data when it comes to making deer management decisions, and better management through better data, Mr. Lehr thanked the hunters for their support of the new reporting requirement. He closed by stating that the proposed changes in front of the Commission at this time further facilitate important data gathering by reducing data loss resulting from paper submission.

Following Mr. Lehr's comments, public comment was called for and there was none. The Commission then voted unanimously to adopt the changes to deer tagging and reporting, as recommended by the Department.

To provide some background, beginning with the 2016 season, deer hunters were 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 total by DFW is intended to 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

Item (A) under this agenda item served as the final adoption hearing for proposed changes to reverse recently approved regulations which (currently) allow for the use of Global Positioning System (GPS) on dogs used for the pursuit and/or take of mammals. Item (B) under this agenda item served as the first, or “notice” hearing of intent to amend the regulations a third time to once again allow the use of GPS on dogs used for the pursuit and/or take of mammals.

Confusing? You bet. Allow us to provide some necessary background. 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, 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. But, to do so, the Commission had to re-notice the topic for consideration of a reversal of their April 2016 action – in other words, to consider reinstating the ban on the use of GPS on dogs used for the pursuit and/or take of mammals.

To start the process, the Commission placed publication of notice to consider restoring the ban on GPS use 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.

When the February 2017 meeting arrived, the necessary environmental document was still not yet complete, prohibiting the Commission from taking any action. Instead, the Commission

announced that the environmental document would be completed by DFW the following month and 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 environmental document was, in fact, completed by DFW and presented to the Commission at their April 13th conference call, clearing the way for this topic to be placed on this agenda.

This confusing topic was carefully opened by Commission Council Mike Yaun who waded the Commission through a recap of the convoluted history of this issue (as outlined above), and the reason why agenda items 13 (A) and (B) are in front of them at this time. In closing his comments, he stated that the Department’s environmental document had found that there were no potential environmental impacts resulting from the proposed change.

Following Mr. Yaun’s opening background, Commission President Erik Sklar immediately opened the topic for public comment. Heavily outnumbered by animal-rights activists *Gaines & Associates* was pleased to join Lori Jacobs, President of the *California Houndsmen for Conservation* in providing careful testimony on behalf of the organization which pointed out that the use of GPS was for the safety and humane treatment of the dogs, and which expressed support of the Commission’s commitment to go through this long effort intended to result in permanent approval of the use of GPS collars for this purpose.

Following the lengthy public comment, Commission President Sklar reminded those in attendance that the only reason this item was on this agenda was because of an error by the Department and the Commission in providing appropriate environmental documentation when GPS was authorized for this purpose a year ago. President Sklar was clear to point out that three of the Commissioners who voted in favor of the use of GPS in 2016 were still on the Commission and, unless new compelling information was brought forward in the interim, they were not likely to change their position. He followed by stating that, knowing that the Commission would very likely reauthorize the use of GPS in the near future, it did not make sense to put the ban on GPS in place for just a few months. Rather it made best sense to put the ban on hold until the entire process was complete – thus allowing GPS to remain legal throughout the process.

Following President Sklar’s comments, Commissioner Williams also spoke in detail about his support for the use of GPS on dogs pursuing mammals, noting, among other things, that he had personally been on a hound hunt and had witnessed what does and doesn’t take place in the field.

Commission President Sklar then motioned that the Commission adopt the proposed regulation to ban the use of GPS on dogs used for the pursuit and/or take of mammals, effective April 26, 2018. His motion was seconded and approved by a unanimous vote of the Commission.

President Sklar then quickly moved that the Commission authorize publication of notice to delete the prohibition on the use of GPS on dogs used for the pursuit and/or take of mammals. That motion was seconded and also quickly approved by a unanimous vote of the Commission.

The second, or “discussion” hearing by the Commission on the re-legalization of the use of GPS on dogs used for the pursuit and/or take of mammals will not take place at the Commission’s June 2017 meeting in Smith River, as the necessary environmental document will not yet be completed. This topic will likely be placed on agenda for discussion at the Commission’s October 2017 meeting in Atascadero.

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

PLAN AHEAD!!!

BELOW ARE THE DATES & LOCATIONS OF UPCOMING COMMISSION MEETINGS!

PREDATOR POLICY WORK GROUP – Next Meeting – July 13, 2017

***Department of Parks and Recreation
Redwood Conference Room
1416 Ninth Street
14th floor
Sacramento, CA 95814***

CALIFORNIA FISH & GAME COMMISSION – August 2017 Meeting

The August 2017 meeting of the California Fish and Game Commission is scheduled for August 16th and 17th at the following location:

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

WILDLIFE RESOURCES COMMITTEE – Next Meeting – September 13, 2017

***California Tower
3737 Main Street
Highgrove Room 200
Riverside, CA 92501***

CALIFORNIA FISH & GAME COMMISSION – October 2017 Meeting

The October 2017 meeting of the California Fish and Game Commission is scheduled for October 11th and 12th at the following location:

***SpringHill Suites by Marriott
900 El Camino Real
Atascadero, CA 93422***

CALIFORNIA FISH & GAME COMMISSION – December 2017 Meeting

The December 2017 meeting of the California Fish and Game Commission is scheduled for December 6th and 7th at the following location:

***Handlery Hotel
950 Hotel Circle North
San Diego, CA 92108***

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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