



GAINES & ASSOCIATES

“SPECIAL REPORT”

CALIFORNIA FISH AND GAME COMMISSION WILDLIFE RESOURCES COMMITTEE

**SEPTEMBER 13, 2017 MEETING
MEETING SUMMARY**

SEPTEMBER 19, 2016

To view the full agenda, click [FGC WRC – September 2017 Mtg Agenda](#)

Wildlife Resources Committee (WRC) Co-Chairs: Commissioner Williams and Commissioner Burns both present.

Roughly 20 members of the public attending.

Agenda items of concern are reported on below.

Agenda Item 3: Identify and discuss initial recommendations for 2018/19 upland game bird Regulations

DFW Deputy Director for Fish and Wildlife Stafford Lehr reported that DFW will not recommend any changes in upland game bird regulations for 2018/19 – with the possible exception of reopening sage grouse hunting, if supported by lek counts.

As this item was placed on this WRC meeting agenda for initial vetting, it will also be placed on the January 11, 2018 WRC meeting agenda for further discussion and a possible WRC recommendation to the full Commission. This item will be placed on agenda for the Commission’s February 2018 meeting for consideration of authorization to publish notice.

Agenda Item 4: Discuss and approve recommendations for 2018/19 regulations:

- (A) ***Mammal hunting*** – DFW Deputy Director Lehr stated that DFW will not recommend any changes in mammal hunting regulations for 2018/19 other than the usual annual changes in season dates and tag quotas. Lehr quickly updated those in attendance on the status of the Elk Plan, noting that it recently had been sent back to DFW staff for additional revisions by DFW Chief Deputy Director Kevin Hunting. Lehr reported that he expected the newly revised Plan to be back on his desk within the next few days.

- (B) ***Waterfowl hunting*** – DFW Deputy Director Lehr stated that DFW will not recommend any changes in waterfowl hunting regulations for 2018/19. State waterfowl regulations must stay within federal framework. Note – pintail bag will increase back up to 2 birds in 2018/19.

Some discussion ensued between *Gaines & Associates*, the *California Farm Bureau* and DFW about the need to all work together in an effort to enroll Modoc County landowners into the SHARE Program to help increase public access to private lands during the late season goose depredation hunts in early 2018. Lehr noted that DFW would also like to expand the SHARE Program elsewhere.

(C) Central Valley Chinook salmon sport fishing – DFW Fisheries Branch Chief Kevin Shaffer reported that the Central Valley salmon return so far this year in the American, Feather and Sacramento Rivers has been better than expected. Shaffer noted that California’s Central Valley salmon fishing regulations must conform with federal regulations, which won’t be determined for 2018 until next April.

(D) Klamath River sport fishing – DFW Fisheries Branch Chief Kevin Shaffer reported that, like the Central Valley salmon sport fishing regulations, Klamath River salmon sport fishing regulations must conform with federal regulations, which won’t be determined for 2018 until next April. Shaffer noted that they hope Klamath Region conditions improve in 2018.

Following discussion, WRC Co-Chairs voted to forward the initial DFW recommendations for 2018/19 regulations for mammal, waterfowl, and Central Valley and Klamath River sport fishing to the full Commission as a WRC recommendation. All of the above topics will be placed on Commission’s December 2017 meeting agenda for consideration of authorization to publish notice.

Agenda Item 5: Discuss and possible recommendation for phase 2 falconry regulation change

DFW Deputy Director for Fish and Wildlife Stafford Lehr opened this item by stating that the Office of Administrative Law (OAL) had just recently approved the “phase 1” falconry regulations changes adopted by the Commission earlier this year, and that those new regulations won’t even go into effect until October 1. Lehr noted that DFW had put a lot of work into forming the “phase 1” package and had spent several hours meeting with the falconry community to reach agreement on the language. Lehr stated that, although DFW had worked with the falconry community to reach consensus language, some individuals within that community still had some serious concerns with some of the regulations adopted. Lehr said that due to the fact that these “phase 1” regulations had yet to go into effect and had not been tested in the field, and the very limited time staff had available to work on phase 2 at this time, DFW would like to delay consideration of “phase 2” falconry regulations for 6 to 9 months. Lehr also stressed that this delay would allow DFW the important time necessary to meet with the falconry community to attempt to reach agreement on regulatory language for “phase 2” topic areas – including the prairie falcon lottery, and the possible transfer of rehab and depredating raptors to licensed falconers.

Gaines & Associates and *California Hawking Club* representatives in attendance supported DFW’s recommended delay and thanked the Department for their time and interest in meeting with the falconry community to seek agreement on phase 2 regulatory changes.

Following discussion, WRC Co-Chairs agreed to DFW’s request to table discussion of phase 2 falconry regulations to a future meeting of the WRC.

Agenda Item 6: Discuss and possible recommendation for wild pig management proposal

Background: The primary intent of this topic is to consider possible changes to Fish and Game Code and Title 14 regulations that would facilitate the ability of landowners and the state to control wild exotic pigs and the extensive damage they do to public and private lands. Of primary concern to the hunting community in this effort is to maintain and enhance wild pig hunting opportunity, and to increase the use of hunting as a landowner management tool for controlling wild pig populations. Also of serious concern

is maintaining the roughly \$1.2 million per year currently generated by the sale of pig tags which is deposited into the Big Game Management Account which benefits bighorn sheep, bear, deer, elk and pronghorn antelope.

The impetus for DFW and the Commission to prioritize possible regulatory changes to address wild pig concerns was largely generated by Assembly Member Frank Bigelow (R/05-O'Neals), who has introduced three pieces of legislation in the past few years targeting the issue. Since the necessary changes to address problems caused by wild pigs will require both statutory changes made by the Legislature and regulatory changes adopted by the Commission, Assembly Member Bigelow has agreed to partner with the Commission on pursuing a solution. Assembly Member Bigelow's latest bill, AB 573 (introduced in March 2017) is a currently a "spot bill" laying in wait for suggested statutory language to come out of this Commission process.

At this meeting, Erin Chappell, Wildlife Advisor for the Fish and Game Commission, led the discussion. Chappell noted that Commission staff had spent a tremendous amount of time meeting with a variety of stakeholders to gather their thoughts and concerns in preparation for putting together recommendations for the WRC and the Commission to consider. Chappell noted that Commission staff had initially considered the following three possible approaches for reducing wild pig populations to benefit native species and their habitats and to protect private and public property, while maintaining hunting opportunities and pig tag funding generated to the Big Game Management Account:

- 1) maintain the "game" status designation with modifications to the depredation and tag provisions;
- 2) change the status designation to "nongame" and add provisions for tags, methods of take, and depredation; and
- 3) create a "new designation" with provisions for hunting, depredation, and importation, transportation, and release.

Chappell explained that, based on additional analysis and stakeholder input, Commission staff had since narrowed consideration down to two possible regulatory options which are being brought forward for WRC discussion and consideration at this meeting. Chappell pointed out to the WRC Co-Chairs and others in attendance that the first option (Option 1) would change the designation of wild pigs from a game mammal to a nongame mammal, which would result in changes to how wild pigs are regulated for both recreational take and take for depredation purposes. She noted that a nongame mammal is defined as a mammal that occurs naturally in California that is not a game mammal, fully protected mammal, or fur-bearing mammal, and that nongame mammals are generally hunted or trapped for non-consumptive purposes. Wild pigs are hunted primarily for their meat and, as such, do not fit as well into the nongame mammal designation as they might in a new designation. Chappell said that the second option (Option 2) would create a new, separate designation for wild pigs. Placing wild pigs under a new designation would allow for the defining of the different management objectives wild pigs have, relative to other game and nongame mammals in California. Chappell stated that, in either case, additional regulations would have to be addressed to maintain hunting opportunity and annual pig tag revenues. She noted that the new designation could also be used for other non-native game species such as fallow deer, aoudad and mouflon, which are currently designated as nongame mammals.

Chappell stated that the majority of the conservation groups she spoke with were in favor of placing wild pigs under a new designation, as opposed to changing their designation to a nongame animal – as long as hunting opportunity was maintained and expanded, and annual pig tag revenues to the Big Game Management Account were preserved. Chappell closed by stating that FGC staff was recommending the WRC support Option 2.

Below are some of the nuts and bolts of the two options presented:

OPTION 1 - Change Designation from "Game" Mammal to "Nongame" Mammal

Statutory changes recommended or required under Option 1 would include:

- Effective date of July 1, 2019;
- Remove wild pig from the list of big game species which can benefit from Big Game Management Account projects and programs;
- Eliminate all required permits and reporting for depredation;
- Add wild pig to the list of birds and mammals where waste of a carcass is prohibited;
- Reduce and simplify DFW wild pig management plan requirements;
- Revise the definition of wild pig to more clearly differentiate wild pigs from domestic swine;
- Eliminate the need to have a "pig tag/pig", instead requiring the purchase of a single annual validation.

Regulatory changes recommended or required under Option 1 would include:

- Prohibit feeding of wild pigs;
- Allow transporting of wild pigs off Indian Reservations;
- Prohibit baiting of wild pigs;
- Remove wild pig from the definition of big game and related big game provisions;
- Add wild pig to the general provisions of nongame animals;
- Specify that wild pig may only be taken from one-half hour before sunrise to one-half hour after sunset;
- Require a hunting license and wild pig hunting validation to hunt wild pigs;
- Allow statewide taking of wild pig any time of year and in any number;
- Allow a landowner, tenant or paid employee to take wild pig for depredation purposes on their property without a hunting license;
- Require a landowner's "designated agent" taking depredating wild pigs on their property to have a trapping license or hunting license and a wild pig hunting validation;
- Allow the use of dogs and artificial lights for the taking of depredation pigs;
- Require wild pigs taken for depredation purposes to be tagged with the landowner's name, address, date and location the animal was taken prior to being transported from the property;
- Require the carcasses of wild pigs taken for depredation purposes to be utilized, except if the carcass is unusable for reasons of high air temperature, disease, parasites, or other conditions;
- Require licensed hunters, 12 years of age or older taking wild pigs, to have a current state wild pig hunting validation in possession.

OPTION 2 - Change Designation from "Game" Mammal to New Designation

Note: The name of the "new designation" under consideration is "Exotic Game"

Statutory changes recommended or required under Option 2 would include:

- Prohibit the use of body-gripping traps for the taking of wild pigs;
- Prohibit the capture, confinement or possession of wild pigs;
- Allow take of wild pigs for depredation purposes.

Regulatory changes recommended or required under Option 2 would include:

- Remove wild pig from the list of big game species which can benefit from Big Game Management Account projects and programs;
- Add new section for the new designation which establishes bag and season, methods of take, hours for take, licensing and validation, and depredation provisions (similar to as proposed above under Option 1.)
- Require licensed hunters, 12 years of age or older taking wild pigs, to have a current state wild pig hunting validation in possession.

Following discussion, WRC Co-Chairs agreed to forward the staff recommendation of Option 2 to the full Fish and Game Commission as the WRC recommendation. This item will likely be placed on the Commission's October 2017 meeting agenda for some discussion.

Agenda Item 7: Predator Policy Workgroup

(A) Predator Policy Workgroup member presentations on draft terrestrial predator policy and regulatory proposals

(B) Discuss and possible recommendation for terrestrial predator policy and regulatory proposals

Commission Wildlife Advisor Erin Chappell, who also serves as facilitator for the Predator Policy Workgroup (PPWG), led the discussion on this agenda item also. She opened this topic by stating that the PPWG had last met on July 13th to finalize recommendations on the draft predator policy and proposed regulations changes. Chappell stated that the Workgroup had reached consensus on most of the proposed policy, but that they were unable to reach consensus on the final section. Chappell stated that a majority of the Workgroup – consisting of six members representing agricultural and hunting interests – opposed the use of the word "humane" in the final section, while the remaining members representing environmental interests were concerned about the final sentence which included a reference to "recreational take". Chappell then stated that the PPWG had also spent some time at the July meeting trying to reach agreement on a few selected less controversial regulations.

Chappell commented that the intent was to package the results of the Workgroup's efforts into a Final Report that was to be provided to the WRC today, and to supplement that Report with two separate presentations given by the majority and minority groups providing their thoughts and opinion. Chappell noted that, due to late disagreement amongst the PPWG on the information provided in the draft Report, the Workgroup had agreed to request that today's agenda item be postponed until the January 2018 WRC meeting to allow the Workgroup time to meet one more time to try to complete the Report. Chappell stated that the delay would allow for the PPWG to meet in November, the Final Report to be circulated to reviewers in early December, and then presented to the WRC at the January 2018 meeting.

Following Chappell's comments, *Gaines & Associates* and the two other PPWG members in attendance spoke up to thank Ms. Chappell for her patience and efforts with the Workgroup over the past several months, and indicated our willingness to meet in November to attempt to seek agreement on the Final Report. It was noted that that it must be made clear that this will be the final meeting of the PPWG, whether agreement is reached or not.

Following discussion, WRC Co-Chairs approved to the PPWG's request to postpone this agenda item to the January 2018 WRC meeting with the following stipulations:

- *The PPWG must meet prior to Thanksgiving;*
- *The PPWG must finalize the report during the meeting. If consensus is not reached, with differences in opinion noted in the Final Report;*
- *There will be no changes to the Final Report after the November meeting of the PPWG;*
- *The WRC will move forward in January with or without a Final Report;*
- *The report will be circulated to the reviewers following the PPWG meeting to give them time to provide their input to the WRC in January;*
- *Time will be provided at the January WRC meeting for the majority/minority presentations originally scheduled for September.*

To view the complete Meeting Binder for the California Fish and Game Commission Wildlife Resources Committee September 13, 2017 meeting, click [FGC WRC Mtg Binder - 9 13 17](#)

PLAN AHEAD!!!

BELOW ARE THE DATES & LOCATIONS OF UPCOMING COMMISSION MEETINGS!

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***

WILDLIFE RESOURCES COMMITTEE – Next Meeting – January 11, 2018

***Santa Rosa
Location TBD***

To submit your own comments to the Commission, or the WRC 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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