



GAINES & ASSOCIATES

“SPECIAL REPORT”

CALIFORNIA FISH AND GAME COMMISSION UPDATE

JUNE 19, 2018

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 Sacramento, and a recap of what took place at the Commission’s April 2018 meeting in Ventura.

Gaines & Associates recognizes that our Special Reports may be lengthy and may often provide more information than some 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 2018 Meeting Agenda

The June 2018 meeting of the California Fish and Game Commission is scheduled for June 20th and 21st at the:

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

In accordance with the Commission’s two-day meeting format for 2018, all marine fishery related items will be considered on “Day One”, and wildlife and sport fish related issues will be considered on “Day Two”. As a result, at this meeting, all marine related are slated for the Wednesday, June 20th meeting agenda, with all wildlife and sport fish items scheduled for consideration on the Thursday, June 21st meeting agenda. All agenda items of interest and concern to clients of *Gaines & Associates* are highlighted below.

Gaines & Associates will attend the meeting of the Commission in Sacramento to provide testimony on all items of concern to our clients. For more information on any of the issues below, or more detail on our efforts to protect and promote our client’s interests, please contact us at info@gainesandassociates.net

To view the full agenda, click [FGC – June 2018 Mtg Agenda](#)

Thursday, June 21, 2018 – 8:30 AM

Agenda Item 29 – 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. Currently, Commissioners Anthony Williams and Russell Burns Co-Chair the WRC.

Commission Executive Director Valerie Termini should open this agenda item by stating that the Commission has filled the vacant wildlife advisor position and make the introduction Ari Cornman. Ms. Termini will also note that, since the Commission wildlife advisor staffs the WRC meetings and Mr. Cornman just came on board in late May, the May 2018 WRC meeting was cancelled. As such, the draft agenda topics identified for the May WRC meeting will be carried over to the September 20th in Sacramento – with the exception of annual sport fish and the lead ban implementation as the timing is no longer relevant.

Ms. Termini should then quickly review the draft agenda topics previously identified for the September meeting of the WRC, as follows:

- Proposals for Annual Rulemaking:
 - 1) Mammal Hunting (Discussion/Recommendation)
 - 2) Waterfowl Hunting (Discussion/Recommendation)
 - 3) Central Valley Salmon Sport Fish (Discussion/Recommendation)
 - 4) Klamath River Salmon Sport Fish (Discussion/Recommendation)
 - 5) Upland Game Birds (Discussion Only)

- Proposals for Rulemaking:
 - 1) Falconry (Discussion Only)
 - 2) Coastal Streams Low-Flow (Discussion/Recommendation)
 - 3) Archery Equipment/Crossbow Regulations (Possible Consideration)
 - 4) Deer and Elk Tag Verification (Possible Consideration)

- Special Projects and Updates:
 - 1) Bullfrogs and Non-Native Turtles (Discussion Only)

Note that the topics of “Archery Equipment/Crossbow Regulations” and “Deer and Elk Tag Verification” have been placed on this meeting’s agenda to determine whether there is enough possible interest in them to place the topics on the August Commission meeting agenda for consideration of approval to place them on the September WRC agenda.

Ms. Termini is not expected to recommend any additional new topics of discussion be added to the WRC effort at this time.

Note that the September 20th meeting of the WRC will be held in the first floor Auditorium of the Resources Building, located at 1416 Ninth Street in Sacramento.

To review the Commission staff summary for agenda item 29, including the draft WRC Work Plan and Timeline as updated this month, click [FGC Staff Summary - WRC](#)

Agenda Item 30 – Sage Grouse Preference Points and Draw

This item will serve as the second or “discussion” hearing on a Department of Fish and Wildlife (DFW) regulatory proposal to establish a preference point draw for sage grouse permits. The DFW proposal would establish an electronic random drawing for sage grouse permits that will include a preference point system similar to the Big Game Preference Point process.

This DFW regulatory proposal is in response to a petition filed with the Commission in 2016 (Petition #2016-010) which requested a preference point system be established for sage grouse to increase the probability of drawing success for hunters who have previously applied, but who have not been drawn. The addition of preference points for past participants is necessary to fairly credit prior effort and to encourage continued drawing participation for these hard to get permits. This new process would be conducted through the DFW Automated License Data System (ALDS).

Further discussion and possible adoption of the regulatory proposal to establish a preference point draw for sage grouse permits will take place at the Commission’s at the Commission’s August 23rd meeting in Fortuna.

To review the full Commission staff summary on Agenda Item 30 regarding a sage grouse point system and draw, click [FGC Staff Summary – Sage Grouse Preference Points](#)

Agenda Item 31 –Resident Upland Game Bird Hunting Regulations

This item will serve as the third or final “adoption” hearing on 2018/19 upland game bird seasons and bag limits. Note that the only change from last year’s upland game regulations at play has to do with sage grouse permits.

California has four sage grouse hunt zones – the East Lassen zone, Central Lassen zone, North Mono zone and South Mono zone. At this meeting, DFW will state that, due to low lek counts and poor population forecasts in all four zones for 2018, DFW is proposing zero sage grouse permits for all four hunt zones for the 2018/19 season. DFW also proposed, and the Commission adopted, zero permits in all four zones for the 2017/18 season.

Each year, DFW bases the number of sage grouse permits they recommend on spring lek counts. A “lek” is a communal area in which two or more male greater sage grouse perform courtship displays to mate with females. The lek counts are used to estimate population size, and a population model expands the count of males to predict the size of the fall population.

In supporting their recommendation of zero permits again this season, DFW will state that spring lek counts declined in East Lassen zone and remained about the same in Central Lassen and South Mono zones, noting that populations in all three zones have been significantly down since 2012. DFW will also note that, although lek counts did increase in the North Mono zone, poor access due to weather conditions last year may have resulted in underestimates in 2017.

To review the full Commission staff summary on Agenda Item 31 regarding 2018/2019 upland game bird regulations, click [FGC Staff Summary – Upland Game Birds](#)

Agenda Item 32 – Chronic Wasting Disease

Under this item DFW will provide an update regarding chronic wasting disease (CWD) – a fatal neurologic disease of cervids (deer, elk, moose, reindeer) caused by a misfolded form of a normal protein. This DFW presentation is to serve two purposes: 1) to provide a public education opportunity; and 2) to educate the Commission about possible future actions it may need to consider in order to control the disease.

While it has been detected in 24 states, two Canadian provinces, South Korea and Norway, neither California nor any of our neighboring states has had a case of CWD. Through legislation and geography, California is at relatively low risk for CWD. However, because it has the potential to spread to California’s deer and elk populations, surveillance for the disease remains a priority for DFW.

CWD has continued to spread throughout North America, and states that are currently CWD-negative, such as California, must increase their surveillance and increase public awareness. With the high number of California hunters that travel to CWD-positive states, California has the potential for CWD-positive animals to be brought into the state.

In 2002, the Commission enacted regulations to prohibit the importation into California of certain portions (no skull and no backbone) of hunter harvested deer, moose and elk to reduce the threat of CWD in California. This DFW presentation will highlight how Californians can remain vigilant to prevent this deadly disease from spreading.

To review the full Commission staff summary on Agenda Item 32 regarding chronic wasting disease, click [FGC Staff Summary - CWD](#)

Agenda Item 33 – Wildlife and Inland Fisheries Petitions for Regulation Change

(A) Action on Current Petitions for Regulation Change

I. Petition #2018-002: Consider Preference Points on Elk Type, Eliminate “Either-Sex Designation,” and Require Tags Based on Gender

II. Petition #2018-003: Consider Including Big Sandy Wildlife Area as an Area for Training Hunting Dogs

(B) Action on Pending Regulation Petitions Referred to Staff and the Department for Review

I. Petition #2015-008: Consider Repealing Hunting of American Badger and Gray Fox

Item (A) under this agenda item will allow for discussion of two petitions for regulatory change recently submitted to the Commission for consideration.

Petition # 2018-002, submitted to the Commission for consideration by the California Rifle and Pistol Association, requests that that they consider modifying the system for elk to accumulate and use preference points separately for bull and antlerless tags. If adopted, there would no longer be an "either sex" tag. Rather, bull and antlerless tags would be applied for separately, points would be accumulated separately, and tags would be allocated separately.

At this meeting, DFW will recommend that this petition be denied based on the fact that the elk management plan is still being finalized and DFW is planning to consider multiple options – including tag allocations – during outreach efforts for, and the development of the Hunter and Angler Recruitment, Retention and Reactivation (R3) program.

Petition #2018-003, submitted to the Commission for consideration by a private individual, requests that hunting dog training be allowed at Big Sandy Wildlife Area.

At this meeting, DFW will recommend this request be granted and that it be considered in the next DFW Lands Program rulemaking package.

Item (B) under this agenda item is an opportunity for staff to provide a recommendation on wildlife petitions previously referred by the Commission to staff or DFW for review.

Petition # 2018-002, submitted to the Commission for consideration by the Paula Lane Action Network in November 2015, calls for the complete closure of hunting of the American badger and the gray fox. This petition was reviewed by *Gaines & Associates* and others seated on the ten-member Predator Policy Workgroup (PPWG) well over a year ago and recommended for denial by a majority vote. However, the Commission subsequently requested that an evaluation be conducted by DFW for both badger and gray fox.

DFW has now completed its review and will recommend denial of the request for closure of hunting on both the American badger and the gray fox based on the positive population status and the minimal level of harvest of both species.

To review the Commission staff summary on Agenda Item 33 regarding petitions for regulatory change – including full detail on all of the above petitions, click [FGS Staff Summary – Petitions for Reg Change](#)

CALIFORNIA FISH & GAME COMMISSION – April 2018 Meeting Recap

The April 2018 meeting of the California Fish and Game Commission was held in Ventura on April 18th and 19th. Under the Commission’s new two-day meeting format for 2018, all marine related items were discussed on the Wednesday, April 18th meeting agenda, with all wildlife and sport fish items considered on the Thursday, April 19th meeting agenda.

Gaines & Associates was pleased to attend the April 19th meeting and provide testimony on all items of concern on behalf of our clients. All notable activity associated with agenda items of concern to clients of *Gaines & Associates* is highlighted below.

For more information on any of the issues below, or more detail on our efforts to protect and promote our client’s interests, please contact us at info@gainesandassociates.net

To view the full agenda, click [FGC – April 2018 Mtg Agenda](#)

The Commission’s April 19th, 2018 meeting was gaveled open by Commission President Eric Sklar with Commission Vice President Anthony Williams and Commissioners Russell Burns and Jacque Hostler-Carmesin present. Commissioner Peter Silva was absent.

Thursday, April 19, 2018 – 8:30 AM

Agenda Item 25 – Wildlife Resources Committee

(A) Work Plan Development

I. Update on Work Plan and Draft Timeline

II. Discuss and Approve New Topics

Commission Executive Director Valerie Termini opened this item by stating that the Commission's wildlife advisor position, which staffs WRC meetings, remains vacant. Ms. Termini noted that because scheduling of the current WRC agenda topics is not urgent, the Commission did have the option of canceling the WRC meeting scheduled for May 17th in Los Alamitos due to limited staff capacity to prepare. Ms. Termini then stated to the Commission that the WRC Work Plan was provided in their meeting binders. For your convenience, that Work Plan is provided below:

- Proposals for Annual Rulemaking:
 - 1) Mammal Hunting (Discussion Only)
 - 2) Waterfowl Hunting (Discussion Only)
 - 3) Central Valley Salmon Sport Fish (Discussion Only)
 - 4) Klamath River Salmon Sport Fish (Discussion Only)

- Proposals for Rulemaking:
 - 1) Falconry (Discussion Only)

- Emerging Management Issues:
 - 1) Lead Ban Implementation (Discussion)

- Special Projects and Updates:
 - 1) Bullfrogs and Non-Native Turtles (Update)

Following Ms. Termini's comments, Commission President Eric Sklar called for public testimony, and there was none.

Following a very brief discussion at the dais, WRC Co-Chair Commissioner Burns motioned that the May 2018 WRC meeting be canceled. WRC Co-Chair Commissioner Williams seconded the motion and the Commission voted unanimously to cancel the May WRC meeting.

The next meeting of the WRC will be held on September 20th in Sacramento and the WRC Work Plan and Timeline will be updated accordingly.

To review the Commission staff summary for agenda item 25, including the draft WRC Work Plan and Timeline as updated this month, click [FGC Staff Summary - WRC](#)

Agenda Item 26 – Authorize Publication of Notice of Intent to Add Regulations Concerning Sage Grouse Preferential Points and Draw

This item served as the initial “notice” hearing on a DFW regulatory proposal to establish a preference point draw for sage grouse permits. The DFW proposal would establish an electronic random drawing for sage grouse permits that will include a preference point system similar to the Big Game Preference Point process.

This item was opened by Brad Burkholder, DFW Game Program Supervisor, who began by noting that this package was being brought forward by DFW in response to a petition filed with the Commission in 2016 (Petition #2016-010) which requested a preference point system be established for sage grouse to increase the probability of drawing success for hunters who have previously applied, but who have not been drawn. Mr. Burkholder stated that the draw would be held through the DFW Automated License Data System (ALDS) with a small fee charged to

applicants to cover the program cost. Mr. Burkholder stated that, if adopted, the preference point program would begin with the 2019 sage grouse hunting season.

Following Mr. Burkholder's comments and some brief public comment, Commissioner Russell Burns moved that the Commission authorize publication of notice of intent to add regulations concerning sage grouse preferential points and draw. The motion was seconded by President Sklar and passed unanimously.

Further discussion on the regulatory proposal to establish a preference point draw for sage grouse permits will take place at the Commission's June 21st meeting in Sacramento, with final adoption taking place at the Commission's August 23rd meeting in Fortuna.

To review the full Commission staff summary on Agenda Item 26 regarding a sage grouse point system and draw, click [FGC Staff Summary – Sage Grouse Preference Points](#)

Agenda Item 27 – Discuss Proposed Changes to Resident Upland Game Bird Hunting Regulations

This item served as the second or “discussion” hearing on regulatory changes DFW is proposing for 2018/19 upland game bird seasons and bag limits. For the coming season, the only change DFW is considering from the suite of regulations in place for all upland game birds last year is a possible change in the number of sage grouse permits to be allocated.

The item opened with DFW Game Program Supervisor Brad Burkholder quickly stating that DFW had didn't have anything new to report or present on sage grouse at this time.

As noted above under agenda item 31 for the June 21st Commission meeting, California has four sage grouse hunt zones – the East Lassen Zone, Central Lassen Zone, North Mono Zone and South Mono Zone. DFW annually bases the number of sage grouse permits they recommend for each zone on spring lek counts in each zone. A “lek” is a communal area in which two or more male greater sage grouse perform courtship displays to mate with females. The lek counts are used to estimate population size, and a population model expands the count of males to predict the size of the fall population.

The number of permits ultimately recommended for each hunt zone is based on three criteria: 1) size and trend of the spring breeding population in each hunt zone based on the results of this spring's lek counts; 2) allowable harvest level will not exceed 5% of the predicted fall population; and 3) if the allowable harvest in any zone is 5 or fewer permits, no permits will be recommended for that zone.

With 2018 spring lek counts currently underway, DFW could only offer the below ranges from which the final numbers of greater sage grouse permits for California's four hunt zones will be determined:

- East Lassen Zone: 0 – 25 (2-bird) permits
- Central Lassen Zone: 0 – 15 (2-bird) permits
- North Mono Zone: 0 – 45 (1-bird) permits
- South Mono Zone: 0 – 20 (1-bird) permits

Spring lek counts will be completed in the coming weeks and DFW will provide the Commission with their final recommended number of sage grouse permits at the Commission's June 21st

meeting in Sacramento. Final adoption of 2018/2019 upland game bird regulations will also take place at the Commission's June meeting.

To review the full Commission staff summary on Agenda Item 27 regarding 2018/2019 upland game bird regulations, click [FGC Staff Summary – Upland Game Birds](#)

Agenda Item 28 – Discuss Proposed Changes to Waterfowl Hunting Regulations

This item served as the third, or final “adoption” hearing for waterfowl regulations for the upcoming 2018/19 waterfowl season.

DFW Waterfowl Program Lead Melanie Weaver opened this item with 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 began her presentation by noting that DFW only has three recommended changes to last year's regulations that DFW is proposing for the upcoming waterfowl season are:

- 1) No change in duck season length or bag – except change back to two pintail
- 2) 3-way season split for whitefronts in NE zone, to coincide with white goose season
- 3) Creation of a Klamath Basin Special Management Area (SMA)

Ms. Weaver will then state that the federal framework approved by the U.S. Fish and Wildlife Service for the 2018/2019 waterfowl season includes a 107-day season from the Saturday closest to September 24th to the last Sunday in January, and a 7 duck daily bag limit, including:

- 7 Mallards (only 2 Hens)
- 2 Pintail
- 2 Canvasback
- 2 Redheads
- 3 Scaup (During an 86-day Season)

Ms. Weaver then outlined the Department's recommended duck seasons by zone, as follows:

DFW Recommended Duck Seasons

- Northeastern Zone Season:
 - Regular Season: October 6 – January 18 (105 days)
 - Scaup: October 6 – December 2 (58 days)
and December 22 – January 18 (28 days)
- Balance of the State/Southern San Joaquin Valley/Southern California Zones:
 - Regular Season: October 20 – January 27 (100 days)
 - Scaup: November 3 – January 27 (86 days)
- Colorado River Zone:
 - Regular Season: October 19 – January 27 (101 days)
 - Scaup: November 3 – January 27 (86 days)

Ms. Weaver then provided the Department's recommended goose seasons and bag limits by zone, as follows:

DFW Recommended Goose Seasons & Bag Limits

- Northeastern Zone Goose Seasons:
 - Regular Season:
 - Dark Geese: October 6 – January 13 (100 days)
 - White Geese & Whitefronts: October 6 – December 2 (58 days), and January 5 – January 18 (14 days)
 - Late Season: White Geese & Whitefronts: February 6 – March 10 (33 days)
- Northeastern Zone Goose Bag Limits:
 - 30 Birds Total/Day:
 - 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 29 – October 3 (5 days)
 - Regular Season: October 20 – January 27 (100 days)
 - Late Season: White Geese & Whitefronts: February 9 – February 13 (5 days)
- Balance of the State Zone Goose Bag Limits:
 - 30 Birds Total/Day:
 - 20 White Geese
 - 10 Dark Geese
- Southern San Joaquin and Southern California Zone Goose Season:
 - Regular Season: October 20 – January 27 (100 days)
- Southern San Joaquin and Southern California Zone Goose Bag Limits:
 - 30 Birds Total/Day:
 - 20 White Geese
 - 10 Dark Geese (Southern San Joaquin Zone)
 - 3 Dark Geese (Southern California Zone)
- Colorado River Zone Goose Season:
 - Regular Season: October 19 – January 27 (101 days)
- Colorado River Zone Goose Bag Limits:
 - 20 Birds Total/Day:
 - Up to 20 White Geese
 - 4 Dark Geese
- Black Brant
 - Northern Zone: November 8 – December 14 (37 Days)
 - Balance of the State Zone: November 9 – December 15 (37 Days)
 - 2 Birds/Day
- Special Management Areas
 - North Coast
 - Regular Season: October 31 – January 27 (89 Days)

- Late Season: February 23 – March 10 (16 Days)
- Klamath Basin
 - Regular Season: October 6 – January 18 (105 Days)
- Sacramento Valley
 - Regular Season: October 20 – December 20 (62 Days)
- Imperial Valley
 - Regular Season: November 3 – January 27 (86 Days)
 - Late Season: February 2 – February 18 (17 Days)
- Youth Hunt Weekend
 - Northeastern Zone: September 22nd and 23rd
 - All Other Zones: February 2nd and 3rd

After presenting the Department's proposed waterfowl seasons and bag limits for the upcoming 2018/2019 season, Ms. Weaver noted that the DFW recommendation to establish the Klamath Basin Special Management Area was to address serious concerns regarding loss of public hunting opportunity.

Ms. Weaver then closed her presentation by noting that, to increase public hunting opportunity on the private lands during the late season depredation hunt, DFW had also done extensive SHARE program outreach. Ms. Weaver stated that outreach included DFW: providing a presentation at the March 2018 Modoc County Fish and Game Commission meeting attended by 150 landowners; meeting with the Modoc County Farm Advisor Office; doing outreach in the Modoc County Fish and Game Commission quarterly newsletter which goes to 300 landowners; and having DFW Unit biologists that work with the landowners in the area encourage their participation in SHARE.

The concerns Ms. Weaver pointed out in her presentation were expressed last year by *Gaines & Associates* and *California Waterfowl Association* regarding the loss of opportunity that would result from DFW's recommendation to pull 28 days out of the general whitefront goose season in the NE zone and shift it to the late season depredation hunt. When the shift of 28 days out of the general whitefront goose season in the NE zone to the late season depredation hunt was originally proposed by DFW for the 2017/18 season, at issue was 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 marginal public waters and Type C Wildlife Areas) would be open during the late depredation season hunt. At our request, at their April 2017 meeting, the Commission directed DFW to delay the change until the 2018/19 season to provide the Department time to reach out to landowners in Modoc County to promote the SHARE Program to increase public access to private lands, and to establish the new Klamath Basin SMA to maintain those 28 days in the general whitefront season in the main public hunting areas in the NE zone.

Following Ms. Weaver's testimony, Commission President Sklar called for public testimony.

Gaines & Associates was pleased to testify on behalf of our waterfowl clients – first thanking DFW for working with us to establish the new Klamath SMA in the NE zone, and to encourage landowners to participate in SHARE to maximize overall waterfowl hunting opportunity. *Gaines & Associates* then closed our testimony by pointing out some of the items we would like to work

with DFW and the Commission on in the coming months to further increase waterfowl hunting opportunity in the 2019/2020 season.

Following *Gaines and Associates*' testimony, Commissioner Russell Burns moved that the Commission certify the final environmental document and adopt DFW's proposed changes for the 2018/19 waterfowl hunting season. The motion was seconded by Commissioner Jacque Hostler-Carmesin and passed unanimously.

To review the Commission staff summary on Agenda Item 28 regarding 2018/2019 waterfowl regulations, click [FGC Staff Summary - Waterfowl](#)

Agenda Item 32 – Discuss and Approve Terrestrial Predator Policy

This item was to allow for discussion and possible Commission adoption of a draft terrestrial predator management policy. Commission Executive Director Valerie Termini opened this item by giving the Commission some background on the topic.

Ms. Termini noted that, in December 2015, the Commission appointed 10 stakeholders – including *Gaines & Associates* – to a Predator Policy Workgroup (PPWG) established to provide recommendations to WRC and the Commission on policy and regulatory options for managing predators in California. Ms. Termini stated that the PPWG met nine times between September 2016 and July 2017 to discuss and draft a terrestrial predator policy and consider other potential regulation changes. However, after many of hours of work, the PPWG could not reach consensus on the predator management policy. As such, late last year, the PPWG submitted a somewhat controversial final draft terrestrial predator management policy statement to the WRC for initial Commission consideration. At the heart of the controversy was the policy's use of the word "humane", the level of emphasis placed on the use on non-lethal tools; and the use of recreational take as a management tool in the final sentence of the statement which reads "*A diverse set of management tools should be considered including but not limited to recreational take, wildlife control methods, and exclusionary methods.*"

To provide further background, the draft policy was discussed at the January 2018 meeting of the WRC in Santa Rosa, with the WRC Co-Chairs Commissioners Williams and Burns agreeing to forward the statement, as drafted by the PPWG, as a WRC recommendation to the full Commission for consideration at their February 2018 meeting. However, although the two WRC Co-Chairs agreed to recommend the policy statement, as presented, to the full Commission for consideration, Commissioner Williams made it clear that he may not support adoption of the full statement when it comes before the full Commission at their February 2018 meeting.

When the agenda item came up at the February 2018 Commission meeting, action on the draft terrestrial predator policy statement was tabled until the April 2018 Commission meeting due to two Commissioners being absent. As a result, the draft policy was considered for adoption at this meeting.

Ms. Termini closed her opening comments by stating that, at this meeting, four representatives from interests on the PPWG would each give a presentation regarding their respective positions on the draft policy. *Gaines & Associates* was asked to provide the presentation on behalf of the wildlife conservation community.

Following Ms. Termini's comments and some brief comments by WRC Co-Chair Commissioner Williams regarding the tremendous amount of work that had gone into this effort by stakeholders, the four presenters took turns coming to the podium.

In our presentation, *Gaines & Associates* first pointed out the PPWG was a Commission appointed group of ten carefully selected individuals representing different interests to ensure balance. Our lengthy testimony included noting that the PPWG spent hundreds of hours working on the draft predator management policy brought forward for consideration today; that all types of predator management tools – including “exclusionary methods” are included in the policy; that hunting is an accepted wildlife management tool, as just demonstrated by the lengthy discussion we just had on late season depredation goose hunts under waterfowl regulations; that the word “humane” – although often used in regulation and in statute – has never been defined and can be interpreted in many ways; and that the draft policy presented today had been vetted not once, but twice by the WRC and is being brought forward as a WRC recommendation to the full Commission today. We closed by strongly urging the Commission to adopt the draft predator management policy statement as presented.

Following the four detailed presentations, extensive additional testimony by members of the public, and lengthy discussion between Commissioners on the dais, Commission Vice President and WRC Co-Chair Anthony Williams recommended some changes be made to the draft policy statement. Commissioner Williams suggested amendments which included keeping the word “humane” in the statement but deleting the controversial final sentence and replacing it with one which reads “*A diverse set of tools is necessary to avoid, reduce, and manage conflict. To ensure long-term conservation of predators and co-existence with humans and wildlife, all legal tools shall be considered when managing to address conflicts.*”

Following Commission Vice President Anthony Williams comments, Commissioner Russell Burns made a statement which, among many other things, noted his strong opposition to maintaining the word “humane” in the policy, and closed with his support for the policy, as brought forward by the PPWG and WRC.

Commission President Eric Sklar then noted that he would like to bring the issue to a vote, as Commissioner Jacque Hostler-Carmesin had to leave shortly to catch a flight. Commission Vice President Anthony Williams then made a motion that the Commission adopt the predator management policy with the change he noted above, and that the Commission staff be authorized to further vet at future WRC or Commission meetings regulatory proposals that may come out of the work of the PPWG. The motion was quickly seconded by Commissioner Jacque Hostler-Carmesin and passed on a 3 to 1 vote, with Commissioner Burns opposing.

To review the Commission staff summary on Agenda Item 32 – including full text of the draft terrestrial policy crafted by the PPWG and recommended to the Commission by the WRC, click [FGC Staff Summary – Terrestrial Policy](#)

Agenda Item 33 – Non-Marine Items of Interest from Previous Meetings

(A) Department Update on Trapping License Fees Analysis

This agenda item served as an opportunity for DFW to provide the Commission with an update on their trapping license fees analysis and to determine whether there is need for further regulatory action by the Commission.

Commission Executive Director Valerie Termini opened this item by providing some background. Ms. Termini stated that, in February 2016, the Commission received a petition

(Petition #2015-009) from the Center for Biological Diversity and Project Coyote requesting that the Commission raise commercial trapping license fees to a level necessary to recover all reasonable costs associated with the trapping program. In April 2016, the Commission referred the petition to DFW for further evaluation and recommendation. In October 2017, following Commission staff and DFW review of the petition, the petition was denied. In recommending the petition be denied, DFW noted a related effort to conduct an analysis of the costs to DFW associated with administering trapping licenses.

DFW provided a status update of this effort at the December 2017 Commission meeting, and then presented a draft analysis of costs at the February 2018 meeting. However, at the February 2018 meeting, DFW Director Chuck Bonham noted that additional analysis was still being conducted regarding the enforcement costs of the commercial trapping program. Ms. Termini stated that, at this meeting, DFW was to present an update on specific enforcement costs that are relevant to the trapping license. Ms. Termini then handed the floor off to David Bess, DFW Chief of Enforcement.

Chief Bess opened by his presentation by stating that the DFW Enforcement Branch had six trapping cases in 2017 that they took enforcement action on, but that all of the cases were actions taken against *non-licensed* trappers. Chief Bess noted that the Enforcement Branch spent a total of 400 hours working those cases, at a total cost of \$13,000.

Following Chief Bess' brief presentation and some discussion on the dais, Commission President Eric Sklar called for public testimony. After receipt of testimony – largely from a variety of animal-rights interests in strong support of raising the license fees – and considerable additional discussion on the dais, Commissioner Russell Burns moved that the Commission remove from the Commission rulemaking timetable the trapping fee adjustment scheduled for notice at the June 2018 Commission meeting. The motion was seconded by Commission Vice President Anthony Williams and passed unanimously.

To review the Commission staff summary on Agenda Item 33 regarding a possible increase in trapping license fees, click [FGC Staff Summary – Trapping License Fees](#)

Agenda Item 34 – Non-Marine Petitions for Regulation Change from Previous Meetings

(A) Action on Petitions for Regulation Change – None Scheduled at this Time

(B) Action on Pending Regulation Petitions Referred to Staff and the Department for Review

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

II. Petition #2017-001: Allow Firearm Possession while Archery Hunting

This item allowed for discussion of two petitions for regulatory change submitted to the Commission for consideration.

Commission President Eric Sklar opened this item by stating that Petition #2015-008, which calls for the complete closure of hunting of the American badger and the gray fox, has been put over until the June 2018 Commission meeting.

Commission Executive Director Valerie Termini then stated that Petition #2017-001, submitted to the Commission for consideration by NRA and the California Rifle and Pistol Association (CRPA) in February 2017, requests that the Commission consider amending the current regulation which prohibits archers from carrying a firearm while hunting big game. The petition requests the regulation be changed to simply prohibit firearm “use” so that mere possession of a

firearm is not prohibited or, alternately, to at least add language to the regulation to allow those who have a CCW to carry while archery hunting. Currently, only peace officers who are hunting deer during the archery season can carry a firearm. Ms. Termini closed by stating the DFW had completed their review of this petition and was recommending that this petition be considered by the Commission for rulemaking.

Following public testimony in support of Petition #2017-001 by the *California Bowmen Hunters/State Archery Association, CRPA* and *Gaines & Associates*, Commission President Eric Sklar motioned that the Commission continue Petition # 2015-008 to the June 2018 meeting of the Commission and that Petition #2017-001 be accepted for rulemaking. The motion was seconded by Commission Vice President Anthony Williams and passed unanimously.

To review the Commission staff summary on Agenda Item 34 regarding petitions for regulatory change – including full detail on both above petitions, click [FGS Staff Summary – Petitions for Reg Change](#)

PLAN AHEAD!!!

BELOW ARE THE DATES/LOCATIONS OF UPCOMING COMMISSION MEETINGS!

CALIFORNIA FISH & GAME COMMISSION – August 2018 Meeting

The August 2018 meeting of the California Fish and Game Commission is scheduled for August 22nd and 23rd at the:

***River Lodge Conference Center
1800 Riverwalk Drive
Fortuna, CA 95540***

WILDLIFE RESOURCES COMMITTEE – September 20th, 2018 Meeting

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

CALIFORNIA FISH & GAME COMMISSION – October 2018 Meeting

The October 2018 meeting of the California Fish and Game Commission is scheduled for October 17th and 18th at the:

***Radisson Fresno Conference Center
1055 Van Ness Avenue
Fresno, CA 93721***

CALIFORNIA FISH & GAME COMMISSION – December 2018 Meeting

The December 2018 meeting of the California Fish and Game Commission is scheduled for December 12th and 13th at the:

***QLN Conference Center
1938 Avenida del Oro
Oceanside, CA 92056***

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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