



GAINES & ASSOCIATES

“SPECIAL REPORT”

CALIFORNIA FISH AND GAME COMMISSION UPDATE

AUGUST 3, 2015

This *Gaines & Associates “Special Report”* provides our clients with the latest information on the Governor’s two recent appointments to the California Fish and Game Commission, a briefing on what took place on agenda items of concern at the Commission’s June meeting in Mammoth Lakes, and what to expect from their meeting this week in Fortuna.

This “*Special Report*” is provided as a service to clients of *Gaines & Associates*. For more information on any of the below issues of concern, please contact *Gaines & Associates* at info@gaineassociates.net

GOVERNOR MAKES TWO FISH AND GAME COMMISSION APPOINTMENTS

On June 18th, Governor Jerry Brown made two long awaited appointments to the five-member California Fish and Game Commission – Erik Sklar from St. Helena and Anthony Williams from Huntington Beach. Sklar and Williams fill the two Commission seats previously held by Mike Sutton and Richard Rogers.

Sklar is the founder of Cs2 Wines LLC and Alpha Omega Winery, and has served as the president at Preslar Ventures Inc., since 2001. He also served previously served as a member of the St. Helena City Council and the City of St. Helena Planning Commission. Sklar holds a Master of Business Administration degree from the Georgetown University McDonough School of Business.

Williams has served as director of government relations at the Boeing Company since 2014. He also served as policy director and counsel for recently termed out State Senate President pro Tem Darrell Steinberg and, prior to that, as principal consultant for State Senate President pro Tem John L. Burton. Williams earned a Juris Doctor degree from the University of the Pacific, McGeorge School of Law, and a Master of Public Policy degree from the Harvard University, John F. Kennedy School of Government.

Both Sklar and Williams are Democrats and their appointment requires Senate confirmation. If confirmed by the Senate, Commissioner Sklar’s term will end in January 2017, while Commissioner Williams’ term will expire in January 2021. The State Senate has twelve months to bring the appointees up for consideration.

Gaines & Associates has already arranged for our clients to meet directly with both Sklar and Williams. The meetings, both held last month, allowed an excellent opportunity for our client’s leadership to get to know the two new appointees, query them on their position on hunting, and to provide them with a better understanding of, and appreciation for the positive role of hunting in wildlife conservation. Of equal importance, the meetings permitted our client’s to highlight their respective organizations and interests, and to enlighten the appointees on their significant positive role in wildlife conservation.

Serving their purpose, the meetings resulted in both new Commission appointees having a better understanding of, and respect for our clients – providing them with greater relevance to, and influence with the new Commissioners when *Gaines & Associates* and/or our clients step before the Commission to speak on issues of importance in the future.

For more information on the resumes and backgrounds of Sklar and Williams, view the Governor's press release at <http://www.gov.ca.gov/news.php?id=19008>

CALIFORNIA FISH & GAME COMMISSION – June 2015 Meeting Recap

The June 2015 meeting of the California Fish and Game Commission was held on June 10th and 11th in Mammoth Lakes. Commissioners Jim Kellogg, Jacque Hostler-Carmesin and Mike Sutton were in attendance; Commissioners Richard Rogers and Jack Baylis were absent.

To view the entire June 2015 Meeting Agenda, click [FGC - June 2015 Mtg Agenda](#)

A brief look at what took place on agenda items of greatest concern to clients of *Gaines & Associates* is provided below:

Agenda Item 18 – Wildlife Resources Committee (WRC)

(A) Meeting Summary

I. Receipt of Recommendations

Commission Executive Director, Sonke Mastrup, opened the discussion by noting that the last meeting of the WRC was held May 6th in Los Angeles with WRC Co-Chair Commissioner Jack Baylis present and Co-Chair Commissioner Jim Kellogg absent. Topics of interest discussed included predator management policy, feral pig management and DFW Lands Visitors Passes. Mastrup commented that the meeting resulted in the WRC bringing forward two recommendations to the full Commission.

Mastrup reported that the first recommendation of the WRC was for DFW staff to bring the DFW Lands Visitors Passes package forward to the full Commission for consideration.

Moving on to the much more difficult topic of predator management, Mastrup noted that staff had discussed their concern that the topic was so popular that the public workgroup established to work through the discussion was unmanageable. In response, WRC Co-Chair Commissioner Jack Baylis had proposed that the WRC recommend to the full Commission a “tiered group” decision-making approach. The “tiered group” approach would include the Commission appointing a small group of 6 diverse stakeholders to a “writing group” tasked with developing draft policy and proposing regulations, and the Commission appointing a second group of 10 to 20 individuals to help advise and provide input to the “writing group” – with the goal being for these two groups to bring their proposed policy and regulatory package back to the WRC for discussion by December. Mastrup stated that the plan would be for stakeholders participating in these two groups to be brought forward via an “open nomination” process, with the Commission appointing the chosen individuals to the two groups at their August meeting.

Moving on to other items of discussion, Mastrup noted that the WRC had also directed staff to work with the State Legislature and DFW on how wild pig regulations can be adjusted to better deal with depredation concerns and sport hunting.

Following Mastrup's summary of the meeting, Commissioners and staff discussed the difficult effort to hire an individual with good people skills and proper biological background to lead the WRC. The Commission noted that staff may consider bringing on an intern to lead the Committee, while the search continued for a full-time staff. DFW followed by suggesting that they consider assigning relatively new DFW employees as “rotating interns” to the position to “test drive” them in an effort to find the right person. The Commission supported this approach. The agenda item was then opened up for public testimony.

Following public testimony, Commissioner Kellogg – who serves as Co-Chair to the WRC with Commissioner Baylis, but who did not attend the May 6th WRC – noted that he was unaware of the

proposal for a “tiered group” approach to the predator management workgroup. Kellogg stated that he had a problem with the approach, noting that predator management is a very important issue to many people whose voices would not be heard with the limited participation of the recommended “two group” approach. Kellogg stated that he would discuss his concerns with his WRC Co-Chair when they saw each other in the near future.

Mastrup then moved the agenda item towards closure by noting that the Commission had a WRC recommended motion before them that included: a) acceptance of the DFW Lands Visitors Passes package being brought forward to the full Commission; and b) implementing the “tiered group” approach to seeking consensus solutions to the predator management issue. Commissioner Kellogg followed by stating that, although he had concerns, he would make the motion as proposed, knowing that the Commission could change things in the future if necessary. The motion was seconded by Commissioner Sutton and tentatively passed on a 3-0 vote, with requests by Commissioners Kellogg and Hostler-Carmesin for additional information.

For complete details on the discussion at the May 6th WRC meeting, please see our *Gaines & Associates – “Special Report” – California Fish and Game Commission Update, dated June 10, 2015. To request a copy of this previous Gaines & Associates “Special Report”, contact us at info@gainesassociates.net*

The next meeting of the Wildlife Resources Committee will be held on September 9th at the Department of Industrial Relations, 2550 Mariposa Mall, Room 1036, Fresno, CA 93721

Agenda Item 21 – Approve Department’s Duck Stamp Proposals for Fiscal Year 2015-2016

This agenda item began with DFW Deputy Director Dan Yparraguire providing a brief history of the Duck Stamp Account. Dan’s presentation began with the comment that the California State Duck Stamp was our nation’s first duck stamp, and was created by legislation sponsored by duck hunters in 1971. Dan stated that the funds from our California State Duck Stamp go into a dedicated account specifically earmarked for waterfowl habitat and waterfowl resource assessment, and that account expenditures must be approved by the Commission. Dan noted that the stamp has generated over \$30 million in its 40+ year history, with most of the funds spent on wetland habitat in California.

Dan reported that the Governor’s 2015/2016 State Budget included Duck Stamp spending authority of \$1.8 million. He continued by noting that the sale of State Duck Stamps is currently bringing in about \$1.3 million annually, but that the account currently has a balance of about \$3 million. Of the \$1.8 million in revenue to be expended this year, Dan stated that about \$136,000 will go to Canada and only about \$90,000 to DFW overhead – due to the enabling legislation limiting the amount that can go to administration to 6%. Dan commented that 21 proposals, totaling \$1.8 million, were submitted and reviewed by a Duck Stamp Advisory Committee made up of DFW, other wetland scientists and private waterfowl interests. Dan noted that of the 21 projects submitted, the Advisory Committee recommended 16 proposals for funding. Dan closed with a high level summary of the projects brought forward for Commission consideration – noting that they include wetland restoration and enhancement, as well as waterfowl banding and research.

Following brief public testimony, the Commission voted 3-0, with Commissioners Rogers and Baylis absent, to approve the projects brought forward.

To view the entire list of 2015/2016 Duck Stamp proposals considered for funding, click [2015 Duck Stamp Proposals](#)

Agenda Item 22 – Discussion of Proposed Changes to Upland Game Bird Regulations

With final adoption of the 2015 Upland Game Bird regulations slated for the Commission’s August meeting, this agenda item allowed only for additional discussion and public testimony on the topic. DFW Wildlife Branch Chief, Dr. Eric Loft, opened the agenda item by noting that the primary focus within the upland game bird arena was the greater sage grouse and bi-state sage grouse populations in California and throughout the west. Eric stated that DFW was very fortunate to have biologist Scott Gardner – a respected expert on sage grouse – on staff, and that Scott had recently been given an award by the U.S. Fish and Wildlife Service for his work on the species.

Loft commented that, in a little bit of a surprise, the USFWS had chosen not to federally list the bi-state sage grouse – primary due to the concerted effort to restore the species put forth by state and federal agencies, local governments and private organizations in both California and Nevada. Loft noted that a possible listing for the greater sage grouse – which, in California, reside in the far northeastern part of the state – was still under consideration by the USFWS. Loft stated that, last year, DFW recommended that hunting permits be authorized in only one of the four zones, with only 30 permits being proposed and approved for the North Mono zone where sage grouse populations are stable and near record levels. Loft noted that DFW’s final recommendation for sage grouse hunting permits for the 2015 season was still under consideration and would be brought forward at the Commission’s August meeting.

After his review of sage grouse, Loft noted that the only other recommendation of note that DFW will bring forward at the August meeting is a proposal to increase spring season turkey shooting hours from 4:00 p.m. to 5:00 p.m. For the past several months, *Gaines & Associates* has been pleased to work with DFW and the *California Chapter of the National Wild Turkey Federation* to bring forward this proposal to extend the close of spring shooting hours on wild turkeys. Following the completion of Dr. Loft’s presentation, *Gaines & Associates* was pleased to again provide testimony on behalf of our clients in support of the proposal. *Gaines & Associates* also provided testimony at the April meeting of the Commission.

With final adoption of the 2015 upland game bird regulations slated for the August Commission meeting, *Gaines & Associates* will again be in attendance to provide testimony on behalf of our clients with an interest in upland game.

To view the Commission Staff Summary for Upland Game Birds, associated documents, and the Center for Biological Diversity’s letter opposing sage grouse permits, click [Upland Game Birds – June FGC Staff Summary](#)

Agenda Item 23 – Discussion of Proposed Changes to Waterfowl Regulations

With final adoption of 2015/2016 waterfowl regulations scheduled for the August Commission meeting, this agenda item was only to provide for some additional discussion and public testimony on the topic. DFW Deputy Director Dan Yparraguirre opened this agenda with a brief update on waterfowl habitat conditions and DFW’s on-going effort to gather 2015 waterfowl population data. Dan noted that the severe drought has not only had an impact on waterfowl habitat conditions throughout California and the west, but also on some waterfowl breeding areas in Alaska. He commented that these poor conditions were somewhat balanced by “normal” habitat conditions throughout most of Canada and the prairies. Dan closed by noting that DFW anticipates that “western mallard” numbers (birds in California, Oregon and Alaska) may come in at their lowest level since they started keeping separate track of them in 1992, but that DFW was still waiting for Alaska’s numbers to be reported. Dan closed his short presentation by pointing out final waterfowl numbers will be available by late July and that DFW’s would release their final proposed waterfowl seasons and bag limits at the Commission’s August meeting.

Following Dan Yparraguirre’s presentation, public testimony was taken. On behalf of our waterfowl clients, *Gaines & Associates* was pleased to provide testimony on this agenda item including our client’s support for: a) opening the Northeastern Zone duck season opener on the second Saturday of October due to the very dry conditions of the important Klamath National Wildlife Refuge Complex; and b) a 7 day increase in the black brant season. *Gaines & Associates* also provided testimony on this item at the Commission’s April meeting in Santa Rosa.

The final opportunity for public testimony and adoption of the 2015/16 waterfowl regulations is slated for the August Commission meeting. *Gaines & Associates* will again be in attendance to provide testimony on behalf of our clients with an interest in waterfowl.

To view the Commission Staff Summary for Waterfowl Regulations, click [Waterfowl – June FGC Staff Summary](#)

Agenda Item 29 – Discussion of Proposed Changes to Bobcat Trapping Regulations

Executive Director Mastrup opened this agenda item by clarifying that the Commission’s final adoption of changes to bobcat trapping regulations was scheduled for their August meeting in Fortuna, and that this meeting would only allow for additional discussion and testimony. Mastrup then stated that DFW had updated their regulatory proposal to the Commission and introduced Craig Martz from the DFW Regulatory Branch who provided a presentation on DFW’s updated proposal and rationale.

Martz started by summarizing the provisions of AB 1213, “The Bobcat Protection Act of 2013” – the legislation which is mandating regulation changes. Martz stated that AB 1213 prohibits bobcat trapping in the area surrounding Joshua Tree National Park; requires the Commission to adopt regulations which prohibit bobcat trapping adjacent to preserves, state conservancies, and other conservation areas; specifies the use of “major” roads, highways and other readily identifiable features for closure boundaries; urges the Commission to consider additional closures adjacent to other conservation properties; and requires the setting of trapping and tag fees which fully recover all reasonable DFW administration and implementation costs. Martz then went over DFW’s regulatory approach, estimated program costs and the fee combinations for cost recovery and, finally, DFW’s revised regulatory proposal to the Commission.

Martz stated that DFW’s recommendation was to create an extensive area in central California within which commercial trapping of bobcats would not be permitted, and to open large areas to trapping in the northern and southeastern part of the state, within which there would be the small AB 1213 required closures around national and state parks, national monuments and wildlife refuges. To recuperate expenses, DFW was recommending the fee for Bobcat Trapping Validations be set at \$1,137 each, and Bobcat Shipping Tags set at \$35 per pelt, with DFW monitoring the participation of trappers, enforcement effort and administration of the new regulation for a period of at least two years to determine if program fees are set appropriately to cover DFW costs.

With final adoption of the new bobcat trapping regulations scheduled to take place at the Commission’s August 5th meeting in Fortuna. With the Commission approving the addition of a complete statewide closure on all bobcat trapping as an option at their December 2014 meeting, the Commission will choose between the above noted DFW recommendation, known as “Option 1”, and or complete statewide closure, known as “Option 2”.

To view the Commission’s staff summary regarding bobcat trapping for the June meeting, click [Bobcat Trapping - June FGC Staff Summary](#)

CALIFORNIA FISH & GAME COMMISSION – August 2015 Meeting Agenda

The August meeting of the California Fish and Game Commission is scheduled August 4th and 5th at:

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

Under the Commission’s “two-day” meeting format, fishery related items have been placed on the August 4th meeting agenda, with all wildlife-related issues of importance slated for August 5th meeting agenda. Agenda items of concern, along with *Gaines & Associates* expectations for discussion/action are highlighted below.

To view the full agenda, click [FGC - August 2015 Mtg Agenda](#)

Day 2 – August 5th, 2015 – 8:00 A.M.

Agenda Item 20 – Adoption of Proposed Changes to Bobcat Trapping Regulations

After several meetings with a packed house and hours of testimony, this agenda item *should* allow for final public testimony and Commission adoption of new regulations which will dictate the future of bobcat trapping in our state.

As noted above, DFW will come into the meeting with a recommendation that would create an extensive area in central California within which commercial trapping of bobcats would not be permitted, but which would open large areas to trapping in the northern and southeastern part of the state – within which there would be the small AB 1213 required closures around national and state parks, national monuments and wildlife refuges. To recuperate expenses, DFW will recommend the fee for Bobcat Trapping Validations be set at \$1,137 each, and Bobcat Shipping Tags set at \$35 per pelt, with DFW monitoring the participation of trappers, enforcement effort and administration of the new regulation for a period of at least two years to determine if program fees are set appropriately to cover DFW costs.

Also as noted above, the Commission will choose between the DFW recommendation, known as “Option 1”, or a complete statewide closure, known as “Option 2”. *Gaines & Associates* will again be present at the meeting to testify on behalf of our clients in strong opposition to a complete statewide closure of bobcat trapping, and to urge the Commission to adopt only the absolute minimum closures required by AB 1213.

Due to the high profile of this agenda item, and the substantial media coverage it has had of late, *Gaines & Associates* expects hours of public testimony to be taken on this single item.

With two of the five Commissioners facing the onslaught of testimony on this topic for the first time, and neither of them showing their cards prior to the meeting, it is anybody's guess as to the outcome of this agenda item. *Gaines & Associates* does believe that the lack of background new Commission appointees have on this controversial topic *may* persuade them to steer clear of the emotions and to support the “Option 1” recommendation brought forward by DFW. Although not likely, another possibility is that the new Commissioners may ask for final adoption to be pushed back to a later meeting to allow them to become more educated on the issue.

To view the Commission staff summary on the topic of bobcat trapping, click [Bobcat Trapping - Reg Detail](#)

Agenda Item 23 – Wildlife Resources Committee

Discussion on this item will set the stage for the September 9th meeting of the WRC in Fresno.

(A) Work plan development

I. Update on current work plan and timeline

II. Discuss and approve new topics

Following up on the discussion under this agenda item at the Commission’s June meeting, expect the WRC to propose, and for the Commission to approve that the WRC limit topics to predator management policy review; one year versus calendar term fishing license; feral pig management; and possession of game for processing into food.

(B) Discussion of predator workgroup structure, and work plan

As covered in detail above under the WRC agenda item of the June Commission meeting, the Commission has tentatively approved trying a “tiered group” approach to seeking solutions to the predator management issue. This “tiered group” approach would include the Commission appointing a small group of 6 diverse stakeholders to a “writing group” tasked with developing draft policy and regulations, followed by the Commission appointing a second group of 10 to 20 individuals to help provide input to the “writing group”. With the WRC Co-Chair, Commissioner Kellogg, going on record at the June Commission meeting regarding his concern that the “tiered group” approach would restrict public input on the contentious issue of predator management – and his fellow Co-Chair, Commissioner Baylis, who originally proposed the idea being absent – expect interesting discussion from the dais on the future predator management workgroup structure.

In regards to the predator management work plan, Commission President Jack Baylis has been very clear that he would like to move the process for revising predator management regulations forward as expeditiously as possible – asking for the Department to bring a rough work product forward for discussion at the full Commission level by the end of this year. However, at the same time, some other Commissioners have called for the “take the time to get it right” approach. With two new Commissioners

now just being added to the bench, chances are that the time frame allowed for the WRC to work this difficult issue may be somewhat relaxed.

To view the Commission staff summary on the WRC, click [Staff Summary - WRC](#)

Agenda Item 27 – Update on Potential Changes to Regulations for Setting Mammal Hunting Tag Quotas

DFW and the Commission would like to see annual mammal tag quotas removed from regulation and, instead, provided to the public in an annual public report, with appropriate opportunity for public review and comment. Originally, DFW had hoped to provide “notice” of this change to the Commission at this meeting. However, in order to develop the paperwork necessary to present these changes, DFW needs additional time to complete management plans and to update the related environmental documents. To do so, the formal “notice” hearing on this topic will be delayed until the August 2016 Commission meeting. This agenda item will simply serve as a quick opportunity for DFW to update the Commission and public on the status of these efforts.

On behalf of our clients, *Gaines & Associates* works closely with DFW year-round in this topic area and will continue to keep clients closely apprised of any and all notable developments.

Agenda Item 28 – Adoption of Proposed Changes to Upland Game Bird Regulations

After discussion and receipt of public testimony over the past two Commission meetings, this agenda item will allow for final Commission adoption of 2015/2016 upland game bird regulations. As noted above, the primary focus within the upland game bird arena is on declining sage grouse populations in California and throughout the west. Expect DFW to provide a brief presentation on their efforts on sage grouse and their rationale for determining the number of permits recommended for 2015. With population surveys and analysis now complete, DFW will recommend the following number of permits for the 2015/2016 season:

- East Lassen Zone (two-bird permits) 0
- Central Lassen Zone (two-bird permits) 0
- North Mono Zone (one-bird permits) 30
- South Mono Zone (one-bird permits) 0

The other DFW regulatory change of note is the proposal to extend the close of shooting time for spring wild turkey hunting by one hour from 4:00 p.m. to 5:00 p.m. This proposal was brought forward to DFW by the *California Chapter of the National Wild Turkey Federation* with the assistance of *Gaines & Associates*, who has been pleased to work with DFW over the past several months to deliver it to the Commission for their consideration at this meeting.

To view the Commission staff summary on 2015/2016 upland game bird regulations, click [Staff Summary - Upland Game Birds](#)

Agenda Item 29 – Adoption of Proposed Changes to Waterfowl Regulations

After discussion and receipt of public testimony over the past two Commission meetings, this agenda item will allow for final Commission adoption of 2015/2016 waterfowl regulations. DFW will kick off this agenda item by providing a presentation of the results of recently completed waterfowl populations surveys and the just recently received USFWS “federal framework” of season lengths and bag limits – of which the state can be more restrictive, but not more liberal. DFW will close their presentation with their recommended waterfowl seasons and bag limits for zones within California, which for ducks will include:

Duck Seasons

Northeastern Zone: October 10th through January 22nd

Balance of the State Zone: October 24th through January 31st

Southern San Joaquin Zone: October 24th through January 31st

Southern California Zone: October 24th through January 31st

Daily Duck Bag Limit

7 birds/day: Including 7 mallards, no more than 2 hen mallards, 2 pintail, 2 canvasback

Brant Seasons

Northern Zone: November 8th through December 14th

Balance of the State Zone: November 9th through December 15th

2 brant per day

For full detail of all of the proposed waterfowl season and bag limits, as well as goose seasons and bag limits, contact Gaines & Associates at info@gainesandassociates.net

Gaines & Associates was pleased to work closely with DFW and *California Waterfowl Association* to maximize hunting opportunity in the DFW season and bag limit recommendations for the 2015/2016 waterfowl season, and will be pleased to testify on behalf of our clients again on this issue at the August Commission meeting.

To view the Commission staff summary on 2015/2016 waterfowl regulations, click [Staff Summary - Waterfowl](#)

Agenda Item 30 – Request to Amend Approved Duck Stamp Funding for Fiscal Year 2015-2016

At the June Commission meeting, as noted above, DFW received Commission authorization to expend \$1.8 million in FY 2015/2016 from the Duck Stamp Dedicated Account million to fund 16 recommended waterfowl projects. Under this agenda item, DFW is requesting Commission approval of an additional *one-time* increase of \$1 million in expenditures from Duck Stamp Dedicated Account to be used for new projects to increase the amount of wetland water available on drought impacted waterfowl habitat areas.

Currently, the Duck Stamp Dedicated Account has a balance of roughly \$3 million, with estimated revenue from state duck stamp sales in 2015 expected to be approximately \$1.3 million. If the Commission authorizes the additional expenditure, total FY 2015/2016 expenditures from the account would be roughly \$2.8 million, leaving a year-end fund balance of approximately \$1.5 million. The proposed additional \$1 million in funding will not impact funding for projects already approved at the June Commission meeting.

To submit your own comments to the Commission 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*

OTHER POLICY FORUMS

In addition to the California State Legislature and the California Fish and Game Commission, *Gaines & Associates* is also actively working all other political forums where decisions are made which may impact wildlife conservation and your outdoor traditions. *Gaines & Associates* keeps clients current on all issues of concern, at all political levels via our “*Special Reports*”, which are released to clients on a regular “as necessary” basis.

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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