

## STAFF SUMMARY FOR JUNE 21-22, 2017

**16. NON-MARINE NON-REGULATORY REQUESTS****Today's Item****Information** ☐**Action** ☒

This is a standing agenda item for FGC to act on non-regulatory requests from the public that are non-marine in nature. For this meeting:

- (A) Action on non-regulatory requests received at the Apr 2017 meeting.
- (B) Update on pending non-regulatory requests referred to staff or DFW for review.

**Summary of Previous/Future Actions**

(A)

- FGC receipt of requests Apr 26-27, 2017; Van Nuys
- **Today's action on requests Jun 21-22, 2017; Smith River**

(B)

- **Today's update and possible action on referrals Jun 21-22, 2017; Smith River**

**Background**

FGC provides direction regarding requests from the public received by mail and email and during public forum at the previous FGC meeting. Public requests for non-regulatory action follow a two-meeting cycle to ensure proper review and consideration.

- (A) **Non-regulatory requests.** Non-regulatory requests scheduled for consideration today were received at the Apr 2017 meeting in one of three ways: (1) submitted by the comment deadline and published as tables in the meeting binder, (2) submitted by the late comment deadline and delivered at the meeting, or (3) received during public forum.

Eight non-regulatory requests received in Apr 2017 are scheduled for action. Exhibit A1 summarizes the requests and contains staff recommendations for each request (for individual requests see exhibits A2-A7).

- (B) **Pending non-regulatory requests.** This item is an opportunity for staff to provide a recommendation on non-regulatory requests that were scheduled for action at a previous meeting and referred by FGC to DFW or FGC staff for further review. FGC may act on any staff recommendations made today.

No updates on pending requests were received from FGC staff or DFW for this meeting.

**Significant Public Comments (N/A)****Recommendation**

- (A) Adopt staff recommendations for non-regulatory requests to (1) deny, (2) grant, or (3) refer to committee, DFW staff, or FGC staff for further evaluation or information gathering. See Exhibit A1 for staff recommendations for each non-regulatory request.

## STAFF SUMMARY FOR JUNE 21-22, 2017

**Exhibits**

- A1. [FGC table of non-marine, non-regulatory requests received through Apr 27, 2017](#)
- A2. [Email from California Sportfishing League, received Feb 24, 2017](#)
- A3. [Letter from Mia Laurence, received Feb 26, 2017](#)
- A4. [Email from Jean Welch, received Mar 2, 2017](#)
- A5. [Email from Marilyn Jasper, received Mar 29, 2017](#)
- A6. [Email from Francis Coats, received Mar 30, 2017](#)
- A7. [Email from Christine Harris, received Apr 13, 2017](#)

**Motion/Direction**

- (A) Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission adopts the staff recommendations for actions on April 2017 non-regulatory requests.

**OR**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission adopts the staff recommendations for actions on April 2017 non-regulatory requests, except for item(s) \_\_\_\_\_ for which the action is \_\_\_\_\_.

**CALIFORNIA FISH AND GAME COMMISSION**  
**DECISION LIST FOR NON-MARINE, NON-REGULATORY REQUESTS RECEIVED THROUGH APR 27, 2017**  
**Revised 06-09-2017**

**FGC** - California Fish and Game Commission **DFW** - California Department of Fish and Wildlife **WRC** - Wildlife Resources Committee **MRC** - Marine Resources Committee

Date Received	Name of Petitioner	Subject of Request	Short Description	Staff Recommendation	FGC Decision
2/24/2017	<a href="#">Marko Mlikotin</a> CA Sportfishing League	Social media	Requests FGC utilize social media to more effectively notice public hearing dates and communicate policy objectives.	REFER to FGC staff for evaluation and recommendation	RECEIPT: 4/26-27/2017 ACTION: Scheduled 6/21-22/2017
2/25/2017	<a href="#">Mia Laurence</a>	Hunting and trapping	Requests FGC outlaw hunting and trapping.	DENY; inconsistent with FGC mandates	RECEIPT: 4/26-27/2017 ACTION: Scheduled 6/21-22/2017
3/2/2017	<a href="#">Jean Welch</a>	Hunting and trapping	Requests FGC outlaw hunting and trapping of native wildlife.	DENY; inconsistent with FGC mandates	RECEIPT: 4/26-27/2017 ACTION: Scheduled 6/21-22/2017
3/29/2017	<a href="#">Marilyn Jasper</a> Public Interest Coalition Sierra Club Placer Group	Public comments	Urges FGC to develop and implement a policy defining staff's authority and criteria for incorporating public comments into meeting materials.	DENY; the FGC president is working with staff to document internal procedures related to managing public comments	RECEIPT: 4/26-27/2017 ACTION: Scheduled 6/21-22/2017
3/30/2017	<a href="#">Francis Coats</a>	Public use and access	Requests FGC consider applicable laws for navigable waters and public trust lands when adopting regulations for public use of wildlife areas and ecological reserves.	REFER to DFW and FGC legal counsel	RECEIPT: 4/26-27/2017 ACTION: Scheduled 6/21-22/2017
4/13/2017	<a href="#">Christine Harris</a>	Trapping	Requests FGC stop the trapping of wolves.	As a species listed as endangered under the California Endangered Species Act, the take of wolves is prohibited; therefore, no FGC action is required.	RECEIPT: 4/26-27/2017 ACTION: Scheduled 6/21-22/2017
4/26/2017	George Osborn	Social media	Requests FGC add discussion on the use of social media to the agenda for a future meeting.	DENY; staff is currently evaluating the use of social media	RECEIPT: 4/26-27/2017 ACTION: Scheduled 6/21-22/2017
4/26/2017	Kim Richard	Bat conservation plan	Requests update on the timeline for completing the bat conservation plan.	The bat conservation plan is an internal DFW management plan; therefore, no action by FGC is required. Petitioner is referred to DFW.	RECEIPT: 4/26-27/2017 ACTION: Scheduled 6/21-22/2017
4/26/2017	Chumash Community Coalition	Committee meetings	Requests FGC videotape and live-stream all committee meetings.	DENY; Committee meetings are audio-recorded and the recording posted to the FGC website for public access. Funding for videotaping and live-streaming is not available.	RECEIPT: 4/26-27/2017 ACTION: Scheduled 6/21-22/2017
4/26/2017	Friends of Griffith Park	Rodenticides	Requests that FGC ban rodenticides.	DENY; outside FGC authority	RECEIPT: 4/26-27/2017 ACTION: Scheduled 6/21-22/2017



February 24, 2017

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

Dear Mr. President,

Given the commission's longstanding desire for greater government transparency and public participation, our organization would encourage the commission to utilize common social media tools.

It appears that the commission is among the few public agencies that does not utilize such tools as Facebook or Twitter to more effectively notice public hearing dates and communicate its policy objectives to those who are dependent on the outdoors for recreation and jobs.

Examples of other fishery related agencies:

Pacific Fishery Management Council  
[www.facebook.com/PacificFisheryManagementCouncil/](http://www.facebook.com/PacificFisheryManagementCouncil/)

NOAA  
[www.facebook.com/NOAA/](http://www.facebook.com/NOAA/)

As your communications team will confirm, such tools are common today, and even local government is live-streaming public hearings on Facebook to engage the public remotely and in real time. Such tools take on added importance given the geographical size of our state, and that several commission hearings are held in some of the most remote parts of the state.

Knowing that greater public input is critical to developing sound public policy, thank you for considering this request at your next scheduled public hearing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marko Mlikotin".

Marko Mlikotin  
Executive Director

2795 E. Bidwell Street, #100-119, Folsom, CA 95630, ph. 916.936.1777  
[www.sportfishingconservation.org](http://www.sportfishingconservation.org)

RECEIVED  
CALIFORNIA  
FISH AND GAME  
COMMISSION

2017 MAR 26 PM 3:04

Fish and Game Commission  
Valerie Ternini  
Executive Director, Room 1320  
1416 Ninth Street  
Sacramento, CA 95814

February 25, 2017

Dear Ms. Ternini,

Earlier this month, I had the opportunity to substitute teach for Laura Honda at Manor Elementary School in Fairfax, California. I filled in for Ms. Honda because she was taking several of her students to the Fish and Game Department meeting to present arguments against hunting. When her students returned to class around lunch time, they presented their experience, and though they were quite proud of themselves for standing up for what they believe in, they were disappointed that the Fish and Game Commission will continue to allow hunting and trapping.

Three years ago, my own daughter was a presenter at a similar meeting. She had similar concerns as the current students have. *Hunting is wrong*. It allows humans to disregard the lives of living beings. Would you go into another city or town and trap and kill mothers and fathers because you liked their skin? Would you trap and kill moms and dads because you felt threatened even though *you* were raiding *their homeland*? Would you trap and kill children and babies because you felt they should not be allowed to grow up in their natural world?

It is beyond my understanding how the Fish and Game Department can possibly continue its support of murder. As humans we must evolve from the blindness of being okay with “dominating” other species, killing them (and often killing them cruelly), and doing whatever we want with the animals, plants, waters, and land for our own pleasure.

It is time that all humans stand up for those without voices—for the animals, the plants, the waters, and the earth—and that human beings say **ENOUGH! IT IS TIME NOW TO LIVE ALL TOGETHER**. Please help stop this continual murder. Please end this ongoing suffering—you have the power to bring peace. I was proud of my daughter for speaking up at your meeting three years ago, though I was very sad that nothing changed. I am proud of the students for not giving up and for speaking up again. However, I am deeply troubled that you continue to ignore the important message these students are giving you.

Please stop the murder of innocent animals. Please outlaw hunting.

Thank you very much,

*mia laurence*

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**From:** Jean Welsh  
**Sent:** Thursday, March 02, 2017 10:02 AM  
**To:** FGC  
**Subject:** STOP THE MURDER OF CALIFORNIA'S WILDLIFE

From Shari Welsh

Valerie Termini  
[fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)

I am outraged by the the murder of our California's Wildlife. I AM OUTRAGED BY THE CRUELTY INFLICTED ON CALIFORNIA'S WILDLIFE. Outlaw all hunting and trapping of CA's NATIVE WILDLIFE. This barbaric ecocide of NATIVE WILDLIFE whom have more right to live here than most of us. The same genocide was used on American Indians. Hunters, trappers are sick individuals and ranchers are destroying our environment and are even a cause of GLOBAL WARMING. These native animals have evolved in North America for over 5 MILLION YEARS & we want them protected; **Canis** is a [genus](#) of [canids](#) containing multiple [extant](#) species, such as wolves, dogs and coyotes. Species of this genus are distinguished by their moderate to large size, their massive, well developed skulls and dentition, long legs, and comparatively short ears and tails.[3]

### **Etymology**

The generic name *Canis* means "[dog](#)" in [Latin](#). The term "canine" comes from the adjective form, *caninus* ("of the dog"), from which the term [canine tooth](#) is also derived.[4] The canine family has prominent canine teeth, used for killing their prey. The word *canis* is [cognate](#) to the [Greek](#) word *kūon* ([Greek](#): *Kúων*), which means "dog", as well as (less transparently) English hound.

### **Terminology**

- Immature males or females (that is, animals that are incapable of reproduction) are referred to as puppies.[5]
- A group of puppies from the same [gestation period](#) is referred to as a litter.[6]

### **Taxonomy**

#### **Canini**

The [tribe](#) Canini[7] ([Fischer de Waldheim](#), 1817) is the sister group to the foxes ([vulpes](#)), and is represented today by two sub-tribes: genus *Canis*[8] that includes dogs, wolves, coyotes, jackals; and the genus *Cerdocyonina*[9] that includes the so-called foxes of South America ([Crab-eating fox](#)). The critical features that mark the Canini as a [monophyletic](#) group include: the consistent enlargement of the frontal [sinus](#), often accompanied by the correlated loss of the depression in the [dorsal surface](#) of the [postorbital process](#); the posterior expansion of the paroccipital process; the enlargement of the [mastoid process](#); and the lack of lateral flare of the orbital border of the [zygoma](#). [10] :p77



## Canis

The [genus](#) Canis ([Carl Linnaeus](#), 1758) was published in the [10th edition of Systema Naturae](#)<sup>[2]</sup> and included the dog-like carnivores: the domestic dog, wolves, coyotes and jackals. All species within the Canis genus are [phylogenetically](#) closely related with 78 [chromosomes](#) and can potentially [interbreed](#).<sup>[11]</sup>

## Evolution

The fossil record shows that [Feliforms](#) and [Caniforms](#) emerged within the super-family [Carnivoramorpha](#) 43 million YBP.<sup>[12]</sup> The caniforms included the fox-like [Leptocyon](#) genus whose various species existed from 34 million YBP before branching 11.9 million YBP into [vulpes](#) (foxes) and canini (canines). The jackal-sized [Eucyon](#) existed in North America from 10 million YBP and by the [Early Pliocene](#) about 6-5 million YBP the coyote-like [Eucyon davisi](#)<sup>[13]</sup> invaded Eurasia. In North America it gave rise to early Canis which first appeared in the [Miocene](#) (6 million YBP) in south-western USA and Mexico. By 5 million YBP the larger [Canis lepophagus](#) appeared in the same region.<sup>[14]</sup> :p58

The canids that had emigrated from North America to Eurasia – [Eucyon](#), [Vulpes](#), and [Nyctereutes](#) – were small to medium-sized predators during the Late Miocene and Early Pliocene but they were not the top predators. The position of the canids would change with the arrival of Canis to become a dominant predator across the [Holarctic](#). The wolf-sized [C. chihuilensis](#) appeared in northern China in the Mid-Pliocene around 4-3 million YBP. This was followed by an explosion of Canis evolution across Eurasia in the Early Pleistocene around 1.8 million YBP in what is commonly referred to as the Wolf event. It is associated with the formation of the [Mammoth steppe](#) and continental glaciation. Canis spread to Europe in the forms of [C. arnensis](#), [C. eutruscus](#), and [C. falconeri](#).<sup>[14]</sup> :p148 One study found that the diversity of the Canis group decreased by the end of the [Early Pleistocene](#) to [Middle Pleistocene](#) and was limited in Eurasia to the small wolves of the [Canis mosbachensis](#)–[Canis variabilis](#) group and the large hypercarnivorous [Canis \(Xenocyon\) lycaonoides](#).<sup>[15]</sup>

## Wolves, dogs and dingoes

The extant wolf-like canids

[Side-striped jackal](#)

[Black-backed jackal](#)

[Dog](#)

[Gray wolf](#)

[Coyote](#)

[African golden wolf](#)

[Golden jackal](#)

[Ethiopian wolf](#)

[Dhole](#)

[African wild dog](#)

[Phylogenetic relationships](#) between the extant wolf-like clade of canids.<sup>[16]</sup> <sup>[17]</sup> See further:[Canid relationships](#)

Wolves, [dogs](#), and [dingoes](#) are [subspecies of Canis lupus](#). The original referent of the English word **wolf**, the [Eurasian wolf](#), is called C. l. lupus to distinguish it from other wolf subspecies, such as the [Indian wolf](#) (C. l. pallipes), the [Arabian wolf](#) (C. l. arabs), or the [Tibetan wolf](#) (C. l. chanco).

Some experts have suggested some subspecies of C. lupus be considered Canis species distinct from C. lupus. These include [Central Asia's Himalayan wolf](#), and the Indian wolf,[18] [19] as well as the [North America's red wolf](#) and [eastern wolf](#). [20]

The [dingo](#) (C. l. dingo), from [Australasia](#), and the [domestic dog](#) (C. l. familiaris) are also considered subspecies of C. lupus, although they are not commonly referred to or thought of as "wolves". [21]

### **Coyotes, jackals, and wolves**

The [Gray wolf](#) (C. lupus), the [Ethiopian wolf](#) (C. simensis), and the [African golden wolf](#) (C. anthus) are three of the many Canis species referred to as "wolves"; however, all of the others are now extinct and little is known about them by the general public. One of these, the extinct [dire wolf](#) (C. dirus), has gained fame from the thousands of specimens found and displayed at the Rancho [La Brea Tar Pits](#) in [Los Angeles, California](#).

Canis species that are too small to attract the word "wolf" are called [coyotes](#) in the [Americas](#) and [jackals](#) elsewhere. Although these may not be more closely related to each other than they are to C. lupus, they are, as fellow Canis species, all more closely related to wolves and domestic dogs than they are to [foxes](#), [maned wolves](#), or other canids which do not belong to the genus Canis. The word "jackal" is applied to three distinct species of this group: the side-striped (C. adustus) and black-backed (C. mesomelas) jackals, found in sub-Saharan Africa, and the golden jackal (C. aureus), found across southwestern and south-central Asia, and [the Balkans](#).

While North America has only one small-sized species, the coyote (C. latrans), it has become very widespread, moving into areas once occupied by wolves. They can be found across much of mainland [Canada](#), in every state of the [contiguous United States](#), all of [Mexico](#) except the [Yucatán Peninsula](#), and the Pacific and central areas of [Central America](#), ranging as far as western [Panama](#).

### **African migration**

Skulls of dire wolf (C. dirus), gray wolf (C. lupus), eastern wolf (C. lycaon), red wolf (C. rufus), coyote (C. latrans), African golden wolf (C. anthus), golden jackal (C. aureus) and black-backed jackal (C. mesomelas)

In 2015, a study of mitochondrial genome sequences and whole genome nuclear sequences of African and Eurasian canids indicated that extant wolf-like canids have colonised Africa from Eurasia at least 5 times throughout the Pliocene and Pleistocene, which is consistent with fossil evidence suggesting that much of African canid fauna diversity

resulted from the immigration of Eurasian ancestors, likely coincident with Plio-Pleistocene climatic oscillations between arid and humid conditions. When comparing the African and Eurasian golden jackals, the study concluded that the African specimens represented a distinct monophyletic lineage that should be recognized as a separate species, [Canis anthus](#) (African golden wolf). According to a phylogeny derived from nuclear sequences, the Eurasian golden jackal (Canis aureus) diverged from the wolf/coyote lineage 1.9 million years ago but the African golden wolf separated 1.3 million years ago. Mitochondrial genome sequences indicated the Ethiopian wolf diverged from the wolf/coyote lineage slightly prior to that. [22] :S1

### **Gallery**



[Gray wolf](#) (*Canis lupus*) (includes [dog](#) and [dingo](#)).

[Eastern wolf](#) (*Canis lycaon*) (often includes *latrans* admixture)

[Red wolf](#) (*Canis rufus*) (includes *latrans* admixture)

[Coyote](#) (*Canis latrans*)

[Dire wolf](#) (*Canis dirus*) (extinct)

[African golden wolf](#) (*Canis anthus*)

[Golden jackal](#) (*Canis aureus*)

[Ethiopian wolf](#) (*Canis simensis*)

[Black-backed jackal](#) (*Canis mesomelas*)

[Side-striped jackal](#) (*Canis adustus*)

#### See also

- [List of Canis species](#)

#### References

[Wikispecies](#) has information related to: [Canis](#)

1. [Canis Linnaeus 1758](#) in [The Palaeobiology Database](#)
2. Linnæus, Carl (1758). [Systema naturæ per regna tria naturæ, secundum classes, ordines, genera, species, cum characteribus, differentiis, synonymis, locis. Tomus I](#) (in Latin) (10th ed.). Holmiæ (Stockholm): Laurentius Salvius. p. 38. Retrieved November 23, 2015.
3. Heptner, V. G.; Naumov, N. P. (1998). Mammals of the Soviet Union Vol.II Part 1a, SIRENIA AND CARNIVORA (Sea cows; Wolves and Bears). Science Publishers, Inc. USA. pp. 124-129. ISBN 1-886106-81-9.
4. Harper, Douglas. ["canine". Online Etymology Dictionary.](#)
5. [Puppy in the Oxford English Dictionary](#) (may also refer to a young seal or rat)
6. [Litter in the Oxford English Dictionary](#) (may also refer to young cats)
7. [Fossilworks website Canini](#)
8. [Fossilworks website Canis](#)
9. [Fossilworks website Cerdocyonina](#)
10. Tedford, R (2009). "Phylogenetic Systematics of the North American Fossil Caninae (Carnivora: Canidae)". *Bulletin of the American Museum of Natural History*. **325**: 1–218. doi:10.1206/574.1.
11. Wayne, R. (1999). "Origin, genetic diversity, and genome structure of the domestic dog". *BioEssays*. **21** (3): 247–57. doi:10.1002/(SICI)1521-1878(199903)21:3247::AID-BIES9>3.0.CO;2-Z. PMID 10333734.
12. Flynn, John J.; Wesley-Hunt, Gina D. (2005). "Phylogeny of the Carnivora: Basal Relationships Among the Carnivoramorphan, and Assessment of the Position of 'Miacoidea' Relative to Carnivora". *Journal of Systematic Paleontology*. **3**: 1–28.
13. [Fossilworks website Eucyon davisi](#)
14. Wang, Xiaoming; Tedford, Richard H.; Dogs: Their Fossil Relatives and Evolutionary History.

New York: Columbia University Press, 2008. ISBN 9780231135283

15. Sotnikova, M (2010). "Dispersal of the Canini (Mammalia, Canidae: Caninae) across Eurasia during the Late Miocene to Early Pleistocene". *Quaternary International*. **212** (2): 86–97. [doi:10.1016/j.quaint.2009.06.008](https://doi.org/10.1016/j.quaint.2009.06.008).
16. Lindblad-Toh, K.; Wade, C. M.; Mikkelsen, T. S.; Karlsson, E. K.; Jaffe, D. B.; Kamal, M.; Clamp, M.; Chang, J. L.; Kulbokas, E. J.; Zody, M. C.; Mauceli, E.; Xie, X.; Breen, M.; Wayne, R. K.; Ostrander, E. A.; Ponting, C. P.; Galibert, F.; Smith, D. R.; Dejong, P. J.; Kirkness, E.; Alvarez, P.; Biagi, T.; Brockman, W.; Butler, J.; Chin, C. W.; Cook, A.; Cuff, J.; Daly, M. J.; Decaprio, D.; et al. (2005). "Genome sequence, comparative analysis and haplotype structure of the domestic dog". *Nature*. **438** (7069): 803–819. [Bibcode:2005Natur.438..803L. doi:10.1038/nature04338. PMID 16341006](https://doi.org/10.1038/nature04338).
17. Koepfli, K.-P.; Pollinger, J.; Godinho, R.; Robinson, J.; Lea, A.; Hendricks, S.; Schweizer, R. M.; Thalmann, O.; Silva, P.; Fan, Z.; Yurchenko, A. A.; Dobrynin, P.; Makunin, A.; Cahill, J. A.; Shapiro, B.; Álvares, F.; Brito, J. C.; Geffen, E.; Leonard, J. A.; Helgen, K. M.; Johnson, W. E.; O'Brien, S. J.; Van Valkenburgh, B.; Wayne, R. K. (2015-08-17). "[Genome-wide Evidence Reveals that African and Eurasian Golden Jackals Are Distinct Species](#)". *Current Biology*. **25** (16): 2158–65. [doi:10.1016/j.cub.2015.06.060. PMID 26234211](https://doi.org/10.1016/j.cub.2015.06.060).
18. Aggarwal, R. K.; Kivisild, T.; Ramadevi, J.; Singh, L. (2007). "[Mitochondrial DNA coding region sequences support the phylogenetic distinction of two Indian wolf species](#)" (PDF). *Journal of Zoological Systematics and Evolutionary Research*. **45** (2): 163–172. [doi:10.1111/j.1439-0469.2006.00400.x](https://doi.org/10.1111/j.1439-0469.2006.00400.x).
19. Jhala, Y.; Sharma, D. K. (2004). "[The Ancient Wolves of India](#)" (PDF). *International Wolf*. **14** (2): 15–16. Archived from [the original](#) (PDF) on 2009-04-21.
20. Chambers SM, Fain SR, Fazio B, Amaral M (2012). "[An account of the taxonomy of North American wolves from morphological and genetic analyses](#)". *North American Fauna*. **77**: 1–67. [doi:10.3996/nafa.77.0001](https://doi.org/10.3996/nafa.77.0001).
21. Wilson, D.E.; Reeder, D.M., eds. (2005). "[Genus Canis](#)". *Mammal Species of the World: A Taxonomic and Geographic Reference* (3rd ed.). Johns Hopkins University Press. ISBN 978-0-8018-8221-0. [OCLC 62265494](https://www.worldcat.org/oclc/62265494).
22. Koepfli, Klaus-Peter; Pollinger, John; Godinho, Raquel; Robinson, Jacqueline; Lea, Amanda; Hendricks, Sarah; Schweizer, Rena M.; Thalmann, Olaf; Silva, Pedro; Fan, Zhenxin; Yurchenko, Andrey A.; Dobrynin, Pavel; Makunin, Alexey; Cahill, James A.; Shapiro, Beth; Álvares, Francisco; Brito, José C.; Geffen, Eli; Leonard, Jennifer A.; Helgen, Kristofer M.; Johnson, Warren E.; o'Brien, Stephen J.; Van Valkenburgh, Blaire; Wayne, Robert K. (2015). "Genome-wide Evidence Reveals that African and Eurasian Golden Jackals Are Distinct Species". *Current Biology*. **25** (16): 2158. [doi:10.1016/j.cub.2015.06.060. PMID 26234211](https://doi.org/10.1016/j.cub.2015.06.060).



**PLACER GROUP**  
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[sent via email: [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)]

March 29, 2017

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

Ladies and Gentlemen:

**RE: April 13, 2017, Agenda Item 2--Public Forum: Statute Compliance**

Due to an exclusion of at least two written comments from the FGC's meeting documents (Binder), even though they were submitted before the comment deadline and followed FGC's instructions, we have grave concerns regarding transparency and compliance with laws that govern public agencies.

Underlying all our public agency transparency regulations and policies, a recurring theme is, that as frustrating as it may be, efficiency is not the top priority.<sup>1</sup> The Bagley-Keene Act reserves "a seat at the table" for the public, (§ 11120) and that includes the right to participate in the decision-making process.

When this "exclusion" issue was brought up at the March 15, 2017, FGC tele conf meeting during public forum (Agenda item 2), a number of reasons were given for not including all comments, such as: Small staff and budget, letters that are not relevant to any agenda item, multiple form letters (often thousands) that say exactly the same thing, all of which are available for the commissioners to come in and view between meetings. We understand the need to organize and summarize thousands of form letters in the Final Initial Statement of Reasons (FISOR), and to exclude letters that are irrelevant to the agenda items.<sup>2</sup> However, we submit that the law does not make exceptions to compliance for staff and budget limitations.

For the March 15, 2017, meeting, the Binder was only 46 pages, with four comment letters. The two that were excluded would not have burdened staff nor have added more than 2-3 pages to the Binder. If, as some legal scholars have suggested, defamatory comments may be excluded, then the one 5-page letter that was included with three pages of disparaging nonprofit bashing, that was not relevant to the agenda item, should have been a candidate for exclusion. Yet it was included while two others that were on topic were excluded.

Thus, the reasons stated by staff and the FGC for exclusion of the two comment letters in question, which were a far cry from being form letters, are unsatisfactory, insupportable, and possibly a violation of statute(s). With all due respect to staff, that does

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<sup>1</sup> "A Handy Guide to The Bagley-Keene Open Meeting Act 2004, California Attorney General's Office, Intro, page 2. "If efficiency were the top priority, the Legislature would create a department and then permit the department head to make decisions."

<sup>2</sup> There have been times when public commenters have accidentally attached the wrong document, but these are obvious mistakes, not subject to staff judgment calls.

a tremendous job in organizing the Binder and creating time-saving links, a FGC employee should never have the authority to exclude any comment submissions simply because he/she decides the comment expresses the same position as another or many others. Public trust is at stake when unknown staff members become gatekeepers of public comments and apply their own filters to exclude some comments, but not others.

Whether it's the Bagley Keene Act (§ 11125.1.), the Brown Act, or CEQA, the public has a right to see what points others have made. "Obviously, a meeting would include a gathering where members were debating issues or voting on them. But a meeting also includes situations in which the body is merely receiving information. To the extent that a body receives information under circumstances where the public is deprived of the opportunity to monitor the information provided, and either agree with it or challenge it, the open-meeting process is deficient."<sup>3</sup>

In general, a record includes any form of writing or oral comments. When materials are provided to a majority of the body either before or during the meeting, they must also be made available to the public without delay, unless the confidentiality of such materials is otherwise protected.<sup>4</sup> The FGC encourages comments and hopefully weighs all input in their decision making. If relevant, timely submitted public comments are not included in the Binder, not only may commissioners be deprived of pertinent information, but the public is deprived as well.

With the California Environmental Quality Act (CEQA), the importance of public participation as an element of the process is both declared and widely accepted. In *Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural, Assoc.* (1986) 42 Cal. 3d 929, the court emphasized that the public holds a "privileged position" in the CEQA process "based on a belief that citizens can make important contributions to environmental protection and on notions of democratic decision making."<sup>5</sup>

"(e) This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section."<sup>6</sup>

We urge the FGC to develop and consistently implement a clear policy defining staff's authority and criteria for determining which public comment letters are included and/or excluded from the Binder when those comments are submitted in good faith, a timely manner, and pertain to an agenda item.

Thank you for considering our views,



Marilyn Jasper, Chair  
Public Interest Coalition  
Conservation Comm, Sierra Club Placer Group

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<sup>3</sup> Ibid, page 5.

<sup>4</sup> Ibid., page 10.

<sup>5</sup> CEQA, Article 13, Section 15201, Public Participation,  
<http://resources.ca.gov/ceqa/guidelines/art13.html>

<sup>6</sup> IBID, Sec 15204, Focus of Review

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**From:** Francis Coats  
**Sent:** Thursday, March 30, 2017 4:44 PM  
**To:** FGC  
**Subject:** Considering public rights to use navigable waters and to fish.

To the California Fish and Game Commission:

It appears that the commission overlooks generally applicable laws when adopting regulations governing public use of wildlife areas and ecological reserves. For example.

1. Sections 1528 and 1745 require the Commission to encourage multiple recreational use including boating, but the regulations severely limit access across administered lands for boating.
2. The navigable servitude law gives the public the right to be on the navigable waters including the temporarily dry banks below high water mark and there engage in lawful recreational activities, but the regulations severely limit this use.
3. Article I section 25 gives the public the right to fish on and from State owned land, but the regulations limit this use. Particularly bothersome are rules unnecessarily restricting crossing administered lands to get to navigable waters.
4. Article I section 25 also requires the reservation of the right to fish in the people upon the transfer of state-owned land, but it is not clear that the commission complies. See *State v. San Luis Obispo Sportsmans' Assc.* 1978 22 Cal. 3d 440.
5. At least at the Feather River Wildlife Area, DFW does not post signs identifying the area, does not mark the boundaries, and does not disclose the existence of some of the units on it website (Morse Road Unit, Marysville Unit).
6. Under the public trust doctrine, the Commission is obligated to avoid adversely affecting public trust uses whenever feasible. Where rules impair access across administered lands for access to navigable waters, the desirability of permitting access must be considered, interference must be avoided whenever feasible, this consideration must be public, and the decision making process must be documented. See *San Francisco Baykeeper, Inc., v. State Lands Commission* 2015.

Please consider these matters, in a public manner, and document that consideration when making decisions which may adversely affect the public's rights to access and use the navigable waters/public trust lands, and the right to fish in both navigable waters and other waters.

Francis Coats,  
;

**From:** Christine Lynn Harris  
**To:** FGC  
**Cc:** info@projectcoyote.org; Hoodline Tips; ABC7 7 ON YOUR SIDE Jerry Brown; Nancy Pelosi; Kalama Harris; Edwin Lee; board.of.supervisors@sfgov.org; Craig Downer; Channel 2 KTVU; KCBA NEWS  
**Subject:** Wolves, Wildlife, and Preservation  
**Date:** Thursday, April 13, 2017 2:45:21 PM

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California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090  
EMAIL: [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)

Hello California Fish and Game Commission,

Please stop trapping the wolves, these majestic sentient beings, our beloved wild life.

Trapping is very cruel, inhumane, and we would not want someone to do this to us, as

I am sure it is very painful and the wolves suffer; all animals suffer, just like us.

Please stop killing the wolves, they are part of the ecosystem, and have a right to life just like humans.

We must stop thinking as a human species that we are better than animals, and do anything to them, this is not true, they are one of us, we are one of them. We must coexist with wild life, we are encroaching on their land and food, not the other way around.

Please find it in your hearts to do the ethical and moral actions towards wild life.

"We need nature, nature does not need us." - Harrison Ford

Best Wishes,  
Christine Harris

<http://www.projectcoyote.org/>