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Valerie Termini, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

Fish and Game Commission



*Wildlife Heritage and Conservation
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WILDLIFE RESOURCES COMMITTEE

Committee Co-Chairs: Commissioner Williams and Commissioner Burns

January 18, 2017 Meeting Summary

Following is a summary of the meeting as prepared by staff.

Call to order

The meeting was called to order at 10:06 a.m. by Commissioner Williams at the Redding Public Library, 1100 Parkway Avenue, Redding. Commissioner Williams gave the welcoming remarks and a farewell to Caren Woodson, associate governmental program analyst for the Commission.

Erin Chappell introduced Fish and Game Commission (FGC) staff and California Department of Fish and Wildlife (DFW) staff and outlined the meeting procedures and guidelines, noting that the Committee is a non-decision making body that provides recommendations to FGC. She reminded participants that the meeting was being audio-recorded and that the audio-recording will be posted to the FGC website.

Committee Co-Chairs

Anthony Williams	Present
Russell Burns	Absent

Commission Staff

Valerie Termini	Executive Director
Erin Chappell	Wildlife Advisor
Caren Woodson	Analyst

DFW Staff

Kevin Shaffer	Chief, Fisheries Branch
T.O. Smith	Chief, Wildlife Branch
Patrick Foy	Captain, Law Enforcement Division
Chris Stoots	Lieutenant, Law Enforcement Division
Scott Gardner	Acting Environmental Program Manager, Nongame Program
Carie Battistone	Senior Environmental Scientist, Wildlife Branch

1. Approve agenda and order of items

Commissioner Williams approved the agenda and the order of items.

2. Public forum for items not on agenda

Del Norte County Board of Supervisor Chair Chris Howard requested a status update on DFW's progress on the development of the elk environmental impact report. He noted the delay is impacting small rural communities being overrun with unchecked elk populations. T.O. Smith responded that the elk management plan is under development and that DFW would like to work with private land owners and sportsmen to find opportunities for management to occur.

Shasta County Agricultural Commissioner Paul Kjos, speaking for the northern counties agricultural commissioners, noted their opposition to the FGC petition regarding nighttime hunting and trapping ban in the gray wolf zone. They plan to submit comments and suggestions on the petition for FGC consideration.

A commenter noted new legislation expected in 2017 that would prohibit local ordinances that restrict public fishing and give greater power and authority to individual anglers to seek recourse where access has been unnecessarily restricted.

A commenter requested FGC revisit the use of dogs to hunt bears based on indications that bears are exhibiting less fear of dogs; this is resulting in greater human-wildlife conflicts, which presents a real hazard to bears and the communities they roam. Another commenter noted that black bears expanded their range after the extirpation of grizzly bears and are now being found in areas that they did not inhabit historically.

3. Discuss and approve recommendations for 2017-2018 upland game bird regulations

Scott Gardner summarized proposed changes in upland game bird regulations, including annual adjustments to sage grouse permits and timing of the rulemaking package. He noted that DFW has been very conservative with permits allocations for sage grouse in the past few years due to concerns about habitat conditions in three of the zones. The number of permits is based, in part, on spring lek counts. This year the range of possible permits in the rulemaking package will be narrower than previous years to more reflective of allocations in recent years. Traditionally DFW has used a range of 0 to 100 permits. For the North Mono zone the range will be reduced to 0-45, 0-25 in the South Mono zone, 0-25 in the North Lassen zone, and 0-15 in the South Lassen zone. This year, DFW will request authorization to go to notice in February rather than in April with adoption of the package scheduled for June to provide time to prepare for the hunting season.

Public Discussion: No public comments

Committee Recommendation: WRC recommends FGC staff work with DFW to prepare a regulation package consistent with what was heard today.

4. Identify and discuss initial recommendations for 2018 sport fish regulations

Erin Chappell provided an overview of the four regulatory petitions referred by FGC for consideration in this rulemaking package. Kevin Shaffer presented on the proposed changes being considered by DFW. These proposed changes include provisions for Rock Creek, revision and addition of definitions, new method of take for catfish, revision of low-flow closure periods, provisions for winter-run and spring-run Chinook salmon in the Upper Sacramento and McCloud rivers, and provisions for the Lower American River (Nimbus Basin). Kevin also noted that DFW is looking at possible revisions to reduce risk of snagging or foul hooking fish. Erin noted that the items discussed today and any other DFW proposals will be considered again at the May 2017 WRC meeting and noticed for change at the August 2017 FGC meeting; she then invited public comment.

Public Discussion:

Several commenters asked questions about the reintroduction of winter-run and spring-run Chinook into the McCloud River and the potential implications the reintroduction may have on natural dispersal, fishing and take under the California Endangered Species Act. Kevin explained how the reintroduction of experimental populations is being done on the San Joaquin River and the need for an experimental designation for this effort. He also noted that there are no plans to ban fishing in the area once the reintroduction occurs. The experimental releases are scheduled for 2018.

A commenter asked if DFW will make a recommendation on the snagging provisions this year. Kevin responded that they will make a recommendation later this year.

Several commenters discussed revisions to the bag limit for striped bass, particularly as it relates to the petition being considered in this rulemaking package. One commenter suggested removing the petition from this package and discussing it as part of the review of striped bass and nonnative species in the Delta being held later this year. Erin noted that there will be a forum on May 24 following the WRC meeting to discuss the broader issues concerning Delta fisheries, which includes striped bass, but that the petition will be considered under this rulemaking package per FGC direction.

Several commenters provided input on the petition regarding fishing on the Smith River and the use of roe. Some commenters supported the petition noting the current status of salmon and the need to protect the remaining population. Other commenters noted the current regulations and management options being implemented to protect salmon and steelhead while balancing that with opportunities for recreational fishing.

5. Discuss potential options for phase 2 falconry regulations

Commissioner Williams provided a brief overview of recent changes to the falconry regulations in 2013 and 2016. Erin Chappell emphasized that this next phase is to explore ideas that were not addressed during those two rulemaking packages. Erin requested input from the public about possible options to include in this Phase 2 process:

- Glenn Stewart (California Hawking Club) highlighted three issues for consideration: (a) add falconers to the list of qualified rehabilitators for raptors; (b) make the bag and possession limit for waterfowl the same for falconers and hunters (currently the daily bag limit is 7 ducks for hunters but only 3 for falconers; the possession limit for both is triple the daily bag limit, 21 and 9

respectively); and (c) changing the current lottery/permit system to a first come, first serve lottery system similar to what is currently done for bear, but keep the total allowance at 14.

- Bill Gaines (California Hawking Club) requested an opportunity to meet with DFW to discuss these requests.
- Carrie Battistone – reviewed the list of additional requests received from falconers under public forum and Phase 1 comments that could be considered under Phase 2.

Public Discussion: no public comments apart from the discussion noted above.

6. Discuss potential wild pig management options

Erin Chappell presented an overview of discussions from previous WRC meetings, wild pig management concerns, and possible changes for Title 14 and Fish and Game Code if the status of wild pigs was changed from game mammal to nongame mammal. Lieutenant Stoots noted that the game mammal regulations are more restrictive than nongame mammal regulations and therefore the potential changes in Title 14 outlined today were intended to loosen some restrictions while keeping some of the more restrictive provisions. Erin also provided a written example of how wild pigs could be integrated into the nongame mammal regulations in Title 14 in a way that accounts for some of the management concerns previously raised by the stakeholders. Commissioner Williams emphasized that the example was intended to facilitate the discussion and is not a proposal.

Public Discussion:

A question was raised about the inclusion of reporting requirements in the example provided today. Erin responded that the current reporting requirements were not included. There was some discussion about the reporting requirements for nongame species in general. The take of nongame species are not generally reported, aside from trapping license and bobcat depredation permit reporting requirements. Another commenter noted that they did not see the need to increase monitoring and reporting for wild pigs.

A commenter inquired why we would restrict take opportunity if we're trying to get rid of them and questioned why we care how a private land owner takes care of the problem.

Another commenter had questions about how designated agents were addressed in the example; specifically as it related to the requirement to possess a hunting license and questioning whether that would apply to tenants and/or employees. The commenter suggested giving some thought to the class which is required to possess the licenses/permit. In addition, the commenter had questions about the provision to require a landowner or tenant to tag an animal taken prior to leaving the property, specifically regarding cost, acquisition, and format. Another commenter suggested that landowners use some sort of logbook, like commercial passenger fishing vessels, as an alternative to the tag provision.

A commenter expressed support for both the nongame mammal designation and the validation stamp option and noted that access to private property needs to be addressed. The commenter suggested allowing wild pigs to be hunted 24/7 and year-round with perhaps some restrictions during deer and elk season.

A couple of commenters expressed concern about jumping to language when there are still some broad policy issues to resolve. It was noted that one policy issue not address by the example was in regards to the import, transport, and release of wild pigs. Erin noted that the definition of wild pig is an important consideration for this issue and highlighted the need for coordination between DFW and the California Department of Food and Agriculture on the development of a revised definition.

The group discussed the process from this point to help move legislation forward. Erin noted that Assemblymember Bigelow is prepared to move forward once WRC comes back to him with a recommendation. Commission Williams noted that this discussion was framed around regulation changes but statutory changes would also be needed and the ideas we propose here will inform the entire process. There was general agreement to keep working on proposed changes through WRC and to provide Assemblymember Bigelow with a comprehensive proposal. Given the timeline, a two-year bill would be more likely than completing something in this legislative session.

Committee Direction: Commissioner Williams directed staff to continue working on the policy issues and concerns raised during this meeting and to come back to WRC in May with a more detailed proposal on regulatory and statutory changes.

7. Predator Policy Workgroup

(A) Update on Predator Policy Workgroup (PPWG) activities

Erin Chappell provided an update on recent PPWG activities and timeline. The PPWG will not have a package ready for WRC by the targeted May 2017 deadline, but the draft policy is ready for review.

(B) Review and discuss draft predator policy

Erin provided an overview of the draft policy and noted where there is not full consensus among the PPWG members on the policy language.

Public Discussion:

A commenter noted concerns by hunters in California regarding the need for predator control and impacts to the mule deer populations, impacts of wolves, and hunting restrictions on black bears.

PPWG member, Jennifer Fearing, highlighted three issues provided in a letter (WRC Exhibit 7.4) submitted by four PPWG members that are keeping the group from reaching consensus on the policy: 1) take for depredation purposes should be limited in scope and only done after all non-lethal and preventative options are exhausted; 2) addition of the term “humane” to describe approved methods of take, including lethal; and 3) modify Section III Part C to include goals and objectives informed by best available science, public values, and other social factors. PPWG member, Noelle Cremers, raised concerns about the feasibility of requiring the exhaustion of all non-lethal and preventive measures prior to lethal take. Scott Gardner noted that depredation is bounded by Fish and Game Code sections.

Committee Direction: Commissioner Williams stated his desire to give Commissioner Burns an opportunity to weigh in on the policy before making a recommendation to FGC but offered the following input to PPWG with a request that the members come back together to see if they can reach consensus on the policy.

- While sympathetic to the desire for exhausting all non-lethal and preventative measures prior to the use lethal options, it would be too hard and fast in regulations which are applicable to every situation. However, he is agreeable to language that encourages non-lethal options before lethal without requiring it.
- Supportive of making changes to incorporate the word “humane” and the inclusion of factors other than just the goals and objectives of existing management plans, similar to the language provided in the staff draft.

8. Non-lead Ammunition

(A) DFW presentation on phase 2 implementation

Captain Foy provided an update on compliance with the non-lead ammunition regulations that took effect starting July 1, 2016. Wildlife officers did not encounter any significant issues and compliance was amazing.

(B) Update on new ammunition legislation and ballot initiative

Erin Chappell presented an overview of Proposition 63 and Senate Bill 1235 highlighting the potential impacts of the new ammunition requirements on hunters trying to acquire non-lead ammunition.

Public Discussion:

A commenter noted that manufacturers are making non-lead ammunition but because ATF (Bureau of Alcohol, Tobacco, Firearms and Explosives) classifies it as armorpiercing, the petitions by manufacturers to develop non-lead ammunition are being denied. The commenter encouraged FGC to engage with manufacturers to better understand the problem and potential impact on California’s hunting dollars.

A commenter noted that non-lead ammunition is not a magic environmental bullet and that it is opposed by forestry because it causes fires.

A commenter stated opposition to DFW’s non-lead coupon program.

9. Future agenda items

(A) Review work plan agenda topics and timeline

Erin Chappell provided an overview of the current work plan, potential agenda topics for the May WRC meeting, and the Delta Fisheries Forum scheduled for May.

Committee Recommendation: WRC recommends the following agenda topics for May: sport fish regulations; falconry; wild pig management; PPWG; and non-lead implementation. WRC also recommends holding the discussion of the mammal hunting, waterfowl hunting, Central Valley salmon, and Klamath River sport fish annual regulations off until September.

(B) Potential new agenda topics for FGC consideration

No new agenda topics were proposed for consideration.

Public Discussion:

A commenter suggested several ideas that may lessen the impact of the new mandate requiring background checks for the purchase of ammunition, which included using the individual's GO-ID number from their hunting license rather than a separate California Department of Justice database.

A commenter highlighted the shortfall in the Fish and Game Preservation Fund per the Governor's budget and the need to address it.

A commenter noted that the Governor's budget calls for increases in fishing fees to address the shortfall in the Fish and Game Preservation Fund. The commenter also noted potential new legislation that in part would give FGC the authority over commercial fishing and requested that WRC bring this issue forward at a future FGC meeting.

Adjournment

Commissioner Williams adjourned the meeting at 3:27 p.m.