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Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

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WILDLIFE RESOURCES COMMITTEE

Committee Co-Chairs: President Silva and Commissioner Zavaleta

September 16, 2021 Meeting Summary

Following is a summary of the California Fish and Game Commission (Commission) Wildlife Resources Committee (WRC) meeting as prepared by staff. An audio recording of the meeting is available upon request.

Call to order

The meeting was called to order at 9:01 a.m. by Co-Chair Erika Zavaleta, who gave welcoming remarks.

Wildlife Advisor Ari Cornman outlined instructions for participating in Committee discussions and gave introductory remarks. The following commissioners, Commission staff, and California Department of Fish and Wildlife (Department) staff, participated:

Committee Co-Chairs

Peter Silva	Present
Erika Zavaleta	Present

Commission Staff

Melissa Miller-Henson	Executive Director
Ari Cornman	Wildlife Advisor
Cynthia McKeith	Staff Services Analyst

Department Staff

Garry Kelley	Acting Deputy Director, Wildlife and Fisheries Division
Scott Gardner	Branch Chief, Wildlife Branch
Valerie Cook	Acting Branch Chief, Fisheries Branch
Chris Stoots	Captain, Law Enforcement Division
Brad Burkholder	Environmental Program Manager, Wildlife Branch
David Casady	Big Game Supervisor, Wildlife Branch
Dan Skalos	Senior Environmental Scientist Supervisor, Wildlife Branch
Karen Mitchell	Senior Environmental Scientist Specialist, Fisheries Branch
Melanie Weaver	Waterfowl Program Coordinator, Wildlife Branch
Katherine Miller	Upland Game Bird Biologist, Wildlife Branch

1. Approve agenda and order of items

The Committee approved the agenda and order of items.

2. Public comment for items not on the agenda

Representatives of the Northern California Guides and Sportsman's Association (NCGASA) and the Coastal Conservation Association of California brought to WRC's attention Assembly Bill 817, which is on the governor's desk for potential signature; the bill provides for a 365-day fishing license. They asked for the Commissioners to support the governor signing the bill.

A representative of the Kern River Fly Fisher's Club raised concerns about the Kern River, including flows into a closed hatchery, the lack of a management plan, a perceived lack of enforcement, and reintroduction of rainbow trout.

A commenter noted his recently submitted petition proposing changes to a variety of hunting and fishing regulations, which is designed to create new opportunities, increase Department revenue, and reduce participant frustration.

A representative of NCGASA spoke about diminishing rivers and declining Central Valley salmon numbers; they urged the Commission to support the Department's hatchery efforts and to make recommendations to the Pacific Fisheries Management Council to increase salmon escapement numbers.

A commenter thanked the Department for working with the U.S. Forest Service on various fire, access, and management issues. A commenter expressed concern about protecting salmon to support condors, orcas, and other wildlife.

A representative of the Public Interest Coalition urged California's wildlife agencies to curtail consumptive activities until drought, wildfires, and extreme temperature conditions improve. Another commenter disagreed and stated that decisions about hunting should be made based on scientific data on wildlife populations. The co-chairs affirmed that the Commission makes decisions based on the science brought to it from the Department and other sources.

Ari Cornman noted that Commission staff usually recommends that the Commission support bills in concept rather than actual bills, since they can change significantly during the legislative process. The Commission supported 365-day fishing licenses in a previous letter to the California State Legislature; however, the support was contingent on a number of factors, such as addressing fiscal impacts to the Department.

Ari also clarified that the Commission is not contemplating closing or curtailing any wildlife seasons, and that if the Commission were to consider such an action it would be vetted at a WRC meeting first (barring an emergency action). He further explained that the Commission has no authority to close or open any federal public lands, and any decisions to close Department-managed lands due to public safety considerations are made by the Department under its day-to-day management authority. That said, the Commission stays apprised of drought and wildfires, and their effects on wildlife populations, so it can take action when and if necessary.

3. Department updates

(A) Wildlife Branch

Scott Gardner gave an overview of new, one-time funding directed to the Department Lands Program, to address drought and wildfires and make strategic improvements. The Department was appropriated funds to focus on wildfire prevention on Department lands, and has made significant progress this year in increasing resilience to wildfires.

The Department received further one-time funding to deal with drought on Department lands, to efficiently manage water and habitat to lessen the impact of water scarcity. There is also a concerted effort to monitor drought effects to wildlife populations. The Department is partnering with many other organizations to address similar issues on private lands.

New funding also is being directed to efficient management of wetlands on Department lands. Spending is devoted to key infrastructure improvement, heavy equipment acquisition, and gaining efficiencies to help reduce ongoing maintenance costs. Other funding initiatives include improving access, upgrading signage, and enhancing visitor amenities.

The Department is working to build relationships with tribes, including co-management agreements. It has hired a cultural resource specialist, the Department's first dedicated terrestrial entomologist, and five new positions to support the Department's mandates under the California Endangered Species Act (CESA). It is also investing in its human dimensions of wildlife and human-wildlife conflict programs, including a pilot wolf depredation compensation program.

The Department is undertaking a feasibility study for a new wildlife health laboratory to be located at Yolo Bypass Wildlife Area. Wildlife health staff have been working on wildlife injured by wildfires.

Commissioner Zavaleta encouraged future discussions on anticipating hotter and drier conditions, looking at the future distributions of species, and expected changes in sea level.

(B) Fisheries Branch

Valerie Cook stated that drought is a primary focus, as water conditions continue to deteriorate with low dissolved oxygen, increasing fish passage issues, high rates of pre-spawn mortality, prevalence of pathogens and disease, and instream egg loss. In some cases, high water temperatures at hatcheries has necessitated closures or transfer of fish between facilities. Millions of fish have been moved or held longer to avoid diseases that have resulted in 80-90 percent mortality. The Department has initiated thiamine injections to offset deficiencies.

The Department is looking for opportunities to increase fish production to offset losses. It is actively monitoring conditions and conducting fish rescues of listed or special status species, including steelhead, coho salmon, and McCloud River redband trout. The Department has requested that anglers voluntarily avoid fishing in waters during the most stressful part of the day for fish.

Fisheries Branch is also receiving some funding for CESA work, as well as some limited-term positions to help with monitoring and fish rescues, drought resiliency, and addressing hatchery infrastructure, deferred maintenance, and modernization. They are actively monitoring low-flow conditions to determine if actions need to be taken.

(C) Law Enforcement Division

Chris Stoots noted that law enforcement personnel continue to assist with wildfire-related incidents, including evacuations, perimeter security, and property protection from looters.

A new cadre of wildlife officers has graduated from the Wildlife Resources Academy, with 19 badged and sworn in as new wildlife officers. They will enter the field training program shortly. Additionally, officers now have a pink shoulder patch that may be worn during October for Breast Cancer Awareness Month. Chris also highlighted a case of a poacher cited for various hunting and fishing violations, including carrying lead ammunition.

Discussion

A representative of the U.S. Bureau of Land Management (BLM) commended the state on collaboration on fire issues and wildlife habitat acquisitions. Another commenter felt that the BLM had been doing a better job keeping lands open for public access.

A commenter stated that fishing restrictions should be mandatory, not voluntary. He also expressed concerns about water diversions to a hatchery on the Kern River. Valerie explained why voluntary measures are being taken for the time being and that the possibility of mandatory measures was being explored.

Chris answered some questions on enforcement of cannabis laws and partnership with water agencies.

4. Periodic Rulemakings

(A) Upland Game Birds

Dan Skalos and Katherine Miller gave a presentation on the status of upland game bird populations and offered ideas for future regulatory changes.

Discussion

A representative of the National Wild Turkey Federation supported a potential Department proposal to expand the definition of “apprentice hunters.” Several commenters asked about reducing wild horse and burro populations, and one asked that upland bird habitat be prioritized for post-fire remediation. Two commenters raised concerns with rising turkey populations and reduced fall hunting limits.

Three commenters urged action in protecting birds, like mourning doves, as well as other declining avian species, like sage grouse. One commenter supported reductions in hunting when supported by science.

President Silva expressed support for hunter outreach and hunter recruitment, retention, and reactivation efforts. Commissioner Zavaleta asked about feral horses

and burros, Eurasian doves, and turkeys. Scott and Dan highlighted that the zero-hunting quota for sage grouse in California is an example of good science shaping management in the face of bird declines. Sage grouse notwithstanding, oftentimes hunting is not the source of decreasing numbers, and removing hunting pressure will not measurably affect the species. He further noted that many human-turkey conflicts are seen in areas where hunting is prohibited. Horses and burros are primarily a federal issue, and it is often difficult for federal agencies to get public support for management. It is sometimes difficult for the public to understand that horses and burros can be detrimental to nature. With respect to sage grouse, fire and invasive species impacts have increased. Dan provided some clarifications on dove harvesting and some context on bird management, and Katherine Miller spoke about postfire remediation. She further explained that in bad fire years, perceptions of increased or decreased populations could be due to geographic shifts in bird densities in response to wildfires, and not necessarily population trends.

(B) Mammal Hunting

The Department recommended no regulation changes for this year.

Discussion

A commenter asked the Commission to act on his petition, related to wild pig hunting. Melissa Miller-Henson explained that petition referral to the Department is for review and ultimately a recommendation from the Department, and that the Commission will take action after it receives the recommendation. She also explained the difference between the California Fish and Game Code and the California Code of Regulations.

A representative of Tolowa Dunes Stewards gave some background on the organization, voiced a concern for Roosevelt elk, and asked for information, transparency, and science on the elk. The organization is looking for a report on the elk herds that was expected in the summer and urges the development of a management plan for trepaneme-associated hoof disease (TAHD). Another commenter hoped that some of the new Department funding would be used to address TAHD in Roosevelt elk and for wildlife corridors, and that hunting quotas on Roosevelt elk be reduced. A biologist for the Yurok Tribe stated that the tribe is working to improve elk habitat and is interested in creating habitat corridors to facilitate herd connections to Yurok lands.

A commenter encouraged the Commission to allow hunters to acquire a second bear tag and to convert some deer tags to premium hunts to increase hunting opportunity and Department funding.

(C) Waterfowl Hunting

Melanie Weaver presented recommendations for waterfowl hunting regulation changes, including minor seasonal adjustments and moving two days in the Balance of State Zone from early Canada goose season to late season. She also provided the latest updates on mallard harvest rates.

Discussion

A representative of the California Waterfowl Association supported the movement of the two hunting days. They also agreed with the Department's assessment that any mallard decreases were due to habitat declines and not hunting pressure. They and other meeting participants requested that the federal DD Form 214 (commonly referred to as a DD214) be permitted as a valid identification document for military and veteran hunts. They also requested that the start of the late goose season in the Balance of State Zone be moved from the third weekend in February to the second weekend in February to coincide with the veteran and active military hunt. The Grassland Water District, NCGASA, the Suisun Resource Conservation District, the Black Brant Group, the Tulare Basin Wetlands Association, and the Cal-Ore Wetlands and Waterfowl Council supported these suggestions.

(D) *Central Valley Sport Fishing*

(E) *Klamath River Basin Sport Fishing*

Central Valley sport fishing and Klamath River Basin sport fishing were considered together. Karen Mitchell provided an overview of Department recommendations and the anticipated timeline for both rulemakings.

Discussion

NCGASA appreciated the Commission keeping the May teleconference meeting as a standing meeting, articulated concerns about low flows and declining salmon numbers, and spoke about effort shift. Commissioner Zavaleta asked about regulation changes to assist with salmon populations, and Karen answered that the Department is waiting for information from the Pacific Fisheries Management Council before recommending any action.

(F) *Inland Sport Fishing*

I. Striped Bass Slot Limits

Valerie Cook indicated that the Department and Commission staff have met with interested parties and are in negotiations about appropriate slot limits. Meetings will continue through to the January WRC meeting.

Discussion

NCGASA representatives expect more regular meetings over the coming months to arrive at an agreement on suitable limits. They gave a short background on slot limits and emphasized the importance of striped bass for recreational angling.

II. Inland Boat Limits

Valerie gave a short explanation and background of the boat limits issue. Proponents wanted to include both salmon and striped bass as eligible for boat limits. Because striped bass slot limits may introduce some uncertainty that would be difficult to incorporate into a boat limit framework, all proponents agreed to constrain boat limits discussions to salmon. The Department would need to be able to differentiate which of the regulations was affecting striped bass to adaptively manage the species. With that understanding, stakeholders,

the Department, and Commission staff have agreed to regular discussions that are expected to continue through to the January meeting.

Discussion

NCGASA encouraged the agencies to engage in further conversations. Commissioner Zavaleta stated that she is eager to learn more about the proposition and its potential impacts.

III. Permits for Game Fish Contests

Valerie gave a presentation on the Department's proposal for changes to the regulations that govern permitting for game fish tournaments. Potential amendments could include:

- Changes to the different event classifications,
- allowing catch-photo-release events,
- extending black bass event maximum durations,
- clarifying applicant eligibility and permit stipulations,
- expanding the criteria for permit denial or suspension, and
- revising the permit conflict resolution process.

The regulation changes are intended to expand tournament opportunities, clarify associated permit processes by eliminating procedures that may allow skewing of the odds for successful permit drawing, and facilitating improved enforcement of the permits. The Department is reaching out to stakeholders, and is anticipating requesting that the regulatory changes be effective in July 2022.

Discussion

A commenter stated that a group of stakeholders had submitted a proposed permitting process to the Department. This group supported increasing restrictions that limit annual tournaments (including potentially a 30-boat or 60-angler limit), instituting a "legacy-based process" where applicants with demonstrated track records of successful tournaments would get preferential treatment, and formalizing current practices in regulation.

A commenter encouraged the Commission to ensure there would be an avenue for public participation in the course of the rulemaking. Commissioner Zavaleta stated that these issues are complex, she is eager to hear from the public regarding the proposals, and that the sometimes slow pace of progress is in the service of greater public participation.

Commissioner Zavaleta asked for more context about why the Department mediates permit conflicts. Valerie answered that the existing regulation requires that, if there are conflicts in the permitting process, the Department move to a random drawing. Over time, applicants found that the ability to consult as a group and work through conflicts prior to the drawing gave better results and more control over the outcome. A stakeholder explained that the system worked well when all applicants participated in good faith, but if some participants use fake companies or other methods to exploit the process, the system does not work. A discussion ensued about how to ensure newer

applicants are not shut out of the process. Valerie reiterated that the Department is working with stakeholders and considering options for the rulemaking's different aspects.

IV. Regulation simplification clarifications and updates

Karen Mitchell gave a short background on the simplification of statewide inland sport fishing rulemaking that was adopted at the October 2020 Commission meeting. The Department is preparing a proposal for updates and corrections. There may also be a proposal for some changes to black bass regulations. The Department is soliciting regulation change proposals from Department personnel across the state, for potential inclusion in a future sport fishing regulation change proposal.

Discussion

There was no public discussion.

Recommendation

The Wildlife Resources Committee recommended that the Commission support proposed regulation changes for waterfowl hunting, Central Valley sport fishing, and Klamath River Basin sport fishing, as recommended by the Department.

5. Preference points and tag refunds

(A) Regulation for 2021-22

Brad Burkholder gave a presentation on a Department proposal for regulation change to address big game hunts that suffer a substantial loss of opportunity due to wildfires; this regulation would be similar to one that was adopted in the previous year. The proposal would reinstate preference points, and award one preference point for the license year, for certain deer tags, and would refund tag fees, reinstate preference points, and award one preference point for the license year for bighorn sheep, pronghorn antelope, and elk tags, when hunt zones are inaccessible for 66% or more of the season because of public land closures caused by wildfires.

The proposed regulation would be effective for the 2021 and 2022 license years only, which would give time for the Commission to adopt a permanent regulation for tag returns.

Commissioner Silva asked about timing, and Scott Gardner responded that the Department is looking to have the regulation effective by February, to give enough time to process tag returns before the next year's drawing. He noted that the core team for the regulation has been in heavy planning discussions, and that fortunately national forests were reopening for public access – with the caveat that closures could start again if wildfire activity increased.

Discussion

A representative of the California Deer Association, Rocky Mountain Elk Foundation, and the Wild Sheep Foundation thanked the Department and the Commission for proposing the regulation; they strongly support the proposal. The California Deer

Association supported the inclusion of preference point returns for premium deer tags, and asked that deer fees be considered for refunds, despite the understanding that the cost of administering the refunds exceeds the refunded amount. They suggested that a credit might be issued in lieu of a refund. They would like to work with the legislature to “backfill” some of the refunds to the Department’s Big Game Management Account.

A commenter mentioned a petition regarding land closures that was rejected under staff review; he asked that it be added to a future agenda.

Several commenters opposed the idea of refunding tag fees, stating that the money should go to conservation. Other suggestions included: The option to exchange premium hunt tags for open tags in other deer hunts, tighter timelines for tag returns, and splitting the archery and general seasons.

President Silva stated that he was supportive of the regulation as proposed, and encouraged the public to engage on the more permanent regulations for alternatives or concerns. He did express concern about the deadlines for tag returns and encouraged the Department to reassess their appropriateness.

Scott Gardner elucidated the focus of the regulation as preserving “once-in-a-lifetime” opportunities in the face of extraordinary circumstances. He stated earlier return times are better, and stressed the importance having a single deadline to avoid confusion; the core team will consult with the Department’s License and Revenue Branch (LRB) to see what works best. The Department has endeavored to simplify the proposal. Brad explained that some of the reason for later dates had to do with the timeline for the regulation to become effective, and the 2022 license year may have earlier dates. He mentioned that LRB spends a great deal of time reissuing tags (using a list of alternates) if they are returned before the season starts or if a hunter chooses not to purchase a tag after being drawn.

Recommendation

The Wildlife Resources Committee recommended that the Commission support the proposed regulation changes to restore preference points for certain hunts and to refund certain tag fees in instances where public lands were closed due to wildfires during the 2021 and 2022 mammal hunting seasons, as recommended by the Department.

(B) Long-term regulation

David Casady presented on a potential regulation to address big game hunts that suffer a substantial loss of opportunity due to wildfires that would not be limited to specific license years. Ari Cornman examined the major decision points for which the Commission and the Department are seeking input.

As a longer-term solution, the Department would like to explore altering the hunting season timing for some mammals to better coincide with times of the year that are less fire-prone.

Discussion

A commenter suggested extending antelope and elk seasons rather than moving them, similar to bighorn sheep seasons. A hunter encouraged the Department to look at other states for similar models. Commenters expressed dismay about public land closures, supported preference point reinstatement, supported monetary refunds for elk, antelope and sheep tags, supported the idea of issuing credit in place of deer tag refunds, and encouraged a “moderated” approach.

6. Bullfrogs and non-native turtles

Ari provided an update on the progress of the bullfrog and non-native turtle stakeholder engagement process. The agency group is meeting to discuss one last results chain, and the industry and environmental/animal welfare groups are reviewing the last of the results chains to finalize their plans as well. A period of cross-group dialogue, synthesis and options development will follow. At the January 2022 WRC meeting, Commission staff anticipates the beginning of a series of detailed, substantive dialogue with stakeholders and the public.

Discussion

There was no discussion.

7. Future agenda items

Topics for the January 13, 2022 WRC meeting include: (1) further discussion on a longer-term solution to big game tag returns, and (2) an update and discussions on the bullfrog and non-native turtle stakeholder engagement process.

Discussion

There was no discussion.

Adjourn

WRC adjourned at 3:43 p.m.