

MEETING OF WILDLIFE CONSERVATION BOARD
Room 414, State Capitol, Sacramento
November 12, 1947

Meeting convened at 2:45 P.M.

PRESENT: James F. Dean, Director of Finance
Emil J. N. Ott Jr., Executive Director, Division of Fish and Game

Senator Ralph E. Swing
Senator George Hatfield
Assemblyman S. L. Heisinger
Assemblyman Lloyd W. Lowrey

The following were present and heard:

Fred W. Links, Chief, Division of Budgets and Accounts
Ralph W. Scott, Deputy Attorney General
Robert E. Reedy, Administrative Aid, Division of Fish and Game

Senator Swing opened the meeting by stating that he had taken it upon himself to call this meeting because he felt responsible for starting the program upon its way. He declared that the first purpose is to organize; a chairman of the entire group must then be elected for the group meetings, and a secretary must be employed to keep a record of what transpires. Following that the general subjects which are within the scope of the legislation will be taken up.

Moved by Mr. Heisinger that Senator Swing be named chairman of the group; seconded by Senator Hatfield; passed unanimously.

Senator Hatfield made a motion that the chairman appoint a secretary. Senator Swing stated that he thought the secretary would have to be in Sacramento all the time and that he did not know if it could be worked in with the work of the Division of Fish and Game or not. Senator Swing asked that it be understood that Miss O'Brien will act as secretary of the present meeting.

Senator Swing stated that the group is deeply concerned with getting action started in carrying out the provisions of the bill (Ch. 1325, State, 1947). He further stated that as he understands it three million dollars is to be appropriated annually, which will be expended by the Fish and Game Commission subject to the approval of the Board and of the legislative members of the group, and it is the purpose of the legislative members concerned to cooperate with the Fish and Game Commission in developing and carrying into execution a program as contemplated.

Senator Swing stated that as he visualizes it three primary questions fall within the scope of the bill. One relates to the acquisition and construction of fish hatcheries; the second deals with the so-called upland game birds, and the third with migratory waterfowl. These are all superimposed with the matter of recreation for the public. In carrying out this program, in developing fish and game, the recreational part of it must not be overlooked.

Senator Swing explained that Item 245 of the Fish and Game Budget was eliminated by this bill, which item provided a sum of \$1,387,825 for capital investment for the items set forth in the budget at pages 719, 720 and 721. That these items were

approved by the legislature and consequently if these items are in the same condition and the same request were made for their approval the group could consider that request at this meeting. He explained that it is questionable if the item of \$125,000 for a research vessel is within the scope of this bill, and asked Mr. Ott if he were in a position to present to the group a formal budget for the Fish and Game Commission, for approval, to be paid out of the funds provided by this bill, and which would include the items on the pages of the budget referred to above.

Mr. Ott replied that Item 245 was the construction and maintenance program of the Division of Fish and Game which was approved by both houses and also signed by the Governor, and then later deleted. Mr. Ott stated that he would like to have this committee approve such items in that program as moneys can be made available for from the Wildlife Restoration Fund; that there is some doubt that the money can be used for the research vessel or for the rehabilitation of some of our hatcheries, etc., but if the item can be approved in so far as moneys are available or legally possible the program can be started and an amended budget submitted to the Director of Finance.

Senator Swing asked Mr. Ott if he were suggesting that the items on pages 719, 720 and 721 of the Fish and Game budget, as it appears in the 1947-48 Budget Act be submitted to this group, other than the research vessel item which is \$125,000.

Mr. Ott answered in the affirmative, and Mr. Dean stated that some of these items appeared to be more in the category of maintenance. Mr. Links stated that he thought the Public Works Board had already approved \$165,000 of those projects as emergencies and that these should not be duplicated.

Senator Hatfield quoted from Section 3 of the Act to the effect that the Board shall investigate, study and determine what areas in the State are suitable, etc., and stated that in his opinion the first thing that should be done is to have a study made, and then the Board can act. He suggested that by a blanket approval of the items listed the Board would be going beyond what the Act provides.

Mr. Links stated that he presumed the Board could find that existing sites are suitable.

Mr. Swing stated that when this bill was before the legislature item 245 was struck because it was felt that it would be necessary to carry on projects of the Fish and Game Commission; that it was his understanding that money sufficient to cover the cost of the various items which would be provided by this Board would be authorized from the three million dollars. The items were approved by the entire legislature; they all were items for capital investment and in his opinion they are all, outside of the vessel, legitimate items to be covered by this Fund.

Mr. Heisinger stated that in his opinion from the language of Sec. 3 of the bill it would be hazardous for the Fish and Game Commission to go ahead on the items covered by the authorization of the bill without the action of the Board.

Mr. Ott stated that it was the intent when this bill went through that this had been approved by both houses, and the Governor, and has been approved by Finance as the CIE program of Fish and Game and fell within the category of money which would be made available. That money was repealed so that the money would stay in the Fish and Game Preservation Fund to act as a cushion to support this program and this three million dollars would then be made available to immediately start the Fish and Game program.

Mr. Dean stated that he had no objection; that the Department of Finance went over all those items and recommended them to the legislature in the Governor's budget; but that he felt that as this Board is now meeting and going into action for the first time it might have been well if the Fish and Game Commission had reviewed the entire list very carefully and eliminated those about which there might be any legal question or which had been eliminated and submitted the completed list to the Board; when that has been done it can be assumed that the Board has done what the Act provides - investigated and determined and item by item carefully reviewed.

Mr. Ott stated that the matter had been discussed in the Fish and Game Commission and that he had talked again with Mr. Payne as the subject recently.

Senator Hatfield stated that in his opinion the items should be examined by the Board, item by item, before final approval is given.

Senator Swing pointed out that that was done, during the legislative session, but that he had no objection to its being done again, and asked Mr. Links if emergency appropriation heretofore authorized for certain of the items could, by action of the Board, be restored to the Fish and Game Preservation Fund.

Mr. Links replied that if the money has not been expended it can be restored. If the bills have been paid a legal question is raised which would have to be determined.

Senator Swing suggested that it might be better to have a statement prepared so that the Board can act advisedly and eliminate the items for which the money has already been expended, and Senator Hatfield asked Mr. Ott if he had anyone who could tell the legislative members about these items today in order that approval could be given. Mr. Links pointed out that under proper action the group could approve the items in the budget with the provision that those items which have not actually been paid for be paid out of the Wildlife Fund and the detail could be worked out.

Moved by Mr. Hatfield, seconded by Mr. Lowrey, that the legislative members recommend to the Board the acquisition and construction of the various proposed improvements as set forth in the Budget on pages 719, 720 and 721, other than the research vessel, except in so far as those items which have been paid for out of funds heretofore provided are concerned, and further excepting such other items as might be ruled out by the opinion of the Attorney General which the Fish and Game Commission has requested. Passed unanimously.

Senator Swing asked Mr. Dean and Mr. Ott if they, as the only voting members of the Board present, recommended this procedure to the Fish and Game Commission. Mr. Dean and Mr. Ott each answered in the affirmative.

Mr. Hatfield requested that the Fish and Game Commission furnish the six legislative members of the Board with a statement of the plans for the various items which make up the three million dollar item, after the Attorney General's opinions are received, including those items which are to be repaid into the Fish and Game Preservation Fund and those items which have already been expended. Mr. Links replied that his office will give that statement.

Senator Swing spoke of the desire of his Senate committee for the temporary services of Ray Knight and asked that he be released by the Division of Fish and Game by December 1, 1947. This Mr. Ott agreed to. There followed a discussion by Senators Hatfield and Swing and Messrs. Blood and Links of the matter of providing an automobile for Mr. Knight's use during his six months' employment by the Senate Committee.

Senator Hatfield brought up the provision of Section 3 of Chapter 1325 which calls for investigation and study and suggested to the voting members of the Board that technical assistants be obtained, to investigate, study, and report back to the entire Board on the matters which are entrusted to them in the first three sentences of Section 3 so that the group may then intelligently proceed to make its determinations and recommendations.

There followed general discussion of how an investigation would be conducted and what subjects would be investigated and by when.

Mr. Ott introduced the subject of the check dam program submitted by the Mt. Ralston Fish Planting Club, which was discussed by the Board. Senator Swing suggested that in presentation of a subject such as check dams, a program that would cover the entire state should be presented and not just a small part of such a program and Mr. Dean asked if the Mt. Ralston Club program carried the recommendation of the Fish and Game Commission in its entirety.

Mr. Ott read a list of the total amounts of programs proposed by each of the Bureaus of the Division of Fish and Game and Senator Swing suggested that proposals of this type will have to be screened through the legislative groups, and that the legislative committees in both houses should present such recommendations to this group. Mr. Ott questioned this procedure and Senator Swing agreed that Mr. Ott should submit the programs to the legislative members of the Board and they, in turn, would submit them to the legislative interim committee.

Mr. Links stated that the Board will have to take action this month on proposed expenditures for the next fiscal year so that they can be included in the Governor's Budget and Senator Swing pointed out that they can be inserted in the Budget during the legislative session.

Mr. Scott suggested that the Board organize, inasmuch as a quorum was present. Senator Hatfield suggested that Mr. Dean accept temporary chairmanship until permanent arrangement can be made. Mr. Dean demurred.

Mr. Scott stated that in his opinion the Board could pass upon the proposition made by the legislative members, without appointing a chairman.

Senator Hatfield again urged upon the voting members of the Board the desirability of appointing technical assistants necessary to make studies in order to make it possible for the Board to intelligently act upon recommendations and to carry out the provisions of the Act.

Mr. Dean pointed out that the group as a whole should have but one chairman.

Senator Swing offered to withdraw as chairman upon the election of one of the three voting members of the Board who would act as chairman of the whole group.

Moved by Mr. Dean, seconded by Senator Swing, that Mr. Ott be appointed temporary chairman of this Board, the matter to be adjusted when a meeting is held with the third voting member of the Board. Passed unanimously.

Senator Hatfield requested that in the preparation of the Minutes of this meeting a copy be sent to each member of the Board.

Moved by Senator Swing, seconded by Senator Hatfield, that Mr. Ott, as temporary chairman of the Board, act as chairman of the group whenever it is in session. Passed unanimously.

At Mr. Dean's suggestion the voting members of the Board, now properly organized, and to insure the legality of its action, again voted to recommend to the Fish and Game Commission the acquisition and construction of the various proposed improvement as set forth in the Budget on pages 719, 720 and 721, other than the boat, except those items which have been paid for out of funds heretofore provided, and further excepting such other items as might be ruled out by the opinion of the Attorney General which the Fish and Game Commission has requested.

Senator Swing suggested to the Board, in keeping with Senator Hatfield's suggestion, that the Board be prepared at the next meeting to report on the selection of technical experts to carry on the necessary investigation and study so that the group may be advised of what is being done, the selection of a permanent secretary, and in calling meetings of the Board the legislative members be given at least one week's notice of the time and place of meeting and the subject to be taken up.

Senator Swing suggested to Mr. Ott that in working out the program to be submitted at the next meeting of the Board the meetings be so arranged that the various fish and game legislative committees can attend. Mr. Ott suggested having the Board meetings the day before the regular Fish and Game Commission meetings.

Meeting adjourned at 3:30 P.M.