

WILDLIFE CONSERVATION BOARD
STATE OF CALIFORNIA
MINUTES, WATERFOWL HEARING OF DECEMBER 1, 1949

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Pursuant to the call of the Chairman, the Wildlife Conservation Board met in the Clunie Memorial Auditorium, Sacramento, on December 1, 1949. The meeting was called to order by Chairman Silva at 10:15 A.M.

PRESENT: Wm. J. Silva James S. Dean E. L. Macaulay	Chairman Member Member
Senator Ralph E. Swing Senator George J. Hatfield Senator Ben Hulse Assemblyman Thomas M. Erwin Assemblyman Lloyd W. Lowrey	Joint Interim Committee " " " " " " " " " " " "
Seth Gordon Everett E. Horn	Consultant Special Consultant

The following persons were present and participated in the deliberations as required:

Albert M. Day Ira N. Gabrielson Hon. W. P. Rich Hon. Louis G. Sutton Hon. Harry E. Drobish Hon. George Miller, Jr. Harvey E. Hastain Edwin L. Carty D. H. Blood Ralph W. Scott Ben Glading R. E. Curtis Kramer Adams Seth Millington C. Ray Robinson Clay McGowan A. B. Dobbas A. T. Spencer James F. Roth J. A. McManus Jack G. Rossi Ernest E. Hatch C. S. (Bob) Hulen Jake Schneider Glen R. Harris Baxter C. Loveland I. H. (Ike) Cory Forrest M. Ferguson Ashley S. Hallett	Director, U.S. Fish and Wildlife Service President, Wildlife Management Institute Member of the Senate " " " " " " " " " " " " Fish and Game Commission " " " " Deputy Director-Comptroller Deputy Attorney General Bureau of Game Conservation " " " " Public Information Officer Attorney, Gridley Attorney, Merced Butte Creek Farmers Association California Farm Bureau Federation California Wool Growers Association Chico Chamber of Commerce Chico Associated Farmers of California Butte County Farm Bureau " " " " California Cattlemen's Association Richvale Irrigation District and Rice Grower's Association Imperial County Farm Bureau Izaak Walton League Imperial County Fish and Game Conservation Association Federated Sportsmen of San Diego County
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Southern Council of Conservation Clubs
Los Banos Sportsmen Association
Duck Hunters Association
Merced Fish and Game Association
Maxwell
Bakersfield
Veterans Organizations, Oroville Area
Sportsmens Council of Central California
Butte County Farm Bureau & Rice Growers Assn.
Kern County Fish and Game Association
Chico
Butte Creek Farmers Association

Numerous representatives of the press, sportsmen's groups, and other interested parties attended. Attendance was estimated at approximately 380.

The morning session was reserved for opponents of the Board's Waterfowl Program, and the afternoon for proponents.

1. Consultant Seth Gordon briefly outlined the entire Waterfowl Management Program as proposed by the Board, advising that one of its primary objectives was to reduce crop depredations by providing feeding areas. He emphasized the fact that no actual condemnation was contemplated except where as a last resort it is necessary to fill out an essential operating area. Further, that unless areas were compact enough to make a good operating unit they would not serve the multiple purpose intended, and the Division of Fish and Game could not maintain them. He called attention to a statement, "Waterfowl At The Crossroads," released on November 10, 1949, and widely published, which outlined the program in full.
2. Mr. Seth Millington, Attorney of Gridley, presented petitions opposing the proposed refuges in Glenn and Butte County from affected landowners. He stated they were distressed because the Board proposed to take highly developed farm lands for these areas and not the natural land for ducks. Also, that the present refuge was a rooming house for ducks, who got their board from the farmers.
3. Mr. C. Ray Robinson, Attorney of Merced, representing landowners affected by the Los Banos and Madera areas, advised that while there was no opposition to the tentative areas selected nor to the general program, the proposed price was considered absurd. He expressed the belief that if a fair price were offered the landowners would cooperate. He offered assistance in locating suitable lands.
4. Mr. Clay McGowan, President of the Butte Creek Farmers Association, representing members within the boundaries of the Upper and Lower Butte Creek Areas, especially opposed the Upper Butte Creek Area, stating that condemnation was a violation of constitutional rights. Also, that the real estate tax was trivial compared to other taxes which would be lost if this area went to the State. He suggested as a solution that the State and Federal wildlife agencies grow more feed on the present refuges; change present feed-regulations; and buy land offered for sale on the open market.
5. Mr. A. B. Dobbas of the Wild Game and Public Land Use Committee of the California Farm Bureau Federation, stated they supported the objectives of

the plan, but opposed some of the specific proposals. They recommended that the number of birds the state can accommodate satisfactorily be determined; that present areas be fully utilized and developed before additional land was acquired; and that each project be discussed with residents of the affected area and their general approval secured before taking action.

6. Senator Louis G. Sutton of Maxwell, 8th Senatorial District, urged that the Board lease, rather than purchase or condemn, waterfowl feeding areas, and supported the suggestion that duck clubs feed the birds. He expressed the belief that farmers and refuges make poor neighbors, and appealed to his colleagues not to act hastily.
7. Mr. A. T. Spencer, California Wool Growers Association, compared ducks to livestock and stated the carrying capacity of the state for ducks should be determined. He drew the Board's attention to severance charges on these areas. He opposed condemnation proceedings, stating that since agricultural lands would have to furnish the major portion of waterfowl food the co-operative support of farming interests should be sought to institute a constructive program.
8. Senator Harry E. Drobish of Marysville, 6th Senatorial District, stated the people of Butte County were not opposed to a plan for the conservation of wildlife, but did not favor the areas proposed for acquisition by the Board or condemnation proceedings. He expressed the belief that the sportsmen could not afford to antagonize the farmers of the state.
9. Mr. James F. Roth of the Chico Chamber of Commerce, reported its members endorsed the objectives of the waterfowl program, but opposed condemnation. He offered their cooperation in a search for more suitable and less costly land.
10. Senator George Miller, Jr. of Richmond, 17th Senatorial District, agreed existing refuges should be completely developed. He recommended that a complete resurvey be made to determine what could be done with the funds allocated for the controversial areas without disrupting the economic life of the people of the state.
11. Mr. J. A. McManus of Chico, opposed condemnation proceedings as unAmerican. He stated he was 100% for the sportsmen and permitted them to hunt on his land, but if his neighbors' lands were condemned he and other farmers would close their lands to hunting.

(Chairman Silva assured Mr. McManus that the Fish and Game Commission deeply appreciated the fine cooperation he and other farmers had extended in permitting hunting on their property.)

12. Mr. Jack G. Rossi, representing the Associated Farmers of California, advised they are not against the duck program as such, and expressed the belief that due consideration would be given the various problems and a mutually satisfactory solution reached.
13. Mr. Ernest E. Hatch, Butte County Farm Bureau, also urged full utilization of present waterfowl areas and opposed condemnation as undemocratic. He stated

his property was in between the proposed Upper and Lower Butte areas and that he was herding birds night and morning.

14. Mr. C. S. (Bob) Hulen, Butte County Farm Bureau, reported he lived about one mile from the Gray Lodge Refuge and suffered much depredation. He contended that depredation would be increased if areas were enlarged.
15. Mr. Jake Schneider, California Cattlemen's Association, advised they were opposed to condemnation and felt the money available could be more wisely expended in further development of present waterfowl areas.
16. Mr. Glen R. Harris, Rice Growers Association and Richvale Irrigation District, opposed the Upper and Lower Butte Creek areas, and endorsed the statements made by Messrs. Dobbas and Hatch. He maintained that depredations were greatest in the immediate vicinity of Gray Lodge and questioned that it was the farmers responsibility to take care of the public's ducks.

Meeting recessed at 12:15 P.M., reconvened at 2:20 P.M.

17. Assemblyman Lloyd W. Lowrey of Rumsey, a member of the Joint Legislative Interim Committee, reported that he had learned a great deal about the program during the lunch hour. He expressed the belief that people in the affected areas would be relieved to learn that condemnation proceedings were not imminent.
18. Mr. Seth Gordon, Consultant, explained the procedure set for the acquisition of land, reiterating that the use of actual condemnation was contemplated only where the majority of landowners were willing to sell and it was necessary to secure one or two isolated tracts to complete an efficient operating area. He stated it was not expected that the expanded Federal-State program would feed all the ducks; it would, however, materially reduce crop depredations. He advised that present waterfowl lands are still in the process of being fully developed, but due to the time limit on the available funds it was essential that additional areas be secured immediately.
19. Mr. James S. Dean, Board Member, defined condemnation as a technical procedure, explaining that "condemnation by stipulation" was necessary and routine procedure required by State law, even when buying property on which there was full agreement as to price, etc. He informed the group that the Public Works Board, of which he is the chairman, has the responsibility of acquiring the land approved by the Wildlife Board. Further, that they were nowhere near ready to file condemnation on either Upper or Lower Butte, because even before making appraisals it had become apparent that the amount allocated might be inadequate. The matter, therefore, was about to be referred to the Wildlife Board for further consideration.
20. Mr. Ben Glading, Acting Chief of the Bureau of Game Conservation, Division of Fish and Game, stated that only in recent years had the State's responsibility regarding waterfowl problems been fully recognized and a remedial program planned. He explained that under State administration budgets must be set up and approved before work can get underway; initiating a new program often takes two or three years. He admitted Gray Lodge as operated in the past had been a "sore spot," largely because little feed had been produced there, and reported that while next year all suitable land will be planted to rice and water grass much more needed to be done in this area.

21. Mr. Baxter C. Loveland, Imperial County Farm Bureau Game Depredation Committee, reviewed the history of the Federal-State Imperial Valley Waterfowl Management Program, and reported that those who had suffered most severely from waterfowl depredations in previous years admit the program is now working and are happy with the results so far obtained. His Committee recommended the establishment of a series of similar units throughout the State, and hoped by cooperation between all parties concerned a constructive program which would satisfy everyone could be worked out.
22. Mr. I. H. (Ike) Cory, President, California Division of the Izaak Walton League of America, stated the League favored and recommended adoption of the Board's program as being for the good of the whole country. He contended that persons whose land was included in a proposed project would be adequately reimbursed for their property.
23. Mr. Forrest M. Ferguson, Imperial County Fish and Game Conservation Association, cited the success of cooperative relations between farmers and sportsmen of the Imperial Valley in working out a satisfactory solution to the depredation problems. He reported on the herding and feeding program inaugurated there, and the success of the Federal-State management program.
24. Mr. Ashley S. Hallett, Federated Sportsmen of San Diego County, supported the statements made by Messrs. Loveland and Ferguson and expressed the belief that a similar program in the Sacramento Valley would decrease depredations and increase shooting for the sportsmen.
25. Dr. Ira N. Gabrielson, President of the Wildlife Management Institute, Washington, D. C., stated that the Pacific Flyway had unique problems because, while its breeding grounds (in Alaska and Canada) have been less disturbed by man than those of any other flyway, there has been a tremendous increase in the human population. He questioned the impression that the number of birds in California has increased, explaining that since much of their former habitat is now devoted to other uses they are concentrated in fewer areas. He observed that this state is the greatest concentrated wintering ground existing on any flyway, and that what California does will affect the flyway more than what happens in any other section of the country, or the continent. Dr. Gabrielson commended the Board and staff for the sound program developed, stating it appealed to him as a very sane and logical approach to the problem.
26. Mr. Albert M. Day, Director of the U. S. Fish and Wildlife Service, supported Dr. Gabrielson's remarks with regard to the Pacific Flyway, and stated it is the most difficult of the Service's programs to administer. He reported that ducks and crops have had headon collisions here for the past 15 years, and that in 1943, when crop depredations had mounted to one and one-half to two million dollars a year, there were threats of mass killings and poisoning of birds. Mr. Day then outlined the development of the Imperial Valley program and the part the Lea Act will play. He stated that the present Federal-State Joint Waterfowl Program was the culmination of discussions begun 5 years ago, and that the Service was now starting to acquire the areas agreed upon with Lea Act funds.

Mr. Day advised that it has been necessary to change the approach to the waterfowl problem during the past several years and buy lands in the heart of agricultural districts. When the Spaulding Ranch was purchased it was never conceivable that it would have to be used for intensive farming. It was

pointed out that besides food waterfowl need water, including deep ponds to prevent botulism. The Service has presently stocked up on farming equipment and, in addition to rice, other food crops are being grown, such as millet and barley.

Mr. Day expressed his full approval of the program outlined by Mr. Gordon, stating he believed a more substantial and far-sighted program is now under-way in California than in any other part of the country.

27. Mr. Virg Nover, Southern Council of Conservation Clubs, stated the Council endorsed the Board's program, but opposed condemnation. Further, that sportsmen do not want to see farmers put out of business or ill-treated. They are vitally interested in the development of improved sportsmen-farmer relations, and believe by cooperation between all concerned a better waterfowl program can be instituted with the least disadvantage to the greatest number of people.
28. Mr. Michael Dambrosio, Los Banos Sportsmen Association and Chamber of Commerce, reported that they were fortunate in still having some primitive area around Los Banos, and would welcome Federal or State aid to help preserve some of this area for the benefit of both the waterfowl and future generations.
29. Mr. Eugene D. Bennett, President of the Duck Hunters Association, expressed the hope that whatever course is taken by the Board in carrying out the waterfowl program, no one would be unduly infringed upon. He agreed with Mr. Nover that the farmers were their friends, and hoped wherever possible necessary arrangements may be accomplished by conciliation and negotiation. He agreed that feeding regulations should be relaxed, steps taken to eliminate botulism, and full and adequate use made of existing areas, but stated the experts advise this would not be enough.

Mr. Bennett stated that there is room in California for both ducks and farmers. He advised that sportsmen who have contributed money to re-establish breeding grounds want to see the government agencies do their part, and hoped the Board would not allow the present controversy to halt its program, but would continue to strive to reach an agreement with the landowners.
30. Mr. Harold Johnson, Merced Fish and Game Association, reported they also favored the Board's program and at the same time wished to cooperate fully with the farmers. He expressed the opinion that wherever possible the Board should obtain large tracts of land that could be developed and furnish shooting for the maximum number of sportsmen, rather than spend large sums for highly developed agricultural lands. He reported that the San Joaquin Valley is in a critical condition, and that if the problem is not tackled and solved now it would be hard to maintain ducks and sport. He informed the group that this year, when for the first time a substantial amount of feeding was done on private property in the Los Banos area, a rice grower, present today, testified the herding problem was ended and the birds were kept away from the rice fields.
31. Mr. Jess Cave, a neighbor of Senator Sutton's, stated that those who foot the bill are interested in seeing something done to correct abuses existing on Federal refuges. He claimed these areas should be flooded earlier, and.

that when he had flown over the areas recently the acreage of water seemed inadequate. He expressed the belief that there was room for both agriculture and ducks, and that waterfowl could be maintained in California in proportion to the food and water available for them.

32. Mr. James Smith, Bakersfield, endorsed the Tupman Project and hoped that the Board's general program would bring about both better shooting and still more improved sportsmen-farmer relations.
33. Mr. George W. Custer, Combined Veterans Organizations in the Oroville area, representing 6,000 veterans, stated they opposed the condemnation of veterans land or homes for the Upper Butte Project.
34. Mr. G. W. Philpott, Grasslands Association, Sportsmen's Council of Central California, stated their Council would like to see the Board's program proceed with the approval of the farmers.
35. Mr. Ralph W. Carlson, Butte County Farm Bureau and Rice Growers Association, expressed doubt that farmers could live side by side with a waterfowl refuge. He stated they not only opposed condemnation proceedings, but did not want a refuge next door to their rice fields.
36. Mr. D. G. Rankin, Kern County Fish and Game Association, reported that Kern County would welcome funds for duck habitat, and would like to have the ducks because they are good business.
37. Mr. A. T. Spencer, California Wool Growers Association, requested the Board to consider, as a compromise, instructing those selecting lands not to include a portion of any lands now under economic operation.
38. Mr. H. W. Barmann, Chico, stated there was a great increase in the number of "home ducks," those living in the Sacramento Valley all year around, and that the depredation problem was becoming more and more serious. He agreed with the program in principle, but recommended areas in the Suisun Bay marshes be used instead of in the most valuable rice producing area in California.
39. Mr. Robert McGowan, Butte Creek Farmers Association, contended that if management areas are checkerboarded throughout Northern California all farming in between would be eliminated. He claimed duck clubs would surround all projects and increase the acreage taken. He stated many thousands of dollars had been spent in improving and developing their property; that 80% of their summer range would be taken, involving severance damage; and that a very expensive rice drier would be absolutely useless on the little rice acreage that would be left.

Mr. McGowan advised that they had built their ranch up for twenty years hence, looking to the future, and money could not repay that.

40. Chairman Silva assured the group that the Board would give this matter thorough study and hoped to make a determination at a meeting in the near future. He stated that in so far as possible the Board did not plan to follow any program that was not in the best interest of general public relations. However, the Board is limited as to time and must act. He expressed the belief that much misunderstanding which existed prior to the meeting had been cleared up.

Assemblyman Lowrey observed it had been some time since the Board last met, and he thought it high time to hold a meeting, put all the cards on the table, and let the people in the affected area know what land is being considered.

Chairman Silva advised that it had been impossible during the past few months to get the full Board together, but that a meeting would be arranged just as soon as possible. He then complimented those present on the fine manner in which they had made their presentations, and for their courtesy throughout the meeting, expressing his conviction that this meeting would be most helpful.

Meeting adjourned at 5:00 P.M.