

WILDLIFE CONSERVATION BOARD  
STATE OF CALIFORNIA  
MINUTES, MEETING OF JUNE 6, 1951

C O N T E N T S

<u>Item No.</u>		<u>Page No.</u>
1.	Approval of Minutes. . . . .	1
2.	Amendment to Consultant's Contract . . . . .	1
3.	Reemployment of Consultant . . . . .	2
4.	Status of Funds as of February 27, 1951. . . . .	2-3
5.	Commission Approval of Board's Project Allocations . . . . .	3
6.	Supreme Court Decision Re Constitutionality of Wildlife Conservation Act . . . . .	3-4
7.	Colorado River Recreational Development Reserve, Reduction of. . . . .	4-5
8.	Bixby Slough Public Fishing Area Reserve, Withdrawal of. . . . .	5-6
9.	Shifting and Recovering of Funds to Complete Projects. . . . .	6-11
10.	Additional Warmwater Fish Projects . . . . .	12
11.	Owens Valley Pheasant and Quail Development Areas, Discussion re . . . . .	13
12.	Moccasin Creek Hatchery, Additional Allocation for . . . . .	13-14
13.	Doyle Winter Range, Additional Allocation for. . . . .	14-15
14.	Snake Lake Public Fishing Area, Allocation for . . . . .	15-16
15.	Lower Butte Creek Waterfowl Management Area, Suit Regarding. . . . .	16
16.	Coastal Angling Access Report Referred to Fish and Game Commission . . . . .	17-18
17.	Additional Legislative Appropriations. . . . .	18-19
18.	Board Policy Regarding Land Acquisition. . . . .	19-20
19.	Unobligated Balances and Status of Allocations as of June 6, 1951. . . . .	20
20.	Date for Next Meeting. . . . .	20

WILDLIFE CONSERVATION BOARD  
STATE OF CALIFORNIA  
MINUTES, MEETING OF JUNE 6, 1951

Pursuant to the call of the Chairman, the Wildlife Conservation Board met in Room 102 of the Business and Professions Building, 1020 N Street, Sacramento, on June 6, 1951. The meeting was called to order by Chairman Payne at 10:15 A.M.

PRESENT: Lee F. Payne  
James S. Dean  
E. L. Macaulay

Chairman  
Member  
Member

Senator George J. Hatfield  
Senator Charles Brown  
Senator Ben Hulse  
Assemblyman Thomas M. Erwin  
Assemblyman Lloyd W. Lowrey  
Assemblyman Lester T. Davis

Joint Interim Committee  
" " "  
" " "  
" " "  
" " "  
" " "

Seth Gordon

Consultant

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

D. H. Blood  
Wm. J. Silva  
Richard S. Croker  
R. E. Curtis  
Kramer Adams  
Emerson Daggett  
George D. Difani  
G. W. Philpott  
A. T. Hodgkinson  
E. C. Rosenberg  
Jim Thomas  
Walter Barkdull  
Rudy Hickey

Deputy Director-Comptroller  
Fish and Game Commission  
Bureau of Marine Fisheries  
Bureau of Game Conservation  
Public Information Office  
" " "  
Associated Sportsmen of California  
Sportsmen's Council of Central Calif.  
Capital Rod and Gun Club  
Pacific Gas and Electric Company  
Associated Press  
United Press  
Sacramento Bee

1. Approval of Minutes

It was regularly moved and seconded that the reading of the minutes of the Wildlife Conservation Board meeting of February 27, 1951 be dispensed with and said minutes approved as written. Passed unanimously.

2. Amendment to Consultant's Contract

It was moved by Mr. Dean, seconded by Mr. Macaulay, that the first provision of Mr. Seth Gordon's contract expiring February 28, 1951, referring to the total number of days covered by said contract as not to exceed 200 days, be amended to increase the total number of days to not to exceed 215 days. Passed unanimously.



### 3. Reemployment of Consultant

At the last meeting of the Board discussion of staff requirements was deferred. The consultant's contract expired February 28, 1951, and the field agent and other employees were transferred to the Division of Fish and Game.

Chairman Payne asked the members of the Board and the Joint Interim Committee to express their views regarding the rehiring of the consultant.

Mr. Dean suggested that Mr. Gordon be reemployed as consultant to the Wildlife Board for the period June 6, 1951 to June 30, 1952, inclusive, at the same rate of compensation as set forth in his previous contract. Mr. Macaulay added that the contract should include the same provisions as the consultant's last contract, and Mr. Dean agreed.

Senator Hatfield stated it would be a very disastrous thing if the Board lost the services of the consultant before the program is completed.

Assemblyman Davis strongly favored retaining the services of the consultant. He felt Mr. Gordon had done an outstanding job; that the work ahead would probably be more difficult because it would be necessary to do much shifting of funds. He thought the consultant would be in a position to do better work if the Board extended his contract to cover a 2-year period.

Senator Brown said he favored the reappointment of the consultant, but had not considered the matter of the time limit.

Senator Hatfield and Mr. Dean pointed out that the Board operates on a budget set up for the fiscal year and it was therefore deemed best to make the consultant's contract expire at the end of the next fiscal year. Assemblymen Erwin and Davis and Senator Hulse concurred.

It was moved by Mr. Dean, seconded by Mr. Macaulay, that Mr. Seth Gordon be reemployed as consultant to the Wildlife Conservation Board for the period June 6, 1951 to June 30, 1952, inclusive, at the same rate of compensation and under the same provisions as set forth in the contract which expired February 28, 1951.

All members of the Joint Interim Committee, with the exception of Assemblyman Lowrey, favored passage of the above motion.

Motion passed by unanimous vote of the members of the Board.

The consultant thanked the members of the Board and the Joint Interim Committee for their expressions of confidence and stated he was willing to continue serving as consultant under the terms stipulated, provided additional funds become available so that the Board may function in a businesslike manner.

### 4. Status of Funds as of February 27, 1951

The Board was informed that the amount allocated to specific projects up to the close of the meeting of February 27, 1951 aggregated \$8,612,066, made up as follows:

a. Fish Hatchery and Stocking Projects (18) . . . . .	\$3,296,530
b. Warmwater and Other Fish Projects (6). . . . .	164,500
c. Flow Maintenance and Stream Improvement Projects (14). . . . .	455,000
d. Screen and Ladder Projects (14). . . . .	352,140
e. State Game Farm Projects (4) . . . . .	106,000
f. Other Upland Game Projects (4) . . . . .	443,150
g. Waterfowl Management Projects (9). . . . .	3,729,746
h. General Projects (4) . . . . .	<u>65,000</u>

Total (73 projects) . . . . . \$8,612,066

In addition to the specific allocations above, the following reserves have been established, totaling \$286,641: (1) Bixby Slough Public Fishing Area - \$100,000; (2) Mendocino National Forest Stream Improvement and Flow Maintenance Program - \$15,000; and (3) Colorado River Recreational Development and Operating Funds - \$171,641 (from which must be deducted the operating funds budgeted for the current year, aggregating \$48,470, leaving a balance of \$123,171 presently available for the Colorado River Reserve).

#### 5. Commission Approval of Board's Project Allocations

The consultant informed the Board for the record that the Fish and Game Commission at its meeting of March 24, 1951 approved the \$135,000 originally allocated by the Board on March 19, 1949 for Project No. 37, Fish Springs Rearing Ponds, formal acceptance of which had been overlooked through inadvertence.

The Commission also approved the transfer of \$447,630 from the Upper San Joaquin Waterfowl Management Area to the Darrah Springs Hatchery and transfer of \$25,000 from the same project to the Delta Waterfowl Management Area for levee repairs; \$5,000 increase in the allocation for the Mendocino National Forest Stream Improvement and Flow Maintenance Program; and accepted for use elsewhere material and equipment purchased for the canceled Owens Valley Pheasant and Quail Development Areas.

#### 6. Supreme Court Decision Regarding Constitutionality of Wildlife Board

The consultant reviewed the events leading up to the above decision, stating that the Board at its meeting of February 27, 1951 deferred consideration of any future plans because certain legal questions had been raised. Opinions of the Attorney General indicated that the Wildlife Conservation Act of 1947 (Stats. 1947, Ch. 1325) might, if judicially challenged, be held unconstitutional. Certain other legal questions pertaining to fish and game matters also were involved.

The State Controller, Hon. Thomas H. Kuchel, shortly thereafter refused to honor further payments from the Wildlife Restoration Fund until constitutionality questions were decided by the courts. All operations were suspended and contractors halted. (One exception was the contractor working on the Daguerre Point Fish Ladders who, since he had men and equipment on the ground, went ahead with the work in the belief that the State would eventually pay him.)

Special counsel was employed, the Legislature requested the Legislative Counsel to appear in its behalf, and a suit was filed in the Supreme Court of the State of California, Dean et al vs. Kuchel (Sac. 6186), on March 21, 1951.



The case was argued on May 1, with the Organized Sportsmen of California and the Northern California Conservationists, Inc. filing a brief amicus curiae. The Court's decision was announced on May 4, 1951, all doubt as to the constitutionality of the Wildlife Conservation Act of 1947 was removed, and a final writ was issued. Promptly thereafter the Controller released the funds and the entire program again got underway.

7. Colorado River Recreational Development Reserve - (\$50,000)

The consultant stated that at the meeting of February 27, 1951, it was recommended that the Board unfreeze the balances being held pending a decision on the Colorado River needs, except for a limited amount which should be held in reserve until the study underway could be completed (June 1952). The Board at that time decided to defer action until the present meeting.

It was recommended that the Board now set aside the sum of \$50,000 as a Colorado River Reserve, and unfreeze the balance aggregating . . \$73,171

Senator Hatfield observed that it would be another year before the joint study of this area is finished. Mr. Gordon said that was true, but the retention of a \$50,000 reserve would indicate the Board's willingness to do its share toward the completion of the program finally recommended.

Senator Hulse stated he had no objection to unfreezing all but \$50,000 of the reserve, but did want to make it clear that he expected some work to be done in the Colorado River area. He believed this area to be one of the greatest potential recreational areas in the state and one which needed a lot of attention. He felt all California sportsmen would bear him out.

Mr. Dean pointed out that the original reserve was made rather arbitrarily and not based on any concrete recommendations. If the Board received additional funds the amount needed to carry out a definite program for this area, as determined by the completed studies, could then be definitely voted.

Assemblyman Lowrey observed that the Colorado River area was a fertile field and projects developed there would probably require little maintenance.

Assemblyman Erwin stated the area had much to offer to all the people of the state as a future recreational area and winter playground. He favored setting aside \$50,000 for the study.

Mr. Payne explained that the \$50,000 reserve recommended was in effect a down payment on the program to be determined and not for the study which was already underway. He added that the consultant had a reason for recommending the withdrawal of \$73,121 from the present reserve. Mr. Gordon stated that it was necessary to accumulate a total of \$442,400 additional for the Moccasin Creek Hatchery as explained in Item 9.

It was moved by Senator Hatfield, seconded by Senator Brown, that the Joint Interim Committee recommend to the Board that the Colorado River Recreational Development Reserve be reduced to \$50,000, and that the balance be restored to the Wildlife Restoration Fund.

AYES: Senators Hatfield, Hulse and Brown;  
Assemblymen Erwin, Lowrey and Davis

NOES: None  
Passed unanimously.

Thereupon, by motion regularly made, seconded and unanimously adopted by the members of the Board, it was agreed that the present balance of \$123,171 in the Colorado River Recreational Development Reserve be reduced to \$50,000, and that the balance of \$73,171 be restored to the Wildlife Restoration Fund.

8. Withdrawal of Bixby Slough Public Fishing Area Reserve - Project No. 83, Los Angeles County

The consultant stated that the Board tentatively reserved \$100,000 for this project, pending completion of flood control and future recreational plans by the City of Los Angeles and Los Angeles County, plus assurance of an adequate supply of fresh water.

The City authorities have taken much more time than anticipated in the completion of their plans. Apparently they will be delayed for a considerable time. Probably the project cannot be consummated at all.

Due to the urgent need for funds to complete the Moccasin Creek Hatchery, and in accordance with recommendations of the Fish and Game Commission, it was recommended that the entire sum so reserved be withdrawn, without prejudice to the project . . . . . \$100,000

Senator Hatfield requested an expression of opinion in this regard from Messrs. Payne and Erwin. Mr. Payne stated he feared that Bixby Slough, as such, would eventually disappear; that if the oil companies continue their present operations there it will eventually all be filled in. Therefore, he did not favor the project unless the City of Los Angeles is prepared to develop it as a park. Assemblyman Erwin concurred.

Mr. Philpott, representing both the Central and Southern Councils, said the Southern Council apparently had no objection to any of the recommendations in the agenda, including the withdrawal of this reserve, since he had received no word from their president to that effect.

It was moved by Assemblyman Erwin, seconded by Senator Hatfield, that the Joint Interim Committee recommend to the Board that the \$100,000 tentatively allocated under date of April 4, 1950 for the Bixby Slough Public



Fishing Area, Project No. 83, be withdrawn and restored to the Wildlife Restoration Fund.

AYES: Senators Hatfield, Hulse and Brown;  
Assemblymen Erwin, Lowrey and Davis

NOES: None

Passed unanimously.

Thereupon, by motion regularly made, seconded and unanimously adopted by the members of the Board, it was agreed that the \$100,000 tentatively allocated to the Fish and Game Commission from the Wildlife Restoration Fund under date of April 4, 1950 for the Bixby Slough Public Fishing Area, Project No. 83, be and is hereby withdrawn, without prejudice to the project, and restored to the Wildlife Restoration Fund.

#### 9. Shifting and Recovering of Funds to Complete Projects

The Board's attention was called to the fact that the Division of Architecture under date of February 26, 1951 submitted to the Division of Fish and Game a preliminary estimate in the sum of \$692,400 to cover the proposed development of the Moccasin Creek Hatchery, Project No. 17, in Tuolumne County. Recently the Division of Fish and Game and the City of San Francisco agreed upon satisfactory terms for a lease of the property, and construction should proceed with this top priority installation at the earliest possible date.

The original allocation made by the Board on March 19, 1949 was \$250,000, and an additional allocation of \$442,400 will be required before the Division of Architecture can secure bids and let the necessary contracts.

The consultant advised that in the absence of sizable additional, and immediately available, appropriations to the Board, the only remedy is to recover unused balances, withdraw funds from projects which are not feasible, or to borrow funds from projects which cannot be completed in the near future. It should be made clear to all concerned, however, that withdrawals of funds will not prejudice the projects involved, and that later it may be possible to refinance them, or to locate equally valuable projects in the same region.

It was, therefore, recommended that (a) unused balances in completed project allocations be recovered, (b) that various allocations be reduced, and (c) that other allocations be temporarily or permanently withdrawn, all as explained under the respective items below, and that the sums indicated respectively be returned to the unallocated monies of the Wildlife Restoration Fund. Mr. Gordon pointed out that it should be understood that the figures given will be subject to such correction as may be necessary to cover unanticipated obligations which were in the process of payment when these figures were prepared. He also explained that these recommendations concur with formal action of the Fish and Game Commission.

It was further suggested that the necessary action could be incorporated into one motion.

a. Fish Hatchery and Stocking Projects

- (1) Experimental Pond Construction, statewide, Project No. 66.  
Board allocated \$20,000. Project completed.

Balance available to be recovered . . . . . \$6,000

- (2) Fillmore Hatchery, Ventura County, Project No. 38. Board  
allocated \$20,000. Project completed.

Balance available to be recovered . . . . . \$2,900

- (3) Glenn-Colusa Hatchery, Glenn or Colusa County, Project  
No. 65. Board allocated \$30,000. This area will be  
served by the new Darrah Springs Hatchery.

Project to be canceled and the entire amount recovered. . . . \$30,000

- (4) Kern River Hatchery, Kern County, Project No. 43. Board  
allocated \$51,600. Project completed.

Balance available to be recovered . . . . . \$3,000

- (5) Tule River Hatchery, Tulare County, near Camp Wishon, Project  
No. 18. Board allocated \$100,000. Experimental operations  
disclosed that water is unsuitable.

Project to be canceled and entire sum recovered . . . . . \$100,000

(Total amount recoverable from Fish Hatchery and  
Stocking Projects - \$141,900)

b. Warmwater and Other Fish Projects

- (1) San Antonio Creek Public Fishing Area, Santa Barbara County,  
Camp Cooke Military Reservation, Project No. 86. Board  
allocated \$20,000. Reactivation of Camp Cooke has made site  
unavailable. The project must be delayed until the present  
national emergency is terminated. Exploratory drilling will  
then be necessary to determine whether a suitable foundation  
is available for a dam.

Entire amount to be withdrawn until conditions permit  
exploratory drilling and construction, when the allocation  
should be restored. . . . . \$20,000

c. Flow Maintenance and Stream Improvement Projects

- (1) Crystal Lake Level Maintenance, Los Angeles County, Project  
No. 73. Board allocated \$20,000. Project completed.

Balance available to be recovered . . . . . \$7,000



- (2) Deep Creek Stream Improvement (Holcomb Creek Dam), San Bernardino County, Project No. 2. Board allocated \$25,000.

Surveys by employees of the Division of Water Resources, the U.S. Forest Service, and the Division of Fish and Game have failed to disclose a suitable dam site for the storage of enough water to serve for stream flow maintenance. The only possibility is a site for a shallow fishing reservoir at the headwaters of Holcomb Creek, on private land near Big Bear Lake, estimated cost approximately \$50,000.

In view of the fact that such an expenditure cannot be justified to provide an additional fishing lake close to Big Bear Lake, and especially since the impoundment would not serve to maintain the flow in Holcomb Creek and Deep Creek, the primary purpose of the allocation, it was recommended that the project be canceled and the entire sum withdrawn, with the understanding that if later engineering studies should develop a suitable site the allocation be reestablished . . . \$23,148

- (3) Marsh Lake Level Maintenance, between Mack and Heart lakes in the Rock Creek group, Inyo County, Project No. 41-2. Board allocated \$4,000. Project was not found feasible.

The entire sum to be withdrawn and the project canceled. . . . \$4,000

- (4) Sacramento River Weir (rough fish barrier), Shasta County, above Shasta Lake, Proj. No. 67. Board allocated \$18,000. Project found to be infeasible and of doubtful usefulness.

The entire amount to be recovered and the project canceled . . \$18,000

- (5) San Diego County Flow Maintenance Dam Program, Project No. 58. Board allocated \$25,000. Extensive surveys failed to develop suitable sites for such flow maintenance dams.

The entire amount to be recovered and the project canceled . . \$25,000

- (6) Sequoia National Forest Flow Maintenance Program (Indian Basin and Millwood Dams), Project No. 51. Board allocated \$50,000. Surveys by the Division of Fish and Game reveal that Indian Basin and Millwood are the only two suitable sites.

Estimates of construction costs indicate that the balance available for withdrawal is. . . . . \$10,100

(Total amount recoverable from Flow Maintenance and Stream Improvement Projects - \$87,248)

d. Fish Screen and Ladder Projects

- (1) Battle Creek Fish Screen, Shasta County, Project No. 44-9. Board allocated \$15,000. Bids received indicate that the project will cost somewhat less than \$10,000.

Allocation to be reduced to \$10,000, and balance withdrawn . . \$5,000

- (2) Bennett and Smith Dam Fish Ladder, Siskiyou County, Project No. 44-3. Board allocated \$6,000. The dam was washed out by floods and fishway is no longer needed.

The entire amount to be recovered . . . . . \$6,000

- (3) Burnt Ranch Falls Fish Ladder, Trinity County, No. 44-2. Board allocated \$8,000. Project completed.

The Division of Architecture is holding a balance which should be recovered in the amount of. . . . . \$3,451.75

- (4) Deer Creek Fish Screens, Tehama County, Project No. 44-5. Board allocated \$15,000. Project partially completed.

Allocation to be reduced to \$10,000 and balance withdrawn . \$5,000

- (5) Mendota Fish Ladder, Fresno County, Project No. 44-7. Board allocated \$20,000.

Construction was deferred in the hope of securing assurance from the Bureau of Reclamation that sufficient water would be released to justify the installation. Prospects very discouraging.

The entire sum to be withdrawn and the project canceled . . \$20,000

- (6) Salt Slough Fish Ladder, Merced County, Project No. 44-8. Board allocated \$25,000.

Construction was deferred in the hope of securing assurance from Bur. of Reclamation that sufficient water would be released to justify installation. Prospects discouraging.

The entire bal. to be withdrawn and the project canceled. . \$24,850

The consultant stated that if arrangements can later be made to obtain water for the Mendota and Salt Slough Fish Ladders he would recommend reestablishing these allocations.

(Total amount recoverable from Fish Screen and Ladder Projects - \$64,301.75)

e. Other Upland Game Projects

- (1) Coast Counties Quail Habitat Improvement, Central Coast Cos., Project No. 549. Board allocated \$4,750. Project completed; work merged with No. 554, Quail Habitat Development.

Balance available to be recovered. . . . . \$51.83

- (2) Desert Quail Development, desert region of Southern Calif., Proj. No. 503. Board allocated \$44,000. Project completed; work merged with No. 554, Quail Habitat Development.

Balance available to be recovered. . . . . \$1,981.22

(Total amount recoverable from Other Upland Game Projects - \$2,033.05)



In response to questions from Senator Hulse and Assemblyman Lowrey the consultant explained that the main guzzler program was not being retarded or abandoned, but that the above projects had been merged with a larger, more comprehensive program covering all of California south of U.S. Hwy. 40, with major emphasis south of the Tehachapi. The Board had allocated \$375,000 for this program, and with contributions from Pittman-Robertson and Fish and Game funds a total of over \$1,000,000 was made available for Project No. 554.

f. Waterfowl Projects

- (1) Imperial Valley Waterfowl Management Area, Imperial County, Project No. 536. Board allocated \$20,000. Proj. completed.

Balance available to be recovered . . . . . \$1,762

- (2) Madeline Plains Waterfowl Management Area, Lassen County, Project No. 522. Board allocated \$32,500. Proj. completed.

Balance available to be recovered . . . . . \$1,300

(Total amount recoverable from Waterfowl  
Projects - \$3,062)

g. General Projects

- (1) Central Laboratory and Statistical Building, Alameda Co., Project No. 1001. Board allocated \$5,000 for the preparation of preliminary plans. No further action contemplated in foreseeable future.

It was recommended that the balance in the hands of the Division of Architecture be withdrawn, without prejudice to the project. . . . . \$4,872.62

TOTAL, SUMS TO BE RECOVERED OR WITHDRAWN, ITEM 9 . . . . . \$323,417.42

It was moved by Senator Hatfield, seconded by Senator Brown, that the Joint Interim Committee recommend to the Board that the several sums specified above, aggregating \$323,417.42, be recovered or withdrawn and said funds be restored to the unallocated monies in the Wildlife Restoration Fund.

AYES: Senators Hatfield, Hulse and Brown;  
Assemblymen Erwin, Lowrey and Davis

NOES: None

Passed unanimously.

Thereupon, by motion regularly made, seconded and unanimously adopted by the members of the Board, it was agreed that, subject to such corrections as may be necessary to cover

unanticipated obligations which were in the process of payment when the following figures were obtained, the amounts specified below, previously allocated to the Fish and Game Commission from the Wildlife Restoration Fund, are hereby recovered or withdrawn from the following projects, and other projects are hereby canceled, all as below indicated:

Experimental Pond Construction, Project No. 66, recover balance . .	\$6,000
Fillmore Hatchery, Project No. 38, recover balance. . . . .	2,900
Glenn-Colusa Hatchery, Project No. 65, cancel project and recover .	30,000
Kern River Hatchery, Project No. 43, recover balance. . . . .	3,000
Tule River Hatchery, Project No. 18, cancel project and recover . .	100,000
San Antonio Creek Public Fishing Area, Project No. 86, withdraw, without prejudice to project, entire amount. . . . .	20,000
Crystal Lake Level Maintenance, Project No. 73, recover balance . .	7,000
Deep Creek Stream Improvement (Holcomb Creek Dam), Project No. 2, cancel project and withdraw balance. . . . .	23,148
Marsh Lake Level Maintenance, Project No. 41-2, cancel project and withdraw entire amount . . . . .	4,000
Sacramento River Weir, Project No. 67, cancel project and recover .	18,000
San Diego County Flow Maintenance Dam Program, Project No. 58, cancel project and recover entire amount . . . . .	25,000
Sequoia National Forest Flow Maintenance Program (Indian Basin and Millwood Dams), Project No. 51, withdraw, in accordance with estimates of construction costs, balance . . . . .	10,100
Battle Creek Fish Screen, Project No. 44-9, withdraw. . . . .	5,000
Bennett and Smith Dam Fish Ladder, Project No. 44-3, cancel project and recover entire amount. . . . .	6,000
Burnt Ranch Falls Fish Ladder, Project No. 44-2, recover from Division of Architecture balance . . . . .	3,451.75
Deer Creek Fish Screens, Project No. 44-5, withdraw balance . . . .	5,000
Mendota Fish Ladder, Project No. 44-7, cancel project and withdraw.	20,000
Salt Slough Fish Ladder, Project No. 44-8, cancel project and withdraw balance . . . . .	24,850
Coast Counties Quail Habitat Improvement, Project No. 549, recover.	51.83
Desert Quail Development, Project No. 503, recover balance. . . . .	1,981.22
Imperial Valley Waterfowl Management Area, Project No. 536, recover	1,762
Madeline Plains Waterfowl Management Area, Project No. 522, recover	1,300
Central Laboratory and Statistical Building, Project No. 1001, recover from Division of Architecture, without prejudice to project, a balance of . . . . .	4,872.62

and that the total, amounting to \$323,417.42, is hereby restored to the Wildlife Restoration Fund.

The above sum, added to the balance of \$73,171 remaining after setting aside the Colorado River Reserve and the \$100,000 withdrawn from the tentative reserve for the Bixby Slough Public Fishing Area, increased the unobligated balance in the Wildlife Restoration Fund to a total of \$496,588.42.



# 10. Additional Warmwater Fish Projects

Assemblyman Lowrey pointed out that very little had been done for warmwater fishing. He said during the present session of the Legislature he had been approached by numerous people who requested that funds be set up for this purpose. He reported that nothing at all had been done in his area for either fish or game, and suggested keeping the \$20,000 withdrawn from the San Antonio Creek Public Fishing Area for warmwater fish projects, stating that it was necessary to give some impetus to this phase of the program.

Assemblyman Erwin suggested that the consultant be requested to make a study of the possibilities in Mr. Lowrey's area.

Senator Hulse felt the difficulty lay in the lack of promotion of this type of fishing and the failure of interested groups to help locate suitable sites for projects.

Mr. Difani of the Associated Sportsmen, speaking for the sportsmen's groups in Mr. Lowrey's district, stated that they favor the consultant's recommendations on trout, but are not happy about what has been done for warmwater fish. They felt there were numerous possibilities, such as development of reservoirs like East Park for this type of fishing, which deserved consideration and funds. He said all the sportsmen in the state are interested, and feel the Bureau of Fish Conservation is unsympathetic.

Chairman Payne stated he was aware of the sportsmen's attitude in this regard and wished to point out that there were other difficulties involved. In southern California, for example, lakes that looked like good projects about 8 years ago were now going dry, and it was necessary to rescue the fish.

Assemblyman Lowrey moved that \$20,000 of the unallocated balance in the Wildlife Restoration Fund be reserved for warmwater fishes in the overall program, but later withdrew this motion in favor of the following substitute motion by Senator Hatfield.

It was moved by Senator Hatfield, seconded by Assemblyman Lowrey, that the Joint Interim Committee recommend to the Board that the consultant be instructed to investigate and report on the feasibility and practicability of some additional warmwater fish projects.

AYES: Senators Hatfield, Hulse and Brown;  
Assemblymen Erwin, Lowrey and Davis

NOES: None

Passed unanimously.

Thereupon, by motion regularly made, seconded and unanimously adopted by the members of the Board, it was agreed that the consultant be and is hereby instructed to investigate and furnish a report on the feasibility and practicability of additional warmwater fish projects.

11. Owens Valley Pheasant and Quail Development Areas

Due to the inability of the Fish and Game Commission to negotiate suitable agreements with the City of Los Angeles for the use of required land the above project was canceled and the sum of \$44,000 restored to the Wildlife Restoration Fund, pursuant to Board action of July 12, 1950.

The consultant advised that the proposed recovery of an additional balance should be deferred since there were still some outstanding bills.

Senator Brown expressed the belief that the City of Los Angeles was not so much responsible for the failure of this project as disagreement between the cattlemen leasing land from the city and the sportsmen of the area. He added that he thought it was a fine project, and hoped if at a later date an agreement could be reached the Board would be willing to reinstate the allocation.

Chairman Payne agreed, stating the lessees would not give their consent and, since they have a firm lease, there is nothing that the city can do about it. He said the only way to salvage the project is for the local people to sell the cattlemen on the idea.

12. Additional Allocation for Moccasin Creek Hatchery - Project No. 17,  
Tuolumne County, near junction of Hwy. 49 and 120. . . . . \$442,400 (a)

As indicated in the opening paragraphs of Item 9, the Board was informed that preliminary estimates received from the Division of Architecture for the proposed development of the above hatchery aggregate \$692,400, whereas the amount presently allocated is \$250,000.

Present plans include construction of 24 earth-fill ponds with concrete dams, necessary flumes, head structures and other appurtenances; construction of refrigeration and food preparation building, with all necessary mechanical, electrical, and road work; garage and shop building, with office space and public rest-rooms; one hatchery building having 100 troughs; and 6 individual dwellings.

Before engineering studies were made it was proposed to construct 30 ponds and housing for 12 employees. Space will be available for more ponds and housing if needed at a later date.

It was recommended that, pursuant to estimates of the Division of Architecture, an additional sum of \$442,400 be allocated to the Fish and Game Commission from the Wildlife Restoration Fund, making the total allocation \$692,400 for the construction of the Moccasin Creek Hatchery. The consultant expressed the belief that since the Division of Architecture estimates are usually quite high a sizable sum will later be available for recovery.

It was moved by Senator Hatfield, seconded by Assemblyman Erwin, that the Joint Interim Committee recommend to the Board that the additional \$442,400 be allocated to the Fish and



Game Commission for the Moccasin Creek Hatchery,  
Project No. 17.

AYES: Senators Hatfield, Hulse and Brown;  
Assemblymen Erwin, Lowrey and Davis

NOES: None

Passed unanimously.

Thereupon, by motion regularly made, seconded and unanimously adopted by the members of the Board, it was agreed that an additional \$442,400 be allocated to the Fish and Game Commission from the Wildlife Restoration Fund for the Moccasin Creek Hatchery, Project No. 17; that the Fish and Game Commission is hereby authorized to proceed with the construction of such facilities as may be suitable therefor, and the purchase of such equipment as may be essential to put this project into operation.

Commissioner Wm. J. Silva, speaking as a sportsman from the portion of the state affected by the Moccasin Creek allocation, thanked the Board in behalf of the sportsmen for the above allocation. He stated that this is the first hatchery in his area to receive sufficient funds to carry it to completion. He concurred in Mr. Payne's statement that members of the Commission considered projects not in the light of their own particular areas but as they affected the state as a whole. Mr. Silva said the Moccasin Creek Hatchery will be a fine project for all the people of California.

He thought the transfer, recovery and withdrawal of funds necessary to complete projects due to increased costs was a clear indication of the Board's need for additional funds, not only to complete projects underway but to develop some of the very worthwhile projects not yet considered.

Mr. Payne assured Mr. Silva that no one who knew him would accuse him of having a selfish interest in the Moccasin Creek Hatchery.

13. Additional Allocation for Doyle Winter Range - Project No. 515,  
SE corner of Lassen County . . . . . \$2,000 (f)

The consultant stated that the Board on March 19, 1949 allocated \$12,250 for the construction of a residence, garage and shop, fencing, etc. A portion of the project was completed months ago, leaving a balance of \$8,544.33 for the residence and appurtenances.

In the belief that it would be advantageous to remodel an old, rather substantial but poorly designed, stone house at the nearby Honey Lake Waterfowl Management Area to provide two living units, construction of the residence and appurtenances was deferred pending receipt of estimates from the Division of Architecture and construction bids. The lowest bid was slightly over \$12,000. It was felt that such an expenditure would be poor economy.



Since the Division of Fish and Game plans to construct three other residences at the Honey Lake headquarters area during the coming fiscal year, the required residences can likely be constructed for something under \$10,000 each.

It was therefore recommended that an additional \$2,000 be added to the available balance so that a residence and appurtenances can be erected at the Honey Lake Waterfowl Management project to accommodate the employee in charge of the nearby Doyle Winter Range. This will make a total of \$10,544.33 available.

It was moved by Senator Hatfield, seconded by Assemblyman Erwin, that the Joint Interim Committee recommend to the Board that an additional \$2,000 be allocated to the Fish and Game Commission from the Wildlife Restoration Fund for the Doyle Winter Range, Project No. 515.

AYES: Senators Hatfield, Hulse and Brown;  
Assemblymen Erwin, Lowrey and Davis

NOES: None  
Passed unanimously.

Thereupon, by motion regularly made, seconded and unanimously adopted by the members of the Board, it was agreed that an additional \$2,000 be allocated to the Fish and Game Commission from the Wildlife Restoration Fund for the Doyle Winter Range, Project No. 515; that the Fish and Game Commission is hereby authorized to proceed with the construction of such facilities as may be suitable therefor, and the purchase of such equipment as may be essential to put this project into operation.

Senator Hatfield commented that he believed the above appropriation for a building should be a Fish and Game budget item; that, even though the project had been a part of Item 245 of the 1947/48 Budget Bill which was transferred to the Board at the time it was set up, the augmentation of the original allocation should have been provided for in the Fish and Game budget.

14. Allocation for Snake Lake Public Fishing Area (Warmwater) -  
Project No. 87, Plumas County, on the Plumas National Forest,  
4 miles northwest of Quincy . . . . . \$5,000 (b)

The Board was informed that this lake, about 100 acres in area and with a depth range from 0' to 2', lies at an elevation of 3,390 feet above sea level. It forms the source of Wapaunsee Creek, tributary to Spanish Creek, a tributary of the North Fork of the Feather River. The drainage basin is comparatively small, only about 2 square miles.

There is considerable water running out of the lake during the spring months. After the runoff stops there is little variation in its depth, indicating that the lake is supplied by springs in the lake bed. Evaporation amounts to about 4' per year.



By constructing a suitable dam at the narrow outlet the lake surface can be increased to about 150 acres with an average depth of 7' to 8'. This should supply an excellent fishing area for bass, bluegills, etc.

The U.S. Forest Service is willing to do the construction work, and it was recommended that the sum of \$5,000 be allocated for this project.

It was moved by Assemblyman Lowrey, seconded by Assemblyman Davis, that the Joint Interim Committee recommend to the Board that \$5,000 be allocated to the Fish and Game Commission from the Wildlife Restoration Fund for the Snake Lake Public Fishing Area, Project No. 87.

AYES: Senators Hatfield, Hulse and Brown;  
Assemblymen Erwin, Lowrey and Davis

NOES: None

Passed unanimously.

Thereupon, by motion regularly made, seconded and unanimously adopted by the members of the Board, it was agreed that \$5,000 be allocated to the Fish and Game Commission from the Wildlife Restoration Fund for the Snake Lake Public Fishing Area, Project No. 87; that the Fish and Game Commission is hereby authorized to proceed with the negotiation of any agreements that may be required and the purchase of needed materials for the construction of the dam in question.

15. Suit Regarding Lower Butte Creek Waterfowl Management Area Project

The Board's attention was called to a suit filed in the Superior Court at Sacramento on May 24, 1951, No. 86779 (Hatch et al Vs. Wildlife Conservation Board et al), seeking to enjoin and restrain by injunction the Wildlife Board and other agencies from expending the funds allocated to the expansion of the Gray Lodge Waterfowl Refuge (Lower Butte Creek Waterfowl Management Area, Project No. 548).

The consultant stated the case is returnable on July 16, 1951. It is claimed by the plaintiffs, neighboring landowners and lessees, that the project is so negligently planned and will be so negligently maintained by the Division of Fish and Game as continuously to cause needless and unnecessary damage to the plaintiffs. The constitutionality of the Wildlife Conservation Act and other laws is questioned.

It was brought out that counsel would appear for the members of the Board and the Joint Interim Committee on July 16. Senator Hatfield reported the Legislative Counsel had advised there is no personal liability attached to the members of the Board and Committee.

Mr. Gordon said that, until the court takes action, processing of the project will proceed up to the point of settlement. After the court's decision is rendered it will be determined how to proceed from there.



16. Coastal Angling Access Report (Project No. 1011)

The consultant reported that five thousand copies of this report, printed by the Senate Interim Committee on Recreation and Wildlife Conservation, are now being distributed. It has been exceptionally well received. He predicted the demand for copies will probably be far beyond the number presently available. Type is being held temporarily.

The Board at its last meeting decided to take no action on this report until certain legal questions had been resolved.

Mr. Gordon advised that most of the recommendations made in the report were based upon suggestions received from employees of the Division of Fish and Game, chambers of commerce, and others.

It was recommended that the report now be referred to the Fish and Game Commission with a request for its recommendations, and that provision be made for funds, estimated at \$350,000 to \$400,000, in the Board's future plans.

Chairman Payne stated he would go along with the consultant's recommendation and have the matter brought to the attention of the Fish and Game Commission at its next meeting. He pointed out that the Commission at its last meeting gave some indication of its thinking with regard to access roads in the Cow Mountain area.

Mr. Gordon replied that he was in agreement with the Commission's attitude regarding access roads in the Cow Mountain area. He said that same question had been raised by the Board, and recommended against the Board or Commission acquiring access roads or trails except where there was no other alternative. He held that the coastal angling access program presents an entirely different picture, one in which the Board must take the initiative.

He stated that there was a bill in the Legislature (A.B. 3254) to give the Commission authority to acquire rights of way over private lands for the purpose of providing public access to lands or waters open to public hunting or fishing. He added the sportsmen have some pretty definite views on it, and that the Commission should be able to acquire those rights of way on a friendly basis.

Mr. Lowrey said it was his understanding that the clause which would give the Commission the right of eminent domain has been withdrawn from the bill; that it is based wholly on willing sales. He asked if this was another instance where acquisition will be referred to the Public Works Board and thus the right of eminent domain kept in the bill.

Mr. Payne stated he was sure if this bill went through resistance of willing sale will be encountered in some cases.

Senator Hatfield observed that Assemblyman Davis had the bill under control and could kill it in committee if he didn't like it. He opposed granting the right of eminent domain to the Fish and Game Commission, and understood the sportsmen had taken the same attitude.

Mr. Difani said that was true; that the sportsmen have learned the hard way that they must have the cooperation of landowners. They feel, as does the



Division of Fish and Game, that access to large blocks of land can be accomplished by willing sale.

Mr. Gordon said there will probably be some instances in the coastal access program where eminent domain may ultimately have to be used. Deputy Attorney General Scott had advised that under the Wildlife Act the Board may request the Public Works Board to handle purchases of access to the ocean, which belongs to the public.

Senator Hatfield requested the consultant to furnish him with information regarding the number of additional copies of the coastal angling access report needed before the Legislature adjourns. Mr. Philpott reported that the Central Council had received 100 copies, and would like not less than 1,000 additional to distribute to its key men.

#### 17. Additional Legislative Appropriations

At the last meeting it was suggested that the Board might desire to recommend a schedule of additional appropriations in order that projects already authorized may be completed, that programs only partially financed may be expanded, and that numerous other important fish and game projects may be financed. Consideration was deferred.

The consultant in the agenda reviewed the circumstances which created the need for additional funds as follows:

To date the Board has been compelled to borrow \$472,630 from the Upper San Joaquin (Tupman) Waterfowl Management Area in order to provide funds for the Darrah Springs Hatchery, and for levee repairs on the Delta (Grizzly Island) Waterfowl Project.

The Board has provided \$260,000 for the San Joaquin Hatchery at the Friant Dam. While estimates have not yet been received from the Division of Architecture, the estimate may be in the neighborhood of \$675,000, or an additional \$415,000 will have to be found somewhere in the near future if that important project is to be consummated.

On the basis of the above figures, without counting withdrawals made at this meeting, the Board needs over \$825,000 to balance the books.

Due to greatly increased land and construction costs, it is probable that some other key projects will require additional funds, and much more shifting of allocations may become imperative.

Various other programs, such as stream flow maintenance, the construction of numerous fish screens and ladders, coastal stream clearance, and various other undertakings to improve natural habitats for fish and game, and to provide expanded recreational opportunities, have been only partially financed. Under the new screen law now before the Legislature, a number of important screen installations will immediately become the responsibility of the State. The proposed coastal angling access program cannot be started unless additional funds become available.

Mr. Gordon said he felt it was his responsibility to bring these matters to the attention of the Board, but that sufficient additional funds should be provided to advance the program in an orderly and businesslike manner.



Senator Hatfield said he and Senator Brown had introduced a bill to appropriate to the Board an additional \$1,000,000 per year from the horse racing income for the next 3 years. The amount had been established after consulting Mr. Dean in his capacity as Director of Finance.

Messrs. Payne and Dean were of the opinion that since the Board was created by an act of the Legislature, and provided with a specific sum of money to accomplish a certain purpose, it would be an unseemly breach of propriety for the Board to take action requesting more funds. They held that in the absence of a request from the Legislature as to the Board's opinion regarding additional funds the Board should take no action; that it was a matter for the Legislature alone to decide.

#### 18. Board Policy Regarding Land Acquisition

Assemblyman Lowrey suggested that the Board establish a clear-cut policy with regard to the acquisition of land for projects. He felt that, upon advice from the consultant, the Board should merely recommend a particular site be acquired and allocate funds, and that all negotiation with the landowners, as well as the actual acquisition, should be handled by the Public Works Board.

In reply to Senator Hatfield's question, Mr. Lowrey said that he did not intend that the Board's staff be precluded from making inquiries regarding the value of the lands considered, but that he wanted all required negotiation to be conducted by Public Works.

Mr. Dean said Public Works would be glad to conduct the negotiations, and that he understood Mr. Lowrey's purpose was to make certain that no one connected with the Board made any offers, implied offers, or even suggestions as to what might be paid for a given property.

Mr. Gordon said to his knowledge none of the Board's staff had ever done more than inquire as to land values; that staff members had never made recommendations as to price.

Senator Hatfield stated he recalled one instance where the staff recommended an allocation to acquire a piece of property in Merced County based on around \$70 or \$80 per acre. The landowners concerned complained to him, and he agreed that the staff had underestimated the amount required. He then suggested to Mr. Dean that Public Works take a preliminary look. But he had never heard of staff members making any statements that the Board was going to pay several times the value of the land.

It was moved by Assemblyman Lowrey, seconded by Assemblyman Erwin, that the Joint Interim Committee recommend that henceforth it be the policy that no representative of the Board shall make any offers or implied offers, as to the price that may be paid for any property, and that the Board only recommend the acquisition of the chosen site and turn all phases of negotiation and acquisition over to the Public Works Board.

AYES: Senators Hatfield, Hulse and Brown;  
Assemblymen Erwin, Lowrey and Davis

NOES: None

Passed unanimously.



*Acquisition  
of lands  
Policy*

Thereupon, by motion regularly made, seconded and unanimously adopted by the members of the Board, it was agreed that henceforth it shall be the policy of the Board with regard to acquisition of land for projects that none of its representatives shall make any offers, or implied offers, as to the price that may be paid for any real property; that the Board shall only approve the acquisition of the chosen site and allocate funds; and that all phases of negotiation with the landowner or landowners, as well as the actual acquisition, shall be turned over to and be conducted by the Public Works Board.

Mr. Payne stated that the above will be a statement of policy to be made available to all the people concerned.

19. Unobligated Balances and Status of Allocations as of June 6, 1951

With the foregoing actions the total unobligated balance in the Wildlife Restoration Fund is approximately \$47,188.

The total current allocations to various classifications of projects after the foregoing actions were as follows:

a. Fish Hatchery and Stocking Projects (16) . . . . .	\$3,597,030
b. Warmwater and Other Fish Projects (6). . . . .	149,500
c. Flow Maintenance and Stream Improvement Projects (10). . . . .	367,752
d. Screen and Ladder Projects (11). . . . .	287,838
e. State Game Farm Projects (4) . . . . .	106,000
f. Other Upland Game Projects (4) . . . . .	443,117
g. Waterfowl Management Projects (9). . . . .	3,726,684
h. General Projects (3) . . . . .	<u>60,128</u>

Total (63 projects) . . . . . \$8,738,049

In addition to the specific allocations above, the following reserves, totaling \$113,470, have been established: (1) Mendocino National Forest Stream Improvement and Flow Maintenance Program - \$15,000; (2) Colorado River Recreational Development - \$50,000; and (3) operating funds budgeted for the current year - \$48,470.

20. Date for Next Meeting

It was informally agreed that the next meeting of the Board be held upon the call of the Chair.