STATE CAPITOL
ROOM 3070
SACRAMENTO, CA 95814
TEL (916) 651-4001
FAX (916) 324-2680

California State Senate

SENATOR TED GAINES
FIRST SENATE DISTRICT

REPUBLICAN CAUCUS CHAIR

COMMITTEES
ENVIRONMENTAL QUALITY
VICE CHAIR
INSURANCE
VICE CHAIR
TRANSPORTATION & HOUSING
VICE CHAIR
APPROPRIATIONS
PUBLIC EMPLOYMENT & RETIREMENT

July 16, 2014

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION
2014 JUL 21 AM 7:56

Mr. Michael Sutton
President, Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Dear President Sutton:

I am writing to respectfully request clarification regarding the basis for your decision to list the gray wolf under the California Endangered Species Act (CESA) while not granting such listing to the white shark.

As you may know, in response to the deep concerns expressed by my constituents about the wolf, I have closely followed the listing process and the development of CDFW's wolf management plan. As Asm. Dahle and I expressed in our letter opposing listing, CESA protection of the gray wolf is likely to disproportionately impact the agricultural community of Northern California. I was disappointed by the Commission's decision to list the gray wolf as endangered under CESA and was also perplexed by the Commission's comparison of these two potential listings resulting in the decision to list the gray wolf but not the white shark.

At the Fortuna hearing of June 4, you stated that "it's tempting to think of the white shark as the gray wolf of the underwater world . . . that said, there are some very significant differences between the status of gray wolves in California and white sharks." You then outlined five differences: (1) killing white sharks is already illegal, and they are a highly protected species; (2) white sharks have never been fully extirpated from California; (3) it may be that there have never been very large numbers of white sharks in California's waters; (4) there is evidence that shark populations may be on the rise; and (5) there are effective means other than CESA listing to protect white sharks.

Though it is undisputed that gray wolves have been extirpated from California while white sharks have not, I must admit that the other four differences have caused me some confusion. Based on the information presented by CDFW in its status evaluation of the gray wolf, it seems to me that those four areas of difference are better understood as *similarities* between the two species.

Just as white sharks are protected under current law, so, too, are gray wolves. Gray wolves currently enjoy federal Endangered Species Act protection throughout California, and even if that protection is removed, existing California law protects wolves as a nongame mammal.

As with white sharks, there is no evidence to suggest that gray wolf populations in California were ever very large. CDFW collected only 48 historical reports of gray wolves in the state and of those only had "high confidence" in three reports (one of which was OR-7).

While there is conflicting evidence about whether white shark populations are increasing, there is no question that any presence of gray wolves within the state is necessarily an increase in the population, as the current population stands at zero.

Finally, just as there are other means of controlling threats to white sharks, there are alternatives to CESA listing that would adequately protect gray wolves while protecting the interests of California's livestock producers, hunters, and others—namely the wolf management plan in development by CDFW with the input of a diverse Stakeholder Working Group.

I am aware that at your August 6th hearing in San Diego you will likely adopt findings detailing your reasons for listing the gray wolf. To be clear, I am not requesting that you provide your reasons for listing the gray wolf, but am instead seeking clarity regarding the *differences in status* between the gray wolf and white shark which justify the CESA listing of the former but not of the latter.

I appreciate your time and consideration on this very important matter. I am eager to better understand the Commission's thoughts regarding the differences and similarities in the statuses of these two species and how they relate to the determination whether or not to list these species as threatened or endangered under CESA. I look forward to your response.

Sincerely,

TED GAINES
Senator, 1st District

CC: Commission Vice President Jack Baylis
Commissioner Jim Kellogg
Commissioner Richard Rogers
Commissioner Jacque Hostler-Carmesin
Sonke Mastrup, Executive Director
Charlton Bonham, Director, California Department of Fish and Wildlife