

## STAFF SUMMARY FOR AUGUST 4-5, 2015

**32. PINE RANCH PLM****Today's Item****Information** **Action** 

Consider action on the Private Lands Wildlife Enhancement and Management (PLM) area license for Pine Ranch in Yolo and Colusa counties.

**Summary of Previous/Future Actions (N/A)**

- DFW suspended Pine Ranch PLM license Jan 6, 2014
- FGC revoked Pine Ranch PLM license Feb 5, 2014; Sacramento
- FGC set aside its Feb decision and suspended the Pine Ranch PLM license for one year Jun 4, 2014; Fortuna
- **Today's action on the Pine Ranch PLM license Aug 4-5, 2015; Fortuna**

**Background**

Participation in the PLM Program authorizes special hunting privileges for PLM properties in exchange for habitat conservation and enhancements; some of the hunting privileges are sold to provide funding for the habitat enhancements. *The success of the PLM Program is heavily dependent upon the full cooperation of and collaboration with PLM owners and operators; to date it has a high compliance rate for the habitat enhancements required in the licenses and annual renewals, as well as with wildlife laws and regulations.*

CCR, Title 14, Section 601(e)(1) states that a PLM license may be suspended temporarily by the director of DFW for a breach or violation of the terms of the license by the holder of the license, or by any person acting under their direction or control or in cooperation with them. FGC shall be notified of any such suspension and subsequently may revoke or reinstate the license or fix the period of suspension after written notice and a hearing at the next scheduled commission meeting has been provided to the licensee by the commission. Any licensee convicted of a violation of the Fish and Game Code or regulations made pursuant thereto or a violation of the terms and conditions of their PLM license must appear before the commission prior to the issuance of a new license.

In January 2014 the DFW director temporarily suspended the PLM license for Pine Ranch and requested that FGC permanently revoke the license; in February 2014 FGC revoked the license. Mr. Mark Pine was notified of FGC's action and subsequently contacted staff and requested a new hearing on the grounds that he was not correctly notified. In June 2014 FGC heard testimony from Mr. Pine that the revocation was premature since the most recent Fish and Game Code violation on Pine Ranch was still pending in the Yolo County court; FGC suspended the PLM license for one year to allow the pending criminal case to run its course.

The one year suspension has now elapsed and Pine Ranch has submitted its renewal for the PLM Program. FGC must determine whether Pine Ranch will be issued a new license.

DFW has submitted a memo that indicates a pattern of game law violations occurred on the Pine Ranch PLM between 2009 and 2013 (Exhibit 1), to include taking quail out of season, failing to tag and document taking a deer, spotlighting, and illegally possessing a deer; three of

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the four violations involved Matthew Pine, among others. In 2010 following the first two violations, DFW notified Pine Ranch that any further violations could result in DFW recommending to FGC that the PLM license be revoked. Given the 2013 violations, DFW requests that FGC permanently revoke the PLM license for Pine Ranch.

**Significant Public Comments (N/A)****Recommendation (N/A)**

**FGC staff:** If commissioners have an interest in allowing Pine Ranch to continue participating in the PLM program and can be convinced by the operator of Pine Ranch that this ranch can be a member in good standing, approve the license renewal with conditions as proposed below (motion #2).

**DFW:** Permanently revoke the PLM license for Pine Ranch in Yolo County.

**Exhibits**

1. [DFW memo, received Jul 22, 2015](#)

**Motion/Direction (N/A)**

1. Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission does not renew the PLM license for Pine Ranch in Yolo and Colusa counties.

**OR**

2. Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission reinstates the PLM license for Pine Ranch in Yolo and Colusa counties, under the following conditions:
  - any further fish and game citations on the Pine Ranch PLM will result in immediate revocation of the PLM license;
  - Matthew Pine is not allowed to hunt using Pine Ranch PLM tags, nor can he accompany a person hunting on Pine Ranch with a PLM tag or hunt on Pine Ranch when another person is hunting on Pine Ranch using a PLM tag;
  - Matthew Pine shall not serve as an agent or operator of Pine Ranch PLM;
  - pursuant to California Code of Regulations, Title 14, Subsection 601(d)(3), all combinations and/or keys to the ranch shall be provided to the California Department of Fish and Wildlife Law Enforcement Division for access to check and inspect hunters; and
  - Pine Ranch must comply with all other PLM Program regulations, with failure to do so resulting in immediate revocation of the PLM license.

Further, Pine Ranch PLM's 2015-16 authorized harvest is 10 buck deer with forked horn or better for the period of August 21, 2015 through September 20, 2015, and the required habitat enhancements are to manage winter cattle grazing to no more than 400 pair, burn 10 acres, bulldoze 10 acres of decadent brush, establish additional food plots, continue salt cedar spraying in Pace Flats, and develop an additional spring.

2015 JUL 22 PM 2:16

## Memorandum

Date: July 21, 2015

To: Sonke Mastrup  
Executive Director  
Fish and Game Commission

From: Charlton H. Bonham  
Director



Subject: **Agenda Item for the August 4-5 Fish and Game Commission Meeting- Private Lands Wildlife Habitat Enhancement and Management (PLM) Area License Termination for Pine Ranch**

The Department recommends permanent revocation of the Pine Ranch Private Lands Management (PLM) license.

The PLM program has been in existence since 1981 and over 1,200,000 acres on over 100 properties have been enrolled. A PLM "is an area of private lands for which the landowner or their designee (hereafter referred to as licensee) has completed and implemented a wildlife habitat enhancement and management plan that actively encourages the propagation, conservation and wise use of the fish and wildlife populations on their land" (CCR Title 14 Section 601). Thousands of site-specific habitat enhancement projects have been completed and the Fish and Game Commission (Commission) has authorized special hunting privileges, some of which are sold to provide an income source and funding for the habitat improvements. The PLM program was controversial at its beginning, but has become a success due to the high compliance with annual habitat enhancements required in annual licenses as well as compliance by operators with all wildlife conservation laws and regulations.

The authority for the PLM program exists in Fish and Game Code (hereafter Code) sections 3400-3408, and the Commission has adopted a specific regulation in Title 14 (section 601) to implement the program. Of particular importance to the subject of this recommendation is Code section 3404 (b), which authorizes the Commission to revoke the license for violations of any provision of the Code, regulations adopted pursuant to the Code, or for any violation of the terms of the license. Additionally, Title 14 section 601 (e) authorizes the Department Director to suspend a license for any violation of the terms of the license. As a standard matter of each PLM license, the annual license also requires that a licensee "...ensur(e) that all regulations and procedures are correctly followed..." and that "The Licensee will be held responsible for any infraction that may take place."

Unfortunately, a pattern of game law violations occurring on the Pine Ranch PLM beginning in 2009 and continuing through 2013 lead the Department to reaffirm its recommendation in January of 2014 to permanently revoke the Pine Ranch PLM license. A summary of important events is provided below:

- In 2009, Mr. Matthew Pine was cited and pled guilty to taking quail out of season on the Pine Ranch.
- Another individual was cited and pled guilty for failing to tag and document a deer taken on the Pine Ranch.
- In 2010, the Department sent a letter to Mr. Mark Pine, the licensee, warning the Pine Ranch PLM that further violations may result in a recommendation from the Department to the Commission to revoke the PLM license.
- In 2013, Mr. Matthew Pine and three associates were cited for spotlighting. Rather than seeking a criminal conviction in this matter, the District Attorney allowed Mr. Pine and his associates to participate in a diversion program that did not lead to a conviction, however, this does not limit the Commission's authority pursuant to Code section 3404(b) to revoke based upon the underlying violation.
- In 2013, the Department began an investigation of a deer killed on the Pine Ranch by Mr. Matthew Pine.
- In 2014, the Department recommended to the Commission that the Pine Ranch PLM license be revoked.
- In February, 2014, the Commission revoked the Pine Ranch PLM license.
- In May, 2014, the Department requested the Yolo County District Attorney file formal charges against Mr. Matthew Pine for failure to tag and report a deer as well as illegal possession of the deer that he killed in July, 2013 on the Pine Ranch.
- In June, 2014, Mr. Mark Pine testified to the Commission that the revocation was premature and unwarranted. At that meeting, the Commission agreed to only temporarily suspend the PLM license for one year and revisit the issue of permanent revocation after the pending criminal case had run its course.
- In November 2014, Mr. Matthew Pine pled no contest in Yolo County to the charges of unlawful possession of the deer he killed on the Pine Ranch in July 2013. Pursuant to Fish and Game Code section 12160, a no-contest plea "is a conviction."

If you have any questions, please contact Assistant Chief of Law Enforcement Tony Warrington at (915) 657-2355 or by email at [tony.warrington@wildlife.ca.gov](mailto:tony.warrington@wildlife.ca.gov), or Mr. Craig Stowers, Game Program Manager at (916) 445-3553 or by email at [craig.stowers@wildlife.ca.gov](mailto:craig.stowers@wildlife.ca.gov).

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