

STAFF SUMMARY FOR OCTOBER 7-8, 2015

22. WILDLIFE RESOURCES COMMITTEE

Today's Item	Information ☒	Action ☒
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Discuss results and recommendations from the Sep 9, 2015, WRC meeting.

Summary of Previous/Future Actions

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| • WRC meeting | May 6, 2015; Los Angeles |
| • Tentative approval of recommendations | Jun 10-11, 2015; Mammoth Lakes |
| • Most recent WRC meeting | Sep 9, 2015; Fresno |
| • Today discuss and approve recommendations | Oct 8-9, 2015; Los Angeles |

Background

FGC directs committee work. The September agenda item was focused on resolving the structure and function of the Predator Policy Workgroup and approving agenda topics for the Sep WRC meeting (Exhibit 1). In addition, DFW made a presentation reporting on results of a snagging study that was requested by FGC.

Topics that were previously referred by FGC to WRC and were outstanding tasks:

- Predator management policy review
- One year versus calendar term fishing license
- Feral pig management
- Possession of game for processing into food (Sec. 3080(e), Fish and Game Code)

With regard to the predator management policy review, FGC staff identified the growing public participation and group dynamics of the Predator Policy Workgroup as preventing meaningful progress. At the May WRC meeting a possible solution was identified and tentatively approved by FGC at its June meeting. Staff presented structural and functional recommendations for the Predator Policy Workgroup (Exhibit 3), which FGC adopted at its Aug 2015 meeting. Also in Aug the president nominated Bill Gaines, Noelle Cremers, and Jean Su to the writing group. At the Sep 2015 WRC meeting the co-chairs decided to consider appointing additional members at the Oct 2015 FGC meeting based on the list of applicants (Exhibit 4).

DFW's snagging presentation was the result of a study that FGC requested in response to controversies surrounding salmon and steelhead fishing methods. Concerns were raised that certain fishing methods are unsportsmanlike and cause harm to fishing opportunities and fish populations.

Significant Public Comments

1. The AI Taucher Conservation Coalition (ATCC) is requesting clarification as to what process WRC is using to implement the Predator Policy Workgroup relative to the approved by FGC in Aug, 2015 (Exhibit 2).
2. National Shooting Sports Foundation (NSSF) expresses concerns about transparency and process being used by WRC to address predator policy (Exhibit 5).

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3. Safari Club International (SCI) is concerned about WRC form and function relative to predator policy project (Exhibit 6).

Recommendation

FGC: Staff has not had sufficient time to process and evaluate all of the applications for the Predator Policy Workgroup that continue to arrive and therefore has no recommendations at this time.

WRC:

1. Fix definition of legal bullets for big game to exclude “frangible” bullets
2. Delete prohibition on the use of GPS for hounds
3. Support the DFW proposals for upland game, mammals, Klamath River, and waterfowl
4. Conduct additional investigation into the 12-month fishing license proposal and ways to encourage fishing participation
5. Support legislative efforts to make dealing with depredating pigs more efficient
6. Support continuing effort to implement 3080(e) dealing with possession of game for processing into food
7. Consider appointing additional members to the predator policy workgroup at October FGC meeting

Exhibits

1. WRC Sep 9, 2015, meeting materials (see Sep 9, 2015 at <http://www.fgc.ca.gov/meetings/2015>)
2. [ATCC letter regarding WRC function, received Sep 8, 2015](#)
3. [Approved Predator Policy Workgroup proposal](#)
4. [List of applicants to Predator Policy Workgroup, as of Sep 25, 2015](#)
5. [NSSF letter regarding WRC structure and function, received Sep 24, 2015](#)
6. [SCI letter regarding WRC form and function, received Sep 24, 2015](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission approves _____ recommendations of the WRC.

Moved by _____ and seconded by _____ that the Commission appoints _____ to the writing and _____ to the review groups of the Predator Policy Workgroup



September 8, 2015

The Honorable Jack Baylis, President

California Fish and Game Commission

1416 Ninth Street, Suite 1320

Sacramento, CA 95814

RE: Predator Working Group Participant Selection

Dear President Baylis:

The United States Sportsmen's Alliance ("USSA") is a national organization dedicated to the protection and promotion of America's sporting pursuits. For nearly forty years, USSA has sought to reinforce the role of hunters, fishermen, and trappers in the furtherance of the North American Wildlife Management model, and partners with the Al Taucher Conservation Coalition ("ATCC") to promote conservation efforts here in California. ATCC is an organization comprised of more than 27 state and national conservation, union, and volunteer organizations, and represents the interests of more than one million Californians who contribute over 3.6 billion dollars to California's growing economy.

ATCC is formally seeking clarification of actions the Commission recently took at the Commission's 5-AUG-15 meeting in Fortuna whereby individuals were publicly appointed to the Predator Policy working group ("PWG"). These appointments appear to be in stark conflict with the protocol the Commission previously set forth whereby parties interested in participating in the PWG could submit their applications in response to the Commission's solicitation, and then be selected according to their qualifications the Commission set forth after an application period of thirty days.

The California Fish and Game Commission is tasked with a very important role in conserving California's natural resources and safeguarding the ability of all Californians to recreate in Nature according to the dictates of their conscience, and as with any action that could potentially impact communities of Californians, our state's flora and fauna, agricultural enterprises, and recreational opportunities, it is



of paramount importance that the Commission establish and adhere to a well-defined process of involving stakeholder and public input. As you know, ATCC has been supportive of the effort to establish policies by which to guide the activities of the Wildlife Resources Committee ("WRC"), so it is concerning to our member organizations that the process has not been observed in this case; doing so only serves to further alienate and disenfranchise public input and invites distrust and antagonism to the governance of our state's natural resources and those tasked with setting forth policy.

I look forward to the Commission's prompt response to my concerns.

Sincerely,

Michael Flores
Al Taucher Conservation Coalition

California Fish and Game Commission

Staff Proposal for Predator Policy Workgroup

July 26, 2015

Background

The response by the public to the Wildlife Resources Committee's (WRC) predator policy workgroup (PWG) meeting in March 2015 was overwhelming, and outstripped staff capacity to host all the interest. Staff presented WRC with a preliminary report and recommendations at the meeting on May 6, 2015, and Co-Chair Baylis proposed appointing a balanced group of stakeholders to draft and vet policy and/or regulatory options for consideration and discussion at future WRC meetings. The proposal was discussed and tentatively approved at the June 11, 2015, Commission meeting with requests by Commissioners Kellogg and Hostler-Carmesin for additional information.

Proposal

The proposal requires the Commission to appoint representatives to one of two workgroups to support predator policy review and development. The first group, consisting of six representatives, is responsible for refining ideas and drafting language for review by the WRC. The second group, consisting of 10-15 representatives, is responsible for receiving input to inform the drafting group.

The workgroups are tasked with presenting draft recommendations in a report to the WRC in 2016, at which point the WRC will discuss and make final recommendations for consideration by the Commission in 2017.

Tier 1: Drafting Group (drafters)

The Commission would appoint six volunteers that can demonstrate their commitment to helping draft policy.

- Consists of six seats
- Meet often with each other and the review group
- Goal: To draft new predator policy and regulatory concepts for WRC consideration
- Objectives
 - Receive input from review group
 - Receive expert input
 - Review existing policy/regulatory concepts
 - Draft policy, best management guidelines and regulatory proposals

Tier 2: Review Group (reviewers)

The Commission would appoint no more than 15 volunteers that can demonstrate their commitment to providing constructive input to the drafters.

- Consists of 12-15 seats
- Meet frequently with each other, the drafting group, and key stakeholders

- Goal: To provide input, guidance, and support for the drafting group
- Objectives
 - Review draft from drafting group
 - Provide recommendations to drafting group based on input from stakeholders
 - Negotiate compromises, identify key issues and conceptual changes
 - Debate proposed policies and regulatory concepts
 - Identify best management practices

Appointment Process

Solicitation – Commission staff will distribute a notice of interest for persons willing to volunteer for either tier on the webpage and through the listserv. The notice will include the list of desired qualifications and will outline the task and anticipated term. There will be a 30-day period to apply.

Selection - The applicants will be screened by Commission staff for those meeting the minimum qualifications. The successful applicants will be presented to the Commission at the next available meeting for final selection to fill both tiers.

Minimum Qualifications

- Both drafters and reviewers must demonstrate ability and willingness to work with others of diverse opinions and views and show a commitment and ability to represent key stakeholders.
- Drafters: must demonstrate writing skills and ability to evaluate policy and regulations.
- Reviewers: must demonstrate ability to evaluate policy and regulations. Experience working collaboratively.

Workgroup Input Needs

1. Clear and specific objectives from the Commission and WRC
2. Commission staff support of effort
3. DFW expertise on science, management practices, law, and administration
4. Public attitudes, expectations, needs (depredation, anthropomorphic, property rights)
5. Webpage platform for announcements, key documents, etc.
6. Independent scientific input and/or review
7. Rules of conduct, expectations, roles and responsibilities of participants
8. Discussion starter (draft list of issues/concerns)

California Fish and Game Commission: Wildlife Resources Committee

List of Applicants for Predator Policy Workgroup

September 25, 2015

Name	Group Requested	Representing
Robert R. Smith	Review	San Diego County Wildlife Federation
Tom O'Key	Review	Project Bobcat
Tony Linegar	Not Stated	Sonoma County Ag Commissioner
Dale T. Steele	Not Stated	Expert on predator issues (Retired DFW employee)
Chuck Morse	Not Stated	Mendocino County Ag Commissioner
Les Wright	Not Stated	Fresno County Ag Commissioner
Damon Nagami	Review	Natural Resources Defense Council
George Osborn	Not Stated	California Association for Recreational Fishing
Jennifer Fearing	Drafting	Humane Society of the United States
Sally Barron	Either	Ag and hunters
Erica Sanko	Drafting	California Wool Growers Association
Rebecca Dmytryk	Drafting	Wildlife Rescue groups
Kirk Wilbur	Either	California Cattlemen's Association
Dennis Orthmeyer	Review	APHIS Wildlife Services
Steven Childs	Review	California State Varmint Callers Association
Bill Saksa	Not Stated	Predator Callers of Orange County
Ronald Stephens	Either	Predator hunting groups
Grandville Crow	Either	Predator hunting groups
Kimberly Richard	Either	Wildlife advocate
Jim Conrad	Either	San Diego County Fish and Wildlife Advisory Committee
Noelle Cremers	Drafting	California Farm Bureau Federation
Josh Brones	Drafting	Sportsman's Alliance/Al Taucher Conservation Coalition
Mark Hennelly	Drafting	California Waterfowl
Jean Su	Drafting	Center for Biological Diversity
Tom Pederson	Not stated	California Rifle and Pistol Association
Ed Worley	Not Stated	National Rifle Association
Bill Gaines	Drafting	Gaines & Associates, Government Relations
Sharon Ponsford	Review	California Council for Wildlife Rehabilitators



NATIONAL SHOOTING SPORTS FOUNDATION, INC.

11 Mile Hill Road • Newtown, CT 06470-2359 • Tel (203) 426-1320 • Fax (203) 426-7182 • www.nssf.org

LAWRENCE G. KEANE
SENIOR VICE PRESIDENT
& GENERAL COUNSEL

September 24, 2015

VIA E-Mail

Mr. Jack Baylis, President,
Mr. Jim Kellogg, Vice President.
Ms. Jacque Hostler-Carmesin
Mr. Anthony C. Williams
Mr. Eric Sklar
Mr. Sonke Mastrup, Executive Director
California Fish and Game Commission
1416 Ninth Street, Room 1320
Sacramento, CA 95814

Re: Request for Transparency, Structure and Fairness in the Operations of the California Wildlife Resources Committee

Dear Sirs and Madam:

The National Shooting Sports Foundation ("NSSF") is the trade association for America's firearms, ammunition, hunting, and recreational shooting sports industry. Its mission is to promote, protect and preserve hunting and the shooting sports. NSSF has a membership of nearly 13,000 manufacturers, distributors, firearms retailers, shooting ranges, and sportsmen's organizations. Our manufacturer members make the firearms used by law-abiding California sportsmen, the U.S. military and law enforcement agencies throughout the state.

The purpose of this letter is to address continued concerns of NSSF regarding the transparency of the Wildlife Resources Committee ("WRC"). The policies and decisions of the California Fish and Game Commission ("Commission"), and the actions of the WRC have a direct and substantial, material impact on the businesses of a significant number of our members, including those based in California.

In our July 18, 2014 letter (attached) expressing our concerns about the Wildlife Resources Committee, apparently viewed by the Commission as an "informal" committee, we pointed out that "a committee is no longer considered to be strictly advisory if the committee members advise or make recommendations to the decision maker either directly or without significant intervening substantive review." Note that the WRC is further delegating authority to a self-appointed Predator Policy Workgroup ("Workgroup") that was not statutorily convened and is being appointed by the Commission using subjective criteria with virtually no transparency on

PROMOTE

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the process used to select candidates. Furthermore, while neither the invitation to apply to the Workgroup nor the official Fish and Game Commission website identifies any deadlines for applications, we see on the October 7-8, 2015 agenda that the Commission will be making the appointments at that meeting. As the notice for Workgroup nominations was posted on September 11, 2015 and the appointments are to be made at the October 7-8 meeting, very little time is available for the receipt and evaluation of nomination appointments before the final selection.

Since the WRC's inception on January 15, 2014 and subsequent meetings held in 2014 on May 7, July 28, and September 17, and in 2015 on January 14, May 6, and September 9, the WRC continues to function without formal policies and procedures that have been made clear to the public.

NSSF is again expressing concern as we seek further clarification about recent activities at the FGC meeting on August 5, 2015 when the President of the Fish and Game Commission without public discussion, attempted to appoint members to a Predator Policy Workgroup that had not been previously disclosed to the public. On September 11, 2015 the FGC publicly noticed the request for nominations to the Predator Policy Workgroup, thus creating even more confusion about the working of the WRC and the Commission's actions at its August 5 meeting.

Numerous questions arise in reviewing the proposed nomination process criteria for participation in the Predator Policy Workgroup. Of concern are the proper functioning of the WRC and what appear to be extremely subjective criteria. There is little disclosure of how this process will be conducted and how the subjective criteria will be validated. Under "Review Group: negotiate compromises, identifying key issues and conceptual changes" is an example: stakeholders being appointed to this Workgroup are to negotiate compromises on the behalf of a state-convened body. We would also note that references to such things as "best management practices" and "input from qualified experts" are very subjective and would be the choice of the individual appointed to the committee. Will there be a rating criteria for such appointments, such as knowledge or experience with web-based software under "Criteria for Selection"?

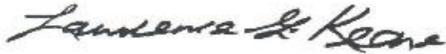
A list of organizations and individuals with whom they would be communicating is included under information that should be provided in the nomination. Knowledge of the names on the list, itself, is not a qualification for appointment without the consensus of the stakeholders. Most troubling in the criteria is the qualification that the individual should be able to work collaboratively with those of diverse opinions. There is nothing in the objectives of the WRC that requires this as a criterion (minority opinions provide valuable input to a fact-finding, deliberative and fair process). Exclusion of those voices appears to be self-defeating to the entire purpose of the WRC.

These are just a few of our concerns about this most recent development of the WRC, and we ask the Commission to step back and prioritize formal policies and procedures in public hearings before it proceeds with the adoption of WRC policy. This request has been made

numerous times in writing and during the Public Forum in both FGC and WRC meetings. For the sake of transparency, a public response is necessary.

NSSF exhorts you to consider the future of the Wildlife Resource Committee's effectiveness if a structure of fairness and openness is not provided that allows the participation of all stakeholders.

Sincerely,



Lawrence G Keane
Senior Vice President & General Counsel
National Shooting Sports Foundation

cc: Governor Edmund G. Brown, Jr.
Mr. Chris Ames, Attorney General's Office
National Shooting Sports Foundation

Attachment: NSSF Letter, dated July 18, 2014



Safari Club International

A NON-PROFIT ORGANIZATION • DEDICATED TO CONSERVING WILDLIFE AND PRESERVING HUNTING



California Chapters

September 24, 2015

VIA E-Mail

Mr. Jack Baylis, President,
Mr. Jim Kellogg, Vice President.
Ms. Jacque Hostler-Carmesin
Mr. Anthony C. Williams
Mr. Eric Sklar
Mr. Sonke Mastrup, Executive Director
California Fish and Game Commission
1416 Ninth Street, Room 1320
Sacramento, CA 95814

Re: Request for Transparency, Structure and Fairness in the Operations of the California Wildlife Resources Committee

Dear Sirs and Madam:

Safari Club International (SCI) is a worldwide non-profit organization with the mission to protect the freedom to hunt and to promote wildlife conservation. SCI recognizes and promotes hunting as a valuable wildlife management and conservation tool. SCI currently has over 48,000 members and over 6,500 members in California. SCI also has 30,000 California Affiliates, 950,000 U.S. Affiliates and over 7,000,000 International Affiliates.

There are thirteen California Chapters of Safari Club International, collectively representing over 5,000 of SCI's California members who hunt and participate in sustainable wildlife conservation. SCI's California chapters and their members participate in numerous conservation projects throughout the state. SCI California chapters attend Wildlife Resource Committee (WRC) and Fish and Game Commission (FGC) meetings and make every effort to play active roles in the state's decision-making concerning wildlife conservation and management. Despite SCI California chapters' efforts to contribute to and improve the effectiveness and propriety of the WRC's decision-making process, the activities of the WRC continue to deprive SCI California chapters and their members of fair and equal access to these important decisions.

Since the WRC's inception on January 15, 2014 and subsequent meetings held in 2014 on May 7, July 28 and September 17 and in 2015 on January 14, May 6 and September 9, the WRC continues to function without formal policies and procedures and have not made the process that they follow clear to the public. In a letter dated July 14, 2014 SCI's California

chapters outlined some of our concerns about the operation of the WRC. To date we have received no written communication responding to our concerns nor have we seen remedies to the problems we identified. (Please see attached letter, July 14, 2014)

SCI's California chapters are writing again to express our concerns as we seek further clarification about recent activities at the FGC meeting on August 5, 2015 when, without public discussion, the President of the Fish and Game Commission attempted to self-appoint members to a Predator Policy Workgroup that had not been previously disclosed to the public. Ostensibly to remedy this apparent error, on September 11, 2015 the FGC publicly noticed a request for nominations to the Predator Policy Workgroup. This unexplained request for nominations after the President's announcement of an illegal, unilateral and biased designation of nominees, created even more confusion about the workings of the WRC, the actions of the Commission at its August 5 meeting, and the Commission's relationship with stakeholders at the WRC.

The proposed nomination process criteria for participation in the Predator Policy Workgroup does little to improve the problems introduced by the President's inappropriate actions. The announcement of the nomination process does not answer the numerous ongoing questions about the proper functioning of the WRC or the apparent extremely subjective criteria for nominee selection. The WRC continues to offer little disclosure of how the selection of Predator Policy Workgroup members will be made and/or how the subjective criteria will be validated. We also note that there is no due date clearly listed for nominations to be submitted to the WRC, nor is a date by which the member selection will take place.

Once the members are selected, the problems increase. The process, or lack thereof, remains rife with subjective failings. For example, the "Review Group" is expected to negotiate compromises, identify key issues and conceptual changes. It is curious and likely illegal that stakeholders from specific interest groups that are appointed to this workgroup are being given the authority to negotiate compromises on the behalf of a state-convened body. This authority is being delegated without any rules to govern the conduct of these workgroup members. Further no definitions or criteria have been provided for subjective phrases such as "best management practices" and "input from qualified experts." However, the individuals appointed as members are given no guidance as to how to apply these subjective criteria. As a result, these evaluations will be left to the discretion of the individuals appointed to the committee, without consequence for abusing this discretion. It appears that the Drafting and Review groups within the Predator Policy Workgroup will be dictating policy in a vacuum while conducting meetings outside the public's view.

SCI's California chapters believe that the overall criteria for selection potentially excludes some of the most important voices with technical and on-the-ground experience. The process for selecting members of the Predator Policy Workgroup appears to be skewed towards those who lack this kind of technical and on-the-ground knowledge and is in conflict with the very purpose of the WRC for outreach to a variety of stakeholders and consumptive users who do not possess these attributes.

Aside from the criteria for the selection of the Predator Policy Workgroup with all of its obvious problems, the WRC has not announced or codified any formal procedures for the workings of the WRC or the Workgroup. We refer back to our July 14, 2014 letter in urging the Commission to step back and prioritize formal policies and procedures in public hearings before it proceeds with the adoption of WRC policy. SCI and other organizations and individuals have made this request numerous times in writing and during the Public Forum in both FGC and WRC meetings. We still await an answer and we continue to be subjected to WRC meetings that lack consistency and reliability in their management. For the sake of transparency, a public response to our concerns is necessary.

We urge you to consider the future of the WRC's effectiveness if a structure of fairness and openness is not provided for the participation of all stakeholders.

Sincerely,



Lisa McNamee
Co-Legislative Coordinator
California Chapters



Don Giottonini
Co-Legislative Coordinator
California Chapters

cc: Governor Edmund G. Brown, Jr.
Mr. Chris Ames, Attorney General's Office
Safari Clubs International, California Chapters

Attachment: SCI Letter to Fish and Game Commission, July 14, 2014