

STAFF SUMMARY FOR APRIL 13-14, 2016

24. WILDLIFE RESOURCES COMMITTEE**Today's Item**Information Action

Review tasks referred to the Wildlife Resources Committee (WRC), review potential agenda topics for May 18, 2016 WRC meeting, and consider new potential topics for WRC review. Provide an update on the Predator Policy Workgroup (PPWG).

Summary of Previous/Future Actions

- | | |
|--|------------------------------------|
| • Most recent WRC – <i> canceled</i> | Jan 20, 2016; WRC, Sacramento |
| • Most recent PPWG meeting | Feb 24, 2016; WRC-PPWG, Sacramento |
| • Today, approve draft May WRC topics | Apr 13-14, 2016; Santa Rosa |
| • Next PPWG meeting | Apr 26, 2016; WRC-PPWG, Sacramento |
| • Next WRC meeting | May 18, 2016; WRC, West Sacramento |

BackgroundPredator Policy Workgroup

The WRC's PPWG met in Feb 2016 to discuss basic structure, rules, and guiding principles for the workgroup, the workgroup scope and objectives, and meeting frequency and location. The meeting summary is shown in Exhibit 2. Both the meeting summary and the audio-recording are posted on the FGC website. The next meeting is scheduled for Apr 26, 2016 in Sacramento at the University of California Center Sacramento, 1130 K Street, Conference Room B at 10:00 a.m.

WRC Work Plan and Draft Timeline

FGC directs committee work. Current topics already referred to WRC are shown in Exhibit 1, and include two new topics referred by FGC in Feb 2016 (non-lead implementation and wild pig management).

Draft agenda topics for the May WRC meeting are shown in the May column of the WRC work plan (Exhibit 1) for FGC review and consideration today. The Jan 20, 2016 WRC meeting was canceled in light of the departure of both WRC co-chairs and the executive director. Three rulemakings were tentatively scheduled for discussion at that meeting: upland game, sport fish, and possession of game for processing into food. The upland game rulemaking is scheduled for notice today under Agenda Item 28 so further discussion at WRC is not warranted, and the rulemaking for possession of game for processing into food, which has not been initiated yet, is not ready for discussion at the WRC.

Discuss and Approve New Topics

DFW has requested to add a discussion topic on the proposed rulemaking for enhanced penalties for illegal game take to the May WRC meeting. Assembly Bill 1162 (2012) amended the Fish and Game Code adding Section 12013.3 related to enhanced penalties for the illegal take of game. Section 12013.3(b) requires FGC to adopt regulations to implement this section.

STAFF SUMMARY FOR APRIL 13-14, 2016

This rulemaking is on the regulatory calendar and scheduled to go to Notice in Aug 2016. The May WRC meeting would provide the only opportunity for the WRC to make recommendations to the FGC on this rulemaking.

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

1. Approve draft agenda topics for the May 2016 WRC meeting:
 - *Proposals for annual rulemaking*
 - *Sportfish for 2017*
 - *Mammals for 2017-18*
 - *Waterfowl for 2017-18*
 - *Klamath River Sportfish for 2017*
 - *Special project updates:*
 - *Wild pig management discussion*
 - *PPWG update*
2. Approve DFW request for potential new agenda topic:
 - *Proposal for enhanced penalties for illegal game take rulemaking*

Exhibits

1. [WRC work plan and draft agenda topics for May 18, 2016 WRC meeting](#)
2. [Feb 24, 2016 PPWG meeting summary](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission approves the draft agenda topics for the May 2016 Wildlife Resources Committee meeting and approves the new topic for referral to the Wildlife Resources Committee as recommended by staff.

Wildlife Resources Committee (WRC) 2016-2017 Draft Work Plan: Schedule topics and timeline for items referred to WRC (Updated for April 13-14, 2016 FGC meeting)

Topic	Type of Topic	2016			2017		
		JAN Cancelled	MAY (Sacto)	SEP (Sacto)	JAN (Sacto)	MAY (Sacto)	SEP (Sacto)
Annual Game Regulations							
Upland Game Birds	Annual	X / R		X	X / R		
Sport Fish	Annual	X	X / R		X	X / R	
Mammals	Annual		X	X / R		X	X / R
Waterfowl	Annual		X	X / R		X	X / R
Central Valley Salmon	Annual					X	X / R
Klamath River Sport Fish	Annual		X	X / R		X	X / R
Regulations & Legislative Mandates							
Possession of game for processing into food (Sec. 3080(e), Fish and Game Code)	Referral for review	X			X	X / R	
Emerging Management Issues							
Lead Ban Implementation	DFW project				X	X	X
Wild Pig Management	Potential WRC special project		X	X	X / R		
Special Projects							
Predator Policy Workgroup	WRC workgroup		X	X	X	X / R	

KEY X Discussion scheduled R Recommendation developed and moved to FGC

Commissioners

Eric Sklar, President
Saint Helena

Jacque Hostler-Carmesin, Vice President
McKinleyville

Anthony C. Williams, Member
Huntington Beach

Vacant, Member
Vacant, Member

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission



*Wildlife Heritage and Conservation
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WILDLIFE RESOURCES COMMITTEE PREDATOR POLICY WORKGROUP

Meeting Summary February 24, 2016

**Stanley Mosk Library and Courts Building
914 Capitol Mall, Room 500, Sacramento**

Following is a summary of the meeting prepared by staff.

1. **Call to order and roll call of workgroup members**

Meeting was called to order by Wildlife Advisor Erin Chappell who introduced Fish and Game Commission (FGC) staff and California Department of Fish and Wildlife (CDFW) staff. Self-introductions were made by the Wildlife Resources Committee (WRC)'s Predator Policy Writing Group members.

Commission Staff

Michael Yaun	Acting Executive Director
Erin Chappell	Wildlife Advisor
Caren Woodson	Analyst

CDFW Staff

Stafford Lehr	Acting Deputy Director, Wildlife and Fisheries Division
David Bess	Chief, Law Enforcement Division
Eric Loft	Chief, Wildlife Branch

Writing Group Members

Josh Brones	Mark Hennelly
Noelle Cremer	Dr. Rick Hopkins
Rebecca Dmytryk	Tony Linegar
Jennifer Fearing	Erica Sanko
Bill Gaines	Jean Su

Erin Chappell outlined the procedures for the meeting and let participants know that the meeting was being audio-recorded for posting to the website with a staff summary.

2. **Overview of Bagley-Keene Open Meeting Act**

Acting Executive Director Michael Yaun provided an overview of the Bagley-Keene Open Meeting Act (Bagley-Keene) with an emphasis on how it applies to the Predator Policy Writing Group (Writing Group) members and the Predator Policy Workgroup (Workgroup) meetings. As an advisory body of members appointed by FGC, the Writing Group is subject to Bagley-Keene requirements.

3. **Establish basic operating rules, procedures, and guiding principles**

Erin Chappell presented the following meeting ground rules for consideration by the Writing Group.

- Share the airtime
- Limit sidebars
- Critique ideas, not people
- Be prepared
- Discuss topics openly rather than in isolation
- Share your experience/perspective, not others
- Avoid surprises
- Quiet cell phones

Writing Group members proposed to add the following meeting ground rules:

- (Josh Brones) Be committed to the process and engaged with each other
- (Rebecca Dmytryk) Table stalemate decisions for a later time
- (Jennifer Fearing) Take short breaks often to provide members opportunity to sidebar
- **SUMMARY:** There was agreement from the Writing Group to use the ground rules presented along with the added items.

Erin Chappell presented the following Workgroup guiding principles for consideration by the Writing Group.

- Act in good faith
- Be respectful
- Seek common ground
- Think outside the box
- Be flexible/open-minded
- Common courtesy
- Be accountable
- **SUMMARY:** There was agreement from the Writing Group to use the guiding principles presented.

Erin Chappell led a group discussion about meeting procedures.

- Meeting Structure
 - Participation
 - Quorum is necessary; for this Workgroup six Writing Group members constitute a quorum
 - Alternates (needed or not?)
 - (Jennifer Fearing, Mark Hennelly) Depends on when and how often meetings are held.
 - (Noelle Cremers, Billl Gaines) Alternates hard to provide meaningful input; if used, alternates should attend every meeting to keep up to speed.
 - (Tony Linegar) Maybe someone from the review group can be appointed.
 - **DECISION: TABLED for discussion under Agenda Item 5 (future meeting dates and locations).**
 - Communication (pre- and post-meeting)
 - Audio recording and meeting summaries will be posted to FGC website.
 - Meeting agendas and materials will be posted to FGC website per Bagley-Keene.
 - WRC e-listserv will be used for notifications; please sign up!!
 - (Jean Su) Are teleconferences an option?
 - It is an option, but there are concerns from FGC staff re: logistics and public participation.
 - Materials
 - Documents/materials should flow through Erin, for posting to FGC website.
- Roles and Responsibilities – Erin Chappell presented the following suggestions based on roles identified in the FGC Staff Proposal for the Predator Policy Workgroup (July 2015) that was adopted by the FGC Commission in August 2015.
 - Writing Group – Draft concepts and recommendations
 - (Linegar) Are we discussing specific critters or more general?
 - That will need to be determined by the group when drafting the workgroup scope.
 - Reviewers – Provide constructive input and feedback
 - DFW – Provide input on the science, management practices, enforcement
 - FGC – Provide facilitation, meeting support, and regulatory guidance

- Coordination
 - Between Workgroup and WRC – Recommendations approved by Workgroup will move to WRC for consideration
 - Between Writing Group and Reviewers
 - FGC direction from February 2016 meeting: Once something is drafted it goes to reviewers for comments and returns to Writing Group for discussion/consideration.
 - **FOLLOW-UP:** Group agreed to follow up at next meeting to make a determination of process for reviewers
 - (Sanko) Will substantive materials for review be sent to reviewers directly or via posts to website?
 - Needs some clarification; staff preference is to utilize website and notify reviewers materials are available.
 - The reviewers are NOT a formally appointed group (yet), therefore not subject to Bagley-Keene.
 - (Fearing) Comfortable with the non-formal approach of reviewers, and noted it permits greater review and feedback.
- Decision-Making Process
 - Consensus vs. Majority (6/10) vs. Super-Majority (7/10)
 - (Hennelly) Prefer consensus-based approach, when can't agree then no change. Comfortable with super-majority for policy and regulatory recommendations.
 - (Fearing) Majority vote difficult with make-up of Writing Group; prefer moving consensus based issues and majority/minority opinions. Consensus means that you can live with it.
 - (Brones) Strive for consensus, but move forward regulatory and statutory recommendations from a super-majority if consensus not achieved.
 - Compromise could be that our documents include dissenting opinions.
 - (Su) FGC emphasized consensus and working together, not a voting group, this is an advisory body. Minority opinions are important.
 - **DECISION: Strive for decision making under consensus standard; if consensus not possible, then move recommendation by simple majority and include minority recommendations.**
- Assignments – Erin Chappell proposed assigning individuals to the following responsibilities:
 - Document Manager

- Chapter/Policy/Recommendation Point-person
- Review Coordinator (compile reviewer comments for writing group)
- Meeting Scribe
- Meeting Summaries
- **SUMMARY:** Will continue discussion about possible assignments at future meeting

4. **Draft workgroup scope and objectives for WRC direction**

Erin Chappell led a group discussion on workgroup scope and objectives. She presented the following based on the FGC Staff Proposal for the Predator Policy Workgroup (July 2015) that was adopted by the FGC Commission in August 2015.

- Provide input, develop ideas, and prepare *recommendations* concerning predator management policy and regulation in California.
- Provide draft *recommendations* to WRC by September 21, 2016.
 - Option offered to extend timeline to May 2017 WRC meeting
- **DECISION (Approved by consensus): Provide draft recommendation to WRC by May 2017.**

Erin Chappell provided the following list of predators for Workgroup consideration.

- Coyote, mountain lion, bear, wolf, bobcat, wolverine, badger, ring-tail cat, fox, otter, beaver, muskrat, marten, fisher, mink, weasel, raccoon, and skunk
- Opossum and feral pig were discussed as possible additions to this list.
- (Rebecca Dmytryk) Coyote, mountain lion, bear, wolf. Fear and loss of livestock is paramount; should stick to carnivores.
- (Jennifer Fearing) Like limitation to mammals; game, furbearer, or nongame. Triage next steps (fully unmanaged vs some management), maybe prioritize based on management. Game and fully protected fall lower on the list of priorities for this group, nongame and furbearers are higher priority.
- (Josh Brones) More appropriate to approach from the risk the critters present not the academic taxonomy.
- (Rick Hopkins) Should be restricted to scientific definition of predators, but if we broaden then we need to be clear. Pigs are not predators. Good with waiting; no strong opinion either way. Too much on our plates means we won't accomplish much.
- (Eric Loft) Tend to agree with Fearing, ought to be focused on those species where "take" is permitted. Not recommended for the group to discuss black bear, wolves, pigs, or mountain lions as there are already strong management and conservation plans underway.

- (Noelle Cremers) Better to be inclusive, agree with Dr. Loft. Do not see this groups as being a productive way to address wild pig.
- (Rick Hopkins) Did DFW have a list of critters we should work from?
- (Eric Loft) DFW has a list and willing to share it; maybe you don't deal with fully protected or managed species.
- (Bill Gaines) Recommend tabling this decision until next/future meeting.
- (Stafford Lehr) Recommend postponing beaver discussion because requires local governments, and DFW is currently working on this matter.
- (Mark Hennelly) Suggested this be first item for discussion at next meeting. Gives us some time to give consideration to the comments and input from public.
- **SUMMARY:** Be more inclusive, not less.
- **DECISION:** **TABLE TO NEXT MEETING, TOP OF THE AGENDA. In the meantime send ideas, comments or feedback to Erin Chappell for preparation for future meetings.**

Erin Chappell presented the following suggestions for workplan objectives based on objectives identified in the FGC Staff Proposal for the Predator Policy Workgroup (July 2015) that was adopted by the FGC Commission in August 2015.

- Review existing policy, regulatory concepts
 - (Jennifer Fearing) Like this order, suggest that we walk through these current regulations and policies.
 - (Rebecca Dmytryk) Would prefer to look at policy first, then move to regulation. To make progress we need to converse with each other and DFW. Clearer language for existing regulation.
 - (Josh Brones) Agree with Fearing, we start from a universal foundation of understanding, dispassionate presentation from DFW about ecological implications to inform Workgroup discussion.
 - (Bill Gaines) Important that science helps guide recommendations, science should be foundation. Suggest that DFW be present and we look to them for guidance, etc.
- Develop predator management policy
 - (Mark Hennelly) Policy for FGC or DFW?
 - (FGC Staff) DFW is supposed to abide by FGC policy.
- Develop best management guidelines
 - (Noelle Cremers) Need more time to think through contemplation of best management guidelines.
- Develop regulatory proposals
 - (Linegar) Drafting or making recommendations for regulations?
 - (FGC Staff) The goal was for a recommendation for regulation (to develop the idea, not prepare the regulation).

- Identify needed statutory changes (*added based on group discussion*)
- **SUMMARY:**
 - Group would like to give more thought to best management guidelines objective, but generally comfortable with moving forward on objectives identified here.
 - Development of this work plan to be the emphasis of our next meeting for consideration at May 2016 WRC meeting.

5. **Select future meeting dates and locations**

Erin Chappell presented some tentative meeting dates between already scheduled FGC and WRC meetings, accounting for staff availability for FGC and WRC meeting preparations. She led a group discussion about possible meeting dates and locations.

- **DECISION:** Next meeting is **Tuesday, April 26, 10 a.m. – 4 p.m.** Location TBD (by FGC staff) in greater Sacramento area
- (Bill Gaines) Would like to see consideration of possibility moving these meetings around.
- (Jennifer Fearing) Suggest option of conducting meetings day before or after FGC meetings, if want to move them around
- (Noelle Cremers) Would be helpful to know what sort of support from DFW and FGC will be available if we travel
- (FGC Staff) No money available for Writing Group member's travel expenses

Erin Chappell led a group discussion about meeting frequency.

- **SUMMARY:** Group will strive to meet once or twice between each WRC meeting.

Group resumed discussion about the use of alternates (Note: Discussion carried forward from agenda item 3).

- (Tony Linegar) He at some point will need an alternate due to inevitable conflicts with other boards he serves on.
- (Mark Hennelly) Noted that choosing meeting dates beforehand should reduce the need for alternates. However, if chose to use alternates, then those persons should attend these meetings.
- (Josh Brones) Frequency is not prohibitive; he is less inclined to endorse alternates except in rarest of circumstances to protect continuity.
- (Jennifer Fearing) I think there is a consensus alternates are not needed.
- **Summary:** Effort will be made to select meeting dates that work for all the members to avoid need for alternates.
- **DECISION:** Group will not use alternates.

Group held a discussion about agenda topics for the next meeting.

- **DECISION:** Agenda topics to include the following:
 - Prepare a workplan for WRC consideration at May 2016 meeting
 - Scope (which species, defining scope of predators)
 - Objectives
 - Tasks
 - Timeline
 - Review of existing policies and regulation
 - Discuss coordination between Writing Group and reviewers
 - Discuss Workgroup meeting structure (role and responsibilities)

6. **Public forum for items not on the agenda**

No public comments were received.

7. **Adjourn**

Meeting adjourned at 2:00 p.m.