

Commission Overview

The California Fish and Game Commission is over 128 years old. In 1870 the Board of Fish Commissioners, the forerunner of the modern day Fish and Game Commission, was established “to provide for the restoration and preservation” of fish in California waters. This was the first wildlife conservation agency in the United States, predating even the U.S. Commission of Fish and Fisheries.

California’s first three “fish commissioners” were appointed by the Governor and received no compensation for their service. The Legislature appropriated \$5,000 to the Board for its first two years of operations. This same year (1870) the first fish ladder was built on a tributary of the Truckee River and a state fish “hatching house” was established at the University of California in Berkeley.

In 1909 the Board of Fish Commissioners’ name was changed to the Fish and Game Commission, which reflected the growing importance of game conservation. The complex fish and game regulation and administration of today dates from these years when the Commission was given more authority to expand and to undertake new responsibilities in the areas of conservation.

In 1927 the administrative functions of the original Commission were assumed by the newly established Division of Fish and Game, set up within the Department of Natural Resources. As compared with other divisions within the Department, Fish and Game was unique in that it was administered by the Fish and Game Commission and not under the direct control of the Department of Natural Resources. In 1927 the first deer tag (\$1.00) was issued.

In 1937 the Fish and Game Commission was increased from three to its current five members, and in 1940 a constitutional amendment provided for six-year staggered terms for the commissioners and made their appointments “by the governor subject to confirmation by the Senate.”

In 1945 the Legislature, through a constitutional amendment, delegated to the Fish and Game Commission the responsibility for making regulations for sport fishing and hunting.

To achieve its current mission the Commission must deal with many major challenges:

- A California population of 32+ million people which is growing rapidly and impacting wildlife and their habitats in many ways: from competition for resource use; to pollution; to growth pressures; to the importation of non-native species; to poaching, etc.
- A land area of some 159,000 square miles.
- Habitat and fish and wildlife diversity that is unequaled by any other state. California includes more than 1,100 miles of coastline, 30,000 miles of rivers and streams, 4,800 lakes and reservoirs, 80 major rivers, three of the four North American desert habitats, and scores of rugged high mountain peaks.
- More than 1,000 native fish and wildlife species.
- More than 5,000 native plant species.
- Nearly 350 threatened and endangered species.



Osprey
File photo

While the Fish and Game Commission and Department of Fish and Game are intertwined in many ways there is a considerable difference in the statutory charges of each. The Commission is a separate entity and has the statutory authority to formulate policies for the guidance of the Department.

The Commission has over 200 other powers and duties listed in the statutes of the Fish and Game Code. Principal among these are legislatively-granted powers for the regulation of the sport take and possession of birds, mammals, fish, amphibians, and reptiles. These resource protection responsibilities involve the setting of seasons, bag and size limits, and methods and areas of take.

The Commission also regulates aspects of commercial fishing including: fish reduction; shellfish cultivation; take of herring, lobster, sea urchins and abalone; kelp leases; lease of state water bottoms for oyster allotments; aquaculture operations; and other activities.

The Commission oversees the establishment of wildlife areas and ecological reserves and regulates their use. It also prescribes the terms and conditions under which permits or licenses may be issued by the Department and considers the revocation or suspension of commercial and sport licenses and permits of individuals convicted of violating Fish and Game laws and regulations.

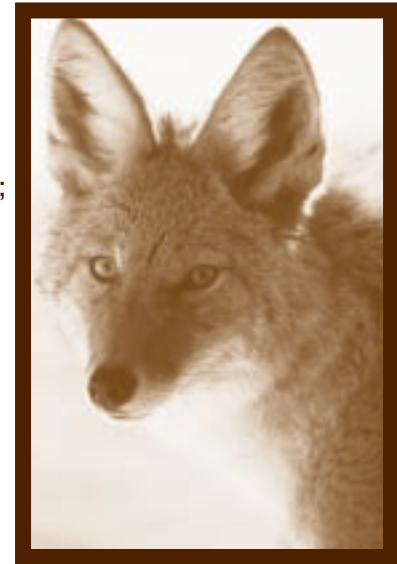
In carrying out its responsibilities the Commission holds eleven regularly-scheduled public meetings per year around California. It hears from the public on a myriad of subjects during its decision-making process. A primary responsibility of the Commission is to afford an opportunity for full public input and participation in the decision and policy making process of adopting regulations or taking other actions related to the well-being of California's fish and wildlife resources.

The Commission also provides an appeal process for those members of the public dissatisfied with actions taken by the Department.

The relationship of the Commission and the Department has evolved over time. The Commission sets policy for the Department, while the Department is the lead state agency charged with implementing, safeguarding and regulating the uses of wildlife. The mission of the Department is to "manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public."

The Department manages more than 840,000 acres of wildlife habitat, including 107 wildlife areas and 99 ecological reserves; many areas were purchased to safeguard species at risk. Department wardens enforce laws and regulations relating to fish, wildlife, and habitat within the state and its offshore waters. Department staff also reviews timber harvest plans and a variety of environmental documents for land and water projects that may affect fish and wildlife.

Department scientists are critical to the identification of species and ecosystem status and are an important resource to the Commission in its determination of the health and resource management policy needs of specific ecosystems. While the Commission relies on the Department's biological data and scientific recommendations there is an increasing emphasis on the use of peer review and best available science.



Coyote
File photo

While the Commission has many powers given to it by the California Legislature those powers not specifically given to the Commission by the California Legislature are retained by them. Over time the Commission's powers have been broadened as the Legislature gives it further regulatory and management authority.

It is becoming clear that the Commission, which can rapidly and expertly deal with resource issues, is an effective means of meeting the needs of the public and the resources. This is both a major opportunity and challenge for the Commission. Any effective management of California's fish and wildlife resources, however, will depend on an effective working partnership between the Commission, the Department and the public.

What follows is a summary of the specific authorities of the Commission.

Summary of Fish and Game Commission Authority

Powers and Duties of the Commission:

- The Fish and Game Commission is authorized by Article IV, Section 20, of the Constitution of the State of California. The Commission is to be composed of five members; two of them are elected to serve as president and vice president. The Commission is appointed by the Governor, with appointments subject to confirmation by the Senate.
- The Commission shall formulate general policies for the conduct of the Department. The Director shall be guided by these policies and is responsible to the Commission for administration of the Department therewith. (Section 703, Fish and Game Code.)
- The Commission is required to hold certain meetings each year. (Sections 206, 207 and 208, Fish and Game Code.)
- The Commission may hold other meetings or hearings on such dates, or in such locations, as may be deemed necessary or proper, and in accordance with the provisions of various sections of the Fish and Game Code.
- The Commission carries out a quasi-judicial role when it considers the revocation or suspension of licenses and permits for violation of sport and commercial laws and regulations.



Laguna Beach Dudleya
(state-listed "rare")
Photo by Reid Moran

General Regulatory Powers:

Under the provisions of sections 200 through 221 of the Fish and Game Code, the Commission is empowered to regulate the taking of fish and game. These statutes do not extend to the taking, processing or use of fish, mollusks, crustaceans, kelp or other aquatic plants for commercial purposes.

The general statutory powers and duties vested in the Commission related to the take of birds, mammals, fish, mollusks, crustaceans, amphibians and

reptiles include the following:

1. Establish, extend, shorten or abolish open and closed seasons;
2. Establish, change or abolish bag, possession and size limits;
3. Establish and change territorial limits for taking any or all species or varieties; and
4. Prescribe the manner and means of taking any species or variety.

Other Powers:

Other powers and duties which are vested in the Commission total approximately 200 and are found throughout the Fish and Game Code. Generally, they are as follows:

- The Commission establishes policies for the guidance of the Department and prescribes the terms and conditions under which permits or licenses may be issued by the Department;
- Regulates the following aspects of commercial fishing: fish reduction, the ocean shrimp fishery, kelp leases, oyster allotments, shellfish cultivation and abalone regulations;
- Accepts mitigation lands on behalf of the state; and
- Reviews the Department's budget, but has no powers in relation the administration of the Department.
- In preparing its strategic plan, the Commission reviewed its full scope of responsibilities and authorities granted to it by the Legislature. If anyone is interested in those mandates, a list can be obtained from the Commission office.



American Peregrine Falcon
(state-listed "endangered")
Photo by Brian Woodbridge

Length of Term of Office:

The Constitution places the term of office of each Commissioner at six years. A Commissioner, whose term has expired, may serve until the Governor appoints a successor.

The terms of office for the Commissioners are staggered so that the term of not more than one Commissioner will expire in any one year. If, for any reason, a vacancy on the Commission occurs before the "normal" expiration of term of a member, the successor may only serve out the replaced member's original term.

Functions of President:

The President of the Commission presides over Commission meetings, appoints Commission members to special subcommittees, signs documents on behalf of the Commission and generally represents the Commission in all matters involving it. The President is a member of the Wildlife Conservation Board (Section 1320, Fish and Game Code) and may be a member ex officio of the Migratory Bird Conservation Commission created by the Migratory Bird Act of Congress in 1929. (Section 357, Fish and Game Code.)