



The votes were cast following the defeat of a motion to table the voting until the March meeting to allow time for the commissioners to get to know Mr. Gwyn and investigate his background. Very little is known about the environmental stance of the new chair; his appointment by Assembly Speaker Willie Brown to the Commission was a surprise. (See *infra* report on LEAGUE FOR COASTAL PROTECTION for related information.)

On April 11, the Commission unanimously approved a proposal by the federal government to build a two-mile, twelve-foot-wide stretch of sewer pipe in San Diego County. The \$36 million project will eventually become part of a \$200 million effort to divert the twelve million gallons of untreated sewage which flow into San Diego County from Mexico each day. Commission staff, along with environmental groups, opposed the project, pointing out that the pipe itself will be ineffective without treatment and disposal facilities at its east and west ends, and that the environmental impacts of the eventual construction of these facilities has not yet been evaluated.

Also on April 11 in closed session, the Commission decided to file an *amicus curiae* brief in support of legal efforts to block the construction of Marina Place, a major Culver City shopping center. A similar decision had been reached at the Commission's March meeting, but the issue was discussed again in April following allegations that public notice was not given of the March discussion, in violation of the Bagley-Keene Open Meeting Act. Commissioner Mark Nathanson, the most vocal opponent of the project, is believed to have financial ties with a developer who is planning an office complex in the immediate vicinity. Commissioners have also expressed concern over the impact of increased traffic upon public access to nearby coastal areas.

FUTURE MEETINGS:

September 11-14 in Marina del Rey.
October 9-12 in Monterey.
November 13-16 in Marina del Rey.

DEPARTMENT OF FISH AND GAME

Director: Pete Bontadelli
(916) 445-3531

The Department of Fish and Game (DFG), created pursuant to Fish and Game Code section 700 *et seq.*, man-

ages California's fish and wildlife resources. Created in 1951 as part of the state Resources Agency, DFG regulates recreational activities such as sport fishing, hunting, guide services, and hunting club operations. The Department also controls commercial fishing, fish processing, trapping, mining, and gamebird breeding.

In addition, DFG serves an informational function. The Department procures and evaluates biological data to monitor the health of wildlife populations and habitats. The Department uses this information to formulate proposed legislation as well as the regulations which are presented to the Fish and Game Commission.

The Fish and Game Commission (FGC), created in Fish and Game Code section 101 *et seq.*, is the policymaking board of DFG. The five-member body promulgates policies and regulations consistent with the powers and obligations conferred by state legislation. Each member is appointed to a six-year term. FGC's regulations are codified in Division 1, Title 14 of the California Code of Regulations (CCR).

As part of the management of wildlife resources, DFG maintains fish hatcheries for recreational fishing, sustains game and waterfowl populations, and protects land and water habitats. DFG manages 506,062 acres of land, 5,000 lakes and reservoirs, 30,000 miles of streams and rivers, and 1,300 miles of coastline. Over 648 species and subspecies of birds and mammals and 175 species and subspecies of fish, amphibians, and reptiles are under DFG's protection.

The Department's revenues come from several sources, the largest of which is the sale of hunting and fishing licenses and commercial fishing privilege taxes. Federal taxes on fish and game equipment, court fines on fish and game law violators, state contributions, and public donations provide the remaining funds. Some of the state revenues come from the Environmental Protection Program through the sale of personalized automobile license plates.

DFG contains an independent Wildlife Conservation Board which has separate funding and authority. Only some of its activities relate to the Department. It is primarily concerned with the creation of recreation areas in order to restore, protect and preserve wildlife.

MAJOR PROJECTS:

1989 Annual Report on the Status of California's Listed Threatened and Endangered Species. In March, DFG

submitted to FGC its fourth annual status report on the progress of state-listed threatened and endangered plants and animals. The report provided some alarming statistics. Seventy-one percent of the state's listed endangered and threatened species are continuing to decline and, according to the report, "...there is no certainty they will survive for long." The remainder of California's listed species is stable but not necessarily safe or increasing. The report rests the blame for these staggering statistics on destruction and degradation of endangered species habitat through direct and indirect human impacts. (See *supra* FEATURE ARTICLE for detailed background information on this topic.)

The report states that DFG and FGC must "redouble our commitment if we are to preserve our rich natural heritage—the flora and fauna of California." The report recommends fourteen measures for reducing the declining numbers and protecting California's natural diversity, including the need to increase habitat acquisition; increase environmental review capabilities of agencies; accelerate the process for listing species; expand the scope of the California Endangered Species Act; review and strengthen protective laws and regulations; and develop incentive programs for landowners, developers, and the public in general to encourage habitat protection.

The Commission adopted the report at its May 18 meeting in San Luis Obispo. While the Commission addressed the topic, it refused to discuss the declining 71% of listed species and instead focused solely on the more positive topic of the stable and increasing 25%. The Commission also failed to discuss implementation of any of the fourteen protective measures set forth in DFG's status report. No new action is pending on the plight of 71% of California's listed threatened and endangered species, which are now declining toward extinction.

Response To Little Hoover Commission Report. At its May 18 meeting, FGC finally responded to some of the criticisms raised in the January 1990 Little Hoover Commission report. (See CRLR Vol. 10, No. 1 (Winter 1990) pp. 38-41 and 137 for detailed background information on this report.) The Commission intends to try to rectify some of the criticisms mentioned in the report through a budgetary overhaul proposal.

The objectives of this overhaul are to: (1) ensure there is sufficient funding to facilitate the personnel and equipment needed for enforcement measures; this



objective is to be accomplished through a "bottom up" analysis of workload, personnel, and available funding; and (2) abolish unnecessary and unjustified programs within the Department through an internal audit of each program. The proposed budget overhaul is expected to last approximately five years, and will be phased out as objectives are accomplished. The Commission did not address the numerous other criticisms mentioned in the report.

Commission Terminates Longtime Executive Secretary. On June 4, three members of the FGC voted without comment to terminate the employment of FGC Executive Secretary Harold Cribbs.

Mr. Cribbs had been the Commission's top staff member since 1979 and served fifteen commissioners during that time. The FGC commissioners who voted to terminate him were Commissioner Biaggini, Commissioner Taucher, and Commissioner McCracken. Commission President Bob Bryant abstained, and Commissioner Murdy was not present at the meeting.

Over sixty members of the public attended this meeting, and most of them signed up to speak. However, even though the meeting was noticed as "public", the Commission refused to hear any public comment.

Many observers believe that Cribbs is a scapegoat, and that the Commission hopes to deflect an enormous amount of recent public criticism of both FGC and DFG by firing him with the implication that he is the problem. Others note that Cribbs took a pro-environmental stance on several issues, which would put him to the left of the Commission majority. Some Commission members—afraid for their positions due to several pending bills which would completely restructure DFG/FGC and in some cases relegate FGC to a mere advisory body (*see infra* LEGISLATION)—were quoted after the firing as saying that Cribbs had alienated some legislators, and terminating him would reduce legislative pressure.

At the June meeting, the Commission allowed Mr. Cribbs to make a statement. Mr. Cribbs stated for the record that any meetings he had with the legislature were directed by the Commission and specifically by President Bryant, and that he had on an ongoing basis asked the commissioners to review his performance and tell him if it was unsatisfactory. In fact, he had spoken with three commissioners on May 11, 1990, and was told by each that he was doing "exactly what they wanted him to do" and that they were pleased with his per-

formance as Executive Secretary. Mr. Cribbs questioned the commissioners' complete reversal of opinion as to his performance between May 11 and May 18, 1990, when he was asked by two commissioners to resign or force FGC to fire him. The Commission failed to comment on this or any other statement by Mr. Cribbs.

Cribbs' employment was terminated by the Commission as of June 8. Assistant Secretary Robert R. Treanor was appointed Acting Executive Secretary at FGC's June meeting in South Lake Tahoe.

Mountain Lion Initiative Wins On June 5 Ballot. Despite heavy opposition by hunting organizations and some wildlife organizations, Proposition 117—the so-called "mountain lion initiative"—was approved by the electorate at the June 5 election.

This initiative, which originated in AB 860 (Katz) (*see* CRLR Vol. 10, No. 1 (Winter 1990) p. 138 for background information), bans trophy hunting of mountain lions and creates the Habitat Conservation Fund, which will spend \$30 million per year for thirty years to acquire and reserve wildlife habitat.

The primary argument against this proposition was the fear that the \$30 million going toward Habitat Conservation Fund might pull money away from wildlife management and other habitat programs already in existence. However, proponents and sponsors of the initiative assert that no existing environmental program will be diminished in any way by the passage of this initiative. Now that the initiative has passed, the impact remains to be seen.

FGC Seeks to Increase Fines To Raise Revenue. At its May meeting, FGC reviewed a report by DFG Director Pete Bontadelli regarding the expected state funding of DFG/FGC during 1990-91. The commissioners noted that increasing fines and enforcement activity could effectively kill two birds with one stone. Increasing the amount of fines for unlicensed activity and improving enforcement of such violations would increase compliance with licensing regulations, and bring in greater revenue to offset any deficiencies in state funding.

During this discussion at the May 18 meeting, the commissioners stated that many hunters and anglers forego buying a license and risk fines, because in the long run it may be cheaper to be fined once or twice than to buy a license every year. In order to discourage this attitude among licensees and potential licensees, the Commission will work with an advisory committee to draft legislation that

will both raise fines to an amount discouraging unlicensed activity, and encourage or require the courts to impose stiffer penalties for unlicensed activity. This legislation is still in the discussion stage and no definite plan has been formalized.

1990 Mammal Hunting and Trapping Regulations Adopted. At its April 26 meeting in Sacramento, FGC voted to adopt its 1990 Mammal Hunting and Trapping Regulations that had been the subject of public hearings and discussion at several recent meetings. The regulations adopted included a relatively unchanged provision allowing the pursuit of mountain lions by dogs, despite recent concerns that pursuit permits are being used as a cover for unlawful hunting. (*See* CRLR Vol. 10, No. 1 (Winter 1990) p. 137 for background information.)

Also adopted on April 26 was the controversial S-11 antlerless deer hunt in San Diego County. At a March 2 hearing, the Commission heard extensive testimony on the proposed hunt, with the overwhelming majority of speakers—including avid deer hunters—in strong opposition. This regulatory change allows hunting of doe and unspotted fawns from the first day in October for thirty consecutive days. Numerous hunters testified that while they enjoy hunting deer, there are simply not many deer left to hunt. In the words of one local rancher, "If I want to increase my cattle herd, I don't kill off the heifers to get more bulls. That just doesn't make any sense."

FGC adopted the rule allowing the hunt in spite of the fact that there has not been a comprehensive environmental study on deer since 1949—this is the same reason that the 1989 black bear hunt was cancelled by a Sacramento County Superior Court judge. (*See* CRLR Vol. 9, No. 4 (Fall 1989) p. 119 and CRLR Vol. 9, No. 3 (Summer 1989) p. 111 for background information.) There has never been a comprehensive deer study in San Diego County, yet the San Diego deer hunting season is the longest season and it runs through deer rutting time, the prime breeding time. The Department argued in favor of the hunt, citing the loss of adequate habitat to support the deer population. Several members of the public responded that this problem is best addressed by acquiring more habitat, not eliminating the deer population.

Finally, in the face of a negative 1989 court ruling and continued opposition from the public (and to some extent DFG), the Commission voted to approve a 1990 black bear hunt. The



Commission accepted the proposed black bear hunt pending further discussion and the filing of an environmental impact report (EIR) addressing the effect such a hunt will have on the black bear population. At the April 26 meeting, DFG staff reported that they have completed an EIR but are waiting until FGC's August meeting to further discuss and file the report. The scheduled hunts are to begin in September and October 1990.

Sport Fishing Regulations. On December 21, FGC adopted revised sport fishing regulations to become effective March 1, 1990. (See CRLR Vol. 10, No. 1 (Winter 1990) p. 139 for background information.) FGC submitted these regulations to the Office of Administrative Law (OAL) on February 5. On February 23, OAL rejected the revised regulations, because the rule-making file failed to contain the data upon which FGC relied in adopting the regulations; failed to summarize and respond to all public comments; and lacked substantial evidence of the necessity for each of the proposed changes. Additionally, OAL noted that section 7.50(a)(2), Chapter 3, Title 14 of the CCR, lacked clarity; and that FGC cited no authority for sections 6.31-6.37 and 7.00.

On February 27, FGC resubmitted the regulations and included the missing documents, summaries, responses, and information necessary to satisfy the necessity and authority requirements. OAL approved the regulatory package on March 1.

Alternatives to Gill and Trammel Nets. At its February meeting, FGC heard testimony on the effectiveness of various alternatives to the use of gill and trammel nets. The alternatives have been explored through a pilot project funded by the legislature, under which DFG issued experimental permits to identify and evaluate possible alternatives.

At the hearing, the alternatives were rated based on two criteria: ensuring work for displaced gill and trammel net fishers, and protection of non-target species of sea birds, dolphins, and other marine mammals. The commercial trawl alternative protected the non-target species, but would not provide employment for the displaced fishers. The otter trawl alternative was strongly favored by several commercial fishers' associations, because of its ability to obtain large harvests. This alternative was equally opposed by several sport fishers' associations, whose objections centered on three grounds: (1) the hook and line fisher cannot compete with the

otter trawl harvesting equipment, resulting in an inequitable division of resources; (2) the harvesting equipment resulted in kills of non-target species such as crab, urchin, and undersized fish; and (3) the dragging of the trawl resulted in severe environmental damage to the ocean floor.

At its March 1 meeting, FGC decided against reissuing the experimental permits.

Caging and Care Regulations. As reported in CRLR Vol. 10, No. 1 (Winter 1990) at page 137, FGC's proposed changes to sections 671-671.6, Title 14 of the CCR, are being held up pending a hearing by the Building Standards Commission. The Legislative Counsel advised Assemblymember Farr that a Building Standards Commission review is legally necessary, and that FGC would have to sponsor legislation to change the law in this regard. Thus, DFG staff drafted a bill which is now being carried by Assemblymember Farr (AB 3675; see *infra* LEGISLATION), which would provide that FGC's caging and care regulations are not building standards which must be approved by the Building Standards Commission.

LEGISLATION:

AB 2195 (Campbell). Under the California Endangered Species Act, a landowner of property on which an endangered, threatened, or candidate species, as defined, lives is not liable for civil damages for injury to employees or contractors of DFG under specified conditions. This bill would extend the immunity of landowners for civil damages for injury to employees or contractors of any state agency under specified conditions, and would also authorize DFG to notify owners of those lands that a threatened or endangered species resides thereon and to provide information about the protection of the listed species.

The California Endangered Species Act does not prohibit the sale of an endangered or threatened species, or parts thereof, if possessed before the species was listed by DFG, as specified, or originally possessed for the seller's own use, except as specified. This bill would exempt transactions involving nursery stock from permit requirements of the act, as specified. This bill is pending in the Senate Committee on Natural Resources and Wildlife.

AB 3159 (Costa) would restate and make various findings and declarations of the legislature relating to fish, wildlife, and native plant resources of the state, and would declare the policy of the state to encourage the conserva-

tion and maintenance of those resources, as defined. The bill would also declare that DFG has been delegated the primary responsibility for the protection and preservation of the fish, wildlife, and native plants of the state. Although this bill was enrolled to the Governor, it was returned and is pending with the Secretary of the Senate.

AB 3160 (Costa). Under existing law, FGC is delegated various powers and duties relating to the protection and propagation of fish and game and, until January 1, 1995, FGC is required to meet at specified times and dates and to adopt regulations. Under existing law, FGC members are paid compensation and their actual and necessary expenses. This bill would repeal the provisions relating to the adoption of regulations by FGC, and would, with certain exceptions, require DFG to perform the duties formerly delegated to FGC. The bill would also require FGC to advise the DFG Director with respect to matters under the jurisdiction of the Director, and the bill would require FGC members to serve without compensation, but would continue the payment of their actual and necessary expenses. This bill is pending in the Senate Committee on Natural Resources and Wildlife.

ACA 51 (Campbell) would rename FGC as the Fish and Wildlife Commission, increase the number of members to nine, reduce the term of office to four years, and specify the qualifications and methods of appointment of the members of the new commission. If AB 3160 (Costa) is enacted, this measure would rescind any delegation of powers or duties to the former FGC and provide that it has no force and effect. This measure is pending in the Assembly Committee on Elections, Reapportionment, and Constitutional Amendments.

ACA 52 (Mountjoy) would require each of the FGC members who is appointed on or after November 7, 1990, for a full term to be a resident of one of the five fish and game districts in existence on January 1, 1990, from which there is no member, and would prescribe the qualifications of the members. This measure is pending in the Assembly Committee on Water, Parks and Wildlife.

SB 2840 (McCorquodale) would transfer all of the powers and duties of FGC to a new Fish and Wildlife Commission established by the bill. The Fish and Wildlife Commission would be composed of twelve members who would serve four-year terms and be appointed as specified in the bill. Also, the bill would repeal that provision of



REGULATORY AGENCY ACTION

law which grants FGC the authority to supercede statutory law in the Fish and Game Code by regulation. This bill is pending in the Assembly Committee on Water, Parks and Wildlife.

AB 3419 (Woodruff). Existing law authorizes DFG to acquire lands and interests in land for various purposes. Existing law does not require that notice be given to adjacent landowners before purchase of the land; this bill would require that a specified notice be given to adjacent landowners. This bill is pending in the Senate Committee on Natural Resources and Wildlife.

AB 3704 (Hauser). Under existing law, the Attorney General is required to provide legal counsel to DFG. This bill would require DFG to appoint legal counsel in DFG, as specified. This bill would provide for legal representation by that legal counsel, and, except in the case of a specified conflict, would require the Attorney General to represent DFG in litigation. This bill is pending in the Senate Committee on Natural Resources and Wildlife.

AB 4327 (Isenberg). The California Environmental Quality Act requires a lead agency to prepare an environmental assessment for every project that the lead agency carries out or approves which may have a significant effect upon the environment, as defined. This bill would prohibit a lead agency from carrying out a project which commences on or after January 1, 1991, that has the result of causing a net reduction in the acreage of wetlands or wetlands habitat values. The bill would provide for the mitigation of reduction of wetlands acreage in a specified order of preference. This bill is pending in the Senate Committee on Natural Resources and Wildlife.

AB 2849 (Hauser) would authorize DFG to grant funds for fish and wildlife habitat preservation, restoration, and enhancement to nonprofit entities when DFG makes specified findings. This bill is pending in the Senate Committee on Natural Resources and Wildlife.

AB 3200 (Polanco) would expressly require FGC to annually determine whether to continue, repeal, or amend regulations establishing hunting seasons for black bears, and to include consideration of specified factors in making that determination. This bill would also require FGC to comply with specified notice and hearing requirements before enacting a regulation authorizing a special hunting season for black bears for the purpose of curtailing property damage in any specified area. This bill is pending in the Senate Committee on Natural Resources and Wildlife.

AB 2848 (Hauser). Under existing law, DFG is authorized to issue antelope, elk, and Nelson bighorn sheep hunting licenses upon payment of a specified fee, which—for elk and bighorn sheep—includes a nonrefundable application fee for specified enforcement and administrative purposes. This bill would, instead, authorize the issuance of license tags for the taking of those animals and would make the nonrefundable application fee for those animals additional to the license fee, and authorize FGC to set the amount to be sufficient to pay the costs of processing applications and issuing licenses. This bill is pending in the Senate Committee on Natural Resources and Wildlife.

AB 2285 (Peace). Existing law authorizes a possessor of land, as described, to capture or dispatch any dog inflicting injury or immediately threatening to inflict injury to any deer, elk, or prong-horned antelope during the closed season on that animal if a DFG employee is not present to carry out that duty. This bill would include bears within the class of animals that a possessor of land may protect from injury by dogs, and would except from that authorization to protect animals from dogs specified actions taken relating to depredating mammals, as specified. This bill is pending in the Senate Committee on Natural Resources and Wildlife.

AB 2603 (Lempert) would enact the Oil Spill Prevention and Response Act, and would create the Office of Oil Spill Prevention and Response in the Resources Agency under the direction of a director appointed by the Governor and approved by a majority vote of the Senate. The bill would vest specified powers and duties in the office relating to oil spill response, planning, and prevention, as prescribed. The bill would also require any person who, without regard to intent or negligence, causes or permits any oil to be discharged in or on the navigable waters of the state to immediately begin cleaning up, abating, and removing the oil.

AB 2603 would also create the Environmental Enhancement Account in the Fish and Game Preservation Account, require specified civil penalties collected pursuant to the bill to be deposited in the account, and would continuously appropriate the money in the account to the Director of DFG for environmental enhancement projects within or immediately adjacent to marine waters. The bill would require the Director to establish a program for the rescue and rehabilitation of wildlife damaged by oil spills, and would require

the DFG to establish rescue and rehabilitation stations for sea birds, sea otters, and other marine mammals. This bill is pending in the Senate Committee on Natural Resources and Wildlife.

SB 1569 (Keene) would make a statement of legislative intent and would require DFG to list the northern spotted owl as a species of general concern pursuant to specified regulations. This bill is pending in the Assembly Natural Resources Committee.

AB 3675 (Farr), as amended June 12, would provide that FGC's regulations relating to the construction, fixtures, and other minimum caging standards, adopted by FGC for the confinement of live wild animals, are not building standards which are subject to approval of the State Building Standards Commission. This bill is pending in the Senate Appropriations Committee.

SB 473 (Mello) revises those areas of Districts 17 and 18 in which the use of gill nets and trammel nets is prohibited; revises those areas of Districts 17 and 18 in which persons are required to comply with the notification and monitoring requirements; and specifies that those requirements are to protect marine animals. This bill also deletes the authority of the DFG Director to issue an order allowing the use of nets in a specified area of District 18 and, instead, authorizes the Director to allow the use of nets in that area by public announcement. This bill was signed by the Governor on March 15 (Chapter 25, Statutes of 1990).

AB 4153 (Harvey). Existing law prohibits a person from intentionally interfering with a person lawfully engaged in shooting, hunting, fishing, falconry, or trapping, and makes a violation of that prohibition an infraction on a first offense and a misdemeanor on a second offense. Existing law requires a peace officer to release a person arrested for an infraction upon the person's written promise to appear, and requires that a person arrested and not released be taken, without unnecessary delay, before the nearest or most accessible magistrate. This bill would authorize a peace officer to take a person into custody upon arrest for the above-described violation if the peace officer reasonably believes that the offense would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested. This bill would also require the person to be released within four hours if taken into custody under specified conditions. This bill is pending in the Senate Judiciary Committee.

SB 2563 (Mello) would revise those



areas of Districts 17 and 18 for which the use of gill nets and trammel nets is prohibited, and would revise those areas of those districts for which persons are required to comply with the notification and monitoring requirements. This bill is pending in the Assembly Committee on Water, Parks and Wildlife.

SB 2052 (Nielsen) would require FGC's regulations relating to the taking of mammals in licensed wildlife management areas to be consistent with regulations which would apply to the land if it were not included in the wildlife management area. The bill would prohibit licensing public lands as wildlife management areas except under specified conditions, and would prohibit the closing of any public access road as part of a wildlife management plan. This bill is pending in the Assembly Committee on Water, Parks and Wildlife.

SB 2300 (Keene) would authorize the DFG Director to establish a program to control predation where squawfish are known to cause significant damage to the salmon and steelhead fisheries. This bill is pending in the suspense file of the Senate Appropriations Committee.

SB 2530 (Marks) would prohibit the alteration of wetlands, except pursuant to a permit issued by DFG; require DFG to adopt regulations to implement the program, including adoption of a fee schedule; and exempt specified operations from the permit requirement. This bill is pending in the Assembly Committee on Water, Parks and Wildlife.

SB 1760 (Green) would prohibit fishing more than 1,250 fathoms (7,500 feet) of gill net or trammel net per day, in combination, from any vessel for rockfish or lingcod in ocean waters. This bill is pending in the Assembly Committee on Water, Parks and Wildlife.

The following is a status update on bills reported in detail in CRLR Vol. 10, No. 1 (Winter 1989) at pages 137-38:

AB 178 (Floyd), which would specifically direct FGC to rewrite its sport fishing and hunting regulations in simple English, and would state that the regulatory changes made pursuant to this bill are exempt from the regulatory program requirements of the California Environmental Quality Act, is pending in the Senate Committee on Natural Resources and Wildlife.

AB 2126 (Felando), which would authorize the transfer of a drift gill net shark and swordfish permit to specified persons under specified conditions, is pending in the Senate inactive file.

The following bills died in committee: *AB 196 (Allen)*, which would have

made it unlawful, except as specifically authorized by the Fish and Game Code or regulations thereunder, to pursue, drive, herd, or harass any bird or animal, with prescribed exceptions; *AB 371 (Condit)*, which would have exempted any resident 62 years of age or older from the requirements for a sport fishing license; *SB 211 (Nielsen)*, which would have allowed any disabled state or local peace officer or firefighter with a 70% or more occupation-connected disability to receive a sport fishing license for \$2 upon proof of the disability; and *SB 212 (Nielsen)*, which would have allowed any resident 65 years of age or older whose income does not exceed specified amounts and any disabled peace officer or firefighter to obtain a hunting license for a fee of \$2.

RECENT MEETINGS:

In light of the recent Little Hoover Commission report and the pervasive problems of inadequate DFG warden staff and excessive poaching, FGC made a disturbing decision at the conclusion of its February meeting. The decision concerned the revocation of a guide license of one Mr. Thomas. Following a Superior Court jury trial, Mr. Thomas had been found guilty of unlawfully taking a California mountain lion. The judge imposed a two-year revocation of his hunting and fishing privileges, and one year of criminal probation. Mr. Thomas also possessed a guide license, and the Department revoked it. He appealed this revocation to the Commission. Mr. Thomas' attorney told the Commission that his client—a guide—did not know he was in the state of California when he killed the mountain lion. The arrest report before the Commission stated that the lion was untagged and that the hunting party had attempted to hide the body of the dead lion in the snow. FGC suspended his guide license for one year, effective at the time of the incident four months earlier. So, while Mr. Thomas will be unable to hunt for two years, in six months he can guide other persons in the pursuit of California game.

Also at the February meeting, Commission members reprimanded the Department for its failure to present to them a promised recovery plan on the bank swallow, which was listed in 1989 as threatened. The Department requested an extension until June to present a draft recovery plan.

During FGC's May meeting, the commissioners engaged in a somewhat lengthy discussion about pending legislation. A good deal of the discussion

revolved around Assemblymember Lempert's AB 2603, which would enact the Oil Spill Prevention and Response Act and create the Office of Oil Response within DFG. This office would have specified powers and duties relating to oil spill response, clean-up, and containment, as well as other responsibilities. (See *supra* LEGISLATION.) In commenting on this bill, Commissioner Albert Taucher, who is a resident of Long Beach and is thus aware of the recent oil spill near Long Beach Harbor, stated that he did not see any reason why the clean-up crews do not simply "allow the oil to hit the beach and then bulldoze it." Despite enormous media coverage of the 1989 Exxon Valdez oil spill in Alaska and the February American Trader spill off Huntington Beach, neither Mr. Taucher nor any other commissioner commented on the effect Mr. Taucher's solution would have on ocean life or tidepool and beach organisms.

Also at the May meeting, soon after its discussion of its desire to increase fines and penalties for unlicensed activity, the Commission voted not to revoke two licenses despite overwhelming evidence of multiple violations. In one case, a man holding an aquaculture permit was sentenced to thirteen months in federal prison and receive a \$48,000 fine for indiscriminate killing of birds on his property. The man had a depredation permit allowing him to kill up to fifty birds per year that were killing his goldfish. Unconfirmed figures mentioned at the meeting indicated that he has actually killed 10,000-15,000 birds on his land since 1982. In the face of multiple violations (a person must have committed three or more violations to be called in front of the Commission for license revocation), 36 indictments, and the court sentence described above, the Commission declined to revoke his license.

At the same meeting, the Commission disregarded a DFG recommendation, public comment at the meeting, and a letter from the Gill and Trammel Net Fishermen's Association requesting revocation of the license of a well-known repeat offender. Instead, the commissioners who agreed that the offender's license should be revoked had to barter with Commissioner Murdy to get a mere seven-month suspension of the offender's gill and trammel net license.

FUTURE MEETINGS:

October 4-5 in Santa Barbara.
November 8-9 in Newport Beach.
December 6-7 in Eureka.