California Fish and Wildlife Strategic Vision Project
Summary of Major Themes from Public Comments Received in Response to the Draft Interim Strategic Vision

January 3, 2012

On November 22, 2011, the California Fish and Wildlife Strategic Vision (CFWSV) Project published its Draft Interim Strategic Vision: Potential Recommendations for the California Department of Fish and Game and the California Fish and Game Commission. After the publication of that document, public comment was received through the following four channels:

- submitted online through the CFWSV website, where a form was created for this purpose;
- emailed to CFWSV staff at strategicvision@resources.ca.gov;
- mailed in print copy to the CFWSV office; or
- hand-written and submitted at one of the four public meetings held between December 5 and December 8, 2011.

A total of 93 comment documents were received; this does not, however, indicate the number of persons who have commented as a small number of persons submitted multiple documents, and several documents were submitted by organizations representing varying numbers of stakeholders. The comments are available in full on the strategic vision website and here: [http://goo.gl/ujwVE](http://goo.gl/ujwVE).

This document summarizes the public comments received. It is intended to support CFWSV Executive Committee, Blue Ribbon Citizen Commission (BRCC), and Stakeholder Advisory Group (SAG) deliberations at their January and February 2012 meetings.

In reviewing the comments, CFWSV staff has discerned a number of important themes. The criteria for identifying these themes were as follows: either (1) a theme recurred enough times to become salient simply by virtue of repetition, or (2) a theme was represented by at least one statement that was relevant to the core work of the CFWSV Project, was clear and specific, and was based on and responsive to the Draft Interim Vision document.

The themes in this summary have been organized into the following four main groups:

1) Core Values and Core Mission
2) Ecosystem Specifics
3) Efficiency and Fulfillment of Mission
4) Visioning Process

A Note on Acronyms and Editorial Marks

Staff has done minimal editing of the comments included as examples here. However, the acronyms used for the California Department of Fish and Game and the Fish and Game Commission have been changed to conform to:

California Department of Fish and Game       DFG
California Fish and Game Commission        F&GC
Most other editorial changes to comments are designated by [square brackets] for insertions, and ellipses (...) for deletions. In a few cases, spelling has been corrected without being called out. Quotations taken directly from comments are enclosed in double quotation marks.

Theme Group 1: Core Values and Core Mission

The most common themes in the comments related to the core values and mission of DFG and F&GC.

Theme: “Game” versus “Wildlife”

A large number of comments weighed in on the question of whether, or to what degree, DFG and F&GC should focus on issues other than those related to the consumptive use of wildlife. In particular, many of these comments were directed toward whether these entities should focus on “game” or on “wildlife”. The matter was stated in a number of ways. For example, several comments mentioned the name of DFG, suggesting either that its keyword “game” should be changed to “wildlife”, or, on the other hand, that it should not be changed, and that DFG’s mandate should focus on wildlife used for consumptive purposes. Other comments focused on the mission statement rather than the name, but with a similar intent, and also in fairly large numbers.

Favoring Inclusion of a Non-consumptive Focus

In favor of a focus on non-consumptive issues, comments suggested that since certain work unrelated to consumptive uses has already fallen to DFG, the mission statement should acknowledge this and further entrench this focus. It was also suggested that the twin consumptive and non-consumptive focus of DFG should be balanced in line with the percentages of Californians who hunt and fish as opposed to those who don’t. It should be noted that few if any comments clearly suggested that the consumptive focus of DFG should be eliminated entirely. Some examples of this theme are:

a. “The core values need to recognize that a fundamental mandate is to support both non-consumptive and consumptive public uses.”

b. “…acknowledge the huge legislative requirements for DFG to perform environmental reviews (as trustee and responsible agency under CEQA), conduct and administer endangered species assessments and permitting, and lead natural community conservation planning for the state…”

c. “We urge a Strategic Vision (SV) outcome to include changing the name of DFG to ‘Department of Fish and Wildlife’ or ‘Natural Resources Stewardship Department’”.

d. “Why don’t you re-state the mission to protect species from extinction and maintain healthy viable wildlife populations.”

Opposing (or Favoring Limited) Non-consumptive Focus

Just as few commenters suggested that consumptive focus should be eliminated, few comments suggested that consumptive uses should be the exclusive focus of DFG. A large number of comments...
did suggest, though, that the consumptive focus should be kept primary. In many cases such statements conveyed a fear that fishing and hunting were on the way to being eliminated in California, and the commenters felt strongly that DFG should have as a core mandate the work of keeping hunting and fishing viable. Some examples of comments favoring a consumptive focus are:

a. “The advocacy and support of hunting and sport fishing should be a core value of the DFG.”

b. “I think the Department of Fish and Game should focus much less on environmental issues.”

c. “Please support and promote more hunting and fishing areas in California.”

d. “I find important that the strategic vision promotes sport hunting as a recreational opportunity, as well as a wildlife management tool in California.”

e. “Therefore, I recommend that these mission and visions statements, as well as the rest of the document, be revised to specifically include hunting and fishing in a way to ensure their retention in our state.”

**Theme: Specific Comments on Language in Mission and Vision Statements**

A number of comments focused on language, especially on the importance of clear and specific language in statements of mission, vision, and core values. These comments suggested that the language of the mission statement should be concrete, and also that the mission statement should be brief enough to keep DFG employees mindful of their focus. Examples of comments along these lines are:

a. “The missions of the DFG and F&GC as stated are not specific and too long to be of use to any person in the department from top to bottom. You need a concise mission that everyone can repeat in 15 seconds or less. This is why they come to work every day!”

b. “The current mission statements are way too generic and could lead to anything... Again an example: ‘a clear understanding of the desires of the public’ could allow the desire for a complete reversal of past policies, precluding hunting and fishing.”

Within this theme, there were a substantial number of comments expressing that there are differing views on the meanings of key terms, and stating positions on whether certain terms should even be used in vision and mission statements. In particular, terms related to *ecology* were mentioned frequently, and commenters differed as to whether humans should legitimately be regarded as part of ecosystems. It should be noted that the position that humans are not part of ecosystems was distinctly a minority statement. Examples of comments related this issue are:

a. “…mission statements [should] make clear that the shared core mission of the two entities is to *protect, restore and 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.”

b. “In the DFG mission statement the words ‘ecological values’ are vague and should be replaced by the phrase ‘for their sustainability to the global natural ecosystem’.”
Theme Group 2: Ecosystem Specifics

A number of comments suggested specific goals as to how ecosystems should be managed, though this group of themes really focused on a single issue: non-native flora and fauna.

Theme: Non-Native Species

Perhaps the most common single message in the comments was that DFG should take responsibility for containing or eliminating non-native and invasive species, though there were a smaller but still substantial number of comments directly opposing this view; there was a minor correlation between the latter position and support for consumptive uses. Most comments concerning non-native species, however, were largely independent any particular stand on other issues. Examples of comments related to non-native species are:

a. “Invasive weeds are important to control. Large infestations can destroy the biodiversity of places we love and cost California hundreds of millions of dollars in control costs and lost productivity annually. [We] strongly encourage the DFG and Natural Resources Agency to...take a lead role in addressing invasive plants in California wildlands...”

b. “The DFG needs to abide by the decisions of the F&GC, especially with regards to the importation of non-native frogs and turtles. This importation must stop immediately.”

c. “Provide incentives for landowners to tackle invasive species.”

d. “The preference for native plants is based on the fallacy that they provide preferred habitat for native animals, despite evidence to the contrary. Native birds are seen using non-native "weeds" for food, cover, and nesting areas; Himalayan blackberry, for instance, is a valuable habitat species for songbirds.”

Theme Group 3: Efficiency and Fulfillment of Mission

Theme: DFG’s Performance

A number of commenters noted, in varying ways, the past performance of DFG in fulfilling its existing mission. These comments may be divided into two classes: those that simply note the performance, and those that make specific suggestions for improved or enhanced performance in the future.

For comments just noting past performance, the matters that were commented on include:

- land use: some comments noted that too little land has been made available for hunting, or that fishing access is too restricted; or, on the other hand, that DFG has fallen short on its responsibility to preserve land and ecosystems.
• the performance of DFG staff, the primary focus being on enforcement personnel; although such comments are few, they cover a wide spectrum, from stating that personnel misuse their authority to stating that they are “very professional.”

Examples of comments noting past performance are:

a. “DFG has acquired considerable land over the past several years but has not opened enough of it to public hunting to increase the ‘market base’ and help to increase revenue.”

b. “... local enforcement officers carry guns, intimidate individuals and landowners and otherwise use their authority to carry out what often appears to be personal agendas and philosophies!”

c. “In my interaction with DFG personnel I have found them to be very professional.”

d. “The F&GC is to ‘ensure the long term sustainability’. I do not believe the commission is fulfilling this part of its mission. Habitat is rapidly being lost...”

Comments providing specific suggestions for future performance improvement mentioned a variety of issues and areas of effort, including:

• increased and improved use in information technology, especially to educate and inform the public;

• overlapping with the above, improved accounting systems to track costs and funding; and

• prioritizing needs and projects, and advocacy to ensure that high-priority needs receive continued funding and other resources.

**Funding**

A key sub-theme under DFG performance is the matter of funding. A number of comments dealt with how fees are set and how revenues from fees are spent. While, as noted in the section on vision and mission in this document, commenters favoring a strong focus on consumptive uses seldom suggest that this focus should be exclusive, they do suggest, in a number of cases, that fees for non-consumptive uses of public lands should be instituted or increased as a source of funding. Like the last comment above, several comments concerned funding and accounting for funds. A single example gives the flavor of these comments:

a. “I think fees should be established/increased for non Hunting and Fishing stakeholders. They seem to have a large amount of influence for contributing little or nothing towards resources managed by fees collected from hunters and fisherman.”

**Statewide Coordination**

A recurring theme in the comments was that regulation is too complex, largely because it is not approached in a statewide manner aimed at consistency and simplicity. Most comments dealing with this theme suggest that hunting and fishing regulations are a patchwork. One commenter, for example, stated that it is challenging to fish when an activity may be legal in one place and illegal very nearby:
“...you can have different regulations on one river and step across a line in that river and be out of compliance.” A related but somewhat distinct theme was that there seems, at times, to be little coordination between Sacramento and the regions in terms of program priorities and staffing.

**Personnel, Personnel Practices, and Staff Quality**

Many comments focused on how to improve the personnel practices of DFG and F&GC. These ranged from the very high-level matter of how commissioners are appointed, to more commonplace matters such as training DFG employees, and included specific recommendations as to possible new staff functions. Suggestions include:

- The director of DFG should be appointed by F&GC without input from the governor or legislators, perhaps borrowing models of appointment procedures from other states.
- There should be more legal staff, providing for legal advocacy for DFG’s mission.
- Add a “new issues” responsibility within F&GC and/or DFG tasked with annually projecting strategic shifts based on changing needs foreseen on 10- and 20-year horizons.
- Ensure that staff and management have at least a minimal understanding of the role of agriculture in California.

**Coordination and Interaction with Other Entities**

Another common theme was that performance can be improved through coordination with other entities. Specifically, the following suggestions were made:

- Charge and require F&GC and DFG to work closely with the state legislature, actively advocating for their mission.
- Partner with non-governmental organizations (NGOs) as a means of mitigating funding constraints, including the fostering of educational programs carried out by NGOs (such as hunters’ and fishers’ organizations).
- Work with the state’s university systems so that they will teach skills needed for DFG personnel.
- Work with Indian Nations, “not only for education of treaty rights, but also cultural concerns that a warden or fish and game biologist might not understand.”
- Increase volunteer programs.

**Theme Group 4: The Strategic Visioning Process**

**Theme: Strategic Versus Tactical**

Several commenters believed that the content of the Draft Interim Strategic Vision focused too much at the level of individual actions to be taken, rather than at the more appropriate level focused on
bigger-picture principles and objectives. One commenter referred to this by recommending that the strategic vision focus less on “tactics” and more on “strategic” matters, which was seen to be the fundamental focus of the vision project:

“Focusing on the Strategic: The matters which the Project has undertaken to address are numerous and their interaction is complex. To optimize the potential for success from the Project, I encourage the members to step-back at this time to review the list of draft problem statements in Appendix B. The purpose of this review is specifically to consider whether matters are “strategic”, rising to the level of mission and challenges of the 21st century, or are “tactical”. Those matters which are tactical are likely good thoughts and important work, but should be removed from the report to the Governor and the Legislature and provided by the project to DFG and F&GC for their handling.”

Although few other commenters explicitly mentioned the distinction between strategic and tactical matters, a similar type of thinking may be represented by comments noting the complexity, abundance, and lack of specificity of the potential recommendations given in the report: Comments included:

a. “As the strategic visioning process advances it will be necessary to narrow and prioritize this long list of potential actions into a more strategic set of achievable activities.”

b. “We believe narrowing the brainstormed list down to achievable objectives is the difference between another bookshelf plan and success.”

**Theme: Concerns about Outreach and Transparency**

Some commenters suggested that, despite the efforts made to publicize the strategic vision project, there may be stakeholders who have not been made aware of it, and thus may not have had the opportunity to provide input. Suggestions along these lines ranged from the general, such as one that noted that quite a few biologists and sportspersons were unaware of the process, to specific suggestions such as that the CFWSV Project be given a more prominent place on the DFG website, or that the CFWSV Project provide longer notice of public meetings than the state-mandatory ten days.

**Theme: Concerns about Stakeholder Representation**

A large number of comments were focused on the composition and representation of the CFWSV Stakeholder Advisory Group. Some argued that not all appropriate stakeholders were represented, others stated that certain constituencies were not represented as they should be, and still others questioned the legitimacy of some stakeholder representatives.

There was, of course, no consensus as to which groups ought to be included or excluded, or for what reasons. Many comments suggested that groups with any anti-hunting bias should be excluded from consideration.
Many of these commenters were concerned that the representation by groups they regarded as illegitimate would lead to poor outcomes. It was also suggested, without naming any groups, that the effort to provide representation to all stakeholders has resulted in the CFWSV Stakeholder Advisory Group being too large and diverse to offer hope of arriving at consensus on a clear and concise strategic vision. On the other hand, others applauded the diversity of views represented in the CFWSV Project.

**Other Comments**

This summary is staff’s effort to bring forward those themes that are salient due to their frequency in comments, or due to their relevance, specificity, and responsiveness to the draft interim strategic vision. It does not pretend to represent all the comments received. The entire body of public comments submitted in response to the draft interim strategic vision by mid-December 2011 are attached to this summary and have been provided to the members of the CFWSV Executive Committee, Blue Ribbon Citizen Commission, and Stakeholder Advisory Group for consideration during the next phase of the project.
California Fish and Wildlife Strategic Vision Project

Compilation of Online Public Comments Regarding the Draft Interim Strategic Vision

December 29, 2011

This document is a compilation of all public comments submitted in December 2011 via an online public comment form that asked a number of questions related to the November 2011 Draft Interim Strategic Vision: Potential Recommendations for the California Department of Fish and Game and the California Fish and Game Commission. Each comment begins with the submitter’s name and city. The numbers before each paragraph indicate which in the series of 16 questions is being addressed by the submitter. The comments in this compilation are included as they were submitted.

Questions in the Online Comment Form (numbers referenced on the following pages)

1. If you have a comment about the Current Missions, please share that here
2. If you have a specific recommendation or suggested action regarding the Current Missions, please share that here
3. If you have a comment about the Current Visions, please share that here
4. If you have a specific recommendation or suggested action regarding the Current Visions, please share that here
5. If you have a comment about the Proposed Core Values, please share that here
6. If you have a specific recommendation or suggested action regarding the Proposed Core Values, please share that here
7. If you have a comment about the Potential Common Themes, please share that here
8. If you have a specific recommendation or suggested action regarding the Potential Common Themes, please share that here
9. If you have a comment about the Potential Goals and Objectives, please share that here
10. If you have a specific recommendation or suggested action regarding the Potential Goals and Objectives, please share that here
11. If you have general comments about the California Fish and Wildlife Strategic Vision Project, please share that here
12. If you have a specific recommendation about the California Fish and Wildlife Strategic Vision Project, please share that here
13. Please indicate by checking the appropriate box(es) if any of the proposed goals and objectives apply to your comments in questions 11 and 12 - Goal 1: Strong Relationships with Other Organizations and the Public
14. Please indicate by checking the appropriate box(es) if any of the proposed goals and objectives apply to your comments in questions 11 and 12 - Goal 2: Highly Valued Programs and Quality Services
15. Please indicate by checking the appropriate box(es) if any of the proposed goals and objectives apply to your comments in questions 11 and 12 - Goal 3: An Effective Organization
16. Please indicate by checking the appropriate box(es) if any of the proposed goals and objectives apply to your comments in questions 11 and 12 - Goal 4: An Efficient and Sustainable Purpose
Martin Melvin, Ventura

1. "Does the CDFG mission recognize the importance of Agriculture and more specifically does it include agriculture as a natural resource in its planning, management and regulatory efforts.

2. "Since Agriculture is recognized as a significant resource to California shouldn't efforts be made to make sure that Ag producers and landowners are included in the development of regulatory and management standards by both CDFG and CFGC?

3. What does it mean when the phrase "desire of the public" is used. How is the "public desire" determined? This is particularly troublesome as the public has competing desires and philosophies as they relate to the work of both CDFG and CFGC.

4. "There is a critical need for determining the "public desire" as it relates to the development, management and regulatory issues of both agencies. Additionally there should be a commitment for statewide standards rather than the current locally driven determinations that are confusing, contradictory and inconsistent around the state."

5. "Teamwork and Innovation would be a welcome relief from the current values where local enforcement officers carry guns, intimidate individuals and landowners and otherwise use their authority to carry out what often appears to be personal agendas and philosophies!

6. "While the majority of staff are excellent committed people too many are closed minded, unwilling to enter into dialog, and clearly committed to radical environmental philosophies that have no place in civilized society. Perhaps required training and agreement to "what it means to be a PUBLIC SERVANT" before employment by the department and commission could bring civility and reason to what is clearly too often a difficult, extremely time consuming, and unreasonable process."

7. The adoption of the listed Common Themes would be excellent. Assuming that they would actually be embraced by all employees and management.

8. Making sure that terms like "best-available science", "inspire public confidence" and "transparent decision-making" are clearly defined and actually committed to by ALL staff and management!!

9. "Clearly landowner and Ag producers need to be part of the processes. Additionally as a critical CA resource Agriculture needs to be seen by staff and management as an ally and not as so often is the case as an enemy. California's longest sustained conservation and habitat programs were and are initiated by Ag producers, cattle ranchers, and other range land owners. In some cases managing "working landscapes" for over 200 years. Open space advocates in California (including many CDFG employees) are often ignorant of the significant contribution Agriculture and range land managers make every day to conservation, habitat restoration, maintenance, and protection on California's "working landscapes" otherwise inappropriately called "open space"."

10. "Reproduce the excellent collaborations between CDFG and Ag in certain areas of the state to make them statewide! Make sure that staff and management have a least a minimal understanding the the role of Agriculture in California; its historical and economic importance, and are committed to "working" with one of California most important resources to find common ground and reasonable solutions to issues."

11. "This is a valuable process that will only prove itself so if it is real, honest, and factual. Government often pretends to be open and transparent when in fact the government entity stating so has already per-determined the outcomes it wants. Sadly this is most often the case in California.
Hopefully DOC can make sure that CDFG and CFGC actually fulfill their stated desire to engage fully with the public in this process and actually include the public's comments and suggestions in their process!"

13. Increase stewardship awareness and participation by the public ("Build a citizenry that understands and supports California's fish, wildlife, and plant resources and their habitats", which includes communication, outreach and education), Proactively engage other organizations and stakeholders as partners and collaborators, Understand stakeholder challenges and expectations, Engage in timely and transparent decision-making

14. Engage in broadly-informed decision making (multiple sciences, public attitudes, traditional knowledge, etc.)

15. Encourage creative problem solving, Improve and maintain credibility (scientific, decision-making, fiscal, etc.)

16. Develop simple, clear and consistent governance and permitting practices and processes

James Oates, Paso Robles

1. The missions of the DFG and Commission as stated are not specific and too long to be of use to any person in the department from top to bottom. You need a concise mission that everyone can repeat in 15 seconds or less. This is why they come to work every day!

2. The mission of the DFG and the DFGC is to serve the public in the utilization and protection of the wildlife resources of the state of California.

3. The current vision of the DFG is short sighted and is reactive, bogged down in currently accepted theories ie. "ecosystem basis", and do not look into the long term management of and by the department. The DFGC's vision is ineffective and pretty much a statement of the status quo.

4. "The California DFG has been so effective at managing and enhancing the wildlife resource of the state of California that it is the model for all other agencies in the management of wildlife resources.
   The California DFG Commission is the premiere example of public interaction to create an effective wildlife management agency based on biological research and public comment."

5. "EXCELLENCE is a core value that is frequently suggested in SAP's. What does it really mean? Is it really a core value that you can manage? Sustain or monitor? Certainly on the State level it is unobtainable for many reasons that no one in the department or commission can control.
   Where is SERVICE in your core values? Do you not serve the citizens of the state and wildlife your preserve?
   No where in the core values do I see the public represented. You do serve them in addition to the wildlife resources.
   Teamwork is an internal core value that all organization should share, but COLLABORATION is a core value for DFG and DFGC that should not be overlooked. Teamwork applies to a limited number of participants.
   Collaboration is what you really need to accomplish the mission and vision that I have suggested.
   Innovation will happen with or without the departments control. The core values should be within the control of the D/C. RESOURCEFUL describes an organization that will utilize all past and current resources to accomplish its mission and vision.
   The core value of TRANSPARENT is more important today than it in the past because virtually everyone has access to everything that everyone does. Department representatives need to be aware that nothing they do is undisclosable.
   The core values that I have suggested are without the input and collaboration with the DFG and DFGC participants who probably spent many hours developing these core values.
   Regardless I feel that the current core values need revision and I would be happy to meet to discuss the SAP. "

3
6. Core Values: (STEWARDSHIP), SERVICE, COLLABORATION, RESOURCEFUL, TRANSPARENT, and others that may be decided by consensus.

7. I like the use of “collaboration” in in #2 (Could that be a core value?) Oh, could item #4 “transparency” be a core value also? There seems to be a lack of an underlying thread in this document. Was it drafted by more than one individual or did they just go on a long lunch break?

8. This document needs to be pulled together. It is like a novel that never addresses the original question or situation.

9. Will comment if requested.

10. Will comment if requested

11. The actual meat of this matter is goals and objectives. I would be happy to appear and discuss any items with you.

12. I think I shared that previously in this document.

**Larry Moore, Lake City**

3. The promotion of partnerships with groups such as the American Humane Society (HSUS) does not appear to be in the best interests of the Calif citizens or the sportsmen of the State. It does however, lends credibility to the agendas of groups that have attached themselves to a State Agency.

4. Get rid of the American Humane Society and their agenda from the DFG. Stop taking money or goods from this group. Take a serious look at who is on the CALTIP board and clean up the special interest involvement.

5. Integrity: Omit the entire section. The association with groups such as the American Humane Society (HSUS) and acceptance of their money already demonstrates DFG is not serious concerning their integrity.


13. Proactively engage other organizations and stakeholders as partners and collaborators

**Bob Hammond, Mt. Shasta**

9. "Recommend that SMART Goals be kept at the goal level & not used to define an objective. It is a misuse of SMART; suggest typing in SMART Goals on internet & seeing how defined in the industry and insure the use of in this document is consistent with that standard. An objective is just a specific task to implement/accomplish an agreed upon goal."

**Kerry Kriger, Santa Cruz**

1. The mission statement as is does not have a mission, it only states what they do. This becomes clear when you realize that ecological values are often in complete contradiction with "use by the public" which can also be called exploitation. Why don't you re-state the mission to protect species from extinction and maintain healthy viable wildlife populations.

3. Sounds great, the current DFG definitely does not meet such expectations, hopefully that will change.

4. The DFG needs to abide by the decisions of the Fish & Game Commission, especially with regards to the importation of non-native frogs and turtles. This importation must stop immediately.

7. The DFG needs to adhere to the decisions of the FGC.
9. One goal should be to ensure a complete cessation of the importation of all non-native frogs and turtles for use as food by April 28, 2012.
11. Anything to improve the current DFG and FGC is a great start.
12. "I would like to serve on your proposed committee composed of members of the public. I am the Founder & Executive Director of SAVE THE FROGS! (www.savethefrogs.com).

   Dr. Kerry Kriger
   Save The Frogs - Founder, Executive Director, Ecologist
   www.savethefrogs.com/kerry-kriger
   Santa Cruz, CA 95060 USA
   Save The Frogs is America's first and only public charity dedicated to amphibian conservation. Our mission is to protect amphibian populations and to promote a society that respects and appreciates nature and wildlife."
13. Increase stewardship awareness and participation by the public ("Build a citizenry that understands and supports California's fish, wildlife, and plant resources and their habitats", which includes communication, outreach and education)
14. Protect, enhance and restore wildlife resources (regulations, compliance, science, etc.)

**Jim Conrad, Encinitas**

6. The advocacy and support of hunting and sport fishing should be a core value of the DFG.
10. "Goal 1. 'Strong Relationships with Other Agencies, Organizations and the Public' should have an additional specific item as follows: 10. Provide feedback to the California University system to help them define skill sets that address the DFG's needs, such as a Game Management major.

   Goal 3. 'An Effective Organization' has item 9. 'Embrace and support diversity in employees'. I assume that this implies ethnic diversity but the term isn't defined. I believe that it should also include geographic and cultural diversity and perhaps a host of other meaningful forms of diversity.

   Goal 4. 'An Efficient Organization' contains item 3. 'Manage capacity/resources (prioritize mandates and efficiently allocate resources accordingly)'. This is a contradiction in terms, since all 'mandates' already have the highest priority or they wouldn't be mandates.

   Also under Goal 4, I suggest adding a new item as follows: 6. Develop and make publicly available on-line, project plans and schedules for all DFG programs and projects.

   Finally, under Goal 4, item 5. 'Develop adequate, stable and sustainable funding' is the elephant in the room, since if that can't be achieved, everything else will fail. This is where the Legislature must be involved and a way must be found to pay for all mandated DFG functions. If the dollars aren't allocated, the mandate should be eliminated or moved elsewhere."

**Dale Pierce, Placerville**

1. These mission statements are not focused enough, and provide no guidance to test functions and projects to see if they support the mission or not
2. Rewrite mission statements to reflect the actual functions and duties of DFG; ie Regulatory, Enforcement, Scientific, Recreational
3. Vague, little guidance
7. "#2 and # 4- There must be a true commitment by senior leadership that is more than just words- it must be reflected in actions.
8. Transparency should be considered a critical goal
9. I think I have read some of the content here in Dilbert cartoons
11. DFG should recognize that within the department there are specific missions with both overlap and tension. Enforcement (wardens) may be valuable making classroom visits, but that is not their core mission. Defining those core missions and mandates clearly is necessary to bring clarity and focus to the organization
12. "DFG has not had enough clarity about priorities and processes to be a good partner. The budget process sets priorities; transparency in the budget is critical to create credibility with partners and the public-especially the Preservation fund."
13. Proactively engage other organizations and stakeholders as partners and collaborators, Share data and information, Engage in timely and transparent decision-making, Exhibit fiscal transparency and accountability
14. Provide consistent and unified delivery of services and products, Practice adaptive management (monitoring, science, etc.), Engage in broadly-informed decision making (multiple sciences, public attitudes, traditional knowledge, etc.)
15. Align internal governance practices, processes and structures (permitting, planning, organizational structure, etc.), Encourage and support strong internal communications, Improve and maintain credibility (scientific, decision-making, fiscal, etc.)
16. Align external governance practices, processes and structures (permitting, planning, etc.), Develop simple, clear and consistent governance and permitting practices and processes, Manage capacity/resources (prioritize mandates and efficiently allocate resources accordingly), Maximize services while minimizing costs (improved technologies, volunteers, etc.)

John Livingstone, Redding

1. "Review of these mission statements indicates that there are key words that indicate to me the missions. For DFG is it the word ""manage"", for the Commision it is ""ensure"". The relationship between these two entities is not clear. I thought DFG was to implement the rules and regulations of the Commission. If that is the case then the mission statements should be revised. The Commission is the ""ensure the long term sustainability"". I do not believe the commision is fulfilling this part of its mission. Habitat is rapidly being lost, animal populations are in decline, and greedy landowners are not complying with existing regulations. All elements of this Strategic Vision should reflect compliance with the mission statement.
In the DFG mission statement the words ""ecological values"" are vague and should be replaced by the phrase ""for their sustainability to the global natural ecosystem""....."
2. The mission of the California Department of Fish and Game 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 consistent with the policies, rules, and regulations of the DFG.
11. "Reaching consensus with so many people on the committees will result in a very vague, diluted, Strategic Vision. This is based on many years of personal experience. No group that big can agree on anything. Next, lawsuits have occurred against the DFG because they have not upheld and enforced the laws and regulations of the State of California. These state entities should make private landowners comply with the regulations with respect to fisheries and habitat preservation in our creeks and rivers. Personal greed and
lack of effort for the common good is ruining our natural species and habitat. DFG and the Commission is supposed to prevent this from happening. Lawsuits cost everyone time and money and DFG should choose to enforce the laws strictly and on the side of the environment and then it is likely that lawsuits will decrease."  
14. Protect, enhance and restore wildlife resources (regulations, compliance, science, etc.), Help maintain sustainable ecosystems (IRM, partnerships, science, etc.), Practice adaptive management (monitoring, science, etc.)
15. Develop and align clear fish and wildlife statutes and regulations, Develop knowledgeable, capable and experienced employees (retention, skills improvement, leadership development, etc.)
16. Align external governance practices, processes and structures (permitting, planning, etc.), Develop simple, clear and consistent governance and permitting practices and processes, Manage capacity/resources (prioritize mandates and efficiently allocate resources accordingly)

Samuel Valdez, San Francisco
1. "Invasive plants are a top threat to the state's ecological communities. DFG and the Natural Resources Agency need to address invasive plants as an essential part of managing these resources. Funding for CDFA's invasive plant management programs (such as county-based Weed Management Areas) has been eliminated. CDFA focuses on agriculture. For invasive plants damaging the state's wildlands, the Natural Resources Agency must take the leadership role. DFG and the Natural Resources Agency should:
- take the lead role in addressing invasive plants in California's wildlands.
- dedicate significant funding to invasive plant management.
- partner with WMAs, Cal-IPC and others on invasive plant management programs.
- take an active role in leading the interagency Invasive Species Council of California and implementing the actions recommended in its Strategic Framework.
- educate the public on the wildlife impacts of invasive species, and how citizens can help reduce the problem.
Thank you very much!"

Sandra Baron, Santa Cruz County
7. "The first 3 subject areas of AB2376 pertain to:
   1) "'protect and manage the state's fish and wildlife for their ecological values and for the use and benefit of the people of the state'"
   2) "'Comprehensive biodiversity management including conservation planning and monitoring'"
   3) "'Sustainable ecosystem functions, including terrestrial, freshwater, and marine habitat'"
   There are many additional subject areas related to human use, both recreational and commercial, permitting, and so on.
The order of these subject areas indicate that the intention of the law is to first and foremost acknowledge the stewardship functions of the CDFG. Yet the Common Themes section gives the human element the most emphasis. The one Common Theme that is about resource management states: "'an approach that recognizes the full array of interactions in a system, including humans, rather than single issues, species or services in isolation.'" I want to point out that humans are not part of ecosystems, their effects are
represented by the species they import, or the way they affect hydrology for example. So, the theme should say there is a need to consider the effects of human activity, not to consider humans. This language sounds like a directive to consider human needs.

8. CDFG is consistently underfunded, so prioritizing goals is crucial. The main goal of protecting resources isn't even fully funded, as the agency is always understaffed.

13. Embrace and support diversity among stakeholders and the public

16. Embrace and support diversity in employees

Robert Britton, Red Bluff

11. YOUR Strategic Vision proposal is just another way to wrest more power and money from the people, and cram more legislation down our throats. You want to fund more idiot studies at taxpayer expense, rather than use a common sense approach to problem solving. Perfect example of more government waste and inefficiency.

12. Why don't you guys go get a private sector job, and just leave us alone? I don't think any of you guys could hold down any job where you had to rely on your own performance.

Bill Tippets, La Jolla

1. "DFG:
   1. Mission statement does not convey/acknowledge the huge legislative requirements for DFG to perform environmental reviews (as trustee and responsible agency under CEQA), conduct and administer endangered species assessments and permitting, and lead natural community conservation planning for the state - which are fundamentally different from its historical mission to assess and manage/permit take of sport and commercially important species. This is a critically important issue and it has caused/provoked most of the misunderstanding and conflicts between the hunting/fishing communities and "environmentalists."
   This "environmental" component must be incorporated into the mission statement for DFG.
   2. The mission statement for DFG does not say anything about "conserving" trust resources (natural communities and species), which is a different from "managing" resources.
   3. DFG is not staffed to effectively assess/evaluate all of the state's natural resource (fish and wildlife) resources, and many of the newest analytical and technological methods are beyond DFG. There needs to be a stronger commitment between the CNRA/DFG and the state's university and college systems to share resources and support the analysis and evaluation process.

F&G Commission

1. The mission of the Commission rests on the phrase "long-term sustainability" (of CAs fish and wildlife resources), which implies that its essential function is to regulate use of those resources so that fish and wildlife populations survive. This is not really accurate or sufficient, as the Commission also establishes policies that are much more expansive and "ecological" in scope - for instance policies regarding wetlands preservation (and restoration).

2. "1. See above, the DFG mission statement should/must incorporate the concept of "environmental" protection.
   2. See above, the mission statement for DFG should be to "conserve, manage and protect" CAs diverse fish, wildlife and plant resources and natural communities for their ecological values and their use and enjoyment by people."
3. The F&GC’s mission statement should be to establish policies and regulations to ensure the conservation and sustainability of CAs fish and wildlife resources.

3. "DFG: the vision elements are good, but I’m not clear what the essence of the department’s vision is. F&GC: the vision is just a restatement of the mission statement.

4. "DFG: the department’s vision should emphasize an organization whose decisions and activities are grounded in objective, science-based information; whose actions effectively conserve CAs natural communities and fish and wildlife resources; whose funding matches its priority programs and activities; whose management and staff communicate fully and openly within and across divisions and regions; and that effectively partners and communicates with other public and private entities. F&GC: the vision should be an entity that develops strategic policies and regulations for the effective conservation and management/use of CAs natural communities and its fish and wildlife resources.

7. "1. DFG’s and perhaps the F&GC’s biggest problem is not communications. It is the ability to prioritize needs, identify real/meaningful objectives/results (and performance measures); fund/staff the programs/projects to address them, and not stop/defund them so there is sufficient time/effort allow for programs to work. Conversely, both DFG and F&GC needs to periodically review their programs and projects to make sure their activities are effective and relevant.

2. Sometimes Ecosystem-based management should not be construed to mean that (certain) species-specific assessments and conservation/management decisions are not essential elements of effective natural communities (ecosystem)-based management. However, the relationships/significance of those species-specific assessments, decisions and activities must be considered in relationship to the larger community. The current explanation needs to be clarified.

8. "See comments/recommendations above:

   DFG: (1) needs to improve its ability to prioritize needs, identify real/meaningful objectives/results (and performance measures); fund/staff the programs/projects to address them, and not stop/defund them so there is sufficient time/effort allow for programs to work. Conversely, both DFG and F&GC needs to periodically review their programs and projects to make sure their activities are effective and relevant.

   (2) must strike the proper balance between natural community-level interests/management and species-specific interests. Every project, many of which are by necessity species-specific, must be able to identify how it fits within the larger natural community/ecosystem (which means that some level of community-level conceptual model should be developed or adapted from others to define the work).

9. "These goals are similar to what I’ve identified in the previous comments (needs to improve its ability to prioritize needs, identify real/meaningful objectives/results (and performance measures); fund/staff the programs/projects to address them, and not stop/defund them so there is sufficient time/effort allow for programs to work. Conversely, both DFG and F&GC needs to periodically review their programs and projects to make sure their activities are effective and relevant).

   I agree with this Goals/Objectives - what I'd term as desired outcomes or depictions of what the department/commission would look and function like. Many of the ""objectives"" are not written as SMART objectives and really seem more appropriate as further definition of the subthemes that should be identified in the previous pages."

10. "The statements under Goals/Objectives are laudable, but many aren’t written as SMART objectives, and to develop SMART objectives may necessitate rewording some/many of these desirable outcomes. For instance, how would one write SMART objectives for: ""Increase stewardship awareness and participation by the public (""Build a citizenry that understands and supports California’s fish, wildlife, and plant resources and their habitats"", which includes communication, outreach and education).""? How does one define
stewardship awareness and what level of public participation is needed for various programs/projects and is DFG really able to commit to that level of program/project evaluation and scrutiny? The same kind of comment can be made about many of the ideas expressed/listed on this page. This doesn't mean those ideas are not relevant or important, but this page and the rest of the "visioning" document shifts the process from the more abstract and general mission and visioning statements and themes to the concerns about pragmatic implementation issues - the latter takes much more time/information and space to address effectively."

11. "This is a needed effort (too bad it takes a legislative bill to make it happen, but maybe it wouldn't have been funded otherwise). The process so far appears to be open and transparent, although I know a lot of fairly informed biologists, sportspersons and non-DFG agency staffs who didn't know about this process - somehow it needs even more exposure. For instance, the DFG home page doesn't have an obvious link to this effort - that is really inadequate if not inexcusable."

12. "See above comments - why isn't there a hot/highly identifiable link on the DFG home page to the Strategic Vision Project? I have heard from both "environmentalists" and hunting/fishing/commercial representatives that the most frustrating aspects about DFG are:
   1. the apparent disconnect between Sacramento and regions, particularly when it comes to program priorities/staffing;
   2. DFG has a hard time meeting/adhering to its goals and commitments;
   3. too few staff in the field or working on projects and / or insufficiently trained staff to effectively lead or sometimes even review work/documents prepared by others;
   4. turnover of staff is too rapid;
   5. inadequate participation with / support by DFG supervisors for staff;
   6. the department doesn't seem to be able to strategically determine and then implement a staffing approach that places and supports more specialist positions in the regions. Or, more effectively utilizes specialists in headquarters or regions to assist other parts of the department.

13. Increase stewardship awareness and participation by the public ("Build a citizenry that understands and supports California's fish, wildlife, and plant resources and their habitats", which includes communication, outreach and education), Proactively engage other organizations and stakeholders as partners and collaborators, Understand stakeholder challenges and expectations, Provide excellent customer service, Embrace and support diversity among stakeholders and the public, Share data and information, Engage in timely and transparent decision-making, Exhibit fiscal transparency and accountability

14. Protect, enhance and restore wildlife resources (regulations, compliance, science, etc.), Help maintain sustainable ecosystems (IRM, partnerships, science, etc.), Promote and support public outdoor recreation, hunting and fishing, Provide consistent and unified delivery of services and products, Practice adaptive management (monitoring, science, etc.), Pursue local, regional and statewide recognition of successes, Engage in broadly-informed decision making (multiple sciences, public attitudes, traditional knowledge, etc.)

15. Align internal governance practices, processes and structures (permitting, planning, organizational structure, etc.), Encourage and support strong internal communications, Develop and align clear fish and wildlife statutes and regulations, Define and support success (measurable outcomes, work plans, etc.), Encourage creative problem solving, Develop knowledgeable, capable and experienced employees (retention, skills improvement, leadership development, etc.), Improve and maintain credibility (scientific, decision-making, fiscal, etc.)
16. Align external governance practices, processes and structures (permitting, planning, etc.), Develop simple, clear and consistent governance and permitting practices and processes, Manage capacity/resources (prioritize mandates and efficiently allocate resources accordingly), Maximize services while minimizing costs (improved technologies, volunteers, etc.), Develop adequate, stable and sustainable funding, Delegate authority commensurate with responsibilities, Embrace and support diversity in employees.

James Deitz, Chico

1. "The Humane Society, the largest anti-hunting organization in the country, should not be a shareholder in the Dept. of Fish and Game. Their agenda opposes the activities that the Dept. regulates. It would be a Trojan Horse. Do not allow their anti-hunting and fishing agenda to have any more influence.
Thank You,
Jim Deitz - Chico CA"

11. Because of their anti-hunting and fishing agenda, the Humane Society should not be a stakeholder in the Dept. of Fish and Game.

13. Proactively engage other organizations and stakeholders as partners and collaborators, Embrace

Robert Smith, San Diego

5. The core values need to recognize that a fundamental mandate is to support both non-consumptive and consumptive public uses.

6. "Add the following sentence to the end of the Stewardship Core Value (or create a new Core Value): “DFG/F&GC manage these resources to maintain habitat, protect threatened, endangered and listed species, and maintain sustainable populations of game species to support both consumptive and non-consumptive use of resources by the public."

7. I don’t know if this fits the SAG’s definition of “Common Theme”, but an over-arching consideration in all of this is how to accomplish DFG’s mission, vision and goals in view of the near-term (and likely far-term) fiscal realities. There needs to be a “vision” of how you expect DFG to do more with fewer resources. Partnerships and collaborations are a promising approach, but the emphasis should be on leveraging DFG’s resources to get more “bang for the buck”. For example, if DFG spends 100 staff-hours to establish a DFG/NGO partnership which produces 1000 volunteer-hours, or to define a thesis topic that allows a graduate student to perform research for 1/10 the cost of a DFG employee, a valuable leveraging would be achieved.

8. Modify the language to encourage DFG/FGC to pursue initiatives that leverage their limited resources.

9. "Goal 1.2: Proactively engage other agencies, organizations and stakeholders as partners and collaborators. The goal itself is fine, but there needs to be more emphasis on partnering with non-Government organizations. This is a potential source of resources that can mitigate DFG’s funding problems (see above). Later in your document, there is much discussion of coordinating with other Government organizations, supporting scientific research via the University system, etc., but working with NGO’s is often relegated to the “other” category. There is some reluctance within DFG to partner with NGO’s (but not always, I can provide a great example of working together with DFG); the value of encouraging these DFG/NGO partnerships must be part of their vision for the future.

10. "Goal 2.2: Promote and support public outdoor recreation, hunting and fishing.
This is a fundamental mission of DFG, and is mandated by statute (I can provide the reference if you wish). This should not be buried in a list of 30 goals, it should be clearly stated as a mission or core value. I recommend listing it as a core value based on this statement in your document: “these core values should define the organizational culture of the department and commission”. The employees of DFG must understand that hunting and fishing are part of DFG’s culture, and are mandated by statute.

11. "These comments are submitted on behalf of the San Diego County Wildlife Federation, and reflect comments made at San Diego Public Review meeting. If you have any questions or would like further information, feel free to contact me.
Respectfully submitted,
Robert R. Smith
President, San Diego County Wildlife Federation

13. Proactively engage other organizations and stakeholders as partners and collaborators
14. Promote and support public outdoor recreation, hunting and fishing
16. Maximize services while minimizing costs (improved technologies, volunteers, etc.)

George Prater, San Diego

2. Pertaining to the portion of the CDFG mission "... and for their use and enjoyment by the public", there needs to be a statement in the mission that commits the CDFG and CFGC to preserving and increasing the amount of public land available for hunting. There is a lot of emphasis on fish and wildlife resource management but no emphasis on recreation (hunting).

3. "The last bullet mentions "creates and promotes partnerships; coalitions of agencies, groups or individuals...""
   I am concerned that anti-hunting organizations will attempt to form such partnerships and influence policies against hunting. What protections do hunters have so that pro-hunting and wildlife management organizations will have a voice in influencing policy?"

4. At a minimum, revise the last sentence to read "...meet the needs and management of wildlife resources and enhance outdoor recreation, hunting, and fishing"

5. There is no mention relating to protection and enhancement of outdoor recreation, hunting, and fishing in the Core Values.

6. In the Core Value of Stewardship, add a statement "protection and enhancement of outdoor recreation, hunting, and fishing".

7. A common theme should be the protection and enhancement of outdoor recreation, hunting, and fishing.

9. Each goal should have some mention of protection and enhancement of outdoor recreation, hunting, and fishing. Currently only Goal 2 has such a statement.

10. Intertwine the theme "Promote and support public outdoor recreation, hunting and fishing" into goals 1,3 & 4.

13. Proactively engage other organizations and stakeholders as partners and collaborators
14. Promote and support public outdoor recreation, hunting and fishing

Erik Swarbrick, Mission Viejo

1. Both mission statements are laudable. Management based on science is best.
2. Politics has no place in management of PUBLIC resources.

3. Sounds good on the surface. Open and honest would be nice but has not been exclusive, as it should be. "bases its resource management decisions on sound biological information and a clear understanding of the desires of the public" This is as it should be but it certainly has not.

4. Get the junk science out.

5. Excellent. In my interaction with DFG personnel I have found them to be very professional.

7. Lip service

8. While enforcement does a fine job in dealing with the public administration needs to streamline the confusing and complicated regulations

11. Your job is a complex one. If you alienate sportsmen you limit our ability to manage the resource well. It seems to me that a lot of special interests are pushing confiscation. I prefer conservation and as a sportsman it is in my best interest. They are well funded to say the least but they use junk science. As an example I'll use the lead bullet and the condor lie. The lead scare was just that, a completely unscientific accusation. Together and armed with FACTS we can manage the resource for the benefit of all sportsmen, public and wildlife. Stop the confiscationists.

13. Increase stewardship awareness and participation by the public ("Build a citizenry that understands and supports California's fish, wildlife, and plant resources and their habitats", which includes communication, outreach and education), Engage in timely and transparent decision-making

14. Promote and support public outdoor recreation, hunting and fishing, Practice adaptive management (monitoring, science, etc.)

15. Develop and align clear fish and wildlife statutes and regulations, Improve and maintain credibility (scientific, decision-making, fiscal, etc.)

16. Develop simple, clear and consistent governance and permitting practices and processes, Maximize services while minimizing costs (improved technologies, volunteers, etc.)

Chris Cholette, San Francisco

1. I think the Department of Fish and Game should focus much less on environmental issues. Environmental issues should be split out from F&G's responsibilities.

11. I think fees should be established/increased for non Hunting and Fishing stakeholders. They seem to have a large amount of influence for contributing little or nothing towards resources managed by fees collected from hunters and fisherman.

12. I think there needs to be more of a focus on keeping land open for hunting and fishing. Currently these areas are only open to hunters when virtually everything else is allowed. Fees are collected specifically from hunters and fishermen that support a broad range of habitat programs, other users are not require to contribute monetarily.

14. Promote and support public outdoor recreation, hunting and fishing

Tom Magee, Madera

1. The mission sounds good. "To manage Fish & Wildlife for enjoyment by the public. "Public Lands" should not be off limits to the public. The "public" owns the public lands. (Not the government). When I read in your
drafts phrases like "Climate Change Adaptation" & "Sustainable Ecosystem Functions", It makes me very leery of the true motivation & goals. It sounds allot like the implementation of Agenda 21.

2. Let the department of Fish & Game manage our wildlife with sensible limits & quotas to keep the fish & game populations healthy like they have successfully done for years & keep the politicians and the EPA out of it.

9. "The second point of goal 2: To Promote & Support Outdoor Recreation, Hunting & Fishing should be the main Goal & Objective. I don't trust the rest. It sounds like a lawyer wrote it to be sneaky. Just sounds like a bunch of fancy B.S."

11. "I don't mean to be disrespectful. I'm just an ordinary law abiding, tax paying citizen who's worried about the future of the country and the state that I love. I want my grandchildren to be able to enjoy the thrill of hunting and fishing and the majesty of the great outdoors. I see the way the trends are going and I see our freedoms being taken away one by one. What ever happened to the "'land of the free & the home of the brave'"? Looks like it's turning in to the "'land of restrictions & regulations & the home of the slave'"!

Thank you, Tom Magee"

14. Promote and support public outdoor recreation, hunting and fishing

Robert Shepard, Castaic

1. "1. Why are these recommendations for the Department of Fish and Game and CFGC referred to as California Fish and "'Wildlife'" Strategic Vision? Who made the decision to make this change? I believe that the term "'Game'" more accurately describes what this Department does and was set up to do.

2. On pg. 11, Section 1.3, the "'Mandate of AB 2376'", it mentions that AB 2376 "'address'" the listed areas, including #8-C: "'the restoration of the state's native fish species'". "'Addressing'" is different than implementing a plan without looking at budgetary restrictions and having public discussion. There are situations where the restoration of "'native species'" would involve the eradication of existing fish (non-"'native'" planted trout for example), which would not only be a very costly endeavor, it would also lead to a SIGNIFICANT decrease in revenue generated by the sportsmen & women that the DFG purports to support. In "'addressing'" these subject areas, these cost factors must be considered when making a decision as to future goals.

2. Regarding addressing #13 (Page 13): To decrease dependency on the General Fund and ID stable funding options, I strongly support legislation that would KEEP ALL REVENUES generated from state fish & wildlife stamps, licenses paid by sports men & women to be used towards the development & maintenance of habitat for CA wildlife that is utilized and harvested by sportsmen & women. It should stay in the DFG system and not be allowed to be siphoned out to other non-DFG related costs.

3. "For the DFG Vision:
Under the last bullet, the DFG Vision should/must include the following:
"'creates and promotes partnerships WITH SPORTS MEN & WOMEN (WHO PAY FOR, HARVEST AND UTILIZE CA FISH & GAME RESOURCES), coalitions of agencies, groups or individuals.....etc.

4. The Sportsmen & Sportswomen who pay for licenses, tags, stamps, day use passes, fees (as well as sporting goods, rentals, etc.), must be included in the Vision as partners in the sustaining, harvest and conservation of CA wildlife. Without this valued partnership, there would be no DFG.

5. Include "sportsmen & women" under STEWARDSHIP, immediately after "the well-being of" and before AND "all California citizens".

14
6. Include "sportsmen & women" under STEWARDSHIP, immediately after "the well-being of" and before AND "all California citizens".

9. Under Goal #1: second bullet: "Stakeholders" should be placed BEFORE "other organizations" to emphasize their order of importance

10. Under Goal #1: second bullet: "Stakeholders" should be placed BEFORE "other organizations" to emphasize their order of importance

11. Under Goal #1: second bullet: "Stakeholders" should be placed BEFORE "other organizations" to emphasize their order of importance

12. Under Goal #1: second bullet: "Stakeholders" should be placed BEFORE "other organizations" to emphasize their order of importance

13. Proactively engage other organizations and stakeholders as partners and collaborators

Mary McAllister, Oakland

1. The mission statement sounds fine. It's what it means in practice, which is sometimes controversial. In particular, I believe that Fish & Game has allied itself with the native plant movement, to the detriment of the animals that live in California NOW, as opposed to several hundred years ago.

2. "I suggest that Fish & Game re-examine its policy regarding the extermination of non-native species of animals, such as the red fox and the red-earred slider turtle. Claims that these animals are doing any harm are usually bogus. The opposite side of the same coin is that Fish & Game should quit introducing new species from outside California, such as the turkey from Texas (according to Bay Nature). These introductions often result in later extermination efforts when the populations grow. In other words, California would benefit from LESS "'management'' from Fish & Game, not MORE."

3. The vision statement sounds good. If Fish & Game "anticipates the future," it will quit promoting the extermination of non-native plants which are better adapted to changed and changing conditions than the historical landscape, suited to different conditions. If wildlife resources are managed on an "ecosystem basis" Fish & Game will appreciate the ecological function that non-native plants are performing. And if "resource management decisions are based on sound biological information," Fish & Game will abandon the fiction that native animals are dependent upon native plants and adopt an approach based on the reality of adaptation and evolution.

4. "(1) Quit promoting the eradication of non-native plants and animals
   (2) Oppose the use of pesticides in the eradication of non-native plants
   (3) Base evaluations of ecosystems on evolutionary principles
   (4) Promote ecosystems that are adapted to current climate, air, and soil conditions, as well as predicted future conditions."

5. The proposed core values sound good. How could anyone argue w/ them?

6. "When interacting w/ the public, please keep in mind that non-profit organizations are more powerful than individuals. Govt agencies tend to be more responsive to non-profit organizations. These advantages are sometimes unjustified because although the organizations may have large "'memberships,'" the members have little knowledge of or influence on the policies of those organizations. Therefore, a handful of active members sometimes have more influence on public policy than their numbers would justify."
The Sierra Club and the Audubon are examples of non-profit organizations that are constantly pressuring Fish & Game to pursue their nativist agenda. However, the vast majority of the members of those organizations have no idea what is being done on their behalf. In other words, pay at least as much attention to individual members of the public as non-profit organizations which claim to represent large numbers of people."

7. Sounds good. #3 has a particular appeal. I hope it means that Fish & Game will have a new appreciation of the plants and animals that EXIST NOW, as opposed to the distant past. I hope it means that Fish & Game will acknowledge and value the non-native plants and trees that are providing valuable habitat to the animals that live here NOW.

9. Sounds fine. Please be mindful of the competing interests of stakeholders, Be fair in representing ALL interests equally.

10. Goal #1 is of concern. At the moment, the native plant movement seems to have a death grip on Fish & Game. All the organizations which represent that viewpoint (e.g., Sierra Club, Audubon, CNPS, Cal-IPC, etc) must be BALANCED against other interests. When they are out of balance, Fish & Game becomes a destroyer of habitat, not a protector of habitat. Fish & Game must be conscious of the damage being done to our ecosystems by herbicides, prescribed burns, extermination of animals, etc. The tools of the native plant movement are NOT benefiting our ecosystem. Fish & Game has a responsibility to protect, not destroy our ecosystems.

11. The primary reason why I am submitting a comment on a document that looks entirely innocuous is that native plant advocates are drumming up comments, so I am offering this antidote to their viewpoint.

12. I was delighted to learn from the email from Cal-IPC recruiting comments on this document, that Fish & Game is no longer funding their destructive activities. I hope they will NOT be funded in the future. Their list of nearly 200 non-native plants and trees deemed "invasive" is ridiculous. Few of those species are truly "invasive." They are only on that list because they are non-native. Categorizing plants as "invasive" is merely a tool to apply for funding to eradicate them. The environment is being needlessly damaged by these projects which depend upon toxic pesticides. And it is futile to think that plants that have been established in our ecosystem for hundreds of years can be exterminated. It is a waste of money, but more importantly it is doing more harm than good.

13. Understand stakeholder challenges and expectations, Embrace and support diversity among stakeholders and the public

14. Help maintain sustainable ecosystems (IRM, partnerships, science, etc.), Promote and support public outdoor recreation, hunting and fishing, Engage in broadly-informed decision making (multiple sciences, public attitudes, traditional knowledge, etc.)

15. Improve and maintain credibility (scientific, decision-making, fiscal, etc.)

16. Manage capacity/resources (prioritize mandates and efficiently allocate resources accordingly)

Frank Galusha, Shingletown

1. This sounds great but I can see the department and the commission are more and more beholden to special interest groups to accomplish its mission.

2. The CA DFG is top heavy with scientists and should be downsized significantly just as all other government agencies. Your mission should be to protect our fish and game from poachers, predators and lawbreakers and for that your powers should be increased. The legislature should protect you from all the frivolous
lawsuits so you can go about this primary mission without being engaged as litigators, alms-takers, lackeys to environmental extremists or water cops to name a few.

3. This is all gobbledygook. If taken to its logical conclusion, it will lead to more of the hair that has already emasculated the department and made California’s management of its fish and game a joke.

4. Go back to your beginnings and at look at your original purposes and funding sources. Get back to the basics of establishing regulations that are easy to understand and are enforceable. Stop catering to the Humane Society and other extremist groups. Don't partner with any group that has as its goal the destruction of our fishing, hunting, outdoor-access rights and our private property rights. Take a stance for a change against the ESA and most other environmental laws, nearly all of which are deeply flawed and should be revisited, revised and/or repealed.

5. What we have in the DFG and the Commission today is a failure to honor the core values of our country’s constitution, our Bill of Rights and our traditions that made America a truly great nation.

6. Your stewardship has been redirected by environmental groups that are anti-hunting. How can have integrity if you cavort with organizations that would deprive of our rights to fish, such as the unholy alliance between the commission, the MLPA and several moneyed foundations that are paying the bill and getting what they want, not what the public wants. Excellence cannot be achieved if you make law based on flawed science. Teamwork? You need to team up against all those who would destroy our fishing and hunting traditions. Anglers and hunters are the best conservationists of all, and you know it. We don't need innovation. We need commonsense, a promise that you will never participate in usurping our constitutional rights to property, including water rights, without just compensation and without tresspassing on private property or use of the color of arms to frighten the people.

7. Let's be honest, here. AB2376 was thrust upon us by a legislature and a governor that should be booted out of office for their anti-American positions. Your common themes have been in place for decades and they have not been good for the folks who buy fishing and hunting licenses. Your are stuck on stupid and none of the above makes any sense until you step back and begin the job of protecting our resources with the needs of human beings uppermost in your minds, too, instead of the well-being of species that will and should go extinct and/or come into our consciousness for the first time -- new species are being discovered everyday...old ones are being retired. That's the way it is with nature and you, at the behest of organizations that are preying on a gullible public, are trying to reverse that as if you had the power of our Creator.

8. "Don't start looking for any more funding options. If you don't have the money, don't do it. Your integrity has already been severely tainted. ""Eco-system-based management?"" You mean you haven't been doing that all along? That's not what you've been telling the public by our actions. My god, where has this idea been? You would be trusted and revered today if you didn't have to say ""including humans"" in this set of themes.

9. "Goal 1: Absolutely NOT with ""other organizations.""
    Goal 2: Protect and Serve is enough
    Goal 3: You mean you don't have an ""Effective Organization"" by now?
    Goal 4: ""Maintaining ourselves in perpetuity?"" That sounds like you're pensions and benefits to me.
    ""Stable and sustainable funding?"" That's the problem: You are inviting more of the hair of the dog that bit you."

10. This is being railroaded and fast-tracked. Why the urgency?

11. I have to eat dinner. I've said all I'm going to say.

13. Proactively engage other organizations and stakeholders as partners and collaborators, Embrace and support diversity among stakeholders and the public, Exhibit fiscal transparency and accountability
14. Practice adaptive management (monitoring, science, etc.)
15. Improve and maintain credibility (scientific, decision-making, fiscal, etc.)
16. Develop adequate, stable and sustainable funding

Natasha Hunt, Coalinga
1. I think the current missions are fine as they are, and do not need to be changed. They are clear simple and straight forward.
2. I would like to see the commission and the dept be able to stick to these missions and not be distracted and have to waste time with so many added responsibilities.
3. Again I think both of these vision statement are fine as they are and do not need to be changed
4. And again I wish the commission and the dept were able to focus on carrying out these visions, and not be weighed down by so many political, environmental special interest and bureaucratic burdens
5. Is this necessary in addition to mission and vision statement and job descriptions
7. "# 3 sounds like it has good intent, as it will be important to work with reality instead of idealistic misinformation
"Best available science" who is going to define what that is?"
9. "Develop and align clear fish and wildlife statutes and regulations Permitting needs to be improved. F&G is viewed negatively because of the overly restrictive permitting."
10. On the subject of permitting. A lot of it is now so burdensome that many private landowners simply do not do improvement projects that they would like to do and would help wildlife etc... simply because they would need F&G permitting. If biologist and enforcement folks involved in these projects could be more practical it would help
11. I read the whole document and made notes with questions which I will email seperatly as I think some of them may be helpful, and I am hoping that if possible some of my questions can be answered

Sharon Waranius, Redding
1. This is just nonsense...all this whoopla to even leave a comment...cofussion, the work of the devil...some smells here and its not the fish!
3. Again, more bureaucratic blah, blah, blah....confuse the masses, try to fix what isn't broken just to appease the squeaky wheel that works just fine
5. "The core values should stem from our individual freedoms and rights, the ones we have paid for through wars and money.
This is all just another way to tighten the noose around the neck of American citizens and their way of life."
7. Transparency? Hidden meanings and agendas behind the broad rambling words of appeasement that are as empty as our bank accounts.
9. maximize services while mainimizing costs, sustainable funding...embrace and support diversity in employess...what junk.
10. Scrap the whole thing and go fishing guys!
11. Enforce the existing laws and stop confusing the future with more regulations that will not be enforced except when it comes time to collect fees and forcefully claim the lands from the arms of those who have worked to preserve it.

J Stacey Sullivan, San Francisco

6. We recommend specifically referring to collaboration under Innovation as well as Teamwork.
7. We are strongly supportive of Common Themes 2 and 3.
9. We strongly support the objectives articulated in Goals 1 and 4.
10. We encourage you to incorporate the objectives of Goal 1 into your methodology for achieving the objectives of Goal 2.
11. We strongly support the incorporation of collaboration with other agencies, organizations, and private landowners into the core goals and values of DFG/F&GC, and also encourage you to aggressively pursue programmatic permitting to allow the innovative and collaborative projects you claim to support to take shape on the ground.
12. "As one of the organizations referred to specifically as a "potential example," we offer you our assistance in addressing the issues referred to on page 36-37 of the draft document. Approximately 50% of California's land is privately owned. You will not be able to achieve your restoration and protection goals without partnerships with private landowners. Current permitting requirements dissuade these landowners from engaging in stewardship practices. We would like to see this understanding of the key role private lands will play in achieving the state's environmental goals, and the need to make it as easy as possible for landowners to do so, take a prominent place in the Vision.
   We also believe that the Vision should more explicitly stress the important role that the development of "ecosystem services" policies and incentives can play in achieving the state's goals. Such incentives, combined with programmatic permitting, will lead to a far higher degree of participation by landowners in restoration and protection."
13. Proactively engage other organizations and stakeholders as partners and collaborators, Understand stakeholder challenges and expectations, Provide excellent customer service, Engage in timely and transparent decision-making
14. Protect, enhance and restore wildlife resources (regulations, compliance, science, etc.), Help maintain sustainable ecosystems (IRM, partnerships, science, etc.), Engage in broadly-informed decision making (multiple sciences, public attitudes, traditional knowledge, etc.)
15. Align internal governance practices, processes and structures (permitting, planning, organizational structure, etc.), Encourage creative problem solving
16. Align external governance practices, processes and structures (permitting, planning, etc.), Develop simple, clear and consistent governance and permitting practices and processes, Maximize services while minimizing costs (improved technologies, volunteers, etc.), Develop adequate, stable and sustainable funding

Louie Zimm, San Diego

1. The mission of the Department should be manage California's Fish and Game resources, not to manage every living thing, eco-system and habitat in California.
2. "Pare down the mission of the Department to one where success is attainable, and supportable in the current funding environment."
3. "The Department seeks to serve the folks that financially support the department, i.e. the resource users of California. This means commercial and recreational fishers as well as hunters. The department should not be involved in tasks such as oil pollution control and marine protected area generation. The Department should base its decisions based on sound biological information from qualified members of its scientific research department as well as from partner universities and federal agencies.

4. "Simplify the vision to reflects the needs of "nuts and bolts" fish and wildlife management. Aiming to have "a clear understanding of the desires of the public" is a very nebulous and unattainable goal with the large and diverse population of this great state. Clearly define what is meant by "ecosystem basis", not just using it as a excuse to broaden an already demanding mission."

5. "Intrinsic" value of resources is impossible to quantify. "Essential to the well-being of all of California's citizens" is also very difficult to prove and leads to over-tasking the department.

6. "Strike "intrinsic" and replace with "great" value. Strike "are essential" and substitute "contribute to" the well-being of all California's citizens."

7. 3. "ecosystem-based management" needs to be defined. It should not be just an open door to expand the Department's mission beyond it's capabilities.

8. clearly define and limit parameters of "ecosystem-based management"

9. "The Goals and Objectives need to pay particular attention to SMART and not be a. nebulous b. un-measurable c. unattainable d. unrealistic e. not-timebound as is much of the above goals and objectives appear to be.

10. "In Goal 2, "Promote and support public outdoor recreation, hunting and fishing." should be at the top of the list and high-lighted, for without the support of this constituency, the Department finances and core support will be missing. Another objective under Goal 2 should be to assist, encourage and advise resource extractive industries such as commercial fishing to maintain sustainable resource use and maintain this important funding base for the department.

11. "I greatly appreciate the effort that has gone into this ambitious undertaking. Please remember the historical core values of the Department and the Commission. Attempting to be a Department that hopes to control all of California's ecosystem invites hubris and failure.

12. "Please place great weight and consideration of the recommendations of the resource users of this state. It is these stakeholders, such as commercial fishers, recreational fishers and hunters who have historically supported the Department and who are on the front line of those who would conserve and protect the fish and wildlife of this great state. Please strengthen, encourage and finance the scientific research arm of the Department while continuing cross-communication with other scientific agencies."

13. Proactively engage other organizations and stakeholders as partners and collaborators, Understand stakeholder challenges and expectations, Share data and information, Exhibit fiscal transparency and accountability

14. Protect, enhance and restore wildlife resources (regulations, compliance, science, etc.), Promote and support public outdoor recreation, hunting and fishing, Practice adaptive management (monitoring, science, etc.), Engage in broadly-informed decision making (multiple sciences, public attitudes, traditional knowledge, etc.)

15. Encourage and support strong internal communications, Develop and align clear fish and wildlife statutes and regulations, Develop knowledgeable, capable and experienced employees (retention, skills
improvement, leadership development, etc.), Improve and maintain credibility (scientific, decision-making, fiscal, etc.)

16. Develop adequate, stable and sustainable funding

David Pekin, San Diego

1. Fishing access is limited enough already. We need NO new regulations to limit the sport fisherman's access.
2. Core values should promote the sport fisherman's benefit.
3. Potential common themes should promote the sport fisherman's benefit.
4. The bureaucratic agenda of the DFG is disgusting. It is clear that the only agenda is to expand their hold.

James Hill, San Diego

1. Given that fishermen and hunters are the ones who pay license fees that fund the DFG, it is essential that the term "and interest groups" be more narrowly defined to make it clear that the DFG is first and foremost responsive to interest groups comprising fishers and hunters. I have grown increasingly concerned about the shift in focus of the DFG from protecting and preserving wildlife and habitat at the cost of hunters and fishers, instead of for the benefit of hunters and fishers.
2. See statement above.
3. The DFG should be more proactive in education programs among young people, and putting maximum effort on programs that encourage participation in fishing and hunting by young people and future generations. Otherwise, the purpose of the DFG will be historic and not prospective and visionary.
4. See above.
5. Teamwork and collaboration are the key terms here. The DFG needs to recognize that its core constituency are hunters and fishers, and that it should not adopt policies and programs that are antithetical to the preservation and expansion of hunting and fishing opportunities. As noted above in prior responses, the "interests" that the DFG serves are those who fund the DFG through hunting and fishing licenses.
6. See comment above.
7. The DFG and the F&GC need to avoid collaboration and partnerships with organizations that are antithetical to the fundamental goal and policies of the DFG to foster hunting and fishing opportunities and to preserve key habitat for hunting and fishing. Again, the "interests" the DFG and the F&GC should be serving are those that provide DFG's funding through license fees and other related fees paid by this core constituency.
8. See comment above.
9. All of the foregoing objectives sound great—but only if applied consistently with the DFG and F&GC recognizing that its core constituency is hunters and fishers. To the extent programs and processes are adopted with the "general public," those programs and processes need to be aimed at increasing the numbers of citizens engaged in hunting and fishing, and not cutting off or further limiting access to hunting and fishing opportunities.
10. See comment above.
11. The DFG and CF&G should be extremely cautious about engaging other organizations and undefined "stakeholders" as "partners and collaborators" particularly given recent actions by the DFG to collaborate with organizations and persons who are anti-hunting and anti-fishing. Such collaboration and partnership should not only be discouraged, it should be disallowed by clear policies and regulations. The purpose of
the DFG and the CF&G is to serve its "interests," namely, those who fund the DFG and the CF&G through their license fees and related fees.

13. Provide excellent customer service, Engage in timely and transparent decision-making, Exhibit fiscal transparency and accountability

14. Promote and support public outdoor recreation, hunting and fishing, Provide consistent and unified delivery of services and products, Practice adaptive management (monitoring, science, etc.), Pursue local, regional and statewide recognition of successes

15. Align internal governance practices, processes and structures (permitting, planning, organizational structure, etc.), Encourage and support strong internal communications, Develop and align clear fish and wildlife statutes and regulations, Define and support success (measurable outcomes, work plans, etc.), Encourage creative problem solving, Develop knowledgeable, capable and experienced employees (retention, skills improvement, leadership development, etc.), Improve and maintain credibility (scientific, decision-making, fiscal, etc.)

16. Align external governance practices, processes and structures (permitting, planning, etc.), Develop simple, clear and consistent governance and permitting practices and processes, Manage capacity/resources (prioritize mandates and efficiently allocate resources accordingly), Maximize services while minimizing costs (improved technologies, volunteers, etc.), Develop adequate, stable and sustainable funding, Delegate authority commensurate with responsibilities

James Patrick, San Diego

13. Proactively engage other organizations and stakeholders as partners and collaborators, Understand stakeholder challenges and expectations, Provide excellent customer service, Share data and information, Engage in timely and transparent decision-making, Exhibit fiscal transparency and accountability

14. Protect, enhance and restore wildlife resources (regulations, compliance, science, etc.), Help maintain sustainable ecosystems (IRM, partnerships, science, etc.), Promote and support public outdoor recreation, hunting and fishing, Provide consistent and unified delivery of services and products, Practice adaptive management (monitoring, science, etc.), Engage in broadly-informed decision making (multiple sciences, public attitudes, traditional knowledge, etc.)

15. Develop and align clear fish and wildlife statutes and regulations, Improve and maintain credibility (scientific, decision-making, fiscal, etc.)

16. Manage capacity/resources (prioritize mandates and efficiently allocate resources accordingly)

Fred McGee, Del Mar

1. Renember who pays the bill.
2. Use scientific management verses political or emotional measures.
5. Remember who pays the bills.
7. Keep scientific application at the top.

13. Understand stakeholder challenges and expectations, Engage in timely and transparent decision-making

14. Protect, enhance and restore wildlife resources (regulations, compliance, science, etc.)

15. Encourage and support strong internal communications, Improve and maintain credibility (scientific, decision-making, fiscal, etc.)
Nicholas Boone, San Diego

1. I think there is no need to close our fisheries here in California. If we catch our legal fair limits what are we harming? more than half of people who fish in California do it purely for the adrenaline rush and the fun of the support resulting in CPR catch, photograph, release. All of us fisherman will have kids ones day we all want to take our kids fishing in the kelp beads for generations to come, we want to have a fun day on the water with our kids catching bass and other species. I am 15 years old and I am VERY active in the fishing industry/association of SOCAL and closing the kelp beads is just absurd and un necessary. You will be taking many jobs from people such as commercial fisherman, sport boats, etc... there is really just no need for this closure, there really isn't, if your gonna close the kelp beds don't close all of them, at least only close parts of them, PLEASE DO NOT CLOSE THE KELP BEADS, if people do their duty (which they do) and keep their limits and only their limits whats the problem? and more than half of us do CATCH AND RELEASE anyways.

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13. Increase stewardship awareness and participation by the public ("Build a citizenry that understands and supports California's fish, wildlife, and plant resources and their habitats", which includes communication, outreach and education), Proactively engage other organizations and stakeholders as partners and collaborators

14. Protect, enhance and restore wildlife resources (regulations, compliance, science, etc.), Promote and support public outdoor recreation, hunting and fishing

15. Develop and align clear fish and wildlife statutes and regulations

16. Develop adequate, stable and sustainable funding

Morgan Swisher, Madera

12. Start providing Black bass fishing enhancements to include stocking. It has become the premier fishing gamefish and should be supported by

13. Engage in timely and transparent decision-making
14. Promote and support public outdoor recreation, hunting and fishing. Practice adaptive management (monitoring, science, etc.)
16. Maximize services while minimizing costs (improved technologies, volunteers, etc.)

**Robert Moore, Citrus Heights**

1. Mission statements ok
2. Vision statement ok
3. Core values listed ok
4. The 4 themes are good to start with.
5. Potential goals and objectives can live with.
6. Science or Best available science is listed throughout the draft. Science can be very broad base and open to determination especially if not peer reviewed. What standard would be used to establish the best available science to use?
7. "Most important out of all of this is to find adequate, stable and sustainable funding revenue. What about enforcement? Will enforcement be increased?"
8. Protect, enhance and restore wildlife resources (regulations, compliance, science, etc.)
9. Develop adequate, stable and sustainable funding

**Kirk Vyverberg, Sacramento**

Melissa Miller-Hanson, Director
CA Fish & Wildlife Strategic Vision Process
California Natural Resources Agency
Interim Draft Review - Public Comments - Vyverberg
12/16/2011

Section 3.0 Given that the Goals and Core Values state that the success of this process "requires the systematic characterization of who DFG is, what we do, and how we achieve our goals," direct DFG staff input should be of the highest value.

Section 3.0 - Appendix H: Summary of DFG Employee Comments - Why has the DFG Survey Summary been eliminated from the current draft; and how are the BRCC and Executive Committee to directly know their input in a timely and relevant manner? Recommendations: DFG Program Managers [lowest, most applied level of management] could serve as Advocates that organize the input and share in the integration and reconciliation process with SAG recommendations.

4.1.3 Barriers to Strategic Change within DFG - Given that this companion report to the Legislature due in January, what is the criteria and schedule for selecting and interviewing current and past DFG employees? Will the stated December 16 deadline for these interviews be extended? Recommendation: Perhaps the greatest insight may be gained from those who have worked for multiple Resource Agency departments, gaining alternative experiences, solutions, and insight into inter-department conflicting policies and regulations. Combine these with interviews of the DFG Program Managers responsible for implementing change. Plus, further exploration of the Fundamental Problems identified above should begin to provide insight into the barriers to strategic change.

Kirk Vyverberg, Citizen
Sacramento, CA

Melissa Miller-Hanson, Director
CA Fish & Wildlife Strategic Vision Process
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Kirk Vyverberg, Citizen
Sacramento, CA

15. Align internal governance practices, processes and structures (permitting, planning, organizational structure, etc.), Develop and align clear fish and wildlife statutes and regulations, Define and support success (measurable outcomes, work plans, etc.), Encourage creative problem solving

16. Align external governance practices, processes and structures (permitting, planning, etc.), Develop simple, clear and consistent governance and permitting practices and processes, Manage capacity/resources (prioritize mandates and efficiently allocate resources accordingly)

Tom Stephenson, Bishop

7. Science has to be effectively implemented if our decision making is to be "broadly-informed".

8. Science is being emphasized as an important topic in the Strategic Vision process. Yet, I am concerned that the direction by the Department in recent years has discouraged getting science done, particularly within the Regions. In recent years, the Department has centralized more and more data services in Sacramento; while there may be good reasons for some of this it appears to have gone too far. Positions for data and GIS management and analysis are not being authorized in the Regions. It is not reasonable or practical to work with HQ staff on projects that require daily input and assistance. The implementation of effective science requires being able to interact with staff that are managing and analyzing data. If we are serious about doing science around the state that supports our conservation efforts, we need to support an infrastructure to do such work in the Regions as well as in HQ. Science is all about the appropriate collection,
management, analysis, and reporting of data. We need to enhance the capability in the regions, especially given the distance of Region 6 from HQ.

Stan Neutze, Anderson

2. "Implementation of Mission Statement is not being accomplished. The State's Mule Deer populations are crashing due to the lack of control over the mountain lion populations. I can show you plenty of browse on mountain ranges and on several mountains. However, no deer, no does, no bucks. Each adult mountain lion can kill up to 52 deer a year. DFG must admit the real mountain lion population numbers. It is certainly higher than the 3000 that is "officially" stated. Take politics out of the numbers. Coordinate with Federal Government trappers to reduce the State's mountain lion populations via trapping and hunting. A new citizens initiative is needed to allow the DFG to manage mountain lion populations."

4. "The vision to base decisions on "'sound biological information'" and a "'clear understanding of the desires of the public'" is not being practiced. The current ban on gold dredging is a key case in point. Attending both of the DFG Dredging meetings in Redding, I observed that the dredging restrictions were implemented on the basis of unfounded assumptions, not science or practical considerations. It was observed that the one Sierra Club attendee had far more influence than 125 miners did. Once the Sierra Club provided input and campaign financing to the Calif. State leftist legislature, the legislature required the DFG to complete 39 mandates to complete the Dredging EIR and did not provide any funding to accomplish the mandates. This then accomplished the radicals goal of shutting down dredging. The goal stated above is lofty, however how will it be accomplished with a biased State legislature who will over turn any decision DFG makes? Far too often the hunters are looked down upon as uneducated knuckle draggers whose viewpoints are not taken into consideration. An often repeated complaint is that DFG studies are accomplished with taxpayer dollars and yet they are never implemented. There does need to be transperancy in the decision making process and then outsource for an outisde for profit review of the scientific study, science and facts. This does not include the Sierra Club, et. al."

6. Only actual hunters and fishermen shall be on the Fish and Wildlife Commission. The F&GC should be empowered to hire the DFG Director. The DFG Director truly needs to be an actual hunter and fishermen.

8. Each DFG Region needs to be managed separatly as its own ecosystem.

10. "Does not appear that the DFG goals are being met. Mule deer hurds are declining to to the lack of a mountain lion management plan. What will happen to the rest of the Mule Deer population when the 200 pound + Canadian Timber Wolves start feeding on the deer population? Wolves should be immediately managed via a hunting season. They are here now. Be proactive. Recognize that the salmon population decline is also due to over fishing by foreign nations. They read the 1970's study by the Univ. of Calif. and trawl our their 30 mile drag nets to catch the salmon while on their migatory routes. One can always find salmon in the grocery store, in a can or otherwise. Usually provided by an Asian nation. Recognize the problem and coordinate with Federal elected representatives and State Department officials as needed. Restricting the local populations is not the solution. Offshore fishing by foreign nations needs to be restricted."

12. "The overall Strategic Vision looks good on paper. Does DFG have the resources to implement in terms of manpower in the field? Cut staff positions in Sacramento and put more agents in the field. Poaching is a problem and marijuana interdiction is another, that requires more field officers."
The stakeholders are slanted toward environmentalism not true management of hunting and fishing. The Human Society is an antihunting organization. Too often diversity in stakeholder viewpoints, means that only the antihunting views are considered and implemented.

13. Increase stewardship awareness and participation by the public ("Build a citizenry that understands and supports California's fish, wildlife, and plant resources and their habitats", which includes communication, outreach and education), Understand stakeholder challenges and expectations, Embrace and support diversity among stakeholders and the public.

14. Protect, enhance and restore wildlife resources (regulations, compliance, science, etc.), Help maintain sustainable ecosystems (IRM, partnerships, science, etc.), Promote and support public outdoor recreation, hunting and fishing, Practice adaptive management (monitoring, science, etc.)

15. Encourage and support strong internal communications, Develop and align clear fish and wildlife statutes and regulations

Kirk Vyverberg, Sacramento

   Develop DFG policy with a balanced influence of science and politics
   (a) Document current policies regarding program, permitting and enforcement with clear statements of rational, including scientific, legal, social considerations. Include alternative positions, benefits & risk analysis
   (b) Establish a Science Panel comprised of Senior DFG scientists representing multiple disciplines that advise the Director and the Commission on priority issues or projects
   (c) Develop a dual track path to career advancement leading to Management and Senior Scientists with equal organizational and decision-making status.
   (c) Flatten the organization, increasing both accountability and knowledgeable representation of issues - ""Keep science at the table""

Integrated Resource Management [table 5]
Develop Agency and Department management commitment to Integrated Resource Management
Develop coordinated and cooperative work plans with unified performance metrics to the fullest degree allowable by your mission and mandate
Laws and regulations [ table 7]
Create a work group to evaluate the Fish and Game Code and Title 14 Regulations for the purpose of identifying, revising or eliminating code and regulatory sections no longer pertinent or defensible due to (1) advances in science and engineering practice, or that (2) are inefficient, duplicative, unfunded mandates, or subsidies.
For example, (1) Water Bypass Requirements, Section 6022 which specifies water diversion bypass rates based on the size of the diversion rather than on site-specific considerations and without due regard for the cumulative effect on streamflows and potentially adverse affects on the fish and wildlife resources dependent on those flows; (2) Conduits and Screens, Sections 5980 through 5993, which require the department to fund from one-half to 100% of the cost to screen private water diversions, to develop fish screen design, and provide maintenance.
Eliminate barriers to the development of permitting guidance that provides a clear and predictable path to compliance.
Regardless of project scale, experience indicates that the public generally prefers direct guidance on how it can best meet Fish and Game Code and/or CEQA requirements. However, the Department’s Office of
General Counsel often limits the development of such guidance out of concern that the guidance would be viewed as underground regulation per Section 11340.5 Compliance [table 8]
Support AG’s Environmental Taskforce with available DFG expertise
Sustainable Funding [Table 10]
Fully fund the unfunded instream flow study requirements of Public Resources Code 10,000. As an initial step, develop and publish the Protocol for studies that can be required on a project basis, i.e.: FERC Relicensing or Shasta/Scott River Diversion updates.
This legislation was passed in the 1980’s in response to a significant increase in the number of requests to appropriate water from the various streams. The legislature recognized that if approved without due regard for their cumulative effect on streamflows, the water appropriations could adversely affect, to a serious and significant degree, the fish and wildlife resources dependent on those streams. However, no meaningful source of funds to conduct the studies has ever been provided, leaving the vast majority of the State’s streams without recognized Minimum Flow Requirements twenty years later.
Provide Transparent Accounting and Sustainable Fee Structures
[a] Dedicated funds must be kept dedicated with annual program public accounting
[b] Perform annual fee breakeven analyses [recovery] and adjust fees accordingly to assure fully funded services. Consider utilizing credible outside accounting assistance
[c] Work with fee setting authority – legislature, other agency [Water Board], DFG to periodically adjust fees to achieve breakeven point of full funding.
[d] Consider inflation indexing of fees
[e] Consider all related finance elements for opportunities to transfer or eliminate potential costs [example: increase instream gravel mining reclamations bond requirements].
[f] Prepare for funding requests from other state agencies mandated to perform DFG services [example: request legislative funding of Caltrans fish screen requirements]
[g] Change or cancel mandates that do not get fully funded
13. Proactively engage other organizations and stakeholders as partners and collaborators, Share data and information, Engage in timely and transparent decision-making, Exhibit fiscal transparency and accountability
14. Practice adaptive management (monitoring, science, etc.), Pursue local, regional and statewide recognition of successes, Engage in broadly-informed decision making (multiple sciences, public attitudes, traditional knowledge, etc.)
15. Develop and align clear fish and wildlife statutes and regulations, Define and support success (measurable outcomes, work plans, etc.), Improve and maintain credibility (scientific, decision-making, fiscal, etc.)
16. Develop simple, clear and consistent governance and permitting practices and processes, Develop adequate, stable and sustainable funding

Bill Harp, Chico
1. F&G has lost its moral compass for the hunters and fishermen of the state. Why are you teaming up with people like the HSUS that hate and want to stop all hunting, fishing, meat consumption and pet ownership among other things. To say that we should have these people at the table making suggestions about the course of F&G makes about as much sense as having the Klu Klux Klan sitting on the board of the NAACP making suggestions.
2. Have F&G serve the sports people of the State like they did 30 years ago. We pay for F&G through our licenses and they should serve us. They should form a new division separate from F&G and find their own funding if they want to chase meadowfoam or whatever and leave our funds for what they were intended for fish and game projects.

3. "You cannot make sound biological decisions with the desires of the public when the majority of public does not have any connection to the out of doors and makes decisions based on cute i.e. Mountain lions. Creates and promotes partnerships does not mean people that would help destroy F&G as we know it."

5. Just do it.

11. The head of F&G should be chosen by his or her expertise in their field instead of a governor plum appointment our resources deserve better.
PUBLIC COMMENTS SUBMITTED VIA EMAIL AND IN PRINT REGARDING THE DRAFT INTERIM STRATEGIC VISION PROJECT

Through December 16, 2011
December 16, 2011

Subject: Support for Invasive Plant Control

Dear Natural Resource Agency member,

The Palos Verdes Peninsula Land Conservancy manages over 1,600 acres of open space in Los Angeles County. The spread of invasive plants throughout the Preserve has lead to loss of habitat for listed species, including the coastal California gnatcatcher (*Polioptila californica californica*), Federally listed as Threatened and California Species of Concern (SSC); the cactus wren (*Campylorhinchus brunneicapillus*), a California SSC; the El Segundo blue butterfly (*Euphilotes battoides alyni*), Federally-listed as Endangered; and the Palos Verdes blue butterfly (*Glauropsyche lydamus palosverdesensis*), Federally listed as Endangered. Invasive species such as *Euphorbia terracina* have been encroaching on these habitats. It is vital that DFG and the Natural Resources Agency need to address invasive plants to protect the state’s ecological communities.

Past funding from the CDFA’s invasive plant management programs (such as county-based Weed Management Areas) has allowed us to control invasive species in listed species’ habitats. However, this funding has been eliminated. For invasive plants damaging the state's wildlands, the Natural Resources Agency must take the leadership role.

DFG and the Natural Resources Agency should:

- take the lead role in addressing invasive plants in California's wildlands
- dedicate significant funding to invasive plant management.
- partner with WMAs, Cal-IPC and others on invasive plant management programs.
- take an active role in leading the interagency Invasive Species Council of California and implementing the actions recommended in its Strategic Framework.

Sincerely,

[Signature]

Andrea Vona
Executive Director
December 15, 2011

California Fish and Wildlife Strategic Vision Project
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

RE: DRAFT INTERIM STRATEGIC VISION POTENTIAL RECOMMENDATIONS

Thank you for the opportunity to comment on these interim recommendations. We applaud the Strategic Vision (SV) undertaking support many of the stated goals. We agree that CA’s natural resources are critically important, and we support the visions, goals, and mission of our natural resources agencies. In general, we believe the positive will far outweigh the negative as this process unfolds.

Below are some of our comments on the Draft document.

The Name and Focus must be changed for the Department of Fish and Game (DFG). We fully support a broad spectrum of DFG responsibilities for stewardship of fish and wildlife. We urge a Strategic Vision (SV) outcome to include changing the name of DFG to “Department of Fish and Wildlife” or “Natural Resources Stewardship Department” (NRSD).

Stewardship is a much more accurate and reliable word when dealing with natural resources than “management.” “Management” by DFG has become synonymous with “Manipulation” of our natural resources to upset the natural balance of natural resources so that those with an addiction to the “thrill of the kill” can massacre species that belong to all of us—the very vast majority of people in the state. DFG decision makers appear to all be hunt-to-kill folks. There may be a few scientists in the mix who do not kill, but evidence supports the contention that DFG keeps much of the disgusting activities under the public’s radar, knowing full well that if the truth were exposed, the 99% who do not support recreational killing would kill the DFG.

For example, if the public knew that when special pheasant hunts are conducted, many of the birds are not “wild” at all. They’ve been cooped up with hoods in crowded pens. They’re taken out the morning of the hunt, spun around to ensure they’re good and confused, frozen in terror, and planted so that when “flee” is the only option, they are easy targets. The lucky ones are killed, as opposed to being wounded, flopping around for the dog retrieval, subsequent killing, and lots of pats on the backs as if that were a real accomplishment. Tell the truth about these so-called “hunts” and let voters decide if DFG should be condoning, supporting, or allowing them at all.

A CA Dept of Natural Resources Stewardship would be supported by the 99% who do not consume wildlife, and might be demanded by a majority of them if they knew the truth of what really happens to wildlife in the name of recreational killing.
The name and focus of the Fish and Game Commission (FGC) must be changed. The mission of the FGC is good as it is—to ensure the long-term sustainability of the state’s fish and wildlife resource. The name change here is equally justifiable and necessary.

However, the mission is muddied if it’s interpreted to be “propagating...” fish and game.

The constitutional amendment referenced (Sec 20) “may” empowered the Legislature to delegate powers to the FGC relating to propagation. If all members of the FGC hunt to kill, or if any one of them does, then any vote on a “management” issue or policy setting, such member(s) is(are) acting with conflicts of interest. Whether a Commissioner is voting to expand a hunt, create a deer cull, kill predators, increase bear or any other kill quota, and/or voting to support or oppose related legislation, he/she(they) should recuse themselves from the vote due to a conflict of interest.

Qualification requirements for appointment to the FGC must be instituted. Because the Legislature has delegated to the FGC a “variety of powers, some general...some very specific,” and because a major FGC responsibility is forming policies for DFG conduct, it is unacceptable and very inappropriate for there to be no qualifications or criteria in order to hold a position of Commissioner on the FGC. In fact, to many citizens who care deeply about wildlife, it is outrageous that a position that can create such important policies with long-lasting impacts can be filled with political pals and campaign donors. To bring integrity, intelligence, expertise, and sanity to the FGC, a set of qualifications and criteria should be established and met or exceeded before anyone can be nominated to serve on the FGC.

The FGC should be increased to seven members (possibly even nine). At least four commissioners should be appointed that meet criteria with expertise in ocean fisheries, inland fisheries, mammals, birds/waterfowl, invertebrates, etc. At least three commissioners should be appointed with expertise in natural resource stewardship from three general areas of the state—north, central, and south. If the Commission were to be expanded to nine members, then further geographical expertise could be established.

“Game” and “Nongame” issues must be balanced in the same ratio as “consumptive” and non-consumptive state citizen population ratios. The problems with both DFG and the FGC stem in part because, except for scientists employed to research and report, it appears the vast majority of other DFG employees are consumptive users. Their work gives them first crack at studies, first shot at hunts, and inappropriate advantages when it comes to consuming wildlife, game or nongame.

If they drag their feet or resist any changes, it should be totally predictable and expected. Whether they “cook the books” with regard to interpreting the scientific research is another story, but we believe there may have been instances where self interests (desiring more recreational killing activities), have influenced decisions, positions, etc., that haven’t necessarily been made in the interest of sustainable natural resources. This is unacceptable, and if the 99% of non-consumptive state’s population were aware of how such “insider” knowledge is used to the advantage of these hunt-to-kill DFG insiders, there might be DFG “occupies.”

Staff and employees are entitled to their hobbies, but the non-consuming majority needs much better and bigger representation in all DFG and FGC decision making.

A review of historical problems demonstrates need for organizational changes. There is no need to reiterate the points made above, but part of the problem is the public’s perception that DFG and FGC are together nothing more than a private hunt club disguised in public agency clothing. With major changes and greater sensitivity to
(and policies that satisfy) the 99% who do not consume, many of DFG and FGC’s dysfunction would be eliminated.

The “Seven Strategic Initiatives” (2006) are admirable. But for special interests who are leading the agency, those might involve change, or, as mentioned. Without major shake ups, those who rule DFG and FGC are not going to budge. Reforms are definitely necessary.

We have stated before that a further indicator of a lopsided DFG and FGC is that the FGC has an “Al Tauscher Committee,” but no “John Muir” Committee. Whatever public “good will” that might be established may be offset by decisions that are seemingly insensitive to a vast majority of the state’s citizens. This is where public support may wane. This is where changes should be considered and made to build public support for funding priorities.

Our recommendation is that the memberships of both DFG administration, FGC, and all sub committees, should be more representative—more reflective of the ratio of consumptive and non-consumptive elements of CA’s citizen population.

To create a successful Strategic Vision that has a possibility of succeeding with collaboration and consensus, in addition to bringing more independent scientists into the decision-making process, a more amicable environment at the table must be established. There must be a deeper understanding and respect for all opposing or counter positions.

We thank you for your attention to our views. With proper and fair representation, we are optimistic that the Strategic Vision process will find workable solutions to real challenges.

Randall Cleveland
For the PEACE Team
On behalf of the undersigned conservation organizations we are writing to convey our collective thoughts on both the Draft Interim Strategic Vision document (dated November 22, 2011) and strategies to help ensure the effective implementation of AB 2376 (Huffman, 2010). We thank the staff of the strategic visioning process for this opportunity to provide input into this important process and its work products. In short we believe this process has been successful at developing a wide array of potential suggestions for how to improve fish and wildlife management in the State of California. The task ahead is to hone the many ideas on the table into a truly strategic, effective and actionable plan to move forward in 2012.

The protection and stewardship of California’s natural resources are among our state government’s most important long-term responsibilities. We believe that the current strategic visioning process provides an important and timely opportunity to help the Department of Fish and Game (DFG) and the Fish and Game Commission (FGC) most effectively contribute to meeting these responsibilities. Additionally, we support the efforts to date to engage a wide range of stakeholders, as it is our hope that this engagement will also lead to wider recognition and support for the work of the DFG and FGC. To that end, we offer the following comments on the Draft Interim Strategic Vision and the process for further refinement and elaboration:

1. **Support for updating the DFG and FGC mission statements to more accurately reflect both the breadth of the Department and Commission’s current statutory responsibilities and the values of Californians.** Specifically, we urge that both the DFG and FGC mission statements make clear that the shared core mission of the two
entities is to “protect, restore and 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.” We urge addition of the italicized language to the existing DFG mission statement to reflect DFG and FGC public trust responsibilities. Californians value a healthy environment and our state’s economy depends on thriving natural systems. The strategic vision process should align all of DFG and FGC activities behind a clear mission of effectively and efficiently safeguarding the state’s public trust assets.

2. **Support for specific goals and objectives (Chapter 3).**
In general, our organizations support many of the goals and associated objectives outlined in Chapter 3 of the Draft Vision. In particular, we support the inclusion of those goals and objectives that if fully achieved would have clear and significant positive impacts on California’s ecosystems. Specifically, we believe the following goals and objectives deserve high priority in the plan:

   a. **Goal 2: Highly Valued Programs and Quality Services.**
      i. Objective 1: Protect, manage, enhance and restore wildlife resources.
      ii. Objective 2: Help achieve and maintain healthy ecosystems.

   b. **Goal 3: An Effective Organization.**
      i. Objective 1: Coordinate resource planning, policies, practices, processes and regulations with other agencies and organizations.
      ii. Objective 2: Encourage and support strong internal, external and interagency communications and collaboration.

   c. **Goal 4: An Efficient Organization.**
      i. Objective 2: Develop simple, clear, and consistent governance and permitting practices and processes.
      ii. Objective 3: Manage capacity/resources.

3. **Support for pathways to achieve high priority goals and objectives.**
In its current form, Appendix B includes a startlingly broad array of potential suggestions for ways to achieve the goals identified in Chapter 3. As the strategic visioning process advances it will be necessary to narrow and prioritize this long list of potential actions into a more strategic set of achievable activities. Indeed, the success of this entire effort likely hinges on how effectively the long list of ideas currently contained in Appendix B can be transformed into a manageable set of high priority actions and aggressively pursued through administrative or legislative means, as necessary.

Those ideas that resonate most clearly with our organizations’ policy priorities, values, and strategic initiatives are scattered throughout Appendix B. Below are several specific suggestions for ways to achieve the above-stated goals and objectives that we view as high priorities. The suggestions below are consistent with several of the pathways identified in Appendix B.
i. Improve transparency in program budgeting, funding & management.

ii. Demonstrate innovative new models in wildlife and fishery management programs.

iii. Elevate Natural Community Conservation Planning and other large scale conservation programs.

iv. Reform restoration project permitting to reduce administrative impediments to restoration efforts.

v. Improve communication and accountability between DFG Headquarters and DFG Regions.

vi. Increase the role for and transparency of science in DFG and FGC decision-making.

vii. Advance financing reforms to improve overall program sustainability.

Short-term: identify opportunities to better support regulatory and conservation programs with adjustments to existing fee structures. Long-term: identify and pursue funding initiatives to help secure the future of DFG General Fund and/or special fund programs. Fundamentally, we do not believe that the DFG and the FGC can adequately implement and build public confidence in their work unless we can secure a clear, viable long-term source of funding dedicated to wildlife management and conservation.

4. Support for a new focus within the Strategic Vision process.

Our organizations appreciate the work that has been done by stakeholders and the Blue Ribbon Citizen Commission (BRCC) to articulate suggested goals, objectives, and pathways. We believe strongly, however, that an effective strategic vision will only be possible if a new level of judgment is brought to the process early next year to ensure that the outcome is a clear and actionable set of recommendations. Following the public outreach effort currently underway, we recommend that the Executive Committee and BRCC take a more hands-on approach to prioritizing actions within the visioning process. We believe those bodies should be charged with determining:

- which sub-set of the stakeholder advisory group’s suggested goals, objectives, and pathways warrant further consideration;
- which specific recommendations can be implemented by direct administrative action;
- which recommendations would require legislative action; and
- how DFG and FGC should prioritize their resources to achieve their missions.

These critical questions and others are among those that remain unanswered. Consistent with the timeline for work products articulated by AB 2376, we strongly urge an
increased role for the BRCC and Executive Committee in 2012 to undertake the critical work described above.

Thank you for your consideration of these comments.

Sincerely,

Sara Aminzadeh  
Acting Executive Director  
California Coastkeeper Alliance

Karen Garrison  
Co-Director, Oceans Program  
Natural Resources Defense Council

Warner Chabot  
Chief Executive Officer  
California League of Conservation Voters

Sarah Abramson Sikich  
Coastal Resources Director  
Heal the Bay

Jena Price  
Legislative Director  
Planning and Conservation League
December 16, 2011

California Fish and Wildlife Strategic Vision Project
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

RE: California Fish and Wildlife Strategic Vision (CFWSV) Project
Draft Interim Strategic Vision

On behalf of the The Otter Project, our board of directors, and 3000 members we are writing to express our thoughts on the Draft Interim Strategic Vision document. We thank the staff of the strategic visioning process for this opportunity to provide input into this important process.

The protection and stewardship of California’s natural resources are among our state government’s most important long-term responsibilities. Further, we believe protection and stewardship is a wise investment in California’s future. To that end, we offer the following comments on the Draft Interim Strategic Vision and the process for further refinement and elaboration:

1. **Support for updating the DFG and FGC mission statements to more accurately reflect both the breadth of the Department and Commission’s current statutory responsibilities and the values of Californians.** Specifically, we urge that both the DFG and FGC mission statements make clear that the shared core mission of the two entities is to “protect, restore and 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.”

2. **Support for pathways to achieve high priority goals and objectives.** In its current form, Appendix B includes a startlingly broad array of potential suggestions for ways to achieve the goals identified in Chapter 3. As the strategic visioning process advances it will be necessary to narrow and prioritize this long list of potential actions into a more strategic set of achievable activities. We believe narrowing the brainstormed list down to achievable objectives is the difference between another bookshelf plan and success.

3. **Support for a science informed process for decision making. If insufficient science exists, the DFG and FGC should take a precautionary approach and protect the resource.** We support the language of “best available science” and we urge both DFG and FGC to incorporate sound science into the decision making process. At the same time we recognize that science can sometimes be lacking or inconclusive; in these cases it is imperative that the Department take a precautionary approach that best protects the resource. Living resources should not be depleted while waiting for additional studies.
4. **Support for strategic partnerships.** Like a food web interconnectedness can insulate the DFG from a paucity of resources. Partnerships with universities, other agencies, municipalities, stakeholders, and NGOs can enhance the knowledge base and capacity of the Department. Californians are invested in the success of the Department of Fish and Game and we stand ready to partner.

Thank you for your consideration of these comments and your hard work and dedication.

Sincerely,

[Signature]

Steve Shimek  
Chief Executive
December 15, 2011

California Fish and Wildlife Strategic Vision Project
California Natural Resources Agency
1416 Ninth Street, Suite 1311
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916.653.5656
StrategicVision@resources.ca.gov

To the Stakeholder Advisory Committee:

The mission of the Truckee River Watershed Council is to bring the community together for the Truckee – to protect, enhance and restore the Truckee River watershed.

Our Weed Warrior program coordinates the detection and control of targeted invasive non-native plants before they have a chance to establish themselves. The strategy is “Early Detection, Rapid Response.” The program is managed by staff and has active involvement from volunteers. We coordinate with the Nevada Placer Weed Management Area.

Invasive weeds are important to control. Large infestations can destroy the biodiversity of places we love and cost California hundreds of millions of dollars in control costs and lost productivity annually. The Weed Warriors strongly encourage the DFG and Natural Resources Agency to:

- Take a lead role in addressing invasive plants in California wildlands;
- Dedicate significant funding to invasive plant management;
- Partner with WMAs, Cal-IPC and others on invasive plant management programs;
- Take an active role in leading the interagency Invasive Species Council of California and implementing the actions recommended in its Strategic Framework;
- Educate the public on the wildlife impacts of invasive species, and how citizens can help reduce the problem.

Thank you for prioritizing control and management of invasive weeds within the Strategic Vision.

Sincerely,

Andy Otto
Director of Land Use Compatibility
December 14, 2011

Ms. Melissa Miller-Henson, Director
California Fish and Wildlife Strategic Vision Project
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

RE: Comments on the California Fish and Wildlife Strategic Vision Project. Draft Interim
Strategic Vision: Potential Recommendations for the California Department of Fish and
Game and the California Fish and Game Commission. November, 2011

Dear Ms. Miller-Henson:

The Draft Interim Strategic Vision is very broadly drafted and it contains little in the way of
specific details and proposals required for an in-depth public review and comment.

It is anticipated, however, that the focus will sharpen and details will be added as a result of the
Blue Ribbon Citizen Commission (BRCC), Stakeholder Advisory Group (SAG) and Strategic
Vision Executive Committee meetings scheduled to complete the project between January 5 and
February 16, 2012.

Even though the final Strategic Vision is not statutorily due to be presented to the Governor and
California State Legislature until July 2012, it is being rushed for submission by February 24,
2012, coincidently the deadline for the introduction of new proposed legislation in 2012.

It is preferred that the BRCC, SAG and the Executive Committee continue their work on the
Strategic Vision until the July 2012 deadline in order to receive as much public input on the final
draft as possible. The public should be given ample opportunity to comment on the final draft
before it is submitted to the Governor and the Legislature.

The introduction of new proposed legislation prior to such maximization of public review,
comment, and further redrafting as needed is considered inappropriate. It would leave too much
of the final drafting to the Legislature and would subject the process of enactment of a Strategic
Vision to too many political and emotional considerations that are not based on sound science
and the principles of good wildlife management.

It would be far better to utilize the entire allotted time to provide the Legislature with a more
complete work product.
AB 2376 was opposed by us in part because the statutory time frame provided was believed to be too short. A more thorough public review and additional comment time is necessary in order to development a detailed and appropriate finished document prior to its submission to the Legislature.

The timeline established by BRCC is even shorter, thus increasing the likelihood that there will be inadequate opportunity for public input prior to initiation of the legislative process.

Many stakeholder groups have representatives that can, and have, represented them thus far during the BRCC/SAG process. However, the individual members of the public have not been adequately represented and can only be so via public review and comment periods. Though some public meetings were held in various locations, they were not convenient for many members of the public to attend. They should have further opportunity to participate.

Since the Draft Interim Strategic Vision lacks specific and detailed proposals for in-depth public comment, the following comments are based on some of the topics discussed by BRCC/SAG which are considered to be more controversial.

There are concerns that any increase in the amount of non-scientific public influence ("...desires of the public...") in the Department’s wildlife management decision making will ultimately reduce the amount of decisions based on sound science and will increase those based on political and emotional considerations. The public already has adequate opportunity via the Commission hearing process to voice its concerns on most issues.

There has also been discussion of forming a “science committee” to advise the Fish & Game Commission. While qualified input could be helpful to the Commission, there is no mention in the draft document of any requirement for committee members to actually have scientific credentials that are relevant to wildlife management.

It would be counterproductive to give official scientific standing to persons who are not scientifically qualified. Under the present system, it is not uncommon for people to address the Commission on scientific matters in which they have no formal education. This is their right and the Commission has to decide who knows what they are talking about and who does not. It would be inappropriate, however, to place such people on a scientific committee that provides scientific guidance to the Commission. It would only inject more politics and emotion into a subject that should be decided scientifically.

Another consideration that needs much more attention is the matter of funding. If the Department and the Commission are reorganized in a manner that increases their costs, where will the additional funding come from? There is little money available in the State General Fund, and it is unrealistic to expect increased federal funding. It is likely there would be a proposal for substantial increases in sport hunting and fishing licenses, tags, and permits.

Any such increases would be strongly opposed. Current sport hunting and fishing licenses and fees are already substantial. Any increase would result in fewer people being able to participate.
Changes should not be proposed in the Strategic Vision unless there is specified funding available to implement them.

This opportunity to comment on the Draft Interim Strategic Vision is much appreciated. However, there is a deficiency in the amount of detail and specific proposals to comment upon. We look forward to commenting further on a revised, more detailed and specific Strategic Vision proposal before it is submitted to the Governor and the Legislature.

We also strongly urge that the accelerated timeline be abandoned in favor of continuing the Strategic Vision process until the statutory deadline of July 2012. If the rush is to meet the February 24, 2012 deadline for introducing new legislation, it is not necessary.

A “spot” bill can be introduced as a place holder until July at which time it can be amended to reflect the finished Strategic Vision document.

Should you have any questions please contact our legislative advocate, Kathryn Lynch, at (916) 443-0202.

Sincerely,

Dennis Anderson
Safari Club International, California Legislative Coordinator

cc: Safari Club International
December 14, 2011

Ms. Melissa Miller-Henson, Director  
California Fish and Wildlife Strategic Vision Project  
California Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814


Dear Ms. Miller-Henson:

The Draft Interim Strategic Vision is very broadly drafted and it contains little in the way of specific details and proposals required for an in-depth public review and comment.

It is anticipated, however, that the focus will sharpen and details will be added as a result of the Blue Ribbon Citizen Commission (BRCC), Stakeholder Advisory Group (SAG) and Strategic Vision Executive Committee meetings scheduled to complete the project between January 5 and February 16, 2012.

Even though the final Strategic Vision is not statutorily due to be presented to the Governor and California State Legislature until July 2012, it is being rushed for submission by February 24, 2012, coincidentally the deadline for the introduction of new proposed legislation in 2012.

It is preferred that the BRCC, SAG and the Executive Committee continue their work on the Strategic Vision until the July 2012 deadline in order to receive as much public input on the final draft as possible. The public should be given ample opportunity to comment on the final draft before it is submitted to the Governor and the Legislature.

The introduction of new proposed legislation prior to such maximization of public review, comment, and further redrafting as needed is considered inappropriate. It would leave too much of the final drafting to the Legislature and would subject the process of enactment of a Strategic Vision to too many political and emotional considerations that are not based on sound science and the principles of good wildlife management.
It would be far better to utilize the entire allotted time to provide the Legislature with a more complete work product.

AB 2376 was opposed by us in part because the statutory time frame provided was believed to be too short. A more thorough public review and additional comment time is necessary in order to development a detailed and appropriate finished document prior to its submission to the Legislature.

The timeline established by BRCC is even shorter, thus increasing the likelihood that there will be inadequate opportunity for public input prior to initiation of the legislative process.

Many stakeholder groups have representatives that can, and have, represented them thus far during the BRCC/SAG process. However, the individual members of the public have not been adequately represented and can only be so via public review and comment periods. Though some public meetings were held in various locations, they were not convenient for many members of the public to attend. They should have further opportunity to participate.

Since the Draft Interim Strategic Vision lacks specific and detailed proposals for in-depth public comment, the following comments are based on some of the topics discussed by BRCC/SAG which are considered to be more controversial.

There are concerns that any increase in the amount of non-scientific public influence (“...desires of the public...”) in the Department’s wildlife management decision making will ultimately reduce the amount of decisions based on sound science and will increase those based on political and emotional considerations. The public already has adequate opportunity via the Commission hearing process to voice its concerns on most issues.

There has also been discussion of forming a “science committee” to advise the Fish & Game Commission. While qualified input could be helpful to the Commission, there is no mention in the draft document of any requirement for committee members to actually have scientific credentials that are relevant to wildlife management.

It would be counterproductive to give official scientific standing to persons who are not scientifically qualified. Under the present system, it is not uncommon for people to address the Commission on scientific matters in which they have no formal education. This is their right and the Commission has to decide who knows what they are talking about and who does not. It would be inappropriate, however, to place such people on a scientific committee that provides scientific guidance to the Commission. It would only inject more politics and emotion into a subject that should be decided scientifically.

Another consideration that needs much more attention is the matter of funding. If the Department and the Commission are reorganized in a manner that increases their costs, where will the additional funding come from? There is little money available in the State General Fund, and it is unrealistic to expect increased federal funding. It is likely there would be a proposal for substantial increases in sport hunting and fishing licenses, tags, and permits.
Any such increases would be strongly opposed. Current sport hunting and fishing licenses and fees are already substantial. Any increase would result in fewer people being able to participate.

Changes should not be proposed in the Strategic Vision unless there is specified funding available to implement them.

This opportunity to comment on the Draft Interim Strategic Vision is much appreciated. However, there is a deficiency in the amount of detail and specific proposals to comment upon. We look forward to commenting further on a revised, more detailed and specific Strategic Vision proposal before it is submitted to the Governor and the Legislature.

We also strongly urge that the accelerated timeline be abandoned in favor of continuing the Strategic Vision process until the statutory deadline of July 2012. If the rush is to meet the February 24, 2012 deadline for introducing new legislation, it is not necessary.

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Sincerely,

Keith Ringgenberg
President, Outdoor Sportsmen's Coalition

cc: Outdoor Sportsmen’s Coalition of California
December 14, 2011

Ms. Melissa Miller-Henson, Director
California Fish and Wildlife Strategic Vision Project
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814


Dear Ms. Miller-Henson:

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 more than 6,500 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 Draft Interim Strategic Vision is very broadly drafted and it contains little in the way of specific details and proposals required for an in-depth public review and comment.

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Should you have any questions please contact our legislative advocate, Kathryn Lynch, at (916) 443-0202.

Sincerely,

Lawrence G Keane
Senior Vice President & General Counsel

cc: National Shooting Sports Foundation
December 11, 2011

Ms. Melissa Miller-Henson, Director
California Fish and Wildlife Strategic Vision Project
The California Natural Resources Agency
1416 Ninth Street
Sacramento, CA 95814

Re: Stakeholder comments regarding invasive plant management

The California Invasive Plant Council (Cal-IPC) is a 20-year-old nonprofit organization working to protect the lands and waters of California from ecologically-damaging invasive plants. Our programs span science, education and policy. We partner with numerous stakeholders and agencies at the local, state and federal level, and our membership consists of natural resource managers, university researchers, and volunteer restoration workers across California.

California’s biodiversity is world renowned. The conditions that allow for such diversity also provide opportunities for a wide variety of invasive species to establish and spread in the state. A major aspect of stewarding biodiversity in California is preventing and controlling invasive species.

Invasive plants are particularly damaging. They degrade native vegetation communities that anchor the food webs on which wildlife depends. Some alter underlying ecological process like fire regimes, hydrology, soil chemistry, and erosion. Without healthy plant communities, wildlife and natural resources are at risk.

The California Department of Fish and Game (DFG) is charged with “manag[ing] 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.” Invasive plants damage these ecological values and also impact public use and enjoyment of the state’s natural resources. Preventing and controlling invasive plants in California wildlands is critical to DFG’s mission.

The visioning process being undertaken by the Natural Resources Agency offers an excellent opportunity to strengthen the state’s response to invasive plants. Cal-IPC encourages the Executive Committee, the Blue Ribbon Citizen Commission, and the Stakeholder Advisory Group to integrate programs addressing invasive plants into DFG. Three items are of particular interest: first, formal state listing of invasive plants of wildlands; second, coordination of the state’s network of local Weed Management Area groups; and third, integrating statewide risk mapping into landscape-level conservation goal-setting.
Listing invasive plants of wildlands in California

The Cal-IPC Inventory lists 200 plant species as invasive in the state, using a transparent science-based criteria system. Most of these species are not formally listed by any state agency, and the Cal-IPC Inventory serves as the *de facto* state list (www.cal-ipc.org/ip/inventory/weedlist.php).

The California Department of Food & Agriculture (CDFA) lists noxious weeds and provides pest ratings which determine eradication mandates. Noxious weeds are primarily species with an agricultural impact. Though the agricultural code was modified to include plants with an impact on natural resources, there is no proactive effort to evaluate species with wildland impact. The code specifically restricts listing plants that are themselves a commodity, with the result that plant species used in the horticultural trade cannot be listed, even if they are known to escape into wildlands.

Formally listing California wildland invasive plants is critical. Formal listing would not only elevate the recognition that they are a significant threat to our natural resources. If federal funds are made available to states for controlling invasive plants in wildlands, formal listing may be required to access these funds.

Many states have “weed boards” made up of experts from academia, conservation organizations, agencies, and industry. These boards meet regularly to review information and to make formal decisions regarding state listing. Such an approach should be explored for California, and Cal-IPC could facilitate establishing such a board.

Coordinating California’s network of county-based Weed Management Areas

For the last decade, CDFA has overseen the development of the state’s network of county-based Weed Management Areas. WMAs are cooperative entities bringing together local agency representatives and stakeholders to plan and implement management projects.¹

In California, 40 WMAs have formed over the last decade, covering every county and involving hundreds of stakeholder groups. Local coordination is typically provided by a County Agricultural Commissioner’s office or a Resource Conservation District. WMAs have leveraged state funding at a rate of 2:1, bringing in extensive in-kind participation and additional grants. They have controlled over 2,000 populations of high-priority invasive plant species across the state based on local planning and execution. Program funding has been used on both noxious weeds and on wildland invasive plants listed by Cal-IPC.

In California’s 2011 budget, funding for the state’s network of WMAs was eliminated. This removes the state’s key funding source for holding the line against invasive plants on-the-ground. It also destroys infrastructure for coordinating work at the statewide level. This coordination is essential for long-term effectiveness at the landscape scale.

Cal-IPC is dedicated to keeping this program alive, and restructuring it as necessary to be as effective and sustainable as possible. The program has wide support in the conservation community. (In

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¹ The WMA concept was pioneered in the greater Yellowstone area and has spread across the country. Some groups have evolved to work on more than plants. Florida’s CISMAs (Cooperative Invasive Species Management Areas) also address animals, including pythons and other invasive snakes. New York has a network of PRISMs (Partnerships for Regional Invasive Species Management) that are integrated into their state’s Department of Environmental Conservation.
CDFA has done great work in pioneering and developing this program, and their relationship with the state’s network of County Agricultural Commissioners is a tremendous asset. We will continue to work creatively with CDFA to find ways to bring the program back. (Funding was also cut for CDFA’s regional biologists, who provided important expertise to local efforts, and we hope to renew support for them.) However, CDFA’s focus is agriculture, and invasive plants in wildlands are a natural resource conservation issue. We believe it is critical for the Natural Resource Agency to take a leadership role on this important natural resource issue.

The WMA program is essentially a grant-giving operation, similar to the Wildlife Conservation Board. Identifying new funding sources, including federal and private, is a big hurdle. It is also important that existing program infrastructure be maintained so that gains made in building collaborations at the local, regional and state level are not lost. CDFA has committed to a low level of oversight for the next year, basically serving as a “pass-through” for US Forest Service invasive plant control funds. This provides a short window of time for restructuring the program.

The existing network of county-based WMAs is important to maintain. Each WMA provides a local nexus for coordination. In addition, regional collaborations involving multiple WMAs and other regional partners are needed to develop effective landscape-level conservation goals. Such partnerships are underway in the San Francisco Bay Area and the Southern Sierra, and should be fostered across the state. These partnerships can use the risk mapping tool discussed below to help set effective regional strategy.

Integrating statewide risk-mapping into strategic planning

Recent work in mapping invasive plant distribution statewide provides an important tool for setting regional and statewide priorities for control efforts. With ARRA funding from the US Forest Service through CDFA, Cal-IPC has developed a statewide atlas of invasive plant distribution based on over 100 expert meetings conducted around the state. This data forms the backbone for a dynamic online “risk mapping” tool that identifies opportunities for eradication, containment, and surveillance for invasive plant species in any given region of the state (http://calweedmapper.calflora.org).

The National Park Service has committed time from its park restoration ecologists to review how to best integrate the tool into their management planning. Cal-IPC has received a Landscape Conservation Cooperative grant from the US Fish & Wildlife Service to integrate range modeling for each species, including the effects of future climate change. We will be partnering with DFG’s Biogeographic Data Branch to add key conservation data layers to the analytic framework.

This tool provides a foundation for setting regional and statewide invasive plant management goals. When coordinating with regional partnerships, the tool can provide a baseline understanding of the options regarding where to focus resources. This is essential if we are to maximize the conservation benefit from limited funding, and to monitor progress toward long-term conservation goals.

Conclusion

Effective work on preventing and managing invasive species requires well-coordinated programs and consistent, substantial funding. Cal-IPC recommends looking at how Departments of Conservation
in other states such as Florida and New York have set up their invasive species programs to guide how California proceeds.

Obviously there are major funding shortfalls for conservation in California at this time. There is common cause between wildland invasive species management and State Parks, which also protect natural resources for their ecological values as well as public enjoyment. The Natural Resources Agency should capitalize on program synergies between its departments, while stakeholders like Cal-IPC work to restore funding.

The Invasive Species Council of California (ISCC), vice-chaired by Natural Resources Secretary John Laird, and the Strategic Framework it has assembled, provides a strong foundation for moving forward on these directions. Cal-IPC urges the agency to maintain an active lead role in the ISCC.

We appreciate your consideration of these proposals. Taken together, these proposals bring significant capacity for planning and executing effective stewardship activities. Cal-IPC and the community of natural resource managers stand ready to work with DFG on strengthening its role in addressing invasive plants in California’s wildlands.

Sincerely,

Doug Johnson
Executive Director
Organizations endorsing AB 2479 (Cogdill 2006) for WMA funding

**Statewide Organizations:**
- California Agricultural Commissioners and Sealers Association
- California Association of Pest Control Advisers
- California Association of Resource Conservation Districts
- California Cattlemen's Association
- California Council of Land Trusts
- California Farm Bureau Federation
- California Forest Pest Council
- California Invasive Plant Council
- California Native Grasslands Association
- California Native Plant Society (CNPS)
- California Society for Ecological Restoration
- Regional Council of Rural Counties
- Sierra Club California
- Trust for Public Land

**Local & Regional Organizations:**
- Acterra (Palo Alto)
- Alameda County Resource Conservation District
- Alameda-Contra Costa Weed Management Area
- Alpine County Board of Supervisors
- Audubon Canyon Ranch (Stinson Beach)
- Bay Area Open Space Council
- Big Sur Land Trust
- Butte County Resource Conservation District
- Cache Creek Conservancy (Woodland)
- Catalina Island Conservancy
- Center for Natural Lands Management (Fallbrook)
- CNPS Alta Peak Chapter (Tulare County)
- CNPS Dorothy King Young Chapter (Mendocino)
- CNPS El Dorado Chapter
- CNPS Los Angeles/Santa Monica Mountains Chapter
- CNPS Milo Baker Chapter (Sonoma County)
- CNPS Monterey Bay Chapter
- CNPS Mt. Lassen Chapter
- CNPS Orange County Chapter
- CNPS San Luis Obispo Chapter
- CNPS Santa Clara Valley Chapter
- CNPS Sierra Foothills Chapter
- CNPS Yerba Buena Chapter (San Francisco)
- Center for Land-Based Learning (Winters)
- Channel Islands Restoration
- Colusa County Department of Agriculture
- Concerned Resource & Environmental Workers (Ojai)
- Conservation Biology Institute (Encinitas)
- Contra Costa Resource Conservation District
- Cummings Valley Protective Association (Tehachapi)
- East Bay Municipal Utility District
- El Dorado Invasive Weed Management Group
- Elsinore-Murrieta-Anza Resource Conservation District (Riverside County)
- Farm Bureau of San Diego County
- Fresno County Board of Supervisors
- Friends of Bidwell Park (Chico)
- Friends of Edgewood Natural Preserve (Redwood City)
- Friends of Five Creeks (Alameda and Contra Costa Counties)
- Friends of Switzer Canyon (San Diego)
- Garrapata Creek Watershed Council (Monterey)
- Glenn County Board of Supervisors
- Glenn County Department of Agriculture
- Glenn County Resource Conservation District
- Golden Gate Audubon Society
- Honey Lake Valley Resource Conservation District
Humboldt/Del Norte Weed Management Area
Inyo and Mono Counties Agricultural Department
Kern County Board of Supervisors
Kern County Department of Agriculture
Kern Weed Management Area
Lake County Weed Management Area Partnership
Lake Tahoe Basin Weed Coordinating Group
Land Trust for Santa Barbara County
Lassen County Special Weed Action Team
Los Angeles & San Gabriel Rivers Watershed Council
Marin Conservation Corps
Mariposa County Board of Supervisors
Mariposa County Department of Agriculture
Mendocino Weed Management Area
Mendocino Coast Cooperative Weed Management Area
Merced County Board of Supervisors
Mission Resource Conservation District (Fallbrook)
Mojave Desert Resource Conservation District
Mojave Desert Weed Management Area
Mojave Water Agency
Mountains Recreation & Conservation Authority (Malibu)
Mountains Restoration Trust (Santa Monica Mountains)
Napa County Board of Supervisors
Napa County Resource Conservation District
Nature in the City (San Francisco)
Ojai Valley Land Conservancy
Palos Verdes Peninsula Land Conservancy
Quail Ridge Wilderness Conservancy (Davis)
Regional Assn. of Northern Counties Agricultural Commissioners and Sealers (Del Norte, Humboldt, Lake, Lassen, Mendocino, Modoc, Plumas/Sierra, Shasta, Siskiyou, Tehama and Trinity Counties)
San Benito County Agricultural Department
San Bruno Mountain Watch
San Mateo County Board of Supervisors
SPAWNERS - San Pablo Watershed Neighbors Education & Restoration Society (Contra Costa County)
Santa Barbara Audubon Society
Santa Barbara Botanic Garden
Santa Barbara County Department of Agriculture
Santa Clara County Parks and Recreation Department
San Diego County Department of Agriculture
San Joaquin County Board of Supervisors
San Luis Obispo County Department of Agriculture
Santa Lucia Conservancy (Carmel)
Santa Margarita/San Luis Rey Weed Management Area
Shasta County Department of Agriculture
Sierra-Cascade Land Trust Council
Sierra Club - Santa Lucia Chapter
Solano County Weed Management Area
Solano Land Trust
Solano Resource Conservation District
Sonoma Land Trust
Southern Low Desert Resource Conservation & Development Council
Surfrider Foundation, Ventura County Chapter
Sutter County Board of Supervisors
Tehachapi Resource Conservation District
Tehama County Resource Conservation District
Thirty-Second Street Canyon Task Force (San Diego)
Trinity Resource Conservation and Development Council
Tulare County Board of Supervisors
Upper Salinas-Las Tablas Resource Conservation District
Ventura County Resource Conservation District
Yolo County Resource Conservation District
Dec. 10. 2011

COMMENTS on the California Fish and Wildlife Strategic Vision (CFWSV) Project - Draft Interim Strategic Vision

The CA Department of Fish and Game has been charging down an aggressive regulatory path that people find increasingly oppressive, severe, intolerably burdensome and contrary to the rule of law and good government - causing an overwhelming backlash in Siskiyou County. If this is the vision of the CA DF&G, then it needs to go back to the drawing board, because we can’t live with it.

At one time, the people of Siskiyou County had one of the most effective voluntary programs for the conservation of fish and wildlife in the State. Farmers and ranchers in the Scott and Shasta Valleys were so proactive in addressing the needs of coho salmon that they were recognized for their voluntary partnership efforts by having a separate local recovery plan and pilot programmatic permit. But the CADF&G pushed too hard – becoming unreasonable in its demands under the 1602 and Incidental Take Permit. It demanded water needed for crops and livestock without paying for it, without making people whole for the loss of their livelihood. Along with other environmental regulations, it placed a burden on local small family farms that threaten their continued economic survival. The CADF&G replaced a partnership with force, intimidation and impossible demands. Many people are standing up and saying “no” to what they considered to be tyranny.

Here are some examples

1. The Department is violating individual’s due process rights by agreeing to joint stipulations and settlement agreements with special interests that affect the property rights of people excluded from the process. [Fifth Amendment to the U.S. Constitution: “No person shall be… deprived of life, liberty, or property, without due process of law…”; Fourteenth Amendment to the U.S. Constitution: No State shall… deprive any person of life, liberty, or property, without due process of law…”]

For example, in the 2005 case of Karuk Tribe of California et al. v. California Department of Fish and Game et al., Alameda County Superior Court Case No. RG 05211597, the stipulated agreement affected the property rights of miners in the Klamath River system who were not a party to the suit. It bypassed the formal rulemaking process, violating miner’s due process rights. The stipulated agreement with the tribe was to cease to issue permits to local miners to operate their claims until the CA DFG administratively issued new regulations addressing specific areas. The case was also heard in a distant venue (Alameda) where the affected private properties were not located.

The New 49er’s group successfully intervened and in 2006, the court required that CA DFG initiate an EIR and a formal rulemaking to mitigate identified harms within 18 months. In the meanwhile, miners with a constitutionally-protected property right to prospect and extract locatable mineral upon public lands (as granted by Congress) were physically prevented from beneficial use of their property. [The current law now extends the moratorium until 2016. The EIR has never been completed and not one miner has been compensated for the physical taking of his property.]
Another example is the infamous Klamath Basin Settlement Agreement(s). It was flat out required that interested parties agree to support dam removal as a prerequisite to their application to join the Settlement group. This summarily precluded any individual or interest that would be harmed by dam removal from participation. This included people whose property values and rights, wells, livelihoods and recreational opportunities would be directly affected. Further, the agreements themselves attempt to waive any liability for damage done by dam removal to county and city infrastructure and the health, safety and property of individuals in the vicinity. They also give short shrift to local County ordinances and processes in place to protect public health and safety, requiring permits for large scale demolition. To make matters even worse, the EIS/EIR fails to address the scope of the entire Klamath Basin Restoration Agreement (KBRA) in its analysis, excluding significant portions and affecting the due process rights of anyone impacted by its provisions.

2. The Department has imposed regulations and fees that have interfered with individual’s rights to engage in a lawful business or trade. It is a well-known adage that the power to regulate is not the power to destroy. Regulation of a business activity does not contemplate its destruction or restraint (prohibition for a period of time,) but rather places operation within certain bounds. A state agency may impose reasonable restrictions upon the conduct of such activities so long as the regulations have a reasonable relation to a legitimate public purpose (general public peace, health, morals, welfare); are reasonably exercised, (within constitutional limitations, not arbitrarily, and not in such a manner as to restrain trade or to unfairly discriminate.) Under the guise of protecting the public, the regulation may not arbitrarily interfere with, or unnecessarily restrict or act in a confiscatory manner to a lawful business or occupation (e.g. arbitrary and capricious.)

Contrary to the rule of law, the moratorium on dredge mining until 2016 arbitrarily restrains that industry. CF&GC Section 5653.1 requires that regulations on suction dredge mining “fully mitigate all identified significant environmental impacts.” First, this selectively holds suction dredge mining to a standard contrary to CF&GC 2052.1, which states: “The Legislature further finds and declares that if any provision of this chapter requires a person to provide mitigation measures or alternatives to address a particular impact on a candidate species, threatened species, or endangered species, the measures or alternatives required shall be roughly proportional in extent to any impact on those species that is caused by that person.”

Second, although CF&GC 2081 also includes the “fully mitigate” verbiage it applies to “measures required” not “regulations” and holds such measures to a standard of “roughly proportional in extent to the impact of the authorized taking on the species.” In addition, this selectively holds S.D. mining to a standard not required of any other industry under CEQA (Pub. Res. Code 21000, et seq.,) which has no “fully mitigate” requirement or standard. In fact, CEQA allows for findings that “specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.”

CF&GC section 5653 allows a permit to be issued only if the Department can determine that the “operation will not be deleterious to fish.” Laws may not unfairly discriminate. In this case, S.D. mining is being held to a standard of “not deleterious to fish.” According to Mirriam Webster’s dictionary, “deleterious” means harmful. Fishermen can kill fish and that is ok. Any other group can even harm an endangered species, but not be in violation because the standard is “kill.” This standard applied to S.D. mining is glaringly arbitrary, capricious and discriminatory.

In the vein of the “precautionary principle,” note that the standard is in the negative. It assumes that that the activity is deleterious unless it can be proven that it is “not deleterious.” In America, it is a
doctrine that people are presumed innocent until proven guilty. There is a standard that one has the liberty to use one's private property unless such use causes a substantial injury to general public health and safety. The standard in the current code flies in the face of justice.

AB 120 also requires that “a fee structure is in place that will fully recover all costs to the department related to the administration of the program.” Under the rule of law, "fees" cannot be punitive, but are to only cover costs of government services related to permitting - as the permitting act benefits a specific individual. Fees which exceed the estimated reasonable cost of providing permitting are considered "special taxes" which require a public vote. The level of many current fees is unreasonable and intolerable, forcing small businesses out of business.

Regulations lose their validity when they become confiscatory in nature. Under the aborted “programmatic incidental take” permit attempted for the Shasta and Scott river areas, the CA DFG imposed a variety of extortionate mitigations that were confiscatory: (a) reallocation of Gold Rush era pre-1914 water rights to instream flows; (b) land conversion from crop and grazing land (a commercial crop) to riparian forest (non-income producing); and (c) waiver of the right to control access.

According to the AG Census, there were 846 farms in all of Siskiyou County in 2007. There were 80 farms under 10 acres; 229 farms from 10-49 acres; 228 farms from 50-179 acres; 130 farms from 180-449 acres; 79 farms from 450-999 acres; and 100 farms above 1,000 acres (mostly in the upper Klamath Basin.) Only 241 farms had sales values above $25,000. Only 137 of these farms had sales values in excess of $100,000. These are very small businesses. The spectre of a $10-20,000 fish screen or a $40,000 EIR process for an ITP is simply prohibitive. Profit margins are so thin that taking land out of production or cutting water back from the living needs of crops and livestock can literally make or break a business. In 2008, 87% of farm income was used for production expenses and only 12% was net profit, with the average net cash profitability of local farms and ranches at $29,747.

According to the USDA Ag Census, in 1992, Siskiyou County had 647,446 acres in farms. By 2007, this had been reduced to 597,534. In 1992, there were 37 farms of 1-9 acres, this more than doubled to 80 in 2007. The number of farms 10-49 acres increased 59% from 144 in 1992 to 229 in 2007. There were 179 farms 50-179 acres in 1992. This had increased 27% to 228 farms by 2007. The farms 180-449 acres and 500-999 acres remained appreciably the same. There was a 19% reduction in farms 1,000 acres or more from 124 in 1992 to 100 in 2007. It is likely, from these figures, that many of these larger farms were subdivided.

From 1992 to 2007, farms selling less than $2,500 increased from 175 to 359 (+105%). Farms selling $2,500-9,999 stayed about the same. Farms selling $10-$24,999 decreased from 105 to 95. Farms selling $25,000-$49,999 decreased from 73-60. Farms selling $50,000 to $99,999 decreased from 80 to 44 and farms selling more than $100,000 increased from 107 to 137 (+28%).

According to Cal. D.O.T. Siskiyou County Economic Forecast, since 1995, Siskiyou County’s agriculture industries have experienced substantial job loss at about 586 jobs, declining almost 45%. For instance, since 1996, county vegetable crops have declined in their contribution to the economy from $18.9 million to $11.8 million - or 38 percent. Much of this is due to regulatory pressures, such as the water crisis and conservation land conversion in the Upper Klamath Basin.

There were 81 fewer production ranches in 2007 than in 1992 (312 v. 393 – a 21% decrease.) There were 20,882 fewer cattle and calves in inventory over this period of time (77,417 to 56,535, or -27%) and sales dropped from 41,668 to 33,683.
Of non-farmers and ranchers, in 2007, 61% of the establishments in Siskiyou County had less than 4 employees; 82% had less than 10 employees and 93% had less than 20.

After government, and entitlement benefits, agriculture is our largest contributor to the economy of the county. We simply cannot survive if we lose these small businesses to regulation.

3. CA DFG regulations fail to meet the standards of “essential nexus” and “rough proportionality” set forth in Nollan v. California Coastal Commission, 483 U.S. 825 (1987) and Dolan v. City of Tigard, 512 U.S. 374 (1994). In these decisions, the Supreme Court of the United States indicated that the conditions/mitigations/exactions required of an individual must be specifically related to an identified injurious activity and roughly proportionate to that impact. CF&GC 2052.1 also provides that any required mitigation measures or alternatives to address a particular impact on a candidate, threatened or endangered species be “roughly proportional in extent to any impact on those species that is caused by that person.”

In the case of threatened coho, in the Klamath River system, there are overwhelming limiting factors other than the normal functions of farming and ranching that negatively impact the species and contribute to its decline:

a) Fish disease - in sampling of coho done in 2008, greater than 90% of juveniles trapped were found to be suffering from fatal clinical ceratomyosis. (The Klamath River is infected with Ceratomyxa shasta and Parvicapsula minibicornis. There are also several years of samplings of heavy infection rates among Chinook juveniles. http://www.fws.gov/arcata/fisheries/projectUpdates.html)

b) Predation - Estimates of mortality of anadromous salmonids from natural predators runs as high as 98 percent (Fresh in Steward and Bjornn 1990). Great blue herons, belted kingfishers, mergansers, dippers, gulls, otters, garter snakes, various mammals, and other fish all eat juvenile salmonids. Predation in ocean nearshore areas is greatest by blue sharks, sea lions, and harbor seals, while sharks and lampreys may pose the greatest threat on the high seas (Ricker 1976). [Chaper 4, 37-38, Page 200-201 of the Long Range Plan For The Klamath River Basin Conservation Area Fishery Restoration Program]

c) Ocean conditions – “The Wells Ocean Productivity Index (WOPI), a composite index of 13 oceanographic variables and indices, weighted heavily by sea level height, sea surface temperature, upwelling index, and surface wind stress, has been used to accurately predict zooplankton, juvenile shortbelly rockfish, and common murre production along the California coast, and is thus a valid indicator of ocean productivity. Index values for the spring-summer of 2005 and 2006 were low, indicating poor conditions for growth and survival (Fig. 2). In fact, only the El Niño years (1982-83, 1992-93, 1999) had lower WOPI values. The WOPI assesses conditions on a local scale for California, but has tracked another index, the Northern Oscillation Index (NOI), which is based on the strength of the North Pacific high pressure cell and describes a broader region of the North Pacific Ocean. In 2005 and 2006, the WOPI decoupled from the NOI, suggesting local conditions on the California coast were worse than for the larger North Pacific region. These results indicate that ocean conditions in the spring and summer, when juvenile coho and Chinook salmon enter the ocean, were unfavorable to growth and survival. This may explain the poor returns of both coho in 2007/08 and Chinook salmon in 2007. And, if the WOPI has predictive power, adult Chinook returns in 2008 should be low, supporting independent findings by the PFMC’s Salmon Technical Team, which reported a record low in the number of jacks returning to the Central Valley this past fall. Jack returns have been a useful predictor of run size in the next year, in this case, 2008. In 2007, only 2,000 jacks returned compared to the previous low of 10,000 and the long-term average of 40,000.” [Coho and
In comparison with these other factors, the impact on the species from normal agricultural practices in the Scott and Shasta Rivers is minute. The regulations proposed are enormously out of proportion to impacts.

In the proposed programmatic incidental take permit for coho for the Scott and Shasta Valleys, the CA DFG even attempted to interpret the “fully mitigate” standard of the CA Endangered Species Act to mean that for every egg, fry or juvenile potentially killed that the farmer or rancher would have to create new habitat or habitat conditions to replace that lost individual. The measures required under CF&GC 2081 hold to a standard of “roughly proportional in extent to the impact of the authorized taking on the species,” not the impact on an individual member of the species.

d) Bycatch

4. Regulations are governed by rules of “proximate cause.” There must be a substantial foreseeability or predictability that specific actions would cause injury or harm within an uninterrupted period of time. There is also a quality of direct causation – no intervening causes between the original act and the resultant injury. In addition, the act itself must be voluntary. It must be the primary act from which an injury results as a natural, direct, uninterrupted consequence and without which the injury would not have occurred. The action is not the cause of the injury if the injury would have occurred without the action.

The injury or harm caused by an activity being regulated is also held to a standard of “substantial,” significant, serious or appreciable injury as well as being a substantial factor or contributor to the injury. (The action must have been a significant factor enough to have independently caused the injury by itself.) This would be contrasted with injuries/damage that are “de minimis” or of minimum importance – something that causes an impact that is so little, small or insignificant that the law will not consider it.

If one can point to evidence of a direct cause and effect relationship between a specific activity and alleged prohibited consequence, then it is an activity which can be regulated. In the case of S.D. mining, there are no definitive studies that can prove proximate cause to death or even substantial harm to salmon. Every one of the studies available state that impacts to the resources are unsubstantial and very temporary. In the case of agriculture and death to threatened coho, there is very little exposure where a normal agricultural activity can be proven as a proximate cause. This is why the CA DFG tied the watershed-wide 1602 to the programmatic ITP. Although some folks needed a 1602, they determined that they did not need an ITP. The CA DFG, however, tied one to the other, requiring both.

CA DFG cannot just arbitrarily establish a prohibition on use. People have a fundamental natural right to liberty and property subject to the qualifier that property use cannot harm general public health and safety. The law must have a legitimate relationship to proximate cause. It certainly cannot presume harm unless proven otherwise as the “not deleterious” standard currently does.

5. California law defines Environmental Justice as “the fair treatment of people of all races, cultures and income with respect to the development, adoption, implementation, and
enforcement of environmental laws, regulations, and policies” (Government Code Section 65040.12 and Public Resources Code Section 72000).

The California Resources Agency Environmental Justice Policy
http://resources.ca.gov/environmental_justice_policy_20031030.pdf identifies low-income communities for protection from the “disparate implementation of environmental regulations, requirements, practices and activities in their communities.” All Departments, Boards, Commissions, Conservancies and Special Programs of the Resources Agency must consider environmental justice in their planning, decision-making, development and implementation of all Resources Agency programs, policies and activities.

Pub.Res.Code § 71110(a) and (b) outlines standards for environmental justice where the agency shall:
(a) Conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.
(b) Promote enforcement of all health and environmental statutes within its jurisdiction in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations in the state.

According to the new 2007 California County Data Book, Siskiyou County is dead last in all California Counties in family economic well-being, having the lowest median income. 65% of households with children ages 0-17 are low income, compared with a California average of 43%. The report notes that 27% of Siskiyou County’s children live in official poverty, compared to 19% for the state.

Poverty and other stressors contribute to local family problems. Siskiyou County has a very high child abuse referral rate compared to national statistics. For instance, in a total population of only 44,000, in December 2007 there were 36 referrals and three children had to be removed from their home. In that month, 83 children were in permanent foster care or a group home, 20 were in non-relative guardianship, 23 were supported by a voluntary family maintenance plan, and 69 children were in a temporary foster or other care working toward family reunification. The 2004 report entitled “Community Indicators of Alcohol and Drug Abuse Risk for Siskiyou County” (CA Dept. of Alcohol and Drug) indicates that from 2000-2002 in Siskiyou County, there were 132.1 emergency responses per 1,000 population under the age 18 for child endangerment/abuse. This compares with a statewide average of 68.6 per 1,000. County Foster care placements were 18.9 per 1,000, compared with a statewide average of 10.3.

According to an October 2008 study by Meredith Bailey CPA, Inc. entitled “A Review of Intimate Partner Violence in Siskiyou County,” the rate of Type I crimes (aggravated assault, robbery and forcible rape,) is much greater in Siskiyou County than in Los Angeles. In fact aggravated assault is about five times greater. Siskiyou County also dominates the surrounding counties of Humboldt, Shasta, Lassen and Del Norte County in the rate of these crimes. The report points to “social strain” fueled by alcohol and drug use as the cause.

The report entitled “Community Indicators of Alcohol and Drug Abuse Risk for Siskiyou County” states that from 1999-2001 the annual rate of DUI arrests for Siskiyou County was 13.3 per 1000 people aged 18-69, while the average for the State of California is only 8.4. The total arrests for alcohol-related offenses (excluding DUI) was per 13.2 per 1000 people aged 18-69 in Siskiyou
County, while the rate for California is only 5.9. In 1998-2000, the rate of alcohol related fatalities was 149.4 per 100,000 drivers in Siskiyou County and an average of in the entire State was 98.1.

It is clear that aggressive environmental regulation that put species welfare ahead of the welfare of human communities has taken a definite toll on the economy and social fabric of Siskiyou County.

6. According to Public Resource Code sections 21002 and 21002.1, “no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:
   (a) The public agency makes one or more of the following findings with respect to each significant effect:
      (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
   (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.”

Siskiyou County is an economically depressed area. The census indicates that between 1990 and 2008, Siskiyou County experienced a 25% loss in the population of children under the age of 18. The County saw a 45% increase in the population age 45-64 and an 18% increase of those age 65 and older. This shows that our population is aging dramatically, and younger family wage earners are migrating elsewhere.

In 2008, the average wage for jobs in Siskiyou County was 63% of the California average. The rate of unemployment from 2001 -2007 was 8-9.5% It climbed to an average of 10.2% in 2008 and, as of October 2011, is currently at 15.4%. In 2008, the Siskiyou County median income was $36,823 - 60% of the California median. Siskiyou County ranks 51 out of 58 California Counties in median income. In 2008, 25.4% of children under the age of 18 in Siskiyou County lived in poverty. That is 6.9% greater than the California rate.

Social and economic impact analysis under various CEQA analysis have been inadequate and have discounted serious local impacts. Rural counties are no longer in a position where we can afford to tolerate this. The legislature and the Department must either temper its regulatory zeal, or our communities and local government will no longer be able to exist. It is so bad, that many rural people have become convinced that it is exactly the intent to push people off their land and into planned high density sustainable communities.

7. The Public Resources Code 21153 indicates that (a) “Prior to completing an environmental impact report, every local lead agency shall consult with, and obtain comments from, each responsible agency, trustee agency, any public agency that has jurisdiction by law with respect to the project...” (b) “the lead agency may provide for early consultation to identify the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in the environmental impact report. At the request of the lead agency, the Office of Planning and Research shall ensure that each responsible agency, and any public agency that has jurisdiction by law with respect to the project, is notified regarding any early consultation.”
The California legislature has mandated in Section 65040 that the State Office of Planning and Research shall "coordinate, in conjunction with...local agencies: with regard to matters relating to the environmental quality of the state."

California Code of Regulations Chapter 3. Guidelines for Implementation of the California Environmental Quality Act. Article 9. Contents of Environmental Impact Reports 15125. Environmental Setting (d) The EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans.... (e) Where a proposed project is compared with an adopted plan, the analysis shall examine the existing physical conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced as well as the potential future conditions discussed in the plan.

In 1957, the bi-state Congressional Klamath Compact created the Siskiyou County Flood Control and Water Conservation District with jurisdiction throughout the County, (with the exception of the BoR’s Klamath Project.) See CA Water Code Section 5900-5901. The District was given the power “to prevent interference with or diminution of, or to declare the rights in natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit of the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district…”

Siskiyou County has General Land Planning authority and police powers to pass legislation to protect public health and safety within the County. The plan includes Land Use, Open Space, Conservation, Recreation and Water Supply Elements.

In recognition of joint jurisdictional issues, Siskiyou County has established a formal government to government “coordination” process between the elected full Board of Supervisors/Flood Control and Water Conservation District Board and state and federal agencies. During the past year, we have been successfully coordinating plans and policies with both the Forest Supervisors of the Klamath National Forest and the Shasta Trinity National Forest.

Each year the CDFG is formally notified of our desire to coordinate on regulatory issues. Here is our longstanding ordinance to that effect: CHAPTER 12. of Siskiyou County Code  COUNTY PARTICIPATION IN STATE AND FEDERAL AGENCIES LAND TRANSACTIONS, which reads as follows:

Sec. 10-12.01. Findings.
The Board finds:
(a) Actions of state and federal agencies to plan, adopt rules or regulations, acquire land or interest in land, in fee or through easements, promulgation of programs, land adjustments, and other activities of these agencies can have significant effects on the customs, culture, economy, resources, and environment of the County of Siskiyou and its citizens.
(b) In order to protect the customs, culture, economy, resources, and environment of the County of Siskiyou, it is critical that federal and state agencies recognize and address the effects of any actions proposed within the County which may affect matters, including, but not limited to, economic growth, public health, safety and welfare, land use, the environment, conservation of
natural resources, such as timber, water, fish, wildlife, mineral resources, agriculture, grazing, and recreational opportunities.

(c) The coordination and consideration of the County's interest is required by law, such as in those requirements set forth in the National Environmental Protection Act, the National Forest Management Act, the Intergovernmental Cooperation Act, the Federal Land Policy and Management Act, the Federal Administrative Procedures Act, the State of California Public Resources Code, the California Environmental Quality Act, and numerous other federal and state statutes and administrative procedures.

(d) These various state and federal laws provide for participation by Siskiyou County and the public through opportunities for comment on proposed projects and actions.

(e) There is general County concern that, in the past, the legally required process of notification, referral, and coordination of activities described above may not have been consistently followed by state and federal agencies, which has led to concerns by the County and its residents that uncoordinated actions may have been adopted contrary to the requirements of law and potentially detrimental to the customs, culture, economy, resources, and environment of the County of Siskiyou.

(f) There is a clear need to establish an effective and consistent joint procedure for advance notification, referral, coordination, and participation to be followed by all state and federal agencies when undertaking activities or actions affecting the public health, safety, land use, customs, culture, economy, conservation of natural resources and environment of the County of Siskiyou, which procedure provides for a timely advance notice of opportunities for participation which are essential to the integrity of the decisionmaking processes of these state and federal agencies.

(g) In order for this coordination and consultation to be meaningful, the said notice and opportunity for input shall be given at the earliest possible stage of the federal and/or state governments' contemplation or consideration of a particular course of action with regard to land use plans, actions, or decisions affecting land use in Siskiyou County and such notice shall be given with sufficient specificity and prior to any psychological momentum having been developed with regard to the particular plan, action, or decision.

(§ I(part), Ord. 99-08, eff. May 4, 1999)

Sec. 10-12.02. Notification, referral, and consultation procedures.
In order to permit timely advance notification, referral, consultation, coordination, and participation in proposed actions of state and federal agencies:

(a) All federal and state agencies shall inform the County of Siskiyou, or its designee, of all pending, contemplated or proposed actions affecting local communities, citizens, or affecting County policy, and shall, if requested by the County, coordinate the planning and implementation of those actions with the County or its designee(s). Such notification shall include a detailed description of the proposed plan, procedure, rule, guideline, or amendment sufficient to fully inform lay persons of its intent and effects, including the effects on the resources, environment, customs, culture, and economic stability of the County of Siskiyou.

(b) The Siskiyou County Board of Supervisors shall be consulted in accordance with the laws and regulations of the State of California and the United States regarding any pending, contemplated, or proposed actions affecting local communities and citizens.

(c) All federal and state agencies shall, to the fullest extent permissible by law, comply with all applicable procedures, policies, and practices issued by the County of Siskiyou.

(d) When required by law or when requested by the County of Siskiyou, all federal and state agencies proposing actions that may impact citizens of the County of Siskiyou shall prepare and submit in writing, and in a timely manner as soon as is practicable, report(s) on the purposes, objectives and estimated impacts of such actions, including environmental, health, social, customs,
cultural and economic impacts, to the County of Siskiyou. Those reports shall be provided to the County of Siskiyou for review and coordination with sufficient time to prepare a meaningful response for consideration by the federal or state agency.

(e) Before federal and state agencies can alter land use(s), environmental review of the proposed action shall be conducted by the lead agency and mitigation measures adopted in accordance with policies, practices, and procedures applicable to the proposed action and in accordance with all applicable federal, state, and local laws. Impact studies shall, as needed, address the effects on community and economic resources, the environment, local customs and public health, safety, and welfare, culture, grazing rights, flood prone areas and access and any other relevant impacts.

(f) For the purposes of this ordinance, each federal and state agency shall, unless specifically authorized otherwise, give the required notices) to the County of Siskiyou and the Board of Supervisors, via certified mail, as follows:

- Siskiyou County Board of Supervisors
  P.O. Box 750
  Yreka, CA 96097
- Siskiyou County Planning Director
  P.O. Box 1085
  Yreka, CA 96097
- Siskiyou County Assessor
  County Courthouse, Rm. 108
  Yreka, CA 96097

(g) Not less than five (5) complete copies of the written documents supporting the proposed action shall be provided to the Clerk of the Board of Supervisors at the above referenced address in such a timely manner so that there can be meaningful review and input sufficiently in advance of the action.

(h) Notification of the availability of related documents shall be available for the minimum time set forth by the federal and state statute for such review or, if none is established by law, for a period of not less than forty-five (45) days prior to the proposed date of action, adoption or approval. This time is necessary to ensure adequate local opportunity for consideration and response.

(The CA DFG has refused to meet with the full Board of Supervisors in formal, noticed, designated and agendized coordination meetings. (These are government to government sessions where the public may watch, but not participate – public comment is sequestered from the coordination process.) It is an opportunity to work together as partners to harmonize the goals, policies and plans of the two jurisdictions, to exchange pertinent information, and craft a consistent approach that meets the objectives of both local human welfare and management of fish and wildlife.

Elected County government is not a “special interest” or a “stakeholder.” It is a legal jurisdiction with regulatory power and authority. It is inappropriate to relegate County government to participatory status on an advisory committee to the CDF&G in parity with an individual or special interest stakeholder. This is precisely what the CDF&G did in the recent dam removal/Klamath Basin Restoration Act CEQA process and what they attempted to do in the recent flow study assessment on the Scott and Shasta Rivers.

8. The U.S. Supreme Court stated in and Dolan v. City of Tigard, 512 U.S. 374 (1994): “Under the well-settled doctrine of ‘unconstitutional conditions’, the government may not require a person to give up a constitutional right here the right to receive just compensation when property is taken for a public use in exchange for a discretionary benefit conferred by the government where the property sought has little or no relationship to the benefit. See Perry v. Sindermann,
The value of private property ownership lies in the right to exclusive use, disposal and enjoyment of the property. Under the aborted “programmatic incidental take” permit attempted for the Shasta and Scott river areas, the CA DFG imposed a variety of extortive mitigations that amounted to uncompensated property takings: (a) reallocation of Gold Rush era pre-1914 water rights to instream flows; (b) land conversion from crop and grazing land (a commercial crop) to riparian forest (non-income producing); and (c) waiver of the right to control access.

Regulation without compensation has historically been constrained to the protection of general public health, safety and welfare from substantial injury. Under the fifth amendment to the U.S. Constitution, private property can also be taken for a legitimate public use, such as the promotion of a public benefit, however, the owner must be made whole with just compensation.

The incidental take permit requirements caused a firestorm of negative reaction from landowners and destroyed much of the good will, trust and cooperative relationships that had previously been established between the DFG and landowners over the previous decade. It also condemned many of the established leadership in the farming community who had collaborated with the CA DFG in the permit application. The fact that armed Game Wardens visited folks who had not opted to sign up for the permit and allegedly acted in an intimidating manner to coerce them to sign, only intensified the situation. The fact that CDF&G meetings in Siskiyou County and Redding are conducted with a cadre of armed enforcement agents present is indicative of this oppressive atmosphere of intimidation.

9. Article 1, Section 1 of the Constitution of the State of California states:

“All men are by nature free and independent, and have certain unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property; and pursuing and obtaining safety and happiness.”

In January 1993, the Siskiyou County Board of Supervisors Passed Resolution 93-19 pointing out that the State must evaluate possible takings of the private property or private property rights of the citizens of Siskiyou County prior to the implementation of any action, decision or regulation effecting said citizens; to formally evaluate and avoid the risk of unanticipated private property takings and investment backed expectations; and that the property owner shall be justly compensated for losses as mandated by the Fifth Amendment of the U.S. Constitution and Article 1, Section 8 of the Constitution of the State of California without undue delay.

Siskiyou County Resolution 93-19 states:

“WHEREAS, the U.S. Supreme Court in its decision under First Evangelical Lutheran Church of Glendale v. County of Los Angeles, 107 S. Ct. 2378, 2386 (1987) established that government action resulting in temporary or permanent interference with any of the freedoms embodied in an individual’s personal property rights may constitute a “taking” under the Fifth Amendment with a Constitutional obligation to pay just compensation.

“WHEREAS, the U.S. Court has ruled that governmental action resulting in physical intrusion or invasion on property may constitute a compensable taking of private property in Loretto v. Teleprompter Manhattan CATV Corporation, 458 U.S. 419, 426 (1982.)
“WHEREAS, the U.S. Supreme Court in Lucas v. South Carolina Coastal Commission, cite omitted (1992)[ 505 U.S. 1003, 1027 (1992) ]; and Nollan v. California Coastal Commission, 107 S.Ct. 3141, 3146 (1987), citing Agins v. Tiburon, 447 U.S. 255, 260 (1980); has deemed governmental regulatory conduct that places a burden on property rights to constitute a compensable takings in instances where:

1) Regulations do not substantially advance legitimate state interests;
2) Regulations deny an owner economically viable use of his land;
3) Restrictions are disproportionate to the extent in which the property use contributes to the overall problem for which the regulation is imposed to redress.”

The Mining Act of 1872 is a unique law that vests an individual with the right to prospect and extract locatable mineral upon public lands. This right upon location, is a grant by Congress which carries with it a property right protectible by the Constitution (5th Amendment). This location is a severance from ownership from the U.S. to a private party (subject to BLM validity exam) of a locatable mineral estate. This "location" or claim acts as a relinquishment of land by the United States to the private sector to perfect to full patent if the individual wishes. The Mining Act of 1872 is a "Location System" and not a "discretionary grant system".

Obviously, a mineral claim is a valuable property right. By imposing a moratorium on the use of that property, the state has temporarily physically taken the property, which is subject to reimbursement of just compensation for the takings.

The proposed ITP, Klamath Basin Restoration Agreement, various plans and the recent announcement of an Instream Flow Incremental Methodology Assessment of the Scott and Shasta Rivers herald the intention to redirect water from private use for irrigation to instream uses for fish and habitat. Indeed, the CA DF&G has been attempting to incrementally redirect flows through fish screens with screen mesh that won’t permit the full adjudicated water right to pass, fish bypass structures that return more and more water to instream use and away from irrigation and ITP requirements to surrender water.

Many of the water use rights in Scott Valley are either riparian or were established by appropriation and continuous beneficial use in the mid 19th century - well before 1911 when the People of the State claimed ownership of surplus water beyond vested rights. (In San Bernardino v. Riverside (1921) and Palmer v. Railroad Commission (1914) the Court specifically stated that the 1911 statute declaring water the “property of the people” did not apply to appropriated private water use rights already vested.)

Most water use rights in the Scott are vested, privately owned and valuable property, and not revocable “permitted” or “licensed” water use subject to conditions from the state. (A “vested” right is a covenant that cannot be resumed, annulled or later modified by the grantor through legislation or otherwise. (A right vested, cannot be divested. Cited, 2 Dall. 297, 304; 9 Cranch 52; Green v. Biddle, 8 Wheat. 1; Fletcher v. Peck, 6 Cranch 136.) States are barred from impairing the obligation of contracts, including these vested rights Hughes v. Washington (1967.) It is also established in law that whenever a grant is made, it also included whatever was necessary for taking and enjoying the property, (diversion of an appropriative right.)

In the recent United States Court of Appeals for the Federal Circuit case –Casitas Municipal Water District v. United States (2008), it was reinforced that a physical invasion of privately owned property (water use right) by government appropriation, or a regulatory action which causes “an owner to suffer a permanent invasion of her property – however minor,” or a regulatory action that “completely deprive[s] an owner of ‘all economically beneficial use” constituted a compensable property taking under the Fifth
Amendment of the Constitution. Restrictions on (beneficial) water use rights for the public use of protection of endangered species – including instream use was recognized as a “taking” of property. The case further denies claims that appropriation of natural resources for environmental use is not for government use under the Fifth Amendment: “…preservation of an endangered species is for government and third party use – the public- which serves a public purpose.” In addition, Casitas makes a distinction between the ruling in Tahoe-Sierra on the basis that the Tahoe decision did not physically appropriate anything, change or diminish the property.

On appeal, the Federal Circuit upheld our dismissal of plaintiff’s contract claim, but reversed our dismissal of plaintiff’s takings claim on the ground that the taking was physical rather than regulatory in nature. Casitas, 543 F.3d 1276. In explaining its conclusion, the Federal Circuit wrote as follows: [T]he government admissions make clear that the United States did not just require that water be left in the river, but instead physically caused Casitas to divert water away from the Robles-Casitas Canal and towards the fish ladder. Where the government plays an active role and physically appropriates property, the *per se* takings analysis applies. Id. at 1295.

I am concerned that a “permit” (1602) requirement is being categorically imposed on the mere exercise of a long vested and valuable property right (pre-1914 water use right) - making it, essentially a discretionary conditional privilege. As outlined in the current Siskiyou County Farm Bureau case against the CA DF&G, the law is being interpreted to require the mere turning on of a longstanding head gate to require a permit. Further, it is apparent that this requirement is not being universally applied on all water rights users in California – raising the question of a guarantee of equal protection of the law.

Under the proposed ITP, the CA DF&G also sought to control a riparian buffer from crop production and livestock grazing. Because of meanders and geography creating small pocket valleys, Siskiyou County determined in its 1999 comments regarding a proposed federal 300 foot critical habitat designation for coho, that 21% of the irrigated agriculture land base in the Shasta Valley (9,817 acres) and 35% (11,215 acres) in the Scott would be implicated and largely converted from production ag. A decade ago at that proposed level of involvement, the combined loss of annual ag production was estimated to be $4,420,766. Using the multiplier effect of an income/output model by UCE, this was estimated to result in lost sales in other economic sectors of the county of $5,913,173, losses in income of $1,847,079 and 132 lost jobs.

It was also estimated at that time that weed infestation from projected management prohibitions in the buffer areas would amount to another $1,225,095 in ag loss. Loss in annual timber stumpage value from riparian buffer strips was estimated at $4,941,695. No "multiplier effect" on local economy was calculated for these projected losses. Loss in ag land value from prohibitions was estimated at $40 million.

10. Decisions should be informed by science, not dictated by science. According to the U.S. Supreme Court case *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993): “Scientific methodology today is based on generating hypotheses and testing them to see if they can be falsified; indeed, this methodology is what distinguishes science from other fields of human inquiry.” *Daubert* also points out that: “Scientific conclusions are subject to perpetual revision.”

As we have just seen in the Klamath dam removal EIR, the so-called science is inadequate and incomplete (ref. comments “fish experts” on coho, steelhead and Chinook.); often misquoted and misrepresented (as substantiated by our official comments); often normative - motivated by a predetermined advocacy and subject to political pressure (ref. various CalTrout financed studies.). It certainly does not meet the *Daubert* standards. After 20 some years of experience with “science” on the Klamath, to claim otherwise
is laughable. We have lived with too many dictates that were later reversed because they were found to be wrong headed. (Ref. current outcry to remove gravel that was specifically placed in the Trinity for spawning.) We have suffered through too many regulations based on incorrect data, flawed assumptions, “studies” paid for by advocates, faulty lab work, studies contrary to agency desired outcome that were buried (initial CDM study) , etc. In the Klamath, “science” is just as political as any other leverage point.

Decisions based singularly on “science” that excludes human needs and communities are beyond the purpose of government. Blackstone in his commentaries stated that: "...the end of civil society is the procuring for the citizens whatever their necessities require, the conveniences and accommodations of life, and, in general, whatever constitutes happiness: with the peaceful possession of property, a method of obtaining justice with security; and in short, a mutual defense against all violence from without. “ In short, the fundamental purpose of government is to protect the general public health and safety from substantial injury while securing the rights and liberties of individuals. This seminal duty comes first and foremost - it cannot be subordinated by “science” as some empirical arbiter. This is why it is so important that the design and implementation of a regulatory program be tempered in coordination with local governments that have joint jurisdiction with the Agencies over the police powers, conservation, land and water use issues. Local governments can bring vital information and perspective to the table about the welfare and well-being of the people most affected by the regulation.

11. The “strategic vision” seeks to pursue “comprehensive biodiversity management” and “sustainable ecosystem functions.” Sustainable Ecosystem Management was the product of the Convention on Biological Diversity (Biodiversity Treaty) requiring participating nations to conform to protocols established by the Conference of the Parties. The Treaty also required the development of a Global Biodiversity Assessment (GBA) (Article 25) to provide the "scientific" basis for the COP's protocols. The principle of ecosystem management is deeply ingrained in the GBA. Article 8 of that treaty committed to protecting ecosystems and establishing a system of protected areas to conserve biological diversity. However, the Senate refused to ratify the Convention on Biodiversity in 1994 so it is not binding on the nation.

“Ecosystem Management” was the basis for President Clinton’s "Forest Plan for a Sustainable Economy and a Sustainable Environment." It was institutionalized by Vice President Al Gore as part of his National Performance Review. (See Improving Environmental Management, Accompanying Report of the National Performance Review (Washington: Government Printing Office, September 1993.) In August 1993 the White House Office of Environmental Policy (OEP) took the lead for the federal initiative on ecosystem management by establishing the Interagency Ecosystem Management Task Force (IEMTF) to carry out Vice President Gore's mandate. In January, 1996, the White House executed a Memorandum of Understanding to Foster the Ecosystem Approach (OEP 1996) that was signed by the 14 federal agencies that had participated in the interagency task force on ecosystem management. Ecosystem Management was an initiative of the Clinton Administration, not a Congressional mandate.

Ecosystem Management was the outcome of The World Conservation Strategy formulated in 1980 by the International Union for the Conservation of Nature and Natural Resources (IUCN) in cooperation with the U.N. Environmental Program (UNEP,) World Wildlife Fund (WWF), FAO and UNESCO. The overall strategy is to set aside core wild preserves (biosphere reserve) surrounded by a buffer area where multiple use can take place if it is compatible with maintaining the ecological values of the core area. This is set aside from areas of human settlement. Core areas are connected by wide biodiversity corridors contributing to regional mega-linkages. Outside of the buffer areas are transition areas or “areas of cooperation” where private land use is regulated to favor biodiversity, ecosystems and sustainability.
This biosphere reserve pattern was used by FEMAT for Forest use restrictions to protect the northern spotted owl. The Late Successional Reserves were the core reserves, the matrix land was the buffer area. True to pattern, the states were to establish corresponding conservation ecosystem objectives on private lands within the watershed. By listing the northern spotted owl as threatened under the federal Endangered Species Act, Conservation Biologists were intentionally selecting a “keystone,” “umbrella,” or “indicator species” for old growth forests. As a result, FEMAT actually considered 1,098 species in its Forest Ecosystem Management Assessment.

The concept of “sustainability” or “sustainable development” was outlined in Agenda 21, the action plan document which also came out of the 1992 Earth Summit in Rio de Janeiro and was a companion to the unratified Convention on Biological Diversity. As an ecocentric economic ideology, it seeks to change consumptive patterns and lifestyles to facilitate equitable redistribution to the poor, to reduce the use of materials and energy in production processes and to use economic instruments to influence consumer behavior. This is fundamentally in opposition to the tenets of individual rights and liberty that are foundational to America.

12. I am very concerned about the increasing and inappropriate use of “public trust” as a vehicle to subordinate private property rights and destroy their integrity and value. There seems to be some notion of a superior communitarian easement – the idea of “public goods” and the idea that a private owner must be punished for any use that encroaches upon or diminishes these collective benefits. This is completely contrary to our American notion of liberty and property and its legal history.

The vision defines “public trust responsibilities” as “protect[ing] and manage[ing] the state’s fish and wildlife for their ecological values and for the use and benefit of the people of the state.”

The CADF&G derives its authority from: (1) the authority of the State to establish the actions necessary to appropriate or “take” an animal from the public domain into private property; (2) a general stewardship responsibility of the state to conserve resources important to the food supply and other basic needs necessary for survival of the human population. The State does not “own” the fish and wildlife, nor does it own the habitat in which they live. [Please see the attached recap of caselaw regarding public trust.]

Thank you for the opportunity to comment. I hope the CADF&G, the Fish and Game Commission and the legislature seriously considers what I have said and retreats from the tunnel vision of its current punitive path.

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Appendix:

**DFG and Public Trust State Claims of Public Ownership**

There is a difference between territorial domain as defined among nations\(^1\) and dominion in the sense of proprietary ownership in the title to land. Arguments in the U.S. Supreme Court case of *Martin v. Waddell's Lessee*, 41 U.S. 367 (1842) cite the "law of nations" regarding ownership among nations as a separate element from that of investiture of the sovereign king or queen with allodial title to the nation's lands and resources:

"The laws of nature and nations establish the following propositions, pertinent to this question: 1. Every nation is the proprietor [owner] as well of the rivers and seas as of the lands within its territorial limits. Vattel 120, 266. 2. The sea itself, to a certain extent, and for certain purposes, may be appropriated and become exclusive property as well as the land. Vattel 127, 287; Ruth. book 1, ch. 5, p. 76, 3. 3. The nation may dispose of the property in its possession, as it pleases; may lawfully alienate or mortgage it. Vattel 117, 261-2. 4. The nation may invest the sovereign with the title to its property, and thus confer upon him the rights to alienate or mortgage it. Vattel 117, 261-2. The laws of England establish the following propositions material to this point: 1. The common law of England vests in the king the title to all public property. 1 Bl. Com. ch. 8, 298-9; 2 Ibid. 15, 261-2; Harg. Law Tracts, de Jure Maris, ch. 4, 10, 11, 12; 6 Com. Dig. tit. Prerogative, 60, B. 63; Tenure 337; 5 Com. Dig. tit. Navigation, 107; 3 Co. 5, 109. 2."
These two concepts form the difference in concept between "imperium" - or right to regulate or govern as references a definable place and "dominium," or ownership. In Toomer v. Witsell, 334 U.S. 385 (1948,) Justice Vinson made the statement: "The whole ownership theory, in fact, is now generally regarded as but a fiction expressive in legal shorthand of the importance to its people that a State have power to preserve and regulate the exploitation of an important resource." To this he footnoted:

"See, e.g., Pound, An Introduction to the Philosophy of Law, 197- 202. The fiction apparently gained currency partly as a result of confusion between the Roman term imperium or governmental power to regulate, and dominium, or ownership. Power over fish and game was, in origin, imperium." Ibid.

Neither the governments of the United States or the States have the constitutional capacity to claim the English monarchical right of underlying alodial ownership in public property in a sovereign capacity. This concept of underlying ownership formed the basis for the English and European "feudal" system, where property was conditionally granted to subjects by the sovereign. We do not have a feudal system in America.

In applying English precedent to early American cases, the Court did decide that certain limited prerogative proprietary rights of the Crown in "Royal Rivers" and the "sea and its arms" did pass to the new States. In addition, the States also inherited the Crown's specific role as Trustee for public rights or "commons" in the fishery and right of free navigation that were associated with the lands of the beds and banks of these Royal Rivers.

This concept of a very specific public trust became mired in difficulties in grasping the differences between the concepts of "commons" (active collective ownership by the public,) "res nullius" (wild things with no owner,) and "public domain" (a "negative community of interest" in which citizens could appropriate resources for their free use- not collective ownership.) Early cases, such as Mc Cready v. State of Virginia, which involved the specific right of common fishery were inappropriately applied to all fish and wildlife resources. The Court then developed the concept of a sort of technical State "ownership" in all fish and wildlife as trustee of commonly owned resources. At other times the Court appeared to recognize a "proprietary" right and title by the State in fish and game resources, a claim that supported the right by the State to tax for severance of its "sovereign title" into private possession and use.

The traditional legal concepts of fish and "wildlife" as in the public domain - subject to private property acquisition through acts of possession or "take," became obscured. The real property rights of "fishery" and transient ownership in "ferae naturae-propter privilegium" of migratory and resident species, such as bees, became obscured.

Eventually, the idea of underlying ownership was overturned in Hughes v. Oklahoma. The surviving general basis for the authority of the State to regulate hunting and fishing is found its police powers to determine what constitutes acquisition and to conserve the resource for survival of the community. There is also some limited regulatory authority based in management of the "public trust" relating to the limited "common right of piscary," (common public property rights in "fisheries" or places of fishing attached to tidelands and underlying bed and banks of navigable streams.) There may also be a limited form of ownership in resident fish and wildlife by virtue of State proprietary land ownership in parks and refuges.

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1 NATIONS
Internationally, nations are defined by geographical boundaries or borders. Certain aspects of national sovereignty relate to this geographical definition. One of these aspects is the concept of ownership or "title and dominion" among nations, to land/water/air and other resources.

Arguments in the U.S. Supreme Court case of Martin v. Waddell's Lessee, 41 U.S. 367 (1842) cite the "law of nations" regarding ownership among nations and the investiture of the sovereign king or queen with alodial title to its lands and resources:

"The laws of nature and nations establish the following propositions, pertinent to this question: 1. Every nation is the proprietor [owner] as well of the rivers and seas as of the lands within its territorial limits. Vattel 120, 266. 2. The sea itself, to a certain extent, and for certain purposes, may be appropriated and become exclusive property as well as the land. Vattel 127, 287; Ruth. book 1, ch. 5, p. 76. 3. The nation may dispose of the property in its possession, as it pleases; may lawfully alienate or mortgage it. Vattel 117, 261-2. 4. The nation may invest the sovereign with the title to its property, and thus confer upon him the rights to alienate or mortgage it. Vattel 117, 261-2. The laws of England establish the following propositions material to this point: 1. The common law of England vests in the king the title to all public property. 1 Bl. Com. ch. 8, 298-9; 2 Ibid. 15, 261-2; Harg. Law Tracts, de Jure Maris, ch. 4, 10, 11, 12; 6 Com. Dig. tit. Prerogative, 60, B. 63; Tenure 337; 5 Com. Dig. tit. Navigation, 107; 3 Co. 5, 109. 2."

"TERRA NULLIUS" - UNAPPROPRIATED, UNINHABITED, VACANT OR "WASTELANDS"

Justice Taney for the Court in Martin v. Waddell's Lessee, describes the role of the English Crown in receiving title to discoveries of vacant wastelands as national domain:

"The country mentioned in the letters-patent was held by the king in his public and regal character, as the representative of the nation, and in trust for them. The discoveries made by persons acting under the authority of the government were for the benefit of the nation; and the crown, according to the principles of the British constitution, was the proper organ to dispose of the public domains; and upon these principles rest the various charters and grants of territory made on this continent. The doctrine upon this subject is clearly stated in the case of Johnson v. McIntosh, 8 Wheat. 595. In that case, the court, after stating it to be a principle of universal law, that an uninhabited country, if discovered by a number of individuals who owe no allegiance to any government, becomes the property of the discoverers, proceed to say, that, 'if the discovery be made and possession taken under the authority of an existing government, which is acknowledged by the emigrants, that the discovery is made for the benefit of the whole nation; and the vacant soil is to be disposed of by that organ of the government which has the constitutional power to dispose of the national domains; by that organ, in which all territory is vested by law. According to the theory of the British constitution, all vacant lands are vested in the crown, as representing the nation, and the exclusive power to grant them is admitted to reside in the crown, as a branch of the royal prerogative. It has been already shown, that this principle was as fully recognized in America as in the island of Great Britain.'"

THE SEA AND ITS ARMS

Similarly, the Crown held national title to "the sea and its arms." This included the marginal lands under the sea from the low water mark along the shoreline, bays and inlets, outwards to the 3 mile limit; the lands underlying navigable rivers and other submerged lands effected by the ebb and
flow of the tides to the high water mark. Such navigable rivers were termed "Royal Rivers."
[Banne Case, Davies 155; Shultze on Aquatic Rights; 1 Bl. Com. 264.]

ii SOVEREIGN CAPACITY

The case Lacoste v. Dept. of Conservation of State of Louisiana, 263 U.S. 545 (1924,) looked at the
1920 Act 135 of the General Assembly of Louisiana, which declared all wild fur-bearing animals and
alligators in the state, and their skins to be the property of the State until a severance tax had been paid.
The Court let stand a lower Court ruling that the tax was a police power function for conservation of the
resource and not a revenue measure. The Court declared:

"The wild animals within its borders are, so far as capable of ownership, owned by the state in its
sovereign capacity for the common benefit of all of its people. Because of such ownership, and in
the exercise of its police power the state may regulate and control the taking, subsequent use and
property rights that may be acquired therein. Geer v. Connecticut, 161 U.S. 519, 528, 16 S.Sup.
 Ct. 600; Ward v. Race Horse, 163 U.S. 504, 507, 16 S. Sup. Ct. 1076; Silz v. Hesterberg, 211 U.S.
39 Sup. Ct. 403; State v. Rodman, 58 Minn. 393, 400, 59 N. W. 1098"

"The Supreme Court of Louisiana held that...payment of the tax is a condition precedent to the
divestiture of the state's title and its transfer to the dealer paying the tax..."

"Our examination of this act discloses no reason why the decision of the state court should be
disturbed....It is within the power of the state to impose the exaction as a condition precedent to
the divestiture of its title and to the acquisition of private ownership. Expressly, the tax is imposed
upon all skins and hides taken within the state..."

In the case of Foster-Fountain Packing Co. v. Haydel, 278 U.S. 1 (1928,) the Court further refined and
clarified the concept of State ownership:

"The authority of the state to regulate and control the common property in game is well
These and many other cases show that the state owns, or has power to control, the game and fish
within its borders not absolutely or as proprietor or for its own use or benefit but in its sovereign
capacity as representative of the people. In Geer v. Connecticut the court, speaking through Mr.
Justice White, said (161 U. S. at page 529 (16 S. Ct. 604)):

'Whilst the fundamental principles upon which the common property in game rests have
undergone no change, the development of free institutions has led to the recognition of the fact
that the power or control lodged in the state, resulting from this common ownership, is to be
exercised, like all other powers of government, as a trust for the benefit of the people, and not as a
prerogative for the advantage of the government, as distinct from the people, or for the benefit of
private individuals as distinguished from the public good. Therefore, for the purpose of exercising
this power, the state, as held by this court in Martin v. Waddell, 16 Pet. (367) 410 (10 L. Ed. 997),
represents its people, and the ownership is that of the people in their united sovereignty.'
De COMMUNI JURE" and "PUBLIC TRUST"

Certain lands and resources were designated as "public" by longstanding tradition or specific dedication. Although the king held sovereign title to the land and resources themselves, he had a fiduciary responsibility to maintain them in trust for the public right of common use. In actuality, English kings, prior to the Magna Carta, occasionally granted private use rights that extinguished the public right. Three public trust responsibilities were those of:

- "Commons'';
- Common piscary (fishery or fishing rights); and
- Common right of "free" navigation.

Commons

A "public place" or "commons" is positively designated by the community as a place common to all, either by formal dedication or longstanding common use. It is in a civil state of common ownership, governed by public law, (jus publicum or de communi jure.) Such public places are reserved from appropriation (purpresture) by any individual. The naked title is generally held in "public trust," inalienable by the sovereign or chartered municipality, although subject to regulation of use.

COMMON PISCARY AND FREE NAVIGATION

Under English common law, navigable waters were only those effected by the ebb and flow of the tides. The "Crown" owned navigable riverbeds up to the ordinary high water mark. The public had the common right or "liberty" to use a navigable waterways as a public fishery, as well as a public highway. The public also had a right to use the river's banks to the high water mark for purposes of access, cleaning fish or towing barges by draft animals.

Lord Hale was cited in authority by both Justice Taney and Justice Thompson in the case Martin v. Waddell's Lessee, 41 U.S. 367 (1842):

"The rules and principles laid down by Lord HALE, as we find them in Hargrave's Law Tracts, are admitted as containing the correct common-law doctrine as to the rights and power of the king over the arms of the sea and navigable streams of water. We there find it laid down, that the king of England hath a double right in the sea, viz., a right of jurisdiction, which he ordinarily exercises by his admiral, and a right of propriety or ownership. Harg. 10. The king's right of propriety or ownership in the sea and soil thereof, is evinced principally in these things that follow. The right of fishing in the sea, and the creeks and arms thereof, is originally lodged in the crown; as the right of depasturing is originally lodged in the owner of the coast whereof he is lord, or as the right of fishing belongs to him that is the owner of a private or inland river. But though the king is the owner of this great coast, and as a consequence of his propriety, hath the primary right of fishing in the sea, and the creeks and arms thereof; yet the common people of England have regularly a liberty of fishing in the sea, or creeks or arms thereof, as a public common of piscary, and may not, without injury to their right, be restrained of it, unless in such places, creeks or
navigable rivers, where either the king or some particular subject hath gained a propriety exclusive of that common liberty (p. 11). In many ports and arms of the sea, there is an exclusion of public fishing by prescription or custom (p. 12), although the king hath prima facie this right in the arms and creeks of the sea, communi jure, and in common presumption; yet a subject may have such a right in two ways. 1. By the king's charter or grant; and this is without question. The king may grant fishing within some known bounds, though within the main sea, and may grant the water and soil of a navigable river (p. 17); and such a grant (when apt words are used) will pass the soil itself; and if there shall be a recess of the sea, leaving a quantity of land, it will belong to the grantee. 2. The second mode is by custom or prescription. There may be the right of fishing, without having the soil, or by reason of owning the soil, or a local fishery that arises from ownership of the soil (p. 18). That, de communi jure, the right of the arms of the sea belongs to the king; yet a subject may have a separate right of fishing, exclusive of the king and of the common right of the subject (p. 20). But this interest or right of the subject must be so used as not to occasion a common annoyance to the passage of the ships or boats; for that is prohibited by the common law, as well as by several statutes. For the jus privatum that is acquired to the subject, either by patent or prescription, must not prejudice the jus publicum, wherewith public rivers or arms of the sea are affected for public use (p. 22)—as the soil of a highway, in which, though in point of property, may be a private man's freehold, yet it is charged with a public interest of the people, which may not be prejudiced or damned (p. 36)."

In his review of matters applying to the "sea and its arms," Justice Gray in Shively v. Bowlby, 152 U.S. 1 (1894) states:

'The shore is that ground that is between the ordinary high-water and low-water mark. This doth prima facie and of common right belong to the king, both in the shore of the sea and the shore of the arms of the sea.' Harg. Law Tracts, pp. 11, 12. And he afterwards explains: 'Yet they may belong to the subject in point of propriety, not only by charter or grant whereof there can be but little doubt, but also by prescription or usage.' 'But, though the subject may thus have the propriety of a navigable river part of a port, yet these precautions are to be added, viz.: ... (2) That the people have a public interest, a jus publicum, of passage and repassage with their goods by water, and must not be obstructed by nuisances; 'for the jus privatum of the owner or proprietor is charged with and subject to that jus publicum which belongs to the king's subjects, as the soil of an highway is, which though in point of property may be a private man's freehold, yet it is charged with a public interest of the people, which may not be prejudiced or damned.' Id. pp. 25, 36.

"So in the second part, De Portibus Maris, Lord Hale says that 'when a port is fixed or settled by 'the license or charter of the king, or that which presumes and supplies it, viz. custom and prescription, 'though the soil and franchise or dominion thereof prima facie be in the king, or by derivation from him in a subject, yet that jus privatum is clothed and superinduced with a jus publicum, wherein both natives and foreigners in peace with this kingdom are interested, by reason of common commerce, trade, and intercourse.' 'But the right that I am now speaking of is such a right that belongs to the king jure prerogativae, and it is a distinct right from that of propriety; for, as before I have said, though the dominion either of franchise or propriety be lodged either by prescription or charter in a subject, yet it is charged or affected with that jus publicum that belongs to all men, and so it is charged or affected with that jus regium, or right of prerogative of the king, so far as the same is by law invested in the king.' Id. pp. 84, 89.

"In England, from the time of Lord Hale, it has been treated as settled that the title in the soil of the sea, or of arms of the sea, below ordinary high-water mark, is in the king, except so far as an
individual or a corporation has acquired rights in it by express grant, or by prescription or usage, (Fitzwalter's Case, 3 Keb. 242, 1 Mod. 105; 3 Shep. Abr. 97; Com. Dig. 'Navigation,' A, B; Bac. Abr. 'Prerogative,' B; King v. Smith, 2 Doug. 441; Attorney General v. Parmeter, 10 Price, 378, 400, 401, 411, 412, 464; Attorney General v. Chambers, 4 De Gex, M. & G. 206, 4 De Gex & J. 55; Malcomson v. O'Dea, 10 H. L. Cas. 591, 618, 623; Attorney General v. Emerson, [152 U.S. 1, 1891] App. Cas. 649;) and that this title, jus privatum, whether in the king or in a subject, is held subject to the public right, jus publicum, of navigation and fishing. (Attorney-General v. Parmeter, above cited; Attorney General v. Johnson, 2 Wils. Ch. 87, 101-103; Gann v. Free Fishers, 11 H. L. Cas. 192.) The same law has been declared by the house of lords to prevail in Scotland. Smith v. Stair, 6 Bell, App. Cas. 487; Lord Advocate v. Hamilton, 1 Macq. 46, 49. It is equally well settled that a grant from the sovereign of land bounded by the sea, or by any navigable tide water, does not pass any title below high-water mark, unless either the language of the grant, or long usage under it, clearly indicates that such was the intention. Lord Hale, in Harg. Law Tracts. pp. 17, 18, 27; Somerset v. Fogwell, 5 Barn. & C. 875, 885, 8 Dowl. & R. 747, 755; Smith v. Stair, 6 Bell, App. Cas. 487; U. S. v. Pacheco, 2 Wall. 587.

"By the law of England, also, every building or wharf erected, without license, below high-water mark, where the soil is the king's, is a purpresture, and may, at the suit of the king, either be demolished, or be seized and rented for his benefit, if it is not a nuisance to navigation. Lord Hale, in Harg. Law Tracts, p. 85; Mitf. Eq. Pl. (4th Ed.) 145; Blundell v. Catteral, 5 Barn. & Ald. 268, 298, 305; Attorney General v. Richards, 2 Anstr. 603, 616; Attorney General v. Parmeter, 10 Price, 378, 411, 464; Attorney General v. Terry, 9 Ch. App. 425, 429, [152 U.S. 1, 14] note; Weber v. Commissioners, 18 Wall. 57, 65; Barney v. Keokuk, 94 U.S. 324, 337.

Stated Justice Baldwin in his assenting opinion in Proprietors of Charles River Bridge v. Proprietors of, 36 U.S. 420 (1837) 36 U.S. 420 (Pet.):

"By the common law, it is clear, that all arms of the sea, coves, creeks, etc. where the tide ebbs and flows, are the property of the sovereign, unless appropriated by some subject, in virtue of a grant, or prescriptive right which is founded on the supposition of a grant' (6 Pick. 182); 'the principles of the common law were well understood by the colonial legislature.' 'Those who acquired the property on the shore, were restricted from such a use of it, as would impair the public right of passing over the water.' 'None but the sovereign power can authorize the interruption of such passages, because this power alone has the right to judge whether the public convenience may be better served by suffering bridges to be thrown over the water, than by suffering the natural passages to remain free.' Ibid. 184. By the common law, and the immemorial usage of this government, all navigable waters are public property, for the use of all the citizens, and there must be some act of the sovereign power, direct or derivative, to authorize any interruption of them.' 'A navigable river is, of common right, a public highway, and a general authority to lay out a new highway must not be so extended as to give a power to obstruct an open highway, already in the use of the public.' Ibid. 185, 187." (Emphasis mine.)

**iv FISHERY (a place)**

Reference: John Bouvier, A Law Dictionary Adapted to the Constitution and Laws of the United States of America and the Several States of the American Union, Childs & Peterson, c1856.)

FISHERY, estates. A **place** prepared for catching fish with nets or hooks. This term is commonly applied to the **place** of drawing a seine, or net. 1 Whart. R. 131, 2.
• The **right of fishery** is to be considered as to tide or navigable waters, and to rivers not navigable. A river where the tide ebbs and flows is considered an arm of the sea. By the common law of England, **every navigable river within the realm as far as the sea ebbs and flows is deemed a royal river, and the fisheries therein as belonging to the crown by prerogative, yet capable of being granted to a subject to be held or disposed of as private property.** The profit of such fisheries, however, when retained by the crown, is not commonly taken and appropriated by the king, unless of extraordinary value, but left free to all the people. Dav. Rep. 155; 7 Co. 16, a: Plowd. 154, a. Within the tide waters of navigable rivers in some of the United States, private or several fisheries were established, during the colonial state, and are still held and enjoyed as such, as in the Delaware. 1 Whart. 145, 5; 1 Baldw. Rep. 76. **On the high seas the right of fishing jure gentium is common to all persons, as a general rule. In. rivers, not navigable, that is, where there is no flux or reflux of the tide, the right of fishing is incident to the owner of the soil, over which the water passes, and to the riparian proprietors, when a stream is owned by two or more.** 6 Cowen's R. 369; 5 Mason's R. 191; 4 Pick. R. 145; 5 Pick. R. 199. **The rule, that the right of fishery, within his territorial limits, belongs exclusively to the riparian owner, extends alike to great and small streams.** The owners of farms adjoining the Connecticut river, above the flowing of the tide, have the exclusive right of fishing opposite their farms, to the middle of the river although the public have an easement in the river as a public highway, for passing and repassing with every kind of water craft. 2 Conn. R. 481. The right of fishery may exist, not only in the owner of the soil or the riparian proprietor, but also in another who has acquired it by grant or otherwise. Co. Litt. l22 a, n. 7; Schul. Aq. R. 40 41; Ang. W. C. 184; sed vide 2 Salk. 637.

• Fisheries have been divided into: **1. Several fisheries. A several fishery is one to which the party claiming it has the right of fishing, independently of all others, as that no person can have a coextensive right with him in the object claimed**, but a partial and independent right in another, or a limited liberty, does not derogate from the right of the owner. 5 Burr. 2814. **A several fishery, as its name imports, is an exclusive property; this, however, is not to be understood as depriving the territorial owner of his right to a several fishery, when he grants to another person permission to fish; for he would continue to be the several proprietor, although he should suffer a stranger to hold a coextensive right with himself. Woolr. on Wat. 96.**

• **Free fisheries. A free fishery is said to be a franchise in the hands of a subject, existing by grant or prescription, distinct from an ownership in the soil. It is an exclusive right, and applies to a public navigable river, without any right in the soil.** 3 Kent, Com. 329. Mr. Woolrych says, that sometimes a free fishery is confounded with a several, sometimes it is said to be synonymous with common, and again treated as distinct from either. Law of Waters, &c. 97.

• **Common of Fishery. A common of fishery is not an exclusive right, but one enjoyed in common with certain other persons.** 3 Kent, Com. 329. **A distinction has been made between a common fishery, (commune piscarium,) which may mean for all mankind, as in the sea, and a common of fishery, (communium piscariae,) which is a right, in common with certain other persons, in a particular stream.** 8 Taunt. R. 183. Mr. Angell seems to think that common of fishery and free fishery, are convertible terms, Law of Water Courses, c. 6., s. 3, 4.

• These distinctions in relation to several, free, and common of, fishery, are not strongly marked, and the lines are sometimes scarcely perceptible. "Instead of going into the black letter books, to learn what was a fishery, and a free fishery, and a several fishery," says Huston, J., "I am disposed to regard our own acts, even though differing, from old feudal times." 1 Whart. R. 132. See 14 Mus. R. 488; 2 Bl. Com. 39, 40; 7 Pick. R. 79. Vide, generally, Ang. Wat. Co.; Index, h. t; Woolr. on Wat. Index, h. t; Schul. Aq. R. Index, h. t; 2 Rill. Ab. ch. 18, p. 1,63;

Difference between public trust and commons

Justice White in Geer v. Connecticut, 161 U.S. 519 (1896,) attempted to explain the very subtle and confusing difference between "public domain" or negative community of interest and "commons" or positive joint public onwership in resources:

"Among other subdivisions, things were classified by the Roman law into public and common. The latter embraced animals ferae naturae, which, having no owner, were considered as belonging in common to all the citizens of the state. After pointing out the foregoing subdivision, the Digest says: 'There are things which we acquire the dominion of, as by the law of nature, which the light of natural reason causes every man to see, and others we acquire by the civil law; that is to say, by methods which belong to the government. As the law of nature is more ancient, because it took birth with the human race it is proper to speak first of the latter. ( 1) Thus, all the animals which can be taken upon the earth, in the sea, or in the air,-that is to say, wild animals,-belong to those who take them , ... because that which belong to nobody is acquired by the natural law by the person who first possesses it..."

"...In tracing the origin of the classification of animals ferae naturae, as things common, Potheir moreover says:

'The first of mankind had in common all those things which God had given to the human race. This community was not a positive community of interest, like that which exists between several persons who have the ownership of a thing in which each have their particular portion. [e.g. "joint" or communal ownership"] It was a community, which those who have written on this subject have called 'a negative community,' which resulted from the fact that those things which were common to all belonged no more to one than to the others, and hence no one could prevent another from taking of these common things that portion which he judged necessary in order to subserve his wants. [ e.g. "public domain."] Whilst he was using them, others could not disturb him; but when he had ceased to use them, if they were not things which were consumed by the fact of use, the things immediately re-entered into the negative community, and another could use them. The human race having multiplied, men partitioned among themselves the earth and the greater part of those things which were on its surface. That which fell to each one among them commenced to belong to him in private ownership, and this process is the origin of the right of property. Some things, however, did not enter into this division, and remain, therefore, to this day, in the condition of the ancient and negative community.' No. 21. [Clarification mine]

"Referring to those things which remain common, or in what he qualified as the negative community, this great writer says:
'These things are those which the jurisconsults called 'res communes.' Marcien refers to several kinds,—the air, the water which runs in the rivers, the sea, and its shores. ... As regards wild animals, ferae naturae, they have remained in the ancient state of negative community.'

"In both the works of Merlin and Pothier, ubi supra, will be found a full reference to the history of the varying control exercised by the law—giving power over the right of a citizen to acquire a qualified ownership in animals ferae naturae, evidenced by the regulation thereof by the Salic law, already referred to, exemplified by the legislation of Charlemagne, and continuing through all vicissitudes of governmental authority. This unbroken line of law and precedent is summed up by the provisions of the Napoleon Code, which declares (articles 714, 715): 'There are things which belong to no one, and the use of which is common to all. Police regulations direct the manner in which they may be enjoyed. The faculty of hunting and fishing is also regulated by special laws.' Like recognition of the fundamental principle upon which the property in game rests has led to similar history and identical results in the common law of Germany, in the law of Austria, Italy, and, indeed, it may be safely said in the law of all the countries of Europe. 1 Saint Joseph Concordance, p. 68."

vi McCready v. Virginia

In McCready v. State of Virginia, 94 U.S. 391 (1876,) a citizen of Maryland, was indicted, convicted, and fined for planting oysters in Ware River, a Virginia river in which the tide ebbs and flows, (the bed and banks of which are considered "sovereign lands" and to which the right of common piscary is attached.) The case was litigated on the basis of the "privileges and immunities" clause.

Stated Chief Justice Waite:

"..The principle has long been settled in this court, that each State owns the beds of all tide-waters within its jurisdiction, unless they have been granted away. Pollard's Lessee v. Hagan, 3 How. 212; Smith v. Maryland, 18 How. 74; Mumford v. Wardwell, 6 Wall. 436; Weber v. Harbor Commissioners, 18 id. 66. In like manner, the States own the tide-waters themselves, and the fish in them, so far as they are capable of ownership while running. For this purpose the State represents its people, and the ownership is that of the people in their united sovereignty. Martin v. Waddell, 16 Pet. 410. The title thus held is subject to the paramount right of navigation, the regulation of which, in respect to foreign and inter-state commerce, has been granted to the United States. There has been, however, no such grant of [federal] power over the fisheries. These remain under the exclusive control of the State, which has consequently the right, in its discretion, to appropriate its tide-waters and their beds to be used by its people as a common for taking and cultivating fish, so far as it may be done without obstructing navigation. Such an appropriation is in effect nothing more than a regulation of the use by the people of their common property. The right which the people of the State thus acquire comes not from their citizenship alone, but from their citizenship and property combined. It is, in fact, a property right, and not a mere privilege or immunity of citizenship."

"...we think we may safely hold that the citizens of one State are not invested by this clause of the Constitution [privileges and immunities] with any interest in the common property of the citizens
of another State. If Virginia had by law provided for the sale of its once vast public domain, and a
division of the proceeds among its own people, no one, we venture to say, would contend that the
citizens of other States had a constitutional right to the enjoyment of this privilege of Virginia
citizenship. Neither if, instead of selling, the State had appropriated the same property to be used
as a common by its people for the purposes of agriculture, could the citizens of other States avail
themselves of such a privilege. And the reason is obvious: the right thus granted is not a privilege
or immunity of general but of special citizenship. It does not 'belong of right to the citizens of all
free governments,' but only to the citizens of Virginia, on account of the peculiar circumstances in
which they are placed. They, and they alone, owned the property to be sold or used, and they alone
had the power to dispose of it as they saw fit. They owned it, not by virtue of citizenship
merely, but of citizenship and domicile united; that is to say, by virtue of a citizenship
confined to that particular locality."

Attempts to Expand the "Commons" as Exception to the "Privileges & Immunities" Clause

In Toomer v. Witsell, 334 U.S. 385 (1948,) the Court summarized the appellees' argument for special
fishing privileges and immunities. The argument confuses "common piscary" in the "fishery," (a place of
fishing associated with State) with the concept of "common" (meaning "joint") ownership of all the
animals themselves by State residents. It claims a State obligation to manage said resources for the
exclusive benefit of State residents - thereby exempting such management from the "Privileges and
Immunities" clause.

"... Their argument runs as follows: Ever since Roman times, animals ferae naturae, not having
been reduced to individual possession and ownership, have been considered as res nullius or part
of the 'negative community of interests' and hence subject to control by the sovereign or other
governmental authority. More recently this thought has been expressed by saying that fish and
game are the common property of all citizens of the governmental unit and that the
government, as a sort of trustee, exercises this 'ownership' for the benefit of its citizens. In
the case of fish, it has also been considered that each government 'owned' both the beds of its
lakes, streams, and tidewaters and the waters themselves; hence it must also 'own' the fish
within those waters. Each government may, the argument continues, regulate the corpus of
the trust in the way best suited to the interests of the beneficial owners, its citizens, and may
discriminate as it sees fit against persons lacking any beneficial interest. Finally, it is said that
this special property interest, which nations and similar governmental bodies have traditionally
had, in this country vested in the colonial governments and passed to the individual States.

"Language frequently repeated by this Court appears to lend some support to this analysis. But in
only one case, McCready v. Virginia, 1876, 94 U.S. 391, has the Court actually upheld State
action discriminating against commercial fishing or hunting by citizens of other States where there
were advanced no persuasive independent reasons justifying the discrimination. In that case the
Court sanctioned a Virginia statute applied so as to prohibit citizens of other States, but not
Virginia citizens, from planting oysters in the tidal waters of the Ware River. The right of
Virginians in Virginia waters, the Court said, was 'a property right, and not a mere privilege
or immunity of citizenship.' And an analogy was drawn between planting oysters in a river
bed and planting corn in state-owned land.
"It will be noted that there are at least two factual distinctions between the present case and the McCreedy case. First, the McCreedy case related to fish which would remain in Virginia until removed by man. The present case, on the other hand, deals with free-swimming fish which migrate through the waters of several States and are off the coast of South Carolina only temporarily. Secondly, the McCreedy case involved regulation of fishing in inland waters, whereas the statute now questioned is directed at regulation of shrimping in the marginal sea."

..."However satisfactory the ownership theory explains the McCreedy case, the very factors which make the present case distinguishable render that theory but a weak prop for the South Carolina statute. That the shrimp are migratory makes apposite Mr. Justice Holmes' statement in Missouri v. Holland, 1920, 252 U.S. 416, 434, 384, 11 A.L. R. 984, that 'To put the claim of the State upon title is to lean upon a slender reed. Wild birds are not in the possession of anyone; and possession is the beginning of ownership.' Indeed, only fifteen years after the McCreedy decision, a unanimous Court indicated that the rule of that case might not apply to free-swimming fish. The fact that it is activity in the three-mile belt which the South Carolina statute regulates is of equal relevance in considering the applicability of the ownership doctrine. While United States v. California, 1947, 332 U.S. 19, as indicated above, does not preclude all State regulation of activity in the marginal sea, the case does hold that neither the thirteen original colonies nor their successor States separately acquired 'ownership' of the three-mile belt.

"The whole ownership theory, in fact, is now generally regarded as but a fiction expressive in legal shorthand of the importance to its people that a State have power to preserve and regulate the exploitation of an important resource. And there is no necessary conflict between that vital policy consideration and the constitutional command that the State exercise that power, like its other powers, so as not to discriminate without reason against citizens of other States."

In Baldwin v. Montana Fish and Game Comm'n, 436 U.S. 371 (1978,.) Justice Blackmun further explains the reasoning behind early claims:

"Many of the early cases embrace the concept that the States had complete ownership over wildlife within their boundaries, and, as well, the power to preserve this bounty for their citizens alone. It was enough to say "that in regulating the use of the common property of the citizens of [a] state, the legislature is [not] bound to extend to the citizens of all the other states the same advantages as are secured to their own citizens." Corfield v. Coryell, 6 F. Cas. 546, 552 (No. 3,230) (CC ED Pa. 1825). It appears to have been generally accepted that although the States were obligated to treat all those within their territory equally in most respects, they were not obliged to share those things they held in trust for their own people. In Corfield, a case the Court has described as "the first, and long the leading, explication of the [Privileges and Immunities] Clause," see Austin v. New Hampshire, 420 U.S., at 661, Mr. Justice Washington, sitting as Circuit Justice, although recognizing that the States may not interfere with the "right of a citizen of one state to pass through, or to reside in any other state, for purposes of trade, agriculture, professional pursuits, or otherwise; to claim the benefit of the writ of habeas corpus; to institute and maintain actions of any kind in the courts of the state; to take, hold and dispose of property, either real or personal," 6 F. Cas., at 552, nonetheless concluded that access to oyster beds determined to be owned by New Jersey could be limited to New Jersey residents. This holding, and the conception of state sovereignty upon which it relied, formed the basis for similar decisions during later years of the 19th century. E. g., McCreedy v. Virginia, 94 U.S. 391 (1877); Geer v. Connecticut, 161 U.S. 519 (1896). See Rosenfeld v. Jakways, 67 Mont. 558, 216 P. 776 (1923). In Geer, a case dealing with Connecticut's authority to limit the disposition of
game birds taken within its boundaries, the Court roundly rejected the contention "that a State cannot allow its own people the enjoyment of the benefits of the property belonging to them in common, without at the same time permitting the citizens of other States to participate in that which they do not own." 161 U.S., at 530.

"In more recent years, however, the Court has recognized that the States' interest in regulating and controlling those things they claim to "own," including wildlife, is by no means absolute. States may not compel the confinement of the benefits of their resources, even their wildlife, to their own people whenever such hoarding and confinement impedes interstate commerce. Foster-Fountain Packing Co. v. Haydel, 278 U.S. 1 (1928); Pennsylvania v. West Virginia, 262 U.S. 553 (1923); West v. Kansas Natural Gas Co., 221 U.S. 229 (1911). Nor does a State's control over its resources preclude the proper exercise of federal power. Douglas v. Seacoast Products, Inc., 431 U.S. 265 (1977); Kleppe v. New Mexico, 426 U.S. 529 (1976); Missouri v. Holland, 252 U.S. 416 (1920). And a State's interest in its wildlife and other resources must yield when, without reason, it interferes with a nonresident's right to pursue a livelihood in a State other than his own, a right that is protected by the Privileges and Immunities Clause. Toomer v. Witsell, 334 U.S. 385 (1948). See Takahashi v. Fish & Game Comm'n, 334 U.S. 410 (1948).

"Appellants contend that the doctrine on which Corfield, McCready, and Geer all relied has no remaining vitality. We do not agree. Only last Term, in referring to the "ownership" or title language of those cases and characterizing it "as no more than a 19th-century legal fiction," the Court pointed out that that language nevertheless expressed "the importance to its people that a State have power to preserve and regulate the exploitation of an important resource." Douglas v. Seacoast Products, Inc., 431 U.S., at 284, citing Toomer v. Witsell, 334 U.S., at 402. The fact that the State's control over wildlife is not exclusive and absolute in the face of federal regulation and certain federally protected interests does not compel the conclusion that it is meaningless in their absence..."

Yet, in his concurring opinion in Baldwin, Chief Justice Burger still reveal an attachment to the belief in common public ownership of game found within a State and a State obligation to manage as a public trust.

"The doctrine that a State "owns" the wildlife within its borders as trustee for its citizens, see Geer v. Connecticut, 161 U.S. 519 (1896), is admittedly a legal anachronism of sorts. See Douglas v. Seacoast Products, Inc., 431 U.S., at 284, citing Toomer v. Witsell, 334 U.S., at 402. The fact that the State's control over wildlife is not exclusive and absolute in the face of federal regulation and certain federally protected interests does not compel the conclusion that it is meaningless in their absence..."

After summarizing the subtle differences between "public domain"and "commons" as related to game in Geer v. Connecticut, 161 U.S. 519 (1896,) Justice White, never-the-less, takes a detour into positive
"collective" public ownership and the concept of "public trust" or the State acting as the agent of the proprietor. This creates a confusion that persists until over-ruled in Hughes vs. Oklahoma in 1979.

Stated Justice White in Geer:

"...Therefore, for the purpose of exercising this power, the state, as held by this court in Martin v. Waddell, 16 Pet. 410, represents its people, and the ownership is that of the people in their united sovereignty. The common ownership, and its resulting responsibility in the state, is thus stated in a well-considered opinion of the supreme court of California:

'The wild game within a state belongs to the people in their collective sovereign capacity. It is not the subject of private ownership, except in so far as the people may elect to make it so; and they may, if they see fit, absolutely prohibit the taking of it, or traffic and commerce in it, if it is deemed necessary for the protection or preservation of the public good.' Ex parte Maier, ubi supra.

The same view has been expressed by the supreme court of Minnesota, as follows:

'We take it to be the correct doctrine in this country that the ownership of wild animals, so far as they are capable of ownership, is in the state, not as a proprietor, but in its sovereign capacity, as the representative and for the benefit of all its people in common.' State v. Rodman, supra."

"The foregoing analysis of the principles upon which alone rests the right of an individual to acquire a qualified ownership in game, and the power of the state, deduced therefrom, to control such ownership for the common benefit, clearly demonstrates the validity of the statute of the state of Connecticut here in controversy. The sole consequence of the provision forbidding the transportation of game killed within the state, beyond the state, is to confine the use of such game to those who own it— the people of that state. The proposition that the state may not forbid carrying it beyond her limits involves, therefore, the contention that a state cannot allow its own people the enjoyment of the benefits of the property belonging to them in common, without at the same time permitting the citizens of other states to participate in that which they do not own.... The common ownership imports the right to keep the property, if the sovereign so chooses, always within its jurisdiction for every purpose. The qualification which forbids its removal from the state necessarily entered into and formed part of every transaction on the subject, and deprived the mere sale or exchange of these articles of that element of freedom of contract and of full ownership which is an essential attribute of commerce..."

"Ferae Naturae"

It may be recalled that "Res Nullius" are physical things which "have not or have never had" an owner. This includes wild animals, fishes and wild fowl in which property may be acquired by "natural law." While the individual animal remains wild, it is "res communes," or a "thing common to all" (public domain.)

The opinion in Geer v. Connecticut, 161 U.S. 519 (1896), provides an good summary of:
The Roman concept of "res communes" or "things common to all," as applies to "ferae naturae" or wild animals in nature and the qualified right to use them;

The transitory ownership in wild animals while resident upon privately owned land called "ferae naturae-propter privilegium".

The exclusive private "territorial" right to pursue acquisition and possession (hunting grounds or fishery) as an incidence of land ownership or "right of soil" (ratione soli.;) and

The individual acquisition of property or dominion in an animal ferae naturae through occupancy and possession or "take";

**USUFRUCTORY INTEREST IN FERAE NATURAE - WILD ANIMALS**

[Geer] "Referring especially to the common ownership of game, he [Blackstone] says:

'But, after all, there are some few things which, notwithstanding the general introduction and continuance of property, must still unavoidably remain in common, being such wherein nothing but an usufructuary property is capable of being had; and therefore they still belong to the first occupant during the time he holds possession of them, and no longer. Such (among others) are the elements of light, air, and water, which a man may occupy by means of his windows, his gardens, his mills, and other conveniences. Such, also, are the generality of those animals which are said to be ferae naturae or of a wild and untamable disposition, which any man may seize upon or keep for his own use or pleasure.' 2 Bl. Comm. 14.

**FERAE NATURAE-PROPTER PRIVILEGIIUM**

[It should be noted that it was common for kings and lords to fence areas known as "chases" to contain wild deer for availability of the hunt. As such, they were temporarily controlled and "possessed," but still wild, falling short of acts necessary to constitute "take" or appropriation into private ownership. They were essentially "used," but not consumed, similar to the use of flowing water to power a mill.]

[Geer] 'A man may lastly have a qualified property in animals ferae naturae-propter privilegium; that is, he may have the privilege of hunting, taking, and killing them in exclusion of other persons. Here he has a transient property in these animals usually called 'game' so long as they continue within his liberty, and he may restrain any stranger from taking them therein; but, the instant they depart into another liberty, this qualified property ceases. ... A man can have no absolute permanent property in these, as he may in the earth and land; since these are of a vague and fugitive nature, and therefore can only admit of a precarious and qualified ownership, which lasts so long as they are in actual use and occupation, but no longer.' 2 Bl. Comm. 394. (Emphasis mine.)

[Primary Reference: John Crook, Law and Life of Rome, Corne;; University Press, c1967, page 147.)

..."There being no game laws, game and fish were the property of those who caught them; though in the case of creatures such as bees, pigeons or deer, so long as they had their hives or cotes or natural haunts on a man's land they were his, but if they moved permanently away they were open to first taking..."
EXCLUSIVE HUNTING AND FISHING RIGHTS

(As an "estate" in the land, "right of soil" or ratione soli)

[Geer] "No restriction, it would hence seem, was placed by the Roman law upon the power of the individual to reduce game, of which he was the owner in common with other citizens, to possession, although the Institutes of Justinian recognized the right of an owner of land to forbid another from killing game on his property, as, indeed, this right was impliedly admitted by the Digest in the passage just cited. Inst. Bk. 2, tit. 1, 12.

"This inhibition was, however, rather a recognition of the right of ownership in land than an exercise by the state of its undoubted authority to control the taking and use of that which belonged to no one in particular, but was common to all...."

Similarly, in "private" or nonnavigable rivers, the owner had an exclusive right of "piscary" or fishery (fishing):

Lord Mansfield in 4 Burr. 2163 stated, the rule of law is uniform. In rivers not navigable, the proprietors of the land have the right of fishing on their respective sides, and it generally extends ad filum medium aquae....

DOMINION OR PROPERTY IN FERAE NATURAE - A WILD ANIMAL

The traditional body of Western law recognizes that personal property in an individual wild animal or fish, ("ferae naturae," ) may only be appropriated, * acquired or "taken" through occupancy or possession; depriving the animal of its natural liberty and rendering it subject to the "control" of an individual. Originally, Roman Law held that property in an animal ferae naturae could be acquired by an individual only through bodily touch, ("manucaption," ) with the intention of converting it to private use.

*APPROPRIATION or TAKE** - ACQUIRING INDIVIDUAL PROPERTY IN A WILD ANIMAL OR THING

Through the passage of history, various legal authorities have disagreed as to the degree of control necessary to constitute a private appropriation or "take" of such animals through occupancy, so as to exclude the claims of all other persons to the same animals under law. These concepts of "acquisition" and degree of "control," as relate to individual ownership by possession and occupancy, have also been applied to American legal principles governing ownership of oil, gas and water.

(A good review of historic arguments is provided in Pierson v. Post 3 Cai. R. 175 (N.Y. Sup. Ct. 1805.)

The incident at issue in this case occurred upon unoccupied "wastelands", and therefore did not involve other issues such as the relationship of the exclusive right to appropriate ("take" or hunt) wild animals "propter privilegium" as an incident of land ownership - "right of soil" (ratione soli.)

Justice Tompkins delivered the opinion of the court and provided the summary: . . .
that pursuit alone, vests no property or right in the huntsman; and that even pursuit accompanied with wounding, is equally ineffectual for that purpose, unless the animal be actually taken. The same principle is recognized by Bracton, lib. II, c. I, page 8 [English legal treatise, early to mid-thirteenth century].

- "Puffendorf, lib. IV, c. 6, sec. 2, [[section]]10 [late Seventeenth century], defines occupancy of beasts ferae naturae, to be the actual corporal possession of them, and Bynkershoek is cited as coinciding in this definition. It is indeed with hesitation that Puffendorf affirms that a wild beast mortally wounded, or greatly maimed, cannot be fairly intercepted by another, whilst the pursuit of the person inflicting the wound continues.

- "Barbeyrac, in his notes on Puffendorf, is of the opinion that actual bodily seizure is not indispensable to acquire right to, or possession of, wild beasts; but that, on the contrary, the mortal wounding of such beasts, by one not abandoning his pursuit, may, with the utmost propriety, be deemed possession of him; since thereby, the pursuer manifests an unequivocal intention of appropriating the animal to his individual use, has deprived him of his natural liberty, and brought him within his certain control. So also, encompassing and securing such animals with nets and toils, or otherwise intercepting them, in such a manner as to deprive them of their natural liberty, and render escape impossible, may justly be deemed to give possession of them to those persons who, by their industry and labor, have used such means of apprehending them..." (Emphasis mine.)

Justice Field in his dissenting opinion in Geer v. Connecticut, 161 U.S. 519 (1896), expounds upon the concepts of possession, control and use: [It should be noted that the decision in Geer was later overruled in respect to any presumption of actual State ownership of animals "ferae naturae," either as a proprietary interest or in ownership in trust for the collective people of the State. See Hughes v. Oklahoma, 41 U.S. 322 (1979).]

- "...Although there are declarations of some courts that the state possesses a property in its wild game, and, when it authorizes the game to be killed and sold as an article of food, it may limit the sale only for domestic consumption, and the supreme court of errors of Connecticut, in deciding the present case, appears to have held that doctrine, I am unable to assent to its soundness, where the state has never had the game in its possession or under its control or use. I do not admit that in such case there is any specific property held by the state by which in the exercise of its rightful authority, it can lawfully limit the control and use of the animals killed to particular classes of persons or citizens, or to citizens of particular places or states. But, on the contrary, I hold that where animals within a state, whether living in its waters or in the air above, are, at the time, beyond the reach or control of man, so that they cannot be subjected to his use or that of the state in any respect, they are not the property of the state or of any one in a proper sense. I hold that, until they are brought into subjection or use by the labor or skill of man, they are not the property of any one, and that they only become the property of man according to the extent to which they are subjected by his labor or skill to his use and benefit. When man, by his labor or skill, brings any such animals under his control and subject to his use, he acquires to that extent a right of property in them, and the ownership of others in the animals is limited by the extent and right thus acquired. This is a generally recognized doctrine, acknowledged by all states of Christendom. It is the doctrine of law, both natural and positive. The Roman law, as stated in the Digest, cited in the opinion of the majority, expresses it as follows:
'That which belongs to nobody is acquired by the natural law by the person who first possesses it.' A bird may fly at such height as to be beyond the reach of man or his skill, and no one can then assert any right of property in such bird; it cannot, then, be said to belong to any one. But when, from any cause, the bird is brought within the reach and control or use of man, it becomes at that instant his property, and may be an article of commerce between him and citizens of the same or of other states. In an opinion written by me some years since, I had occasion to speak of this rule of law. I there said that it was a general principle of law, both natural and positive, that where a subject, animate or inanimate, which otherwise could not be brought under the control or use of man, is reduced to such control or use by his individual labor or skill, a right of property in it is acquired. The wild bird in the air belongs to no one, but when the fowler brings it to the earth and takes it into his possession, it is his property. He has reduced it to his control by his own labor, and the law of nature and the law of society recognize his exclusive right to it. The pearl at the bottom of the sea belongs to no one, but the diver who enters the water and brings it to light has property in the gem. He has by his own labor reduced it to possession, and, in all communities and by all law, his right to it is recognized. So the trapper on the plains and the hunter in the North have a property in the furs they have gathered, though the animals from which they were taken roamed at large, and belonged to no one. They have added by their labor to the uses of man an article promoting his comfort, which, without that labor, would have been lost to him. They have a right, therefore, to the furs, and every court in Christendom would maintain it. So, when the fisherman drags by his net fish from the sea, he has a property in them, of which no one is permitted to despoil him. Water Works v. Schottler, 110 U.S. 374, 4 Sup. Ct. 48." (Emphasis mine)

The Court in Ohio Oil Co. v. State of Indiana, 177 U.S. 190 (1900,) also classified oil, gas and water as "ferae naturae," the appropriation of which was subject to the same rationale as fish and game "propter privilegium":

- "In Brown v. Spilman, 155 U.S. 665, 669, 670 S., 39 L. ed. 304, 305, 15 Sup. Ct. Rep. 245, 247, these distinctive features of deposits of gas and oil were remarked upon. The court said:

'Petroleum gas and oil are substances of a peculiar character, and decisions in ordinary cases of mining for coal, and other minerals which have a fixed situs, cannot be applied to contracts concerning them without some qualifications. They belong to the owner of the land, and are a part of it, so long as they are on it or in it, or subject to his control, but when they escape and go into other land, or come under another's control, the title of the former owner is gone. If an adjoining owner drills his own land and taps a deposit of oil or gas, extending under his neighbor's field, so that it comes into his well, it becomes his property. Brown v. Vandergrift, 80 Pa. 142, 147; Westmoreland & C. Natural Gas Co. v. De Witt, 130 Pa. 235, 5 L. R. A. 731, 18 Atl. 724.

"In Westmoreland & C. Natural Gas Co. v. De Witt, 130 Pa. 235, 5 L. R. A. 731, 18 Atl. 724, the supreme court of Pennsylvania considered the character of ownership in natural gas and oil as these substances existed beneath the surface of the earth. The court said:

'The learned master says gas is a mineral, and while in situ is part of the land, and therefore possession of the land is possession of the gas. But this deduction must be made with some qualifications. Gas, it is true, is a mineral; but it is a mineral with peculiar attributes, which require
the application of precedents arising out of ordinary mineral rights, with much more careful consideration of the principles involved than of the mere decisions. Water, also, is a mineral, but the decisions in ordinary cases of mining rights, etc., have never been held as unqualified precedents in regard to flowing or even to percolating waters. Water and oil, and still more strongly gas, may be classed by themselves, if the analogy be not too fanciful, as minerals feroe naturoe. In common with animals, and unlike other minerals, they have the power and the tendency to escape without the volition of the owner. Their 'fugitive and wandering existence within the limits of a particular tract is uncertain,' as said by Chief Justice Agnew in Brown v. Vandergrift, 80 Pa. 147, 148, . . . They belong to the owner of the land, and are a part of it, so long as they are on or in it, and are subject to his control; but when they escape and go into other land, or come under another's control, the title of the former owner is gone. Possession of the land, therefore, is not necessarily possession of the gas.'

"Again, in Jones v. Forest Oil Co., (January, 1900), 194 Pa. 379, 44 Atl. 1074, the same subject was once more considered. The complaint was filed by one land owner having a gas well on his land, to enjoin the owner of adjoining property from using in a gas well thereon a pump which was asserted to have such power that its operation would draw away the oil and gas from the well of the complainant to that of the defendant. Reviewing the cases to which we have just referred, and after quoting the language of Chief Justice Agnew, in Brown v. Vandergrift, 80 Pa. 142, 147, wherein, as we have seen, oil and gas were by analogy classed as 'minerals feroe naturoe,' the court decided:

'From these cases we conclude that the property of the owner of lands in oil and gas is not absolute until it is actually in his grasp and brought to the surface.'

..."In People's Gas Co. v. Tyner, 131 Ind. 277, 281, 16 L. R. A. 443, 31 N. E. 59, .... After quoting authorities relating to subterranean currents of water, and treating gas and oil before being reduced to possession as of a kindred nature, the court said:

'Like water it is not the subject of property except while in actual occupancy, and a grant of either water or oil is not a grant of the soil or of anything for which ejectment will lie.'

"The case of Brown v. Vandergrift, 80 Pa. 142, from which we have previously quoted, was then referred to, and the analogies between oil and gas and animals feroe naturoe were approved and adopted. In Townsend v. State, 147 Ind. 624, 37 L. R. A. 294, 49 N. E. 14,.... it was decided that the owners of the surface of the land within the gas field, whilst they had the exclusive right on their land to sink wells for the purpose of extracting the oil and gas, had no right of property therein until by the actual drawing of the oil and gas to the surface of the earth they had reduced these substances to physical possession....

"Without pausing to weigh the reasoning of the opinions of the Indiana court in order to ascertain whether they in every respect harmonize, it is apparent that the cases in question, in accord with the rule of general law, settle the rule of property in the state of Indiana to be as follows: Although in virtue of his proprietorship the owner of the surface may bore wells for the purpose of extracting natural gas and oil until these substances are actually reduced by him to possession, he has no title whatever to them as owner. That is, he has the exclusive right on his own land to seek to acquire them, but they do not become his property until the effort has resulted in dominion and control by actual possession. It is also clear from the Indiana cases cited that, in the
absence of regulation by law, every owner of the surface within a gas field may prosecute his
efforts and may reduce to possession all or every part, if possible, of the deposits, without
violating the rights of the other surface owners.

..."Thus, the owner of land has the exclusive right on his property to reduce the game there found
to possession, just as the owner of the soil has the exclusive right to reduce to possession the
deposits of natural gas and oil found beneath the surface of his land. The owner of the soil cannot
follow game when it passes from his property; so, also, the owner may not follow the natural gas
when it shifts from beneath his own to the property of someone else within the gas field. It being
true as to both animals feroe naturoe and gas and oil, therefore, that whilst the right to
appropriate and become the owner exists, proprietorship does not take being until the particular
subjects of the right become property by being reduced to actual possession..." (Emphasis mine.)

** ACQUIRE/AQUISITION [Reference: John Bouvier, A Law Dictionary Adapted to the Constitution
and Laws of the United States of America and the Several States of the American Union, Childs &
Peterson, c1856.)

TO ACQUIRE, descents, contracts. To make property one's own.

Title to property is acquired in two ways, by descent, (q.v.) and by purchase (q.v.). Acquisition by
purchase, is either by, 1. Escheat. 2. Occupancy. 3. Prescription. 4. Forfeiture. 5. Alienation, which is
either by deed or by matter of record. Things which cannot be sold, cannot be acquired.

ACQUISITION, property, contracts, descent. The act by which the person procures the property of a
thing.

- An acquisition, may be temporary or perpetual, and be procured either for a valuable
  consideration, for example, by buying the same; or without consideration, as by gift or
descent.
- Acquisition may be divided into original and derivative. Original acquisition is procured by
  occupancy, 1 Bouv. Inst. n. 490; 2 Kent. Com. 289; Menstr. Leg. du Dr. Civ. Rom. Sec. 344 ;
  by accession, 1 Bouv. Inst. n. Sec. 499; 2 Kent., Com. 293; by intellectual labor, namely, for
  inventions, which are secured by patent rights and for the authorship of books, maps, and
  charts, which is protected by copyrights. 1. Bouv. Inst. n. 508.
- Derivative acquisitions are those which are procured from others, either by act of law, or by
  act of the parties. Goods and chattels may change owners by act of law in the cases of
  forfeiture, succession, marriage, judgment, insolvency, and intestacy. And by act of the parties,
  by gift or sale. Property may be acquired by a man himself, or by those who are in his power,
  for him; as by his children while minors; 1 N. Hamps. R. 28; 1 United States Law Journ. 513 ;
  by his apprentices or his slaves. Vide Ruth. Inst. ch. 6 & 7; Dig. 41, 1, 53; Inst. 2,9; Id. 2,9,3.

ACCESSION, property. The ownership of a thing, whether it be real or personal, movable or immovable,
carries with it the right to all that the thing produces, and to all that becomes united to it, either naturally
or artificially; this is called the right of accession.

- The doctrine of property arising from accession, is grounded on the right of occupancy.
The original owner of any thing which receives an accession by natural or artificial means, as by the growth of vegetables, the pregnancy of animals; Louis. Code, art. 491; the embroidering of cloth, or the conversion of wood or metal into vessels or utensils, is entitled to his right of possession to the property of it, under such its state of improvement; 5 H. 7, 15; 12 H. 8, 10; Bro. Ab. Propertie, 23; Moor, 20; Poph. 88. But the owner must be able to prove the identity of the original materials; for if wine, oil, or bread, be made out of another man’s grapes, olives, or wheat, they belong to the new operator, who is bound to make satisfaction to the former proprietor for the materials which he has so converted. 2 Bl. Com. 404; 5 Johns. Rep. 348; Betts v. Lee, 6 Johns. Rep. 169; Curtiss v. Groat, 10 Johns. 288; Babcock v. Gill, 9 Johns. Rep. 363; Chandler v. Edson, 5 H. 7, 15; 12 H. 8, 10; Fits. Abr. Bar. 144; Bro. Abr. Property, 23; Doddridge Eng. Lawyer, 125, 126, 132, 134. See Adjunction; Confusion of Goods. See Generally, Louis. Code, tit. 2, c. 2 and 3.]
December 6, 2011

California Fish and Wildlife Strategic Vision Project
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814


Ladies and Gentlemen:

I write to provide comments on the November Draft Vision to further the discussion of the future of DFG and the F&GC as well as their capacity to deal with the challenges of the 21st century and the strategic issues of today. These comments are submitted in the spirit of respectful appreciation for the effort to-date of all members of the Project and are intended to help advance those efforts.

My comments are focused on the following areas:

(1) Capacity of DFG and F&GC to advocate for their mission in the modern era.
(2) Funding DF&G in the modern era
(3) Focusing the Project on the Strategic vs the Tactical

Advocating for the mission:

In the modern era, communication, education and outreach will not empower DFG and F&GC to succeed in the delivery of their mission. The Department and the Commission must be chartered to, and required to, advocate for their mission. This fundamental change is necessitated by several issues that have either arisen or become more significant in the modern era:

(a) Organizations incompatible with the mission of DFG and F&GC due to their ideology or other priorities seek to invoke their projects or agendas on the state through legislation, litigation and or special interest advocacy. Certain of these groups operate in an “ends justify means” mode, manipulating politics, science and/or public opinion in a fashion which, at best, can be described as bordering on the unethical.
(b) Since 1900, California population has increased from approximately 1.5 million (nearly 50% rural) to over 37 million (7% rural). This human onslaught obviously has implications for stewardship as well as for notions such as basing decisions in part on a clear understanding of the desires of the public. More significantly, this dramatic change has bearing on the methods DFG and F&GC must employ to achieve their mission. Voters relatively uninformed (often misinformed) about fish, wildlife and plant resources, the habitats upon which they depend and the science and methods used to maintain their health, balance and sustainability, must hear from an unencumbered advocate.

(c) Legislation incompatible with the mission of DFG and F&GC is in effect now and will be proposed in the future. This includes directly incompatible legislation (such as removing one alpha-predator from DFG management while directing the department to manage on a science-based, balanced, eco-system basis) and indirect mutation of well intended legislation such that, over-time, it is mis-used (such as abuse of the ESA to delay delisting of recovered species).

In the face of these and other material changes, I request that the Project recommend to the Governor and the Legislature that DFG and F&GC engage in compelling advocacy for their mission, internally and externally. Currently the DFG maintains a position of “no comment” on legislation and other political matters and, in the modern era, this is a travesty. (Emphasis: I know this “no comment” policy to be true – if any question or alternative view is raised, I encourage the Project to conduct an anonymous survey of DFG employees asking whether they have been directed to make no comment in political arenas.) To empower the DFG and F&GC to advocate for their mission I request the following recommendations to the Governor and Legislature to achieve this goal:

(a) To the greatest extent possible, remove the appointment of all members of the F&GC from the political arena. Study the processes of other states and improve upon their insulation of the stewards of precious resources from political pressure and manipulation. In Arizona, for example, openings on the equivalent of F&GC are filled by inviting applications from all interested citizens. Within guidelines, the commission then narrows the applicants to no less than 2 or more than 5 options and the Governor is required to make the appointment from that list. I do not set this system forth as the Holy Grail, but it is better than the current CA system which has recently seen blatant politics in the appointment of commissioners who are promptly removed when they do not vote in-line with the governor’s political (non-scientific) expectations. This system should be improved with, on the one hand, set terms for commissioners regardless of changes in administration, and explicit guidelines for selection to ensure that selected candidates are aligned with the mission and values of DFG and F&GC. On the other hand, the system should allow for the ability for commissioners to be removed by the public.

(b) Similarly, appointment of the Director of DFG should be removed from the political arena. Guideline qualifications for this position (which, among several other specifications should, I believe, favor promotion from within and secondarily favor those with appropriate relevant experience in other agencies or organizations) should be suggested by the project. Rigidly within those guidelines, I recommend that the F&GC commission appoint the Director without input from the Governor or Legislature.
(c) Having insulated the leadership from political whim, I would encourage the Project to assign each of DFG and F&GC the task of reviewing, revising and coordinating as appropriate their own mission statements and core values considering the output of the Project and their new empowerment. In this context, I emphasize that the mission and values of an advocate are far more visible and/or far more of a fundamental guiding value than they are for organizations subject to political whim. I further encourage the project continue its good work to define “best available science” and, in that context, recognize the such science must be compatible with the missions of DFG and F&GC. In the modern era, all science should be vetted for unsound, false or manipulated intent. I believe the DFG and F&GC should be directed to incorporate such science, active management including consumptive use (the only proven success in the face of human population growth) and advocacy in their mission. I also encourage the F&GC to consider dropping the notion that resource decisions should be made based (in part) upon desires of the public, leaving the process instead to sound biological information.

(d) Unfettered by politics and grounded in a sound, current mission and values, I recommend that the Project encourage the Governor and Legislature to require the DF&G and Commission to advocate for their missions. The DFG and F&GC should be required to speak out objectively, but aggressively for or against current or proposed legislation which assists or impedes its mission, citing objective, scientific information wherever possible and overtly rebutting claims with which they disagree. The DFG and F&GC should be chartered to advocate for reversal of laws which it believes are incompatible with its mission, reversal of laws which the passage of time and/or accumulation of new data has proven ineffective and for or against new proposed legislation as it sees fit. Frankly, I believe that those “Problem statements” in the current appendix B which cite lack of sufficient understanding on the part of the public will be remedied by an engaged, active and vocal DFG and F&GC advocating for their mission.

(e) Finally, among other actions, to enable DFG and F&GC performance in these areas in this era, I encourage the Project to recommend to the Governor and the legislature that DFG staff be expanded (including adequate funding) to include specialist legal staff to BOTH defend DFG and F&GC actions from litigation and to proactively press litigation against incompatible entities impeding the mission. Also add legislative liaison staff to DFG to work with the legislature advising which proposals the DFG and F&GC will support, is seeking to initiate and will oppose. Finally, I would add a “new issues” responsibility within F&GC and/or DFG tasked with annually projecting strategic shifts on the 10 and 20 year horizons which will need to be addressed. The DF&G and F&GC will need to respond to these issues with initial plans and concepts to address them. These may include matters such as climate change, energy ecology, fire ecology, predator ecology, California water ecology (and population growth), funding and state vs Federal management conflicts (particularly in light of Federal inability to control programs in the face of ESA abuse).
Funding DFG in the modern era:

As is noted in the November Draft Vision and above, the stakeholders in and users of our State’s natural resources have changed as dramatically as the population of the state over the last century. This, along with several other factors, has broadened the responsibilities and constituency of DFG and F&GC. Despite this broadening of responsibility and complexity, the budgets of these entities have not kept pace. Further, an inherent current enmity has sometimes been apparent between those who know they have provided the vast majority of funding for nearly a century of success in improving habitats and wildlife population numbers and those who now offer input on matters such as non-consumptive use, predator ecology and other new directions. Opportunities exist to increase funding and reduce enmity.

(a) The Federal Wildlife Restoration Act (1937) and Sportfish Restoration Act (1950) are well known examples of conservation groups working with government to tax themselves in the interest of funding active management of wild resources. These acts place 10-11% taxes on a relatively short list of outdoor gear, primarily firearms, ammunition, archery equipment, arrow components and sportfishing equipment. I encourage the Project to recommend to the Governor and the Legislature that California lead the nation in embracing the modern diversity of those who enjoy outdoor resources to include a much more comprehensive list of outdoor gear at the same 10-11% tax. The incremental list subject to the tax could include among others photographic gear, optics, tents, backpacks, boots, climbing gear, kayaks (and other individual craft), scuba gear, wet suits, camp stoves, sleeping bags, technical clothing and professional fees paid to develop and run messages influencing natural resource policy. The list will be much longer, but this provides the idea. (I recognize that not all photographic equipment, optics or organic foods have a direct connection to wildlife resources, but neither do all firearms or archery equipment users – one would hope users of items on the CA list will welcome the opportunity to help.) If success in this arena leads to national adoption of similar increases in items subject to the tax, the California tax should be reduced to offset. In addition, I encourage the Project to recommend to the Governor and the Legislature that the concept of licensing the use of outdoor resources be expanded such that possession of and hunting license, a fishing license or a new “conservation license” results in usage fees at state parks, refuges, back country areas and other lands in-line with history, but higher “day use” fees apply to those without annual licenses.

(b) DFG, armed with its new mission, unfettered from the political and advocating for its mission and foundational science, should review all situations on all State Lands (including state parks) where animals are being removed at a cost to taxpayers. These opportunities should be made available as fee generating hunts to interested outdoors people. If necessary, given human population and multiple use issues, certain of these hunts should require the engagement of specially licensed guides who earn no more than $40 per hour after a minimum 8 hour first day and who are specifically trained in safety issues and in explaining the precautions, science and history of success in the activity to passer-by.

(c) Finally, the Project should recommend that the F&GC act now to modify the definition of Maximum Point Holder in the California draw system to mean those holding maximum points AND any holder of over 10 points. For premium hunt opportunities (CA sheep, elk, pronghorns), the current system is
dramatically flawed at attracting license purchases and loyalty from any out of state or new hunters. In sheep, as the worst example, current tag availability requires over 200 years before current max holders will cycle through. As a result: (a) the public trust has been violated as the max point tags (about 2/3 of all tags) have become the private venue of max point holders; (b) New hunters are disincented to participate in drawings; (c) New hunters are disincented to volunteer in conservation projects which benefit the opportunity of a limited few; (d) annual hunt application services recommend that out of state hunters do NOT buy licenses or apply in California; and (e) we are headed for an embarrassing era where groups of 90 year-old sheep hunters are at odds with the new generation of hunters. The dollars here are not small (nor are the public trust and ethical issues): As a result of California’s inability to attract interest and loyalty from out of state, the state does not sell enough licenses to attract maximum Wildlife Restoration Act funds (despite our advantage in geographical size and total population), leaving seven-figure amounts to go to other states.

(d) Perhaps this goes without saying, but as a matter of prudence and in-particular in the current environment, any recommendations made by the Project to the Governor and Legislature to raise funding should include protections to ensure that those incremental funds are secured for the DFG and the F&GC AND that the availability of increased funds is not “backdoored” by reducing other, historical, sources of funds such that a net increase is diminished or completely offset.

Focusing on the Strategic

The matters which the Project has undertaken to address are numerous and their interaction is complex. To optimize the potential for success from the Project, I encourage the members to step-back at this time to review the list of draft problem statements in Appendix B. The purpose of this review is specifically to consider whether matters are “strategic”, rising to the level of mission and challenges of the 21st century, or are “tactical”. Those matters which are tactical are likely good thoughts and important work, but should be removed from the report to the Governor and the Legislature and provided by the project to DFG and F&GC for their handling.

For example, I would respectfully suggest that all matters discussed in Appendix B, Table 1 from its start on page 30 down to the last few items on page 31 (“adopt missions and visions that reflect the organizational mandates”; establish a standing stakeholder advisory and “change the names of DFG and F&GC to reflect their mandates”) are tactical. Inclusion of an abundance of tactical items obscures and dilutes the Strategic.

Further, the gist of more or better communication, partnering and/or collaboration is tactical. I would suggest that adopting a posture of aggressive advocacy to advance the mission in communications, partnerships and collaborations is strategic.

I will not presume to go through the entire list in this fashion as I am sure the Project can accomplish the task, but I would like to finish by suggesting that the discussions defining science, influencing the relationship with and control by the Governor and Legislature and considering funding are strategic.
With regard to the question of guiding science, I have attached (below) to my comment an August, 2011 position statement of the Wildlife Society, a professional organization for wildlife managers and biologists. I submit this position as an example of the type of clarity that will be necessary for DFG and F&GC to succeed.

Finally, I understand and appreciate the effort to “embrace diversity” in this, the “discussion” stage. I trust the Project recognizes that the ultimate goal of embracing diversity must be to enable unity. Further that, while all voices and views can and should be heard in the discussion stage, to succeed we must reach a “decision point”. Every view and every constituency will not be accommodated in the decision. Some views and ideals will be incompatible with the foundational science and mission. Ideally, understanding the process, thought and facts, all parties will decide to support the decision and advance the mission. Those that do not are being political and should be recognized as adversarial by an advocacy-driven organization. In the context of 21st century issues, the ability to advocate for the mission and address adversaries is perhaps the most important vision we can have for DFG and F&GC.

Thank you for the opportunity to comment and for your time and effort in considering these thoughts and those of all interested parties.

Yours sincerely,

Jim Clark

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Final Position Statement
Animal Rights Philosophy and Wildlife Conservation

The Wildlife Society (TWS) regards science as the framework necessary to understand the natural world and supports the use of science to develop rational and effective methods of wildlife and habitat management and conservation, as one of the pillars of the North American Model of Wildlife Conservation. The Wildlife Society recognizes the intrinsic value of wildlife, the importance of wildlife to humanity, and views wildlife and people as interrelated components of an ecological-cultural-economic complex. The
Wildlife Society supports regulated hunting, trapping, and fishing, and the right of people to pursue either consumptive or non-consumptive use of wildlife. The Wildlife Society is concerned that foundational elements of the animal rights philosophy contradict the principles that have led to the recognized successes of wildlife management in North America. Selective or broad application of elements of animal rights philosophy to contemporary issues of wildlife management promotes false choices regarding potential human-wildlife relationships and false expectations for wildlife population management, and erodes the confidence in decades of knowledge gained through scientific exploration of wildlife and their habitats.

Although a range of individual philosophies exists within the realm of “animal rights,” most adherents to such philosophies hold similar foundational beliefs, including that (1) each individual animal should be afforded the same basic rights as humans, (2) every animal should live free from human-induced pain and suffering, (3) animals should not be exploited for any human purposes, and (4) every individual animal has equal status regardless of commonality or rarity, or whether or not the species is native, exotic, invasive, or feral.

Animal welfare philosophy, such as that endorsed by TWS, focuses on quality of life for a population or species of animals. It does not preclude management of animal populations or use of animals for food or other cultural uses, as long as the loss of life is justified, sustainable, and achieved through humane methods. In contrast, the animal rights view holds that it is wrong to take a sentient animal's life or cause it to suffer for virtually any reason, even to conserve species or ecosystems or to promote human welfare and safety. According to animal rights philosophy, animals should be given all of the same moral considerations and legal protection as humans. However, animal rights adherents have not come to consensus with regard to which species are sentient enough to qualify for these protections.

The animal rights focused emphasis on individual animals fails to recognize the interrelatedness of wildlife communities within functioning ecosystems and holds that protecting individual animals is more important than conserving populations, species, or ecosystems. For example, conservationists may value the protection of an individual of an endangered species more than the existence of an individual of a common species, but for animal rights advocates these individuals are viewed as equally valuable and deserving of equal protection.

*Excellence in Wildlife Stewardship Through Science and Education*

The animal rights viewpoint is silent on the massive land use alterations that would be necessary to feed the human population in the absence of consumptive use of animals and the dramatic and continued loss of wildlife that would entail as habitats are converted to and maintained in intensive agriculture. Further, the animal rights viewpoint has no room for the use of animals in scientific and medical research, whether designed to benefit humans or animals. Curtailment of these uses will inhibit wildlife science and conservation and a whole range of human endeavor and progress.
The conflict between many tenets of animal rights philosophy and wildlife management and conservation philosophy is profound. Established principles and techniques of wildlife population management, both lethal practices such as regulated hunting and trapping, and nonlethal techniques such as aversive conditioning or capture and marking for research purposes are dismissed in the animal rights viewpoint. The Public Trust Doctrine, the foundation of many laws protecting wildlife in the U.S., is based on the premise that wild animals are a public resource to be held in trust by the government for the benefit of all citizens. Animal rights advocates philosophically oppose this concept of wildlife as property held as a public trust resource, and further advocate affording legal rights to all animals. Taken literally, under the animal rights legal framework, there would be no existing legal basis for wildlife conservation and management. If the Public Trust Doctrine concept was voided, it would be difficult, if not impossible, for wildlife professionals to manage endangered species, overabundant, invasive, exotic, or ecologically detrimental animal populations, and to protect human health and safety. See TWS position statements on The North American Model of Wildlife Conservation and on Human Use of Wildlife for more details.

The policy of The Wildlife Society regarding animal rights philosophy is to:

1. Recognize that the philosophy of animal rights is incompatible with science-based conservation and management of wildlife.

2. Educate organizations and individuals about the need for scientific management of wildlife and habitats and about the practical problems relative to the conservation of wildlife and habitats, and to human society, with the animal rights philosophy.

3. Support an animal welfare philosophy, which holds that animals can be studied and managed through science-based methods and that human use of wildlife, including regulated hunting, trapping, and lethal control for the benefit of populations, species, and human society is acceptable, provided the practice is sustainable and individual animals are treated ethically and humanely.

Draft Interim Strategic Vision Public Comment Form

Thank you for using the online public comment form for the California Fish and Wildlife Strategic Vision (CFWSV) Project - Draft Interim Strategic Vision. We hope this provides you with an efficient method to provide your thoughts and suggestions as the strategic vision process moves forward. Public comments for this phase of the project will be received online through December 16, 2011; comments are most effective if received by this date, but may still be submitted via email (strategicvision@resources.ca.gov), or standard mail (http://www.vision.ca.gov/contacts.html) after that date. Please share this with colleagues, friends and family who have an interest in the future management of California’s diverse fish and wildlife resources.

STRATEGIC VISION OVERVIEW

The CFWSV Project is intended to establish a strategic vision for the California Department of Fish and Game (DFG) and the California Fish and Game Commission (F&GC) that addresses, among other things, improving and enhancing their capacity and effectiveness in fulfilling their public trust responsibilities for protecting and managing the state’s fish and wildlife. This project represents a tremendous opportunity to create a vision and recommendations for making these two agencies more effective and functional through an open, transparent and collaborative public process.

In September 2010, Assembly Bill (AB) 2376 was signed into law, requiring the California Natural Resources Agency to convene a committee to develop and submit to the Governor and Legislature, by July 1, 2012, a strategic vision for DFG and F&GC. The California Fish and Wildlife Strategic Vision Executive Committee is developing three deliverables: a draft interim strategic vision in November 2011, an interim strategic vision in February 2012, and a strategic vision by July 1, 2012. A blue ribbon citizen commission (BRCC) and a stakeholder advisory group (SAG) are assisting in developing these products through working groups and joint meetings.

HOW TO USE THIS FORM

This comment form is divided into six sections:

- Current Missions
- Current Visions
- Proposed Core Values
- Proposed Common Themes
- Proposed Goals and Objectives
- Other Comments or Suggestions

Please provide your comments and/or recommendations based upon each section in the areas provided. Suggestion for how to submit this form may be found on the last page of the form.

Thank you in advance for sharing your ideas and suggestions. Any questions about the comment form should be directed to strategicvision@resources.ca.gov or to Joanna at 916.653.7895.
CURRENT MISSIONS

Both the California Department of Fish and Game and the California Fish and Game Commission currently have mission statements.

The mission of the California Department of Fish and Game 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 mission of the California Fish and Game Commission is, on behalf of California citizens, to ensure the long term sustainability of California's fish and wildlife resources by: Guiding the ongoing scientific evaluation and assessment of California's fish and wildlife resources; setting California's fish and wildlife resource management policies and insuring these are implemented by the Department of Fish and Game; establishing appropriate fish and wildlife resource management rules and regulations; and building active fish and wildlife resource management partnerships with individual landowners, the public and interest groups, and federal, state and local resource management agencies.

If you have a comment about the Current Missions, please share that here:

1. Deer Herds are decimated by Cougars—Fish and Game should manage our wildlife, not California Initiative Process.

2. Water Rights—Water for Waterfowl at all refuges in the state should have a Balanced Plan for all interests. For Migratory Waterfowl, Upper Klamath Refuges.

If you have a specific recommendation or suggested action regarding the Current Missions, please share that here:

1. Bring back decisions on Fish & Wildlife to Fish and Game Dept.—not the voters of California whom know nothing about management of Fish and Game. Spotted Deer, Herds are Managed, but Cougars are not.

2. Have responsible management of Water for all interests—Bounds on enforcement of DFG water rights.
CURRENT VISIONS

Both the California Department of Fish and Game and the California Fish and Game Commission currently have a vision statement.

We seek to create a California Department of Fish and Game that:
- acts to anticipate the future.
- approaches management of our wildlife resources on an ecosystem basis.
- bases its resource management decisions on sound biological information and a clear understanding of the desires of the public.
- is based on teamwork and an open and honest internal communication.
- empowers its employees to make most of the "how" decisions.
- is committed to extensive external communication and education programs.
- creates and promotes partnerships; coalitions of agencies, groups, or individuals; and any other collaborative efforts to meet the needs and management of wildlife resources.

The vision of the California Fish and Game Commission, in partnership with the Department of Fish and Game and the public, is to assure California has sustainable fish and wildlife resources.

If you have a comment about the Current Visions, please share that here:

Enhance future opportunities for sportsmen
1. Bring back Birds - Hungarian Pheasants to meet high desert needs for more

If you have a specific recommendation or suggested action regarding the Current Visions, please share that here:

More time needed to comment
PROPOSED CORE VALUES

As part of the strategic vision process, five core values have been proposed; these are proposed to be the highest priorities of how people within the department and commission will carry out their responsibilities. These core values should define the organizational culture of the department and commission. During discussions about the future vision of DFG and F&GC, staff noted that certain values were implicitly and explicitly being suggested.

The core values heard most often, with a brief sentence to describe the intent, are:

- **STEWARDSHIP**: Consistent with their missions, DFG / F&GC are responsible for holding the state’s fish and wildlife resources in trust for the public, respecting that these resources have intrinsic value and are essential to the well-being of all California’s citizens.
- **INTEGRITY**: DFG / F&GC hold themselves to the highest ethical and professional standards, pledging to fulfill their duties and deliver on their commitments.
- **EXCELLENCE**: DFG / F&GC pursue quality, proactively assessing their performance and striving to continuously improve programs, services, and work products.
- **TEAMWORK**: DFG / F&GC pursue productive relationships through communication, collaboration, understanding, trust and respect, engaging employees, other organizations and the public at all levels of the organization.
- **INNOVATION**: DFG / F&GC encourage creativity as they proactively meet challenges, promoting a culture of finding solutions.

If you have a comment about the Proposed Core Values, please share that here:

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If you have a specific recommendation or suggested action regarding the Proposed Core Values, please share that here:

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POTENTIAL COMMON THEMES

Defined through the collective work of BRCC and SAG members in topic-specific working groups and joint meetings, the proposed common themes represent the underlying principles and practices with which leadership and staff will do their work. These themes represent the fundamental ways in which the public should experience department and commission efforts to meet their missions.

During discussions among SAG and BRCC members about the issues frameworks being developed by SAG working groups, a number of themes began to emerge that were common to all or several of the working groups. While these "themes" were common among working groups, only four appear to stand out as fundamental to everything DFG and F&GC might do in the future.

Still referenced as "common" themes are:

1. DFG / F&GC engage in clear and compelling communication, education, and outreach, both internally and externally. In all aspects of their work they exchange ideas and information to achieve common understanding or to create new or improved awareness with their colleagues, partners and the public.

2. DFG / F&GC are committed to formal and informal partnerships and collaboration. In all aspects of their work they will seek to utilize both formal and informal partnerships and collaboration that allow them to provide consistent, unified and optimized delivery of products and services.

3. DFG / F&GC use "ecosystem-based" management (multi-media, multi-species, multi-habitat), informed by best-available science. In all aspects of their work they use an approach that recognizes the full array of interactions in a system, including humans, rather than single issues, species or services in isolation.

4. DFG / F&GC engage in broadly-informed and transparent decision-making. In all aspects of their work they engage in transparent decision-making procedures and outcomes that inspire public confidence and trust through the inclusion of best-available science and other relevant information.

If you have a comment about the Potential Common Themes, please share that here:

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If you have a specific recommendation or suggested action regarding the Potential Common Themes, please share that here:

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Revised December 1, 2011
POTENTIAL GOALS AND OBJECTIVES

A goal defines what DFG and F&GC will achieve as they pursue their missions.

An objective is a smaller, more specific goal that helps achieve each overarching goal. Objectives should be SMART: Specific (concrete, step-by-step actions needed to make one or more goals succeed), Measurable (observable results from accomplishing the objective), Attainable (it is both possible and done at the right time with sufficient attention and resources), Realistic (the probability of success is good, given the resources and attention given), and Time-bound (objective is achieved within a specified period of time in a way that takes advantage of the opportunity before it passes). Achieving several objectives usually means you are achieving one or more goals.

Goals and objectives will periodically conflict and, at times, DFG and F&GC will have to weigh the costs and benefits of pursuing one goal and objective over another. In this manner, they are different from common themes, which represent the consistent manner in which DFG and F&GC will do their work.

The proposed goals and objectives are not presented in any particular order and are NOT currently being proposed by the BRCC or SAG as recommendations for a strategic vision. Some of these goals and objectives may require legislative action in order to be implemented, which is beyond the authority and ability of DFG and F&GC.

- **GOAL 1:** Strong Relationships with Other Organizations and the Public (CV)
  DFG / F&GC will build strong relationships with other organizations and the public, and specifically will:
  - Increase stewardship awareness and participation by the public ("Build a citizenry that understands and supports California's fish, wildlife, and plant resources and their habitats", which includes communication, outreach and education).
  - Proactively engage other organizations and stakeholders as partners and collaborators.
  - Understand stakeholder challenges and expectations.
  - Provide excellent customer service.
  - Embrace and support diversity among stakeholders and the public.
  - Share data and information.
  - Engage in timely and transparent decision-making.
  - Exhibit fiscal transparency and accountability.

- **GOAL 2:** Highly Valued Programs and Quality Services (CV)
  DFG / F&GC will deliver programs that are valued by the public and services of the highest quality, and specifically will:
  - Protect, enhance and restore wildlife resources (regulations, compliance, science, etc.).
  - Help maintain sustainable ecosystems (IRM, partnerships, science, etc.).
  - Promote and support public outdoor recreation, hunting and fishing.
  - Provide consistent and unified delivery of services and products.
  - Practice adaptive management (monitoring, science, etc.).
  - Pursue local, regional and statewide recognition of successes.
  - Engage in broadly-informed decision making (multiple sciences, public attitudes, traditional knowledge, etc.).
• **GOAL 3:** An Effective Organization (CV) DFG / F&GC will achieve the outcomes we desire to achieve, and specifically will:
  o Align internal governance practices, processes and structures (permitting, planning, organizational structure, etc.).
  o Encourage and support strong internal communications.
  o Develop and align clear fish and wildlife statutes and regulations.
  o Define and support success (measurable outcomes, work plans, etc.).
  o Encourage creative problem solving.
  o Develop knowledgeable, capable and experienced employees (retention, skills improvement, leadership development, etc.).
  o Improve and maintain credibility (scientific, decision-making, fiscal, etc.).

• **GOAL 4:** An Efficient and Sustainable Purpose (CV) DFG / F&GC will efficiently utilize resources while maintaining ourselves in perpetuity, and specifically will:
  o Align external governance practices, processes and structures (permitting, planning, etc.).
  o Develop simple, clear and consistent governance and permitting practices and processes.
  o Manage capacity/resources (prioritize mandates and efficiently allocate resources accordingly).
  o Maximize services while minimizing costs (improved technologies, volunteers, etc.).
  o Develop adequate, stable and sustainable funding.
  o Delegate authority commensurate with responsibilities.
  o Embrace and support diversity in employees.

If you have a comment about the Potential Goals and Objectives, please share that here:

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If you have a specific recommendation or suggested action regarding the Potential Goals and Objectives, please share that here:

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OTHER COMMENTS AND SUGGESTIONS

Do you have any other comments or suggestion you would like to share?

If you have general comments about the California Fish and Wildlife Strategic Vision Project, please share that here:

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If you have a specific recommendation about the California Fish and Wildlife Strategic Vision Project, please share that here:

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Revised December 2, 2011
Please indicate below by checking the appropriate box(es), if any of the proposed goals and objectives apply to your comments on the previous page (Other Comments and Suggestions).

GOAL 1: Strong Relationships with Other Organizations and the Public DFG / F&G will build strong relationships with other organizations and the public, and specifically will:
- Increase stewardship awareness and participation by the public ("Build a citizenry that understands and supports California's fish, wildlife, and plant resources and their habitats", which includes communication, outreach and education)
- Proactively engage other organizations and stakeholders as partners and collaborators
- Understand stakeholder challenges and expectations
- Provide excellent customer service
- Embrace and support diversity among stakeholders and the public
- Share data and information
- Engage in timely and transparent decision-making
- Exhibit fiscal transparency and accountability

GOAL 2: Highly Valued Programs and Quality Services DFG / F&G will deliver programs that are valued by the public and services of the highest quality, and specifically will:
- Protect, enhance and restore wildlife resources (regulations, compliance, science, etc.)
- Help maintain sustainable ecosystems (IRM, partnerships, science, etc.)
- Promote and support public outdoor recreation, hunting and fishing
- Provide consistent and unified delivery of services and products
- Practice adaptive management: (monitoring, science, etc.)
- Pursue local, regional and statewide recognition of successes
- Engage in broadly-informed decision making (multiple sciences, public attitudes, traditional knowledge, etc.)

GOAL 3: An Effective Organization DFG / F&G will achieve the outcomes we desire to achieve, and specifically will:
- Align internal governance practices, processes and structures (permitting, planning, organizational structure, etc.)
- Encourage and support strong internal communications
- Develop and align clear fish and wildlife statutes and regulations
- Define and support success (measurable outcomes, work plans, etc.)
- Encourage creative problem solving
- Develop knowledgeable, capable and experienced employees (retention, skills improvement, leadership development, etc.)
- Improve and maintain credibility (scientific, decision-making, fiscal, etc.)
GOAL 4: An Efficient and Sustainable Purpose DFG / F&GC will efficiently utilize resources while maintaining ourselves in perpetuity, and specifically will:

- Align external governance practices, processes and structures (permitting, planning, etc.)
- Develop simple, clear and consistent governance and permitting practices and processes
- Manage capacity/resources (prioritize mandates and efficiently allocate resources accordingly)
- Maximize services while minimizing costs (improved technologies, volunteers, etc.)
- Develop adequate, stable and sustainable funding
- Delegate authority commensurate with responsibilities
- Embrace and support diversity in employees

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YOUR INFORMATION (Required)

First Name: *Anderson Last Name: *Voorhees

City of Residence: *Anderson, CA

Email address or telephone number: (optional, to be used only if we have questions about your submission)

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Please return your completed comment form to any staff member or leave it at the registration desk upon leaving the meeting.

Other ways to return your completed comment form include (requested by December 16, 2011):

- Go online and complete the form there. Visit http://www.vision.ca.gov/strategic_vision.html and click on the “submit your comments here” link at the bottom of the page.
- Scan document and email to StrategicVision@resources.ca.gov
- Send via standard mail to:
  California Fish and Wildlife Strategic Vision Project
  California Natural Resources Agency
  1416 Ninth Street, Suite 1311
  Sacramento, CA  95814

Thank you for your participation!