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State Wildlife Management Policies in Northern California

Senate Select Committee on Upper Sacramento Economic, Resource & Rangeland Issues

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Public Hearing on

STATE WILDLIFE MANAGEMENT POLICIES IN NORTHERN CALIFORNIA

October 21, 1988
Red Bluff, California
SENATE SELECT COMMITTEE

ON

UPPER SACRAMENTO ECONOMIC, RESOURCE & RANGELAND ISSUES

SENATOR JIM NIELSEN
Chairman

City Council Chambers
Red Bluff, California

October 21, 1988

Jim Branham, Committee Consultant
Patricia Hixson, Committee Secretary
CHAIRMAN JIM NIELSEN: Ladies and gentlemen, maybe we could settle down to get to our hearing. Ladies and gentlemen, could we get you to be seated please? We want to begin this hearing; move it expeditiously, and get everybody out of here; get a lot of information, and move along.

I'm Senator Jim Nielsen; I welcome you all here this morning, and I thank you for your attendance. I'm here as the Chairman of the Senate Select Committee on Upper Sacramento Economic, Resource and Rangeland Issues Committee. This committee represents a special recognition of the State Senate that our area has some unique and difficult problems to deal with, and this allows us a forum to focus attention on these problems. And as you know Jim Nielsen, I'm not a meet-and-confer-type person; I like to see action and results, and it is my intent that a product of today's hearing will be a lot of good communication that has been lacking; but furthermore, possibly some remedial action if we see that that is appropriate based on the comments and communication here today.

The purpose of the hearing is aimed at reviewing the policies of state government that affect the management of our wildlife. It's our intent here to focus our attention on policies and actions that relate to game animals only.

As you know, the State Department responsible for dealing with these matters is the Department of Fish and Game. I'm disappointed that Director Bontadelli cannot be in attendance today, but some fine people are here who can be very explanatory about the Department, it's actions, positions; they will be present through the course of the hearing to comment if need be.

Our wildlife resource, obviously, is extremely important to the economic and environmental well-being of the entire region and, in fact, the state. This is the
area where an awful lot of that which enriches the entire state emanates from. It's my opinion that state government indeed has a responsibility to properly manage this resource; recognizing it's importance, not just to the people of Northern California, but of all California.

In this regard, I've got to say that I have over the years received many complaints and questions and concerns that relate to the Department of Fish and Game's management policies. Many times, these comments, I believe, are based on sound information, and on questionable decisions that have been made by the Department; and most likely not adequately explained or communicated to the people. Had they been, I think our problems, oftentimes, would have been lessened. There are though other times when the comments are the results of misinformation, rumor and hearsay. And then I think it's incumbent on the Department to get that adequate information out early enough so that rumor and hearsay and misinformation do not prevail.

One of my primary goals today is to allow for some factual information to be provided, and an opportunity for people who care to air their legitimate and differing opinions on the management of the state's northern wildlife resources. I hope we all come away from this hearing a little better informed about this subject. And as I said, if there are some actions that need to be taken, I expect certain folks will accept some responsibility today, and I most assuredly will myself to move us ahead.

I've asked representatives of the Department to address subjects which I think are of substantial interest to all of you. They will provide some opening comments, and again, as I said, they will be here through the course of the testimony. I've asked them to comment on the so-called AB 580 Program (the Private Lands, Wildlife Management Program); the distribution of deer tags; and the management of state-owned lands in the area. I can tell you also regarding the latter issue, the management of state-owned lands in the area, something very significant is beginning to happen in the Legislature, and I'd like to think I'm a force in that regard. My concern is how headlong we've rushed for years and years into acquisition of properties in all different regards in all areas of the state, but how little heed we have paid attention
to managing that which we have acquired. To what that parklands bond issue that passed $776 million, it concerns me greatly that that was mostly for acquisition, and we can't manage what we've now got; how can we afford to continue to acquire? And that does directly and significantly impact the counties, for example, just in terms of revenue. So, that is a major concern unto itself.

It is appropriate for other items to be brought forward as they might pertain to the subject matter of the hearing, which I would reiterate, is reviewing the policies of government that affect wildlife management, focusing on game animals.

Following the comments of the representative of the Department of Fish and Game, many other individuals have requested an opportunity to testify. I am going to ask people to try and be very timely and expeditious in your comments; we do not have all day to be here, and we don't want anyone to drift off. We want everyone's attention focused, so I'm asking everyone to confine their comments to five minutes, and try not to be repetitious.

There are some folks I want to introduce initially here: With us also today is Mr. Harold Cribbs; he's Executive Secretary of the Fish and Game Commission; Lew Davis is a Principal State Biologist with the Department of Food and Agriculture; and I saw my friend, Wayne Gentry come in from the Department of Water Resources -- everywhere I go, he seems to go too. I can't tell -- why, he's in Eureka one day with me, and everywhere. This guy moves around. Also Supervisor Russ Fry of Tehama County; and Supervisor Jim Hoffman is here with us today. Representing Assemblyman Chris Chandler is his Chief of Staff, Bob Ricker; the Administrative Assistant to Stan Statham, the well-known Ray Narbaitz is here -- you see Ray all over the place; and Rick Staats, representing Senator John Doolittle, I understand is in attendance. That is our list, and to start off today's comments, Mr. Brian Hunter, a long-time friend of mine, and a very hard-working fellow, is going to make a few comments and introduce some of his people.

MR. BRIAN HUNTER: Some of the Department's people -- there are several Fish and Game people here today, including the commission person, Harold Cribbs, that the
Senator mentioned. We have representatives from Fish and Game Regions One, Two, and Three. Region One: Spike Naylor, the Regional Manager, and Banky Curtis, the red-headed chap over here; and that's the eight northern counties -- their office is in Redding. Our Region Two office is 17 central counties with an office on the east side of Sacramento in Nimbus. And our region is Region Three, which is coastal from Mendocino down through San Luis Obispo; offices in Napa Valley.

The Senator has made several good points this morning, and we are very glad to be here in trying to get out some good information. And I appreciate the Senators hosting, or requesting our presence, and enabling us the opportunity to provide some information. We are going to have Banky Curtis start out discussing the AB 580 Program, and how it is operated in Region One. Our Fish and Game Region One has the largest percentage, or the greatest number of the Private Lands Management area. The other regions, and Mr. Red Hunt from our Sacramento Wildlife Management Division -- he's the Chief of that division -- will be here as the prestige(?) person for particular responses, or add to Banky's presentation of that. Then we will go through the deer tag issues; after that, what's listed on the agenda. And I'm not sure how you want to handle questions; whether we will answer them to the public now, or after their presentations; but we'll do whatever you'd would like.

CHAIRMAN NIELSEN: Well, it could kind of get a little bit out of control. As individuals who are going to testify come forth in their comments and their five minutes worth, if they would then frame their questions in the course of that, I'll try to end or direct it as we go. I'd rather do that then just have someone stand up and then be questioned, and I think we'd kind of lose a little bit of continuity there if we would. I'd rather keep focused on it.

MR. HUNTER: Fine. Well, we'd like to start out then with Banky Curtis making a presentation. And perhaps it would be easier if he stood on the side? Oh, didn't I introduce Jim?

__________ : You mentioned his reason, but not his name. (Laughter)

MR. HUNTER: All right. Jim Messersmith is the Regional Manager for the Department
of Fish and Game, Region Two.

____________: He might have been better off if he didn't know. (Laughter)

MR. HUNTER: Okay, thank you.

CHAIRMAN NI ELS E N: Jim is a lot better off where he's at; he used to testify representing the Department in Sacramento, and got beat up regularly. I'm glad he's out in the real world for a little respite now.

Banky, as you comment too, I'd appreciate some of your reflections on why there's such a heavy concentration of these areas in just one general region of the state, and not better spread out through the state; that certainly does concern me.

MR. BANKY CURTIS: Okay. Is it best for me to speak here to you? I hate to turn my back on all these good folks.

____________: Turn around so we can see you. (Inaudible comments from audience)

CHAIRMAN NI ELS E N: Yeah, just...

MR. CURTIS: I think it would...

CHAIRMAN NI ELS E N: That suits me.

MR. CURTIS: Is this all right this way?

CHAIRMAN NI ELS E N: Please. That's -- yeah. That's much better.

MR. CURTIS: Okay. I just -- there's a lot of folks here, and I...

CHAIRMAN NI ELS E N: I'd rather you talk to them.

MR. CURTIS: I just feel like I'm not talking to them, or wanting to know them in any way, because that's one of the reasons we're here and glad to be here is because there is a lot of concern and there always has been a lot of concern about this program from the very beginning, and I think it's important that we let folks know what the program is really about, and some of the things that are going on in the program. I think -- and I'm going to try to give just a real quick overview because as Senator Nielsen said, we don't have all day, and you probably didn't come here entirely to listen to me anyway.

It became apparent to many people in the Department of Fish and Game and in the
Legislature several years back that, as they look to the future of wildlife in California, and the long-term future for especially the deer resources specifically in the state, that if we're going to perpetuate and maintain deer resources, it was important that we do something to insure the management of private land with beneficial _______. As you look at the State of California as a whole, you realize that 50% of the state, roughly, is in some form of public ownership, but 50% is in private ownership; and some of those lands in private ownership are extremely important to deer, and extremely valuable. And without private landowners doing the things that they're doing... (recording fadeout) ...so that the, you know, the deer resources are going to be in serious trouble unless we do something about it. So that was what sort of generated the impetus to look at some sort of program that would provide an incentive to landowners to manage their land so that it benefited deer and wildlife --deer specifically -- and wildlife in general. This particular program has some very, very positive things in that regard. We tried several other things; some of which worked, and some of which didn't. But one of the things that was attractive about this program -- and what I'll do is just generally run through how it works, and then some of the ramifications, and then try to answer his question of why we have so many up here.

Basically, the way the program is set up is, a private landowner feels like his land is something that is a value to the state, and he has some wildlife resources that offer some potential for hunting; he can come to us, and -- that's our plan. Normally, we meet with a person before developing a plan; talk about different things that we think he could do. In this plan, he presents basically an outline of where his land is; what kind of wildlife he has there; what sort of habitat is available; and then he presents in that plan what he's going to do to improve his management for wildlife.

Now, the one thing that's extremely imperative to me is, there's a lot of variability in what can be done to improve the land; there's a lot of variability about what's done in the plan. Some of the varying things might be: In some areas, they're fencing aspen groves to provide fawning areas for deer; and in some areas, they're
changing the number of cattle or the cattle management system so that there's some benefits to deer; in some cases, they're leaving crops, such as a cutting of alfalfa -- not harvesting it, and leaving that for deer; in some cases, they're planting specific crops for deer -- they're protecting bitter brush, for example, in some of the winter ranges; in some cases, the land is managed in such a way that it's already very beneficial to deer, and they do some maintenance; one of the more common things is probably burnings to promote habitat for deer. So the landowner comes with this presentation of what he's going to do; we meet; we confer; we negotiate; and in return for him taking his private dollars -- his particular money out of his pocket -- and doing this habitat work, the Commission authorizes -- the Legislature authorizes the Commission to allow extended seasons and bag limits. We can extend the length of the season, the bag limit, and some various things that gives this landowner -- theoretically, he makes enough money to do that. And based on the funds that he gets from his hunting program, he's able to use the money to do the burning or do the various habitat work that's required.

Now, you know, there are -- been some problems with the program, and some concerns with _______ logistically operated. You know, there's been some concerns that a landowner promises to do the habitat work, and doesn't do it. Well, that's our job, is to make sure that's done, and we make annual inspections. And just recently, we were able to hire a person in Region One full-time to physically do that work. Previous to that, we were having to hire somebody by contract on an annual basis. But now, there's a person there that is full-time, who's job is to monitor the habitat work; monitor these programs; see their land foliage(?); see the areas that need fence; see the area they agreed to keep cattle out _______; and from time to time, we have a landowner that doesn't do what he said he'd do. We had several circumstances I'm aware of where a landowner said, "Well, I won't graze this." And we found he was grazing that. And so, we'd write him a letter, say, "Hey, you've got to comply with the rules;" and we'd shut him down, or end the program. I mean, there have been -- of all the people that come and talk to us, a lot of them don't go in the program; there's a percentage that
don't. Of those that do go into it, as they get deeper, some of them drop off on that process; and then after they're in it, some of them drop out because, you know, they aren't able to comply with all of the habitat work that they decided to do.

Now, this particular area of the state is somewhat popular in this program, and there's several reasons for it. My area of administration is the eight northern counties, and there are a num- -- the most popular counties in the Private Lands Program are Tehama County, there's quite a number in Shasta County, the highest number probably occurs in Lassen County, where we have 15 of the 42; Modoc County is also popular; and there's a couple in Siskiyou. We have one in Humboldt County, and none in Trinity County, none in Tulare County. So, Tehama and Lassen and Modoc and Shasta are the main. And one of the main reasons there is, the real thing that makes this program work is the landowner making some sort of revenue out of being able to sell hunting knives, and this is some of the more popular hunting in the state. In Lassen County, for example, there are -- most of the does are under fairly tight quota; it's somewhat difficult to get tags. Some of the operations are set up and designed specifically just to get tags; they operate within the normal hunting season; they operate within the normal number of tags; the only thing they do get is tags on a regular basis -- on an annual basis. One of the -- one is a family operation where the family gets their tags every year. They take their land, they remove cattle; they're fencing some areas; they're cutting down some junipers to improve the range for deer; and all they get for that are the tags for their ram. So, they aren't getting an extended bag limit, they aren't getting late seasons; they're just getting tags in those areas. So, that's one reason it's especially popular in Lassen County. And I think that's an issue we'll try to address later, is our tag distribution system because sometimes it's difficult to get drawn in those counties. This year I got my sixth of six choices, so you don't always get drawn for where you want to go. And in Lassen County, that's very, very popular. This part of the state is where most the deer are; where the deer resources are the highest, and where the ability to market these tags is to ask them whether they have some revenue coming in for those tags. So, that's an important reason that it's
here, as well -- one of the reasons it's here.

Now, there are some concerns expressed about this program. One of the concerns you hear regularly is the program is set up to take care of the rich. That those that can afford to go on these, have an advantage; and they can go there, and they can hunt in this zone on a regular basis, you know, because they have money and because the tag fees are so high. Well, you know, in what -- the Department does not regulate what the landowner charges for an access fee to hunt on their lands. That is something that the landowner has done. What we do is, we charge -- right now, the fee is $400 for a three-year license, and then so much for deer tags. What we charge the landowner, then charges for a trespass fee of varying amounts. The level that he charges depends generally upon the type of services that he offers. Some of the landowners offer merely an access. Some of -- one of the _______ one has an antique hotel; and he offers guide service; he'll drive you out there; they'll, you know, they'll cut and wrap the deer for you; they'll provide your meals; they'll do all of those things, and his fee is higher than the guys that... (recording fadeout) ...so, the actual rate depends particularly upon what they offer.

The other thing that I see as I look at this is, some of these opportunities on these ranches provide extremely good opportunities to hunt; extremely high success is very, very desirable, and comparable in many, many ways for people to go out of the state. And as you compare what a person pays when he goes out of the state -- and I assume some of you guys go out of state to hunt -- you end up paying quite a lot of money. Well, you know, we'd just as soon have them get that kind of hunting in the State of California, and keep those dollars in the state. So, that's another factor as well.

There were enough concerns expressed about the program, that the Auditor General did a look at the program and did an audit. And he found a number of points that he had some concerns with, a lot of which were bookkeeping; there was a lot of changing this and that. And basically, we are looking at proposing a series of regulation changes to address what the Auditor General had. We'll be able to address everything
that he found and where the consistencies in these regulation changes. And those particular changes in the program -- a lot of people refer to it as the "580 Program"; it was Assembly Bill 580 that was passed, and that name has sort of caught. We refer to it often by the term "601"; it's in Section 601 and Title 14, which is our regulation. So, if I refer to it as 601 or 580, it's all the same thing. But what we're looking at is making some proposals for changing the regulations in Section 601. And those will be held ______ hearings by our Fish and Game Commissions. I understand, Hal, that that's going to be heard in November in the Eureka meeting; is that correct?

MR. HAROLD CRIBBS: December.

MR. CURTIS: December. Okay, excuse me. In December in Eureka. So, these changes, you'll have an opportunity to address the Commission; and if you feel there's other changes necessary, I think it would be appropriate for anybody that had input, they would be able to go there and testify at that public meeting. But, some of the upcoming changes, I'll just highlight those a little bit. Like I said, a lot of them are bookkeeping. One is that the Auditor General felt that the program wasn't completely paying for itself; that there needed to be an increase in fees for the program to pay for itself. So, our regulations, we did an analysis of the amount of time people spent on the program; how much time I spent and various people spent working on the program in calculating the cost of the program. Based on that analysis, we are recommending an increase in fee. Basically, there is currently a four-year license -- a three-year license -- that costs $400. You got to pay for a $400 fee up front, non-refundable, and that gives him a license that is planned _______ for three years. Under the new proposal, that fee would go to $800. That would be just basically a doubling of that fee. And let me -- I better look here to make sure I give you all the right figures on the other ones. A buck deer would go from $20 -- what it is now -- to $35; that would be the proposal. Again, this isn't final, this is just what the Department is proposing to recommend to the Fish and Game Commission.

_______: And these are our fees; this whole fee chart?

MR. CURTIS: These are -- yeah, this isn't what the landowner's going to charge;
this is what we're going to charge the landowner for the tag itself. So, when he pays us his $400 now or $800 next year if it passes -- then for each buck deer he takes, instead of giving us $20, he'll give us $35. The antlers(?) tag would be $20 up from $10 dollars; so, from $10 to $20, you're doubling. There's a new tag fee that we hadn't established before that there's apparently some demand for, and that's an either sex tag for deer. Come here, you can take either a buck or doe. Tagging, __________ before, that's right. Anyway, that fee would be $35, the same as a buck deer. So either a buck or doe would be $35; wild pig would go up to $30 from $20; bear would be $30 from $20; the elk would go to $200, which was up from $165; antelope would go from $55 to $100; the turkey would go from $5 to $10; and an upland game seal, which is a seal you have put on __________ every upland game bird is taken, would go from 25 cents to 50 cents. So, I don't know how big that is, but that's one of the things that was changed.

CHAIRMAN NIELSEN: Banky, let me emphasize on that. That was one of the Auditor General's recommendations, and...

MR. CURTIS: That's right.

CHAIRMAN NIELSEN: ...he referenced that the code requires that the fees meet the costs of the program, and that was not happening. Therefore, he recommended that there be the change, and I guess this is what you've come up with since...

MR. CURTIS: This is our response to the Auditor General's things, and he went through a whole series of things that he recommended for us to do, and we feel like we've addressed those in these regulation changes. One of the other things that was in the 580 Program; it said that -- the way it was technically worded, we had the authority to authorize two deer, even in a one-deer district. Well, that caused some concern. We had done that in a lot of areas, especially in the X Zones; we set that up as a limitation in the plan itself. Well, based on this, we're going to make this part of the regulations, so that it can only -- in the X Zones, you can only take one deer. So, that will be clarified; it wasn't happening before, but it was possible; now it will be impossible. So, I think that will take care of that once and for all because
there was concern.

Another thing was the report card; the current regulations does not require a hunter and ______ report card through the licensee; and that we're going to require that -- that was sort of a cleaning up thing. The other thing that was of concern is, there was not a requirement that a hunter has to fill out his tags before he went hunting. And there was some concern to the landowners that they may not be issuing a tag to a guy until he was successful, that way he could sell the tags several times. Well, we don't know that that was happening; to make sure it isn't, we changed the regulation so it had to be filled out. And any blank tags have to stay at the headquarters and don't go in the field hunting. So, that's important. I think basically that's it.

Oh, the other thing was there was some concern about posting; and so we tightened up the regulation to make sure that posting regulations were clear and explicit. Again, that's our recommendation. There was in -- one of the things that's required in the plan is that the landowner have a map, and that map outlined his property. And some of the maps that we got weren't the best, so we tightened up the regulation, specifying the type of map so that everybody that goes out there -- and we get the right kind of maps, the wardens could find out where the boundaries are, and we could know exactly where they are. So, I think that we've addressed a lot of those things -- there may be a couple of things I've mentioned that questions come up. We'll try to respond to those; that's a quick overview. Is there anything I've missed? Is there anything else I need to address in this, Red?

MR. RED HUNT: Maybe the only thing, Banky, is the relationship of the issuance of the tags to the Deer Management Plan, which it effects tag issuance overall and also reflects the number of the tags that are authorized to the various areas from year to year.

MR. CURTIS: Yeah, one of the concerns is that -- one of the questions we get from landowners -- and I get a feeling we're in about the right place because a landowner comes to us and says, "Well, I need so many tags for my ranch;" you know, "I've done
this advocate work, and I need, say, 25 tags." Well, what we have to do then, is look at the deer herd plans that were developed for that; see what that kind of harvest, and see how that fits in. We do an analysis of the normal kill in that area and how many tags per area are normally done, and then we come up with a number. We might come up with a number that is -- instead of 25, we'd say, well, we feel like the appropriate number is 15. And so the landowner thumps on us and says, "You guys are too skimpy; you should be more liberal with the tags." And then we've got the public saying, "Well, you're being too generous; you're giving too many tags; you shouldn't give them over 10." So, we're kind of in the middle, and everybody's thumping on us, so that must be about the right place because most folks involved are kind of mad at us and we're in the middle. So, maybe we're about in the appropriate place. But what we do have to do is, look at the deer herd plan; look at the normal harvest in the area, and look at what would be appropriate to be harvested there.

MR. HUNT: The only other thing, I think, is the parity issue that the Commission...

MR. CURTIS: Okay. That's the other thing is, the Commission expressed concern that there were opportunities available to hunters on private ground that weren't available to public hunters. And the Commission policy is that we had to provide hunting opportunities on public ground, available to public at some form of parity -- at something. So, we've been working very, very hard to provide additional hunts. In an area that has late season hunting, for example, available on the Private Lands Program, we've tried to provide late season hunting opportunities to the public on public grounds in the same general area. For example, we've developed the -- I think it was S23, Tehama Wildlife Area -- a late season buck hunt to provide hunting opportunities later in the season -- granted on a very, very limited basis -- on our Tehama Wildlife Area, so that the public has an opportunity to hunt, you know, high quality late season hunting; just like the private landowners have this opportunity, this is available on a public basis.

I think one of the things we have to look at is -- and I know in Tehama County, of
course, there has been some concern -- that we have to look at where we are going, and where we are going to be with our deer herds in the next 20 or 30 years? Sometimes we have conflict with ranchers, but one statement I want to be sure and make is that there are several things we agree with. And I think one of the important things we agree with ranchers in Tehama County is, this land has to be kept open; that we don't want to see a high level of development; we don't want to see ___ houses; or we don't want to see this land highly developed. Tehama County, of course, has been very good in that direction, basically for agricultural reasons. The Board of Supervisors has been very supportive in developing zoning that encourages these areas to be kept in large ownerships, in large tracks. And we, of course, are very supportive of that because these large tracks owned by these ranchers are providing some extremely critical wildlife habitat, and we think that's really important.

But as we look to the future, we realize that there is going to be a lot of pressure for development. The projection for population growth in the State of California is staggering, and I know Senator Nielsen is aware of some of these potential growths that are coming. And the impasse of the pressure as the prediction goes are in the foothill portions of the state. A lot of the Mother Lode Country could have been Tehama County. And one of our concerns long-term is, what could we do to provide protection for that land so something doesn't change? There could be a time when there's enough demand for houses that a rancher would be forced to do the taxes, or financial problems that he might have to sell; that there might be a high demand. And the Board of Supervisors might change and there might be some more inclination; I understand boards change from time to time. Approaches change and some things could be different. So if we look 20 or 30 years down the road, how do we look at projecting some of those wildlife values on private land?

One of the ways, of course, if we could by it. Well, there's some limitations that, not only how much we can acquire, but how much we can do a really effective job of managing, and how that relates to the county. We are very supportive of looking at some alternative methods of keeping that land open and available for
wildlife, and still in private ownership. And this allows us an avenue to do that. This allows us an opportunity for a landowner to be able to make a few extra dollars on his land; maybe be able to resist the temptation to subdivide; maybe be able to resist the temptation to do some other things with his land to make it smaller, and be able to hold it open for wildlife value. So, the thing I see is an importance on the long-term basis to try to do something for landowners to enable them to keep their land. And so, I hope it doesn't appear sometimes like we're fighting with the landowners because there's a lot of values that we share. The love and value for having a land open and available, not only for ranching but for deer to use at the same time, is something I think is extremely important to this portion of the state. So, that's the statement I'd to make on this; if -- I don't know whether you want to handle questions now, or if you just want to make ________...

CHAIRMAN NIELSEN: Well, how about your computerized system; would you comment on that?

MR. CURTIS: Did you want to do that, Red? Do you want me to do that one? Or...

MR. HUNT: Either way is fine. (?)

MR. CURTIS: Oh, Brian was ready on that one.

MR. ________: You want to go into our own lands here first?

CHAIRMAN NIELSEN: Yes, let's do that.

MR. CURTIS: Do you want me to do that?

CHAIRMAN NIELSEN: Yeah.

(Inaudible comments)

MR. CURTIS: Whatever you want.

MR. ________: We're really getting tired of listening to you, Banky.

MR. CURTIS: You're tired of me. (Laughter) I don't blame you. I... (Inaudible)

(Laughter)

CHAIRMAN NIELSEN: Spike, try to speak into the microphone, too; we're having some trouble picking up comments. And we are going have to ask you to be brief; we're getting more and more people that are signing up here to talk today.
MR. SPIKE NAYLOR: Well, I'll address the second item on the agenda then.

CHAIRMAN NIELSEN: Okay.

MR. NAYLOR: And that's our management of state lands by my Department of Fish and Game...

(Testimony lost due to changing of side 1 to side 2; no overlap)

...things that we have where we authorize the acquisition of land by the Department of Fish and Game. We get our direction that way through the Legislature; through the people of the State of California; through long-acting (?) propositions that are on the ballot; and also our Wildlife Conservation Board has a program that they get money out of the racehorse fund that they can also use for acquisition.

Generally, the way that we handle it, there are several alternatives that we can use. For instance, outside of actual acquisition, there are conservation easements that can be used where the land in the state and the ownership of the landowner is on the tax rolls; the easement allows that landowner to use his use of the land with some restrictions that affect either fish or wildlife and we pay for that -- that conservation easement. Those easements currently are running anywhere from 50 - 85% of ______. In some cases, that makes it more worthwhile to purchase the land outright if that's possible. There are land trusts that can be set up that can do that, that will keep that property on the tax roll; there are other programs like the 580 that, if we can keep that land on the tax roll, then private ownership can manage more and more for wildlife; why, that seems to be one of the things that are best of all worlds. (?)

Generally, what happens is a landowner will come to us with a proposal that he would like to sell the land to the State of California, Department of Fish and Game for a certain reason. We have certain categories; we have wildlife management areas that allow all sorts of management including hunting, and offer opportunities to continue cattle grazing and other agricultural easement on that land. There are some that are purchased for merely protecting a small area that may be real critical to a endangered ______. There are hunters that have unique values in plant, wildlife and fishery
values, that are acquired for ecological reserves; and generally, they are rather small areas that are acquired for a particular purpose, and most generally, the uses on that are restricted from _______. Some of them will have -- most of them will not have hunting on them. Depending on what the reason for the purchase is, whether we allow cattle grazing or whatever to continue on that...

(Changing of microphones)

Now in the case of an area like our Tehama Wildlife Area, which is just outside of Red Bluff here a short distance, that was acquired in, I believe, the early 40's. The mission of that area was to protect deer winter range; the herds from higher mountain areas migrate down there in the wintertime. And the purpose for our acquisition of that was to secure that in perpetuity for that particular reason. And that's the main mission of that area and that's what we manage it for. But there are other uses that can occur up there, and we have an active deer hunting and pig hunting program there; there are fishing opportunities available; there are just bird-watching and just enjoying the outdoor things available there. We do utilize grazing in our management to improve that deer winter range. Annually we have, I believe, over 5,000 animal units of grazing on that area that are issued by highest bidder. And there are certain other things that can be done out there. We try to manage that to be good neighbors with the neighboring people that border our boundaries; we generally fence our areas, usually at no cost the surrounding or the joining landowner; and we try to manage to keep the hunting public or the using public on our area and doing what they're supposed to do; and we try to control trespass off of the area, as well as trespass on the area. I think we have done a pretty good job up there. It's a large area; it's about 44,000 acres. I think, of the foothill land that Banky was talking about that's going out of production as far as wildlife is concerned, and a lot of people are moving into that foothill country area.

CHAIRMAN NIELSEN: Spike, could you -- do you know how many acres you manage in Region One total, roughly, that are designated?

MR. NAYLOR: Oh, I -- let's see, it's about, I would guess 100,000 - 125,000.
MR. _________: 400,000 acres total is what we have.

CHAIRMAN NIELSEN: Yeah.

MR. NAYLOR: Yeah. The Fish and Game controls or owns about 400,000 acres throughout the state.

CHAIRMAN NIELSEN: Somewhere a fourth of that then would be Region One -- somewhere.

MR. NAYLOR: And a large portion of that is in Tehama -- 44,000 acres. We have another deer winter range in Lassen County, the Doyle area; that's interstate herd there -- that's about 12,000 acres. So, a large percentage of what we have in Region One is really in two or three or four areas.

CHAIRMAN NIELSEN: Tehama. Yeah, okay.

MR. NAYLOR: We have two -- we have three water fowl management areas that are managed strictly for wetland water-type birds and mammals, and that would encompass the majority of the rest.

I think that's the way management comes about. We do put together management plans for each of these areas; we try to get public involvement in those management plans whenever we can before they're finally adopted by the Director; and any new area that comes on, why, those management plans will be put together usually within a year of acquisition -- as soon as we can work on it. And that...

CHAIRMAN NIELSEN: Spike, a quick question on that: How do you elicit public involvement in the management plans? How do you contact the public or inform the public or allow them that opportunity to comment?

MR. NAYLOR: Well, generally, why, we'll work through local groups that want to do that; we'll announce that we're going to have public meetings in the media or through contacts in the communities that are involved. There are some statewide organizations that are interested in how the management of our area is, you know, the Cattlemens' Association and the Farm Bureau, we try to involve them; we try to involve Audubon Society, and all of the interest that want something to say about how that management plan should be formulated.
One other thing that I should point out too, Senator, is that the Department of Fish and Game is really the only agency in the state that pays and in-lieu payment for property taxes. There is one law, one Code Section in the Fish and Game Code that was established by the Legislature, that when the Department acquires lands that are either going to have some revenue generated on them, or since 1953, any area that will be designated as wildlife management area, the Department then pays the taxes to the county that the taxes were at the time of purchase. It's frozen at that level, but it's an annual payment that the Department does make to each county that we own land. In some cases, we have a wildlife area like at Ash Creek that's between Lassen and Modoc County, and those taxes are split. And I wanted to make that point.

And our whole acquisition program is based on a willing seller basis; we have no authority for condemnation, and the Department does not do that. And most generally, we don't go out and seek acquisition; generally, the private landowner comes to us and offers his land.

CHAIRMAN NIELSEN: Brian, you want to comment on the computer system some?

MR. HUNTER: Sure. Let me move this around first.

CHAIRMAN NIELSEN: I did not introduce Jim Branham, who is my Chief of Staff here with me today, and also the Chief of Staff of the Committee; and Cheri Beck, my Administrative Assistant; and John Blacklock, my Chief of Staff of Field Operations -- most of you have had some occasion to deal with him; and I also noted Supervisor Bill Flournoy kind of wandered in from the cattle country here this morning too, so we've got Supervisor Bill with us.

SUPERVISOR BILL FLOURNOY(?): I just didn't watch you on T.V. (Laughter)

MR. HUNTER: Okay. We were asked to address deer tags or tags, and I might as well start to tell you that we issue deer tags, bear tags, antelope tags, and elk tags. And deer tags come in either of three ways. You can get them through a -- by going into one of our offices and buying deer tags for a non-draw zone, like the D Zones; or the area at that is west of here and south of here, which is two-deer area called B Zones; or the big one all along the whole coast, which is the A Zone. You can just walk into
any Fish and Game office that sells licenses and tags and buy one of those.

The X Zone tags must be drawn for, or through the Private Lands Management that Banky talked about, you can get tags to hunt in an X Zone; or a third process, which is called a Cooperative Landowner Tag Application process, and that was developed after several years of not having tags available to landowners when we went into the drawing system. We went into the drawing system in the X Zones in 1978, and immediately some of the landowners complained and says, "What do you mean; I can't get a tag to hunt on my own land?" And we said, "That's right." We talked to the Attorney General's office; there was quite a bit of discussion checking with other states, and to see what processes could be done to help someone get a tag. If they owned a significant amount of land that contributed to the general well-being of wildlife, it was felt that they should have some ability to hunt there.

So, the last thing that developed in this tag process was, that a landowner, if he comes to a Fish and Game office, brings a copy of the deed to at least a section of land -- 640 acres or more -- he can get two tags to hunt on that land and that land only. And there are a few of those issued -- maybe 40?

MR. HUNTER: About that.

MR. HUNTER: About 40 issued in the whole state, or about 80 tags.

MR. HUNTER: Maybe 40 - 50 parcels.

MR. HUNTER: 40 - 50. Lassen County last year had 34, and that was the highest of any state because that's where most of the zones were. I think statewide was somewhere near 50 of those tags.

MR. HUNTER: So, it's not a large number of tags, but I think that that process has contributed to some of the rumor or concern about how the tags are acquired.

Now, the Senator asked for us to address the drawing. The drawing for tags has always been done by hand until last year. And the process changed quite a bit in the last year. Let me tell you what the process used to be very quickly:

People would mail in the tags by a deadline, and all the tags were sorted according
to whatever zone they were and they were put in a box. It was a cardboard box hand-sorting of the tags. They'd go through and they would draw first choices; and they would do all first choices, and if there were any leftover tags, they would draw second choices. It was a time-consuming process; it took a lot of people many hours to do it; it was generally done on a Saturday; the drawing was public; and there was always some sportsman that went in to watch, and they were asked to come up and do some of the drawing, taking the tags out of boxes.

Times being what they are in the electronic age and capabilities that we have, it was seen as a desirable thing to shorten the process; to put it all in the computer and to have the computer do the drawing. Several of the other western states, principally Nevada, had done this for several years, and it was a tried system and it was working well there. So, we decided we would try it, and we began to implement that this past season, and it will take a couple more years to get it completely done. But what we did this year was, when a tag was mailed in, it was no longer sorted and put in a box by the deer zone; it was assigned a random number. The computer process gave it two four-digit numbers, and then combined it into one eight-digit number -- just totally random number -- and it was stored mentally in the computer. When they had the drawing, the computer then reorganized all these numbers from lowest to highest and they took -- if the draw was 500 tags, they took the 500 of the lowest ones, and that was the system that it used. If that was full -- and here's another difference between this year and the previous year -- it would go and search for that person's second choice. If their second choice was full, it would search for that person's third choice. So once a person was drawn, he was guaranteed a first, second, or third choice in that order; where in previous years, all people that applied, got a chance at first choice, then it went around to second choice, and third choice, and so on.

There has been some criticism of that saying that some people are getting their second choice before other people got their first choice. It gets down to basically there's two ways to do it. The way that we used to do it, people complained about; people that were used to the system in Arizona or Nevada -- they thought if you're
drawn, you ought to be able to get your first choice, if not, your second choice. And it's a six-one way, and half-dozen the other type thing. If the computer process works better giving it this type of system, it is less time-consuming and it's really just as fair, or perhaps more fair. It could be either way.

There were -- this year the drawing went very well. There were about 500 people. Never before had we had so many people come to watch it; a whole auditorium full. And they had several computer boards and screens available, and everybody could see the names of who was being drawn as it was being done, and they were able to call in within, I think a day or so, and find out if there had been -- if their names were the ones drawn. So, one of the benefits is that it took from -- I think it started at nine and it was over at four -- it took about half the time to do it. The public was there and was able to see the process; those people that were there enjoyed watching it and being part of it. And we were able to give people instant feedback on the drawing, where before it took quite a bit longer for people to find out. People being what they are, want to know, "Did I get drawn?" "Did so-and-so get drawn?"

As far as internally, we were able to then to make lists of all the hunters by zones and that is some help to us.

The bear tag, antelope tag, and elk tag, also go in a similar drawing process.

CHAIRMAN NIELSEN: Okay. All right. Thank you. I appreciate the Department's comments. It sort of sets the stage for some comments that will now be made by other interested citizens. And then we may ask the Department to comment further and expand a little bit through the course of it, and I know they're listening intently. The next individuals who wish to testify, I gather are going to do it kind of it as a team -- be the Bob and Arlo show; Bob Kerstiens and Arlo Strong, representing the Tehama County Cattlemen's Association, are good friends, and we're delighted to have Bob and Arlo comment on behalf of the cattlemen of Tehama County.

MR. ARLO STRONG: Bob's going to be first, Jim.

CHAIRMAN NIELSEN: Need any background music there, guys? (Laughter)

MR. BOB KERSTIENS: May I submit that, Senator?
CHAIRMAN NIELSEN: Yes, Bob.

MR. KERSTIENS: Senator Nielsen, as you know, I'm President of Tehama County Cattlemen's Association, and my co-part here is Arlo Strong, past President of the Association. The Tehama County Cattlemen's Association is one of the oldest and largest and most progressive Associations in the State of California; and I see the President of the CCA sitting here, Jim Timmons, and I think Jim will agree with that. And the very foundation...

CHAIRMAN NIELSEN: Jim would agree to that up here in Tehama County. (Laughter)

MR. KERSTIENS: ...the very foundation of Tehama County is built on the Cattle Industry, and we're very proud of that.

If I may this morning, I've heard some the comments from the Department of Fish and Game; I don't totally agree. When I say I, we, the Association, don't totally agree with some of the statements I heard. But if we may, I'd like to read a letter that I presented to you, to the Committee -- I have to get my glasses out here, I've had to go glasses lately -- and the letter says -- it's on file to the:

"Dear Committee Members:

Tehama County Cattlemen's Association is concerned about some of the management practices and philosophies of the State Department of Fish & Game. There appears to be a definite lack of communications and good public relations between the Department and local farmers, ranchers and landowners. It is felt that the problem is not with local employees, but rather with Supervisory Warden and Region office staff who reflect an adversarial attitude towards private landowners operational need.

Our Association wrote a letter to Director Bontadelli on March 1, 1988 outlining our concerns with management practices or lack of management practices on the Tehama Wildlife Area. We listed nine suggestions for improvements and to date, we have received only one phone call in May from the Redding Region Office, talking of a meeting, but no further communication or action has been taken."

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I've been gone a few days, and I understand my wife received another call just a couple of days ago trying to get a hold of me for a meeting; that the letter that they originally had was found again, and they were trying to contact us. I'm ad-libbing that in there.

"Past Fish & Game Director Jack Parnell, we're proud to say is a cattleman, had the communications channels open to us, and meeting were held with his top staff and our group to solve mutual problems. Director Bontadelli, however, appears to have no interest with our concerns and relies totally on staff and the Redding Region Office for his input and guidance. We feel he is not receiving the full picture and is being led astray.

Please see our attached letter of March 1st, 1988 to Director Bontadelli, to which we have received no direct response from the Department, and a recent Departmental letter to our local Farm Bureau, which indicates poor Departmental relationship with ranchers and farmers."

And Arlo and I are both Directors on our County Farm Bureau.

"We would suggest that Director Bontadelli realize that landowners can and will work harmoniously with Fish & Game personnel, if he would reflect strong leadership and grab the "bull by the horns" and direct Region Office and staff to help solve differences with ranchers and farmers, with an open mind approach, that would be beneficial to the Department, landowners and the public.

Thank you for your consideration and attention to the above matter.

Sincerely,

Bob Kerstiens
President"
Also attached is our letter of March 1st with the nine suggestions for the management of the wildlife area -- Tehama Wildlife Area -- and the letter that went to the local Farm Bureau offices from the Director suggesting that a game warden sit in every one of our Farm Bureau meeting, which our local Farm Bureau Association said no, they didn't feel that was necessary; if there were any issues that concerned Fish and Game, we'd be happy to have Fish and Game personnel there, not necessarily a game warden. But whatever part that would affect that Department, we'd be happy to have them attend our meeting, but we didn't feel we needed a game warden sitting there every meeting that we had in the Farm Bureau. And that's an action that we had taken, and our President, Jackie Baker(?) is here; I'm sure he'll back me up on that.

The -- and I'll quit here in a minute because I've got to let Arlo say a few things -- I think the biggest thing we have, that we're disappointed with Fish and Game's lack of communications with us. Their attitude is something that's not desirable for a state agency. It's the only state agency, Senator Nielsen, that we don't have good relationship with. But we're good with CDF, and we're good at Cal-Trans, Water Resources; you name the state agencies, and we have no problem with any of those agencies. So, something is not right since the change in the Directorship in the Department of Fish and Game. We feel -- I heard Mr. Naylor here say that the Management Plan on Tehama Wildlife Area was a responsible agency, and personnel were communicated with; well, we go back a long ways in the Cattle Association in this County. You heard me say it's one of the oldest and most stable in the state. We've never been contacted on that Management Plan up there.

The Tehama Wildlife Area, we feel, should be an example in good land management. Something similar, the state's State Forest -- CDF has a State Forest; I think there's eight or nine of them -- and they're a shining example of timber management and land management practices. Some of the suggestions we asked for in here was central campgrounds. Now, we had a large fire take of there in 1976; it started from an illegal campfire, and we're saying let's have central campgrounds -- the _____
Conservation Camp is right there at our back door -- and develop water and springs for livestock and cattle; and a place for our people and public to go in there and camp in a matter that it should be allowed to camp, instead of just wherever they want to go up there.

We're very disappointed with the attitude they have. I don't think I want to call it hostile, but it's less than being -- it's not very desirable with our work with the agency -- and they could perhaps, if funds are short or those type of things, could develop some type of a volunteer program. Again, I got to go to some other state agency; Department of Forestry has what they call a VIP Program -- Volunteer In Prevention. They go out, and there's very little funds required for that; they pay for the mileage; they pay for the lunches and some meals. And those people put on a shirt with a patch on, and they're a very good public relations contact for those Departments. And I think the Department of Fish and Game ought to look at something like that; they could use those personnel in patrol, and getting out helping their public image, which they have a very poor public image in our opinion. I'd like to turn it over to Arlo Strong now, if I may.

CHAIRMAN NIELSEN: Thank you, Bob.

MR. ARLO STRONG: Well, Bob has covered a lot of things. But I feel personally that Fish and Game has too much power on private property for ranchers. And one thing, there's been several of our ranchers has been cited for crossing a dry stream bed or for removing gravel out of a dry stream bed, and I don't really believe that this has to do with fish and wildlife whatsoever. But they have the power to cite these people because they've crossed a creek that doesn't have any water in it maybe five months out of the year. And this has happened, and I don't really see where Fish and Game should have that power; it has no protection of their fish and wildlife whatsoever. And that's one issue that is quite an issue, and I think that should be changed.

Another thing I'd like to talk about is, he mentioned about this deer tag issue. You have to own 640 acres to be issued these tags. And I might be one that's a little bit different than some of the others; we own 527 acres; I rent 20,000 acres all around
it; but yet, the only people that can come and hunt there is people out of San Diego, Los Angeles, and these kind of people that got in on the draw. Anybody can get it on the draw if they're lucky, but I know several people that's been right there has never been on the draw -- I guess it got lost.

But I think if a fellow owns 100 acres, and he's running livestock on it and he's protecting those deer; we salt the deer, we feed the deer, we do everything, but yet, we don't get a deer tag because we don't own 640 acres. And that's just something I'm throwing in there I don't think that's quite right. At one time, it was if you rented land and owned land, you could do that. And Fish and Game changed that; you had to own 640 acres. I don't know what the reason was for that; I guess they thought somebody was cheating on the other end, but I don't think that was so. But anyway, that's what I say. I think that should be changed. I think if you own a little bit of land -- we pay taxes on the Forest Service, we have to pay possessor rent, _____ taxes on the Forest Service; and we rent 20,000 acres and own 527, and don't get to hunt on our own property. And that might be something that could be changed, and I don't -- you changed it once; you had it one way, and then you changed it the other way, and I don't know what that reason was for, but I don't think that's quite right. I think if a fellow owns 100 acres and he's using it for agriculture, and he's got deer on it, he should be able to hunt -- to step on that. I've lived on that place a lifetime, and now I can't hunt deer on it.

There's several other things on the -- that I don't think the Fish and Game is taking in consideration. As I mentioned that you have to have a permit to take gravel out of your own creek right on your own ranch, and I don't think that's quite right. If there's no water in that creek -- the only time that there's any water is when it's raining, and we certainly haven't had nay in the last two or three years -- but yet, we still have to get a permit to do any work in that creek; change -- a little erosion or anything, you have to contact the game warden to be able to do that, and I think that should be changed. The Fish and Game should have the power over a creek that's got fish in it to protect them, but these dry stream beds out here -- I think they're clear
out of line being able to come out on your property and tell you that you can't do anything on your own property. Thank you.

CHAIRMAN NIELSEN: Arlo, we've gotten a lot of complaints about that -- our offices and my staff -- that particular issue.

MR. STRONG: Well, that is quite a thing, and I think it could be changed real easy. I think they should have the power over the streams that has fish in them, but these old dry streams out here, I think that's completely wrong. And I think that should be an issue that should very well should be changed. We've had several of our neighbors and ranchers that's been cited for...

(Testimony lost due to changing of side 2 to side 3; no overlap)

CHAIRMAN NIELSEN: ...read your letter of March 1, and I do think that you've made constructive suggestions that do warrant a response. On the courage that somebody has contacted you, Bob, to set up a meeting; I would suggest you go ahead with that meeting, but that be a precursor to a personal meeting with Director Bontadelli. I am going to, as an action taken here today, tender a letter to Director Bontadelli requesting that he meet with you folks. I don't think you would mind traveling down there to see him, and discuss some of these mono-a-mono(?). In addition to that, I'm going to ask Director Bontadelli if he has been out personally touring these areas at all in his tenure; I gather he has, but I would like to know that. And if he has not had occasion to, I'd like to avail him that opportunity here to take a tour around our region here that we are so heavily impacted. So, those are two things that I'm going to request of the Director.

MR. KERSTIENS: Senator, we'd appreciate that. We'd like to be involved with the Director -- comes up on that turf.(?) If I could reiterate just two items; is that in these nine suggestions we have -- of course, cattlemen are interested in the grazing -- the present grazing; if we could have been involved in the Management Plan, the grazing now -- from the first of March until the middle of May -- and the cattlemen turn out in December and we gather in April. You can't gather cattle when it's 110 degrees out there in the middle of May. So, that's just one suggestion we had; to have that
grazing more coincide with the cattlemen in our area here.

As far as the campground issues, the U.S. Forest Service and the timber industry -- Diamond International of _________ now is in the timber industry -- and they want to take a look at campgrounds, and people just can't run all over -- they've got nice campgrounds with barbecues by springs and water, and fix something there that the public can utilize.

Again, I'd like to stress we get along fine with everybody. Tehama County Sportsmen's Association, we get along fine with them, which is sometimes unusual between sportsmen and cattlemen; but a lot of those are here and they're our friend, we get along great. And everything seems to be fine but one Department, so something's got to be wrong. I'd like to leave that message with you.

CHAIRMAN NIELSEN: Well, gentlemen, that's a problem that government is most generally afflicted with at all levels, and that's failure of communication.

MR. CURTIS: Could I ask...

CHAIRMAN NIELSEN: Sure.

MR. CURTIS: ...a quick question on that. And what I wanted to say is just -- personally apologize to Bob because it's my fault.

MR. KERSTIENS: I've never met you before...

MR. CURTIS: I'm Banky Curtis...

MR. KERSTIENS: ...and I guess in a way it's my fault.

MR. CURTIS: ...and I haven't met you either. And I got this letter in May, which was a little bit late, and then I called Jim; and as you know, we talked, and you said, well, it was right in the middle of haying and you wanted to wait a couple weeks until after haying. I said, that's great; I set the letter aside and I forgot.

MR. KERSTIENS: You didn't find it until a couple days ago. (Laughter)

MR. CURTIS: And what happened was, when this meeting was coming, I pulled out the Tehama file, and there was your letter. So I called your wife Tuesday night; you were gone; she said you'd be home that evening; I called three times and your phone was busy, and I went to bed. And this is entirely my fault, and I personally owe you an
apology. And I want to make that publicly because I'm the guy that's guilty and I'll try to make up for that any way I can. So...

MR. KERSTIENS: You're the only guy who was ever guilty that said he was, so I appreciate that. (Laughter) (Applause) I give that man a hand.

CHAIRMAN NIELSEN: Well, Banky, I want to compliment you for your willingness to stand up and be counted. It is indeed unusual in government, and more so in the Legislature. (Laughter) So, I do want to thank you. And ladies and gentlemen, you saw it here today. And furthermore, you saw some direct action taken. These folks are now going to meet, and I am going to tender a request to Director Bontadelli. And so I think that we've already had some productive accomplishment. Banky, thank you; and Bob and Arlo, thank you.

Also now testifying will be Leland Davis; Tehama County Farm Bureau. Again, I thank you guys for being expeditious; we do want to kind of keep the testimony rolling along. I do want everyone to have the opportunity to talk before their seats wear out here; maybe they all don't have as tough of seats as I do from driving tractors and such, but we want everyone to have the opportunity to speak.

MR. LELAND DAVIS: I can yell pretty loud. Thank you, Senator, for the offer to speak before this group this morning. I wholly concur with what Bob and Arlo had to say; in fact, the matter is, I'm probably one of the culprits right along with them. I'm also a Director in the Cattlemen's Association; I'm a past President of the Farm Bureau. And through some unfortunate thing, we didn't get an invitation for this hearing, but Jackie was sharp enough that she picked it up, so please put us on your mailing list -- or somebody missed it someplace. So we'll ask the gentleman to stand up and we'll take another shot at him. (Laughter)

MR. CURTIS: Hit me again.

MR. DAVIS: I have a couple of comments this morning as far as the management of Fish and Game is concerned. I don't know whether they ever give it any kind of thought or not, but you know, as managers of deer and wildlife, it doesn't vary a great deal from the management of a ranch. And I run a little ol' jerk-water cow ranch up here in
the mountain area. And one of the great blackballs that I've got with Fish and Game is the fact that they never introduce any new bloodline. In other words, you've got a bunch of deer out here, and they shoot all the big bucks -- they're always screaming there's no big bucks. What's breeding these does? The spikes, their own sons, etc., so on, sisters and etc.? I see no reason they can't capture some deer from over on the coast, and bring them over here; take some of these over there, and vice versa. They can go any direction they want to go with it. One of the things they do, we do, in the breeding of livestock is the fact that you introduce a new bloodline; you create a complete outcross. When you get into the outcross, it's a growth stimulant. You come back, you get your bigger deer; your bigger horns, etc. and so on.

Another thing -- they talk about the cooperation of people in agriculture. I would like to ask the gentleman from Fish and Game, how many tons of salt they've bought in the last year. It's a goose egg; am I correct?

_______: Probably, yeah.

MR. DAVIS: You know, they come back, they want cooperation from the livestock people -- the farmer and so on and so forth -- and they have a very weird way of going about it. A block of salt don't sound like a heck of a lot; it isn't. But it is an item. They come into saltlicks; in fact, the matter is, if we run out of salt like we do when we ship into mountains, when we come back in the fall of the year, the boxes even are eaten up from deer trying to get salt out of the boxes -- went into it. That's just one small item.

CHAIRMAN NIELSEN: Well, you throw a few bails of hay out there on occasion too.

MR. DAVIS: Well, it's a rather comical thing. We think that deer are in competition with the livestock. I'll ask the gentleman from the Fish and Game if they know a little fellow by the name of Lespanontz(?) that worked with the University in Nevada in Reno. He did quite a study. And the first time that I'd seen any of this was, it took place in Harvey Valley -- ________ cattle -- and they put little plastic windows in those cows and they'd go in there once a month and they'd take part of the merchandise in the room, and they'd kill two or three does and they compared them. And
I don't want to put myself on the spot because I'm not absolutely positive of the figures; but other than three months out of the year, a deer does not compete over 8% with a cow. Three months in the year when the feed is short, yeah, they'll compete greater. Most of the time, they eat grubs and etc. and so on. They will raise hell with an alfalfa crop. (Chuckles)

To kind of step on the man's toes that talked about paying taxes -- in-lieu taxes -- on the land that they manage and one thing and another; I think there's 40 some odd thousand acres up here in this Tehama reserve. And correct me, Burt Bundy, if I'm not mistaken, $930 or somewhere in that figure -- I wish my taxes on my ranch were froze at that; I'd just be tickled to death. (Chuckles)

I don't know, I've kind of thumped on him pretty hard here this morning. I'm a little different kind of a character; I'm not an avid hunter like a lot of you people. And I get very disgusted sometimes with the length of time that they stretch the hunting season out. We're down in my area -- up there right now is the second shot of deer hunters this season. We get a shot of the early hunters; now we get a shot of the late hunters. I would like to suggest to the Fish and Game -- and I know they won't go along with it because it's dollars and cents in their pocket -- but I'd like to see them have one hunt. Open the blasted thing in the Mexican border and close it at the Oregon border for two or three weeks, and let us alone. (Chuckles) The traffic that we get along the roads -- you've got some idiot that's diggle-dangling along up there trying to road hunt -- and we got a lot of it -- and I've never seen a Fish and Game warden arrest one of them. And it's as illegal as it can be to shoot out of a county road. And I had them kill one right there in the sandpit just up till the last day of the early season this year. With that, Senator, I'll thank you. I think I've said enough bad words for one day.

CHAIRMAN NIELSEN: Well, I think they took it very graciously; and, you know, you might get Leland some information. I'm sure you have made some arrests there. It might just be of interest that it's tough to do that, for sure.

I do want to say one thing in deference to the Department about, you know, in-lieu
and helping out. They are indeed the only Department that does; and yes, indeed, they are frozen, and that does not help the counties one bit. And that's part of the reason some of our rural counties, particularly Tehama, are in such difficulty. But the Department does do that. Now, I've got a lot less trouble with them in that regard than I have other entities of government like the Coastal Commission and the State Lands Commission; and I could tell you stories all day about those entities of government who are far greater offenders vastly at seizing lands, and usurping landowner rights, and everything of the sort. You, though, only deal with he Department of Fish and Game, so they're your major focus here. But as a member of the National Resource and Wildlife Committee for 11 years, and a major antagonist of the State Lands Commission and the Coastal Commission -- and I almost always vote against them; I'm their best no-vote -- I can tell you, they are very, very severe offenders too. But again, that does not affect you, hence, the Department here is the only one that you need to pay attention to.

I would like to next ask Keith Hansen to come up and testify; he is a former Supervisor in Glenn County. And Keith has a time conflict, so we're trying to accommodate his need to leave.

MR. KEITH HANSEN: Thank you, Senator. Today I'd like to speak in support of the Private Lands Hunting Program. We have similar programs in Glenn County, which we've developed along with the cooperation of the Fish and Game. And in that county, our local Fish and Game people there have been quite cooperative, as well as the other agencies -- Soil Cons- and those people.

We've developed some wildlife habitat programs in that county that are designed to bring additional revenues to the farmer, but in return, it did more for the wildlife than it did anything else. And that's not the game species only, that's also the non-game species. And we've had cooperation in that respect with, as I said, the Fish and Game, and also the -- even the Commissioner, Bob Bryant, has been out there on several occasions.

Another program we are interested in now; an additional program we're trying to get
off the ground in Glenn County is in the Foothills Program, and to get those lands opened up to the public -- private lands opened up to the public -- for all forms of recreation. And the reason for this is -- anybody that's in the farming and ranching business knows that sometimes their adversary is an urban dweller, and they see us as a bad guy. This way, we have a -- we develop a relationship with them, as well as receiving some of their monies, which we can certainly use.

I think that what needs to be done -- there has to be additional support from the Fish and Game though, with the rancher and the farmer -- I think they need to spend more time in the field; more staff and more money be spent in the field instead of in Sacramento. I think with that, maybe they even need to re-align their priorities on their fundings to make sure that the money is spent in that area; if not even receive additional monies. I support the Private Lands because, as has been indicated here, it keeps it on the tax roll, and that's very important; and it keeps the economy in the local communities a little bit stronger, and we certainly need to strengthen them. Thank you.

CHAIRMAN NIELSEN: Keith, you sure know that as a former Supervisor -- wrestling with those problems. Thank you. Now, we'll have Mr. Frank Dawley, who's with the Tehama County Resource Conservation District. Frank? Thank you.

MR. FRANK DAWLEY: I'd like to thank you for this opportunity. I'll pass on the anecdotes because I think I'd get lost, and just read.

The Tehama County Resource Conservation District supports the Private Lands Wildlife Management Program. We do so because it encourages and rewards improved care and stewardship of the natural resource. This is a goal stated in our long-range and annual work plans. We feel that the improvements to game habitat and the subsequent improvements to the game numbers, which result from the PLM Program, afford to us all, citizen and hunter alike, benefits which we all will enjoy into the future. I should also mention that the California Association of Resource Conservation District formally support the PLM Program too.

Let me explain our reasoning:
A noted wildlife biologist once said, from his observations in Africa and the Biblical Lands, the first indication that a civilization is in decline is that the wildlife becomes scarce. Next, the graziers suffer reduced productivity, followed by the farmers having smaller crops. These people begin to leave the land and the villages start to disappear. The small towns start to wither; and by the time the decline of the natural resource becomes noticeable to those in the large cities, the civilization is in collapse.

You are holding this hearing because of concerns about wildlife, and you'll hear a great deal about game numbers, game management, game laws and hunting. All of these topics center about the scarcity of wildlife -- the first symptom that I mentioned before.

You have, no doubt, heard in other hearings of the problems of the ranchers and the sheepmen: rising costs, declining productivity, weeds, predators, and others. This is the second symptom.

In my 40-minute drive to Red Bluff this morning, I passed three Community Centers, which during the memory or my contemporaries, have disappeared. You may argue that improved transportation and communication have rendered Community Centers or villages obsolete. I think the district would counter that declining productivity forced the people off the land until there weren't enough people or wealth to support a Community Center -- that's the third symptom this biologist mentioned.

In the town of Red Bluff, if you remove the manifestations of the I-5 service corridor, things are nip and tuck. Stores open and close, some survive, some move, many never reappear. As far as agricultural services, we used to have two grain mills in town, now we have none. There were two tractor agencies in Red Bluff when I moved here 14 years ago, now there are none. And there are fewer in Chico and Redding. This small town is having trouble -- the fourth symptom that I noted above. Again, you could argue that with our hi-tech standard of living, makes small towns obsolescent. We would like to suggest it is due to the continuing decline of the productivity of the surrounding natural resource.
It may seem quite a stretch to equate declining wildlife with the collapse of the California Civilization. Yet, we have passed three sign posts and are approaching the fourth along this path, which has many civilizations have followed before us. This path has been well documented by the USDA Soil Conservation Service's booklet "Conquest of the Lands Through 7,000 Years" by Lowdermilk, and the book Topsoil and Civilization by Dale and Carter. These are really depressing books too. (Laughter) Instead of the...

CHAIRMAN NIELSEN: You're a Malthusian economist, aren't you? (Laughter)

MR. DAWLEY: No, it's not Malthusian, unfortunately. Malthus can be disapproved. Instead of the theories of Toynbee, Durant, and Gibbon, or Malthus if you prefer, these books demonstrate that if a...

CHAIRMAN NIELSEN: This is kind of heavy for Red Bluff, isn't it? (Laughter)

MR. DAWLEY: ...that if a civilizations abuses its natural resource, it's doomed. Technology may delay it, but unless there is a dramatic change in the resource management policy -- which none of them made -- the end is inevitable.

I hope I have aroused your interest in the possibility that the health of our wildlife may have a wider implication than hunter success ratios, or deer tag distribution. Wildlife is the absolute indicator of the condition of the natural resource. If the diversity of a species, and the population of those species is declining, then something is wrong. And that something is basic to our way of life.

Taken in this light, the discussions and concerns being voiced today are in the nature of arguing over the speed limit of a highway to nowhere. The Tehama County Resource Conservation District feels that the real question at hand is, where is this road headed, and what kind of road and what kind of landscape do we want?

Out there, where I live on the range and the brush and the forest, is where the wildlife live. It's where our water comes from; where our floods come from; where our ground water recharge occurs; where the silt comes from; and where most of our meat animals are born and weaned. It's about the only place the city dwellers can go to get back to nature. More importantly, it's the sign post of our future.
As a fourth generation California, I am proud of my state having the seventh largest Gross National Product in the world. I am proud of our civilization. And I want to persist for hundreds of generations, not wither out after six or seven. Yet, with all of our modern knowledge, technology, and machinery, we are following the same path of decline followed by hundreds and thousand of years. As politicians, I don't think that you want to pay the price that the large cities will demand when they figure out what terrible condition our natural resources are. As a ranch manager, I have no desire to have my management practices dictated or reviewed by city dwellers.

I imagine it's nothing new for this committee to hear prophecy of disaster. You probably discount our various alarms with the though of: "Okay, what are we supposed to do about it; pass more laws?"

Well, there is an answer. It doesn't require new laws, but something more challenging; a new way of thinking about natural resources and a different way about thinking about managing them.

The problem is that our natural resource is degrading at a precipitous rate. We're using technology and petroleum in the more productive farmlands to gloss over this fact. Out on the less productive range and wildlands, where technologic and petroleum-based solutions aren't economic, the degradation is becoming very obvious — witness this hearing.

If we acknowledge that declining wildlife numbers, declining rangeland productivity, and rural economic distress are all symptoms of the same problem, we can develop a program which addresses the problem and relieves various symptoms.

The problem on the ranges stem from human activities: grazing, wood harvest, road building, farming, development, and others. These activities are not inherently negative; their impact depends on the management philosophy which directs them. Unfortunately, for the past generations, we've been using a short-sighted philosophy.

Well, we've moved out of new places to move; we need a new management philosophy. We all live here, we all live off this natural resource; and nature is incredibly fecund. In this county and other counties, there are ranches which have doubled their
production of beef per acre, while their wildlife numbers have increased severalfold. The condition of their rangelands is improving, the land is healing.

It is possible to turn this situation around. It does not take any new laws or regulations; it takes a very modest amount of money. It does take a lot of thinking, communicating, and cooperation. In this context, a Resource Conservation District is the ideal organization. It's dedicated to improving the natural resources, it can't pass laws; it generally runs on a shoestring budget; and to accomplish anything, it must be adroit at planning and encouraging cooperation.

The Tehama County RCD has set rangelands as its number one priority, and we are developing a program to improve our rangelands condition. The Elk Creek RCD in Glenn County has a similar program in place concerning watersheds. And there are others throughout the state. I would suggest to this committee or to you, that the best way to improve the deer herds, the rangeland productivity, and the rural -- and to affect a rural economic renaissance is to support the Resource Conservation Districts of California.

I hope that the members of this committee and this community have heard my position and will remember it. I doubt I've convinced any of you in five minutes, but I hope you remember my points as you evaluate what you hear today. I'm sure you'll see considerable wisdom in them -- not in me, somebody else's wisdom that I've managed to run into. (Laughter)

It's often been suggested that those who don't listen to the lessons of history are doomed to repeat them. Thank you.

CHAIRMAN NIELSEN: Thank you, Frank. That ______ is a very scholarly dissertation; and I know you might have to change some of the references in it, but I would encourage you to, you know, redo it just a bit, and let's see what broader circulation you can attain for this document. You know, you've got Resource Conservation District communications and other means to do that, but the real message that you've delivered here is one that needs to be tendered to more folks in the cities. I think you do have a profound message here, and I will assist you in getting
that message delivered -- the message that you have here and conveyed. It does make a lot of sense, and it also dispels one of the great myths that a lot of people in the Legislature seem to adhere to and that is, that we are just summarily out here despoiling the whole world without taking any constructive and positive actions, and that's what you folks are all about; that's what the cattlemen are all about; a lot of people in agriculture are all about; and have been for many, many years and decades and it's in our best interest. But not enough people know about that, particularly the efforts that you speak to here. And I would like to work with you to get your message more broadly dispersed in various kinds of publications and whatever. Maybe we can discuss that to some degree.

It is also important to remember the lessons of history, and I've always made this point on Natural Resources Committee. Nature was a pretty enormous despoiler of the lands of the world way before man ever came to be. But also nature is an all-powerful and corrective force, and you must always respect nature. I think that's what we who live in nature -- who have farmed, or raised cattle, or involved in resource conservation -- clearly understand. We have a reverence to the power of nature, and a respect for it. A lot of folks don't. Thank you.

Mr. Richard Stone representing the Tehama County Sportsmen's Association.

MR. STONE: Thank you, Senator.

(1) The Tehama County Sportsmen's Association strongly oppose the Ranch for Wildlife Program. While the pilot program may have been deemed successful, we understand the experimental ranch selected had no migrating deer herd. In northern California counties with deer herds migrating several miles from summer to winter ranges, and from public to private land, we find it difficult to believe the small percentage of habitat improvement on the private land can have much beneficial impact on the herd. The migrating deer are not owned by the private landholder.

The D.F.G. is wrong in rewarding the private landholder with special hunts and tags after the general season, for questionable improvements to habitat that may or may not be documented by the D.F.G. When developers advertise "deer tags at 50% of the cost
for the public" and other proponents testify that "them that has, gets," it boils down to no more than commercializing our deer herds. Special hunts and bag limits other than what is permitted on adjacent public land for the general season should be prohibited.

(2) The steady decline of the eastern Tehama County deer herd coincides with the extension of the season to the first of November starting in the late 60's. We advocate elimination of the split season in Zone X-11, and the re-establishment of one four-week season beginning the third Saturday in September through the third Sunday in October. We also favor changing the announcement from May to no later than January 31, to enable the working sportsmen to obtain vacation reservations prior to March 1 deadlines required be most employers.

If restricted access to the Tehama Wildlife Area is necessary the final two weeks of the season, we suggest doing it by drawing for a limited number of tags for that period rather than by drawing for permits after tags have been purchased.

(3) Since we are paying increased prices for tags and licenses, we oppose the recent signing of a bill by the Governor that assesses a $10 fee to use the Fish and Game lands. This was in the Daily News on October 1, 1988, and there was no explanation on where or how implemented. Does anybody know anything about that?

MR. CURTIS: Sure. If you want me to address that, we'd be happy to.

CHAIRMAN NIESEN: Okay. As soon as his testimony is done, I'll let you comment quickly.

MR. STONE: (4) We find it appalling to learn that the Dye Creek Ranch recently acquired by the State Controller has been put under the management of the nature conservancy with the stipulation that the grazing rights be awarded to the then current operator, and that the hunting rights be awarded to the then current private operator. Is this not public land? Grazing and hunting rights must be offered up fore competitive bidding. We question the legality of the operator stipulation.

Letters written tot he Controller, the Governor, Attorney General, Assemblyman Statham, and Senator Nielsen, and the local Board of Supervisors, yielded only one
response -- that from the Controller's office. It denounced our criticism of "business as usual" for the private operators who no longer have financial investment, or ownership of the property.

(5) The Fish and Game Department is now expounding on the habitat as being responsible for the decline in the eastern Tehama deer herd. Over the last 25 or so years of Fish and Game management of the Tehama Wildlife Area, there is little evidence of much habitat improvement. Photos of overgrazing on approximately one section along Oat Creek in 1985 verify some of the mismanagement. And these are the photos that I have.

We also question the purpose of building miles of barbed wire fencing along Plum Creek Road, which has been for the most part, open range. We would like to know the cost of the fencing and why the money was not spent on habitat improvement on the Fish and Game property.

(6) The Tehama County Sportsmen's Association is a member of the Northern California Sportsmen's Council. In communicating with many of the other member clubs, we find unanimous opposition to the Ranch for Wildlife Program, and concern about the precedent being set in the Dye Creek transaction and management. As law-abiding sportsmen, we are concerned with and dedicated to protecting our natural resources. Thank you.

CHAIRMAN NIELSEN: Thank you very much, Mr. Stone. And I might just appoint a fact -- and someone could correct me if I'm wrong -- I do not think the conservancy is publicly funded. And if we may, Banky, did you want to comment real quick on a couple of points he raised? Maybe you could answer those here.

(Testimony lost due to changing of side 3 to side 4; no overlap)

MR. CURTIS: ...and that was the one whose... Oh, sorry about that. The $10 access fee is a new program; the legislation was just signed by the Governor in the last couple of weeks. And what this involves is, is the access to our Department-owned lands. What has happened over the years is, the Department of Fish and Game has been primarily financed by hunting and fishing dollars: sportsmen's, license fees tags, and
that sort of thing. And there is a great deal of use on our lands by people that aren't hunters or fishermen. There are bird-watchers, there are photographers, there are people that like to picnic, that are using our land. And what this fee is, would be an annual permit that would cost $10 for people to have access to our lands. Now, if you have a hunting license, if you have a fishing license, a trapping license, or it's a school group, or you're under the age 16, you're exempted from that fee. So, this will be established on specific areas of the Department land, specifically to obtain money from people who are utilizing the land, but who haven't previously contributed to the Department and provide that sort of finance. So, this is aimed not as a restriction to our lands in any way, but in obtaining a funding source so that the people that use those lands would have the opportunity to pay for it.

MR. STONE: So it's only nine areas.

MR. CURTIS: Yeah, it's on nine specific areas within the state. In this particular region, the two areas: one is Ash Creek Wildlife Area near the town of Bieber; the other is Lake Earl near Crescent City. And it's on those areas where we have the special programs where we're going to set up interpretive programs: bird-watch, nature tours, that sort of thing, for these folks that would be charging that fee. So, if you already hunt or fish, you'd be exempted from that fee; the school kids would be exempted; if you're under the age 16, then you'd be exempted from that fee. So, that fee is set up specifically on those lands to solve that specific problem. So, it's not a -- there won't be a fee for access to Tehama, for example; and if you already own a hunting license, there won't be any fee at all on any of the lands. Does that clarify that?

CHAIRMAN NIELSEN: Yeah. Thank you, Banky. If I may, too, Mr. Stone, if you could get us a copy of your testimony, and also then, we'll get that tendered to Banky; he can maybe more formally, in just a letter to the Association, answer some of the points you've raised. I think that would be helpful.

MR. CURTIS: Yeah, there's a lot of specific areas that we'd be happy to address, and I think the way to do that is in a direct communication, so thanks.
CHAIRMAN NIELSEN: Yeah. Thank you for answering here public though, I think that is something that a lot of people wanted to hear.

MR. CURTIS: Okay. Thank you.

CHAIRMAN NIELSEN: I want to tell you something else; it's just kind of interesting; it's how Jim Nielsen gets input from his constituents. You know, Dick Stone is here testifying before us today and will submit his testimony; but right now since my fiance' lives here in Red Bluff, I'm spending an awful lot of time here, and he is her neighbor, and he caught me out in the yard the other night and bent my ear quite a bit. So, Senators get input in a lot of different ways. (Laughter)

I'd like to now ask John Gaither to come up and chat with us. John is a Lassen County Supervisor; he's representing the Sportsmen's Council of Northern California where, I gather, he serves as their Legislative Chairman.

MR. JOHN GAITHER: Thank you.

CHAIRMAN NIELSEN: Hi, John.

MR. GAITHER: How are you doing? Is this the right one? Thank you. Senator, I appreciate it. I didn't come with a written statement because I wasn't quite sure what the agenda was going to be; what it was going to entail. I did come, so to speak, to kind of bruise and batter our Fish and Game over two or three issues: One as a member of the Organized Sportsmen of Lassen County; as a member of the Sportsmen's Council of Northern California, the largest hunting and fishing organization in the State of California now, which has mainly come about because of AB 580, and I -- do I need to hold this here?

_________: To hear __________, yes.

MR. GAITHER: Okay. I brought a lot of documents; I'm not going to break them all out. What I'm going to tell you is, Senator, is that AB 580 was not thought up by Fish and Game. It was not something that was hatched in California; it was hatched in Texas. In Texas, 95% of the land is private. They have large hunting clubs. If any of you watch T.V., you can go to Texas, and you can have an African safari; you can shoot African lions and gazelles, etc. because it's all private hunting. There's no
more land in Texas to acquire; it's all in the 10 western states. And half of it's public.

For the last 10 or 15 years, there are interests that want to get a hold of this public land. They tried it through the U.S. Congress and was turned down to cooperative management agreements. They then went to the states; they are now pushing in all of the 10 western states to acquire private land hunting. The only problem is, is that they want public land hunting. They want to privatize our wildlife. For those that may not -- believe me, I've got a lot of documents here; one of them has to do with a gentleman by the name of Lee Fitsu(?), who works for the Agriculture Extension Office in California -- and I believe he's worked in other states -- which is taking Texas White-Tail Deer Hunting Enterprise General Production Plans and modifying them for California. They're wanting to bring their system to us, and they're doing it through this guise. Fish and Game has known this for some time. They, of course, would not state that publicly. But I guarantee you, for the last 10 years, this has been in motion. And it depends upon which meeting you go to, as to which version you hear. Mine has been pretty consistent; theirs has moved around a lot.

AB 580 is a bad law; it's a bad program; and it will not work. It's like putting communism with democracy and making them compatible. Private hunting for profit will not work with public hunting on land because the private landowner does not want the public hunting his animals on the public land. He wants to exclude them.

Lassen County, of which I'm a County Supervisor, has most of the programs percentage-wise in the state, and we have most the problems. This year, our Road Department has been going around Spanish Springs Ranch and taking down their signs of "No Trespassing" off of county roads. It happens every year. They block -- in Modoc County, in Lassen County -- they block public access. To deny that it happens, is just not so.

So, the organization that I'm representing today is opposed to 580. The Lassen County Board of Supervisors is opposed to 580. As a matter of fact, I believe there's now six counties that have came out either opposed directly to the 580 program
requesting repeal, or opposed to its implementation. Enough on 580.

The quota system, which was instilled to make 580 work, began 10 years ago; 580 began 10 years ago. You can't charge $1,500 for a deer on a public piece -- on a private piece of ground if a guy can go next door for $15 and hunt for the same deer. It won't work. The quota system was instilled for the 580 Program. If you talk to Fish and Game people today, they will tell you that the quota system was instilled to improve hunter quality. Ten years ago, when the Director of Fish and Game came to Lassen County, he said it was to save the deer herd. It seems as though that every time the situation changes, the biology of the deer herd changes, the history of the deer herd changes, the dichotomy of our whole society changes because their plan changes. So, it's a bad program. It will not work. The sportsmen that I represent are dedicated to the repeal of AB 580, and there will be no compromise because it is bad.

The other problems that we run into as a County Supervisor are land acquisitions, or the lack of input that the Department of Fish and Game wants the counties to have in what they're doing. Ash Creek Wildlife Area is a classic example. The Department of Fish and Game acquired this piece of property in Modoc and Lassen County; Lassen County supported the acquisition; Lassen County Fish and Game Commission gave $4,000 for the purchase of an ATV, which was questioned later, and we had some problems with, but the Commission gave money. But when the Management Plan was done, there was no input. As a matter of fact, I got a copy of the Management Plan from the Supervisor of the area, which said you had 15 days to make comment. Unfortunately, our Commission meets once a month. So during the 15-day comment period, our Commission had no opportunity to reply. What kind of a way to get local input is this? We have a Commission. And they failed to even respond to the Commission.

The gist of it is, Senator, is that it's not that the local people aren't interested; it's not that we don't have good ideas, but our ideas don't jive with theirs. We have ranching families that have been in Lassen County from the beginning of Lassen County. I've talked to many of them. They don't agree with the Private
Lands Management Program. They want to be able to hunt on their land without being forced by Fish and Game to abide by what they want them to do.

I've got one ranch -- I think called the Wimple (?) Ranch, I think probably some of the ranchers know him -- been there since the Wagon Trains moved north, or moved west, or whatever. They have 19,000 acres of grazing land. And yet, they're being accused of overgrazing it with 350 head of cattle. They can't hunt on their own land unless their name is on the deed. So, the parents can hunt, but the kids can't, the grandkids can't; they got thousands of acres and they can't hunt their own land. They say, "Well, you got to have 640 acres." What's Oregon have? What is the requirement in Oregon? 40(?) acres. What's the requirement in Colorado? 160 acres. Why, California is 640. Yes, sir, I've talked to them.

________: No requirement.

MR. GAITHER: Beg your pardon? In Colorado, it's no requirement? You can just hunt on your land? Oh.

________: Or you just have to buy a tag.

MR. GAITHER: Oh.

________: There's no drawing up in Colorado State.

MR. GAITHER: Oh. There's Private Lands Management in Colorado, though. As a matter of fact, it's on public land in Colorado. The point is, is that Fish and Game, in the last few years, has taken from the local people what we've had, and they're trying to give it back in pieces with all these strings. And it's not working.

Cattlemen don't want to raise deer, they want to raise cattle, right? Huh? Do you want to raise deer?

________: Be better. (?)

MR. GAITHER: Okay, fine. Most of them I talk to... (Laughter) ...most of them I talk to... (Cross-talking) ...most of them I talk to want to raise cows; they don't want to get out of the cattle business. Sure, there's a lot of deer on their places. A lot of those that are involved in the 580 Program, have a lot of land. There are a few that don't. The 580 Program works so well, that we have two 580 Programs of 200
acres a piece on a refuge. None of the rest of us can even hunt close to that, but because of the 580 Program, they can hunt on a refuge; a place where, I assume, the animal is supposed to go to be safe. So, these are problems; I'm not wrong.

Now, another problem is, Senator, is that when they come to a public hearing, they testify. Banky Curtis came to a public hearing in Lassen County and testified to our Fish and Game Commission that there would be no decrease in public tags, and an increase in Private Land Management tags in Lassen County. Is that true, Banky?

MR. CURTIS: I don't understand the...

MR. GAITHER: Wait.

MR. CURTIS: ...context you're asking that under, John.

MR. GAITHER: What I'm saying is, you came to Lassen County to the Fish and Game Commission; you testified that in fact, if there was a decrease in tags in a zone, there would be a decrease in private management tags before there would be a decrease in public tags.

MR. CURTIS: But simultaneously, the -- basically, the number of tags issued on a private lands area also key(?) to the total deer population, as are the number of public tags available.

MR. GAITHER: Well, in any event, in X-5(b), the number of public tags were decreased, and the number of private tags were increased for Spanish Springs Ranch.

MR. CURTIS: Decreased?

MR. GAITHER: Yeah. They reduced the number of public people out in the public land.

MR. CURTIS: It went up.

MR. GAITHER: No, it went down -- 40.

CHAIRMAN NIELSEN: Well, gentlemen...

MR. GAITHER: In any event -- in any event...

CHAIRMAN NIELSEN: ...we can't afford to have a..

MR. GAITHER: I'm sorry, I'm sorry.

CHAIRMAN NIELSEN: We don't have time to have a debate here today.
MR. GAITHER: Okay, I'm sorry, Senator. I'm just saying...

CHAIRMAN NIELSEN: I'm going to ask...

MR. GAITHER: I'm just saying that what happens, Senator, is they come to your Committee and they say one thing; they come to our Committee and say another.

The gist of it is -- and I said it in Sacramento at hearings -- is it's a Department of mismanagement. We've got 17,000 acres of public land in Lassen County that's being overgrazed by cattle from a neighboring ranch because Fish and Game doesn't take care of it. They're acquiring more land. That's another problem that we've got. We're not aware of their acquisitions until they're already in progress; until they've struck the deal. It's my understanding that they have targeted $10,000, or I beg your pardon, $10 million dollars in the next 10 years probably for Lassen County.

CHAIRMAN NIELSEN: I don't know where they're going to get $10 million. (Chuckles)

MR. GAITHER: Well, I don't either. I don't either. They've spent $10 million in the last few years; they spent $2 million in the last few months. The point is, is that they're acquiring land; we don't know about it.

CHAIRMAN NIELSEN: Well, that's something I started acknowledging here in the Legislature. A lot of us are getting very concerned, and I'm not banging on anybody about it because the matter of policy statewide be that the Lands Commission, Fish and Game, or whoever -- and Park Lands, particularly, I am concerned about; the vie of the Park Land bond measures. I'm very insistent that I want more of that money now put into management than acquisition. I think the tide is beginning to turn in that direction.

John, I know we're going to have to move along. May I ask you, though, a question or rather an action point: Have you, as a Supervisor representing the Board and or as representing your Council, tendered a letter to the Department at all along the lines that the Tehama Cattlemen's have thus far?

MR. GAITHER: We have written many letters; our President writes them quite profusely. We have testified at many hearings.
CHAIRMAN NIELSEN: Yeah.

MR. GAITHER: We want to be heard, and we’re finally becoming heard. The problem is, is that from the beginning, Fish and Game officials said to me, "There’s nothing you can do about AB 580. It’s here, and we’re going to implement." Uh...

CHAIRMAN NIELSEN: Well, there’s a lot everybody can do about implementation; that is a dynamic thing.

MR. GAITHER: One other thing I think needs to be pointed out, Senator, and it’s something that’s kind of been happening, is that there seems to be this attempt to pit the sportsmen against the cattlemen. Okay? That the sportsmen against fee hunting. That’s never been the case. The sportsmen have no problem with the rancher selling access to his property. We have problems selling our wildlife. In Louisiana Pacific, just tried to sell the elk that we all paid to have brought to California for $7,500 a piece that Fish and Game gave tags for, and it was a lot of local outcry. And in our county, it’s $1,500 for a deer. These things are things that sportsmen cannot abide; and a lot of the cattlemen, a lot of the ranchers are sportsmen. We’ve got to work together; there’s no question.

So far, we haven’t had a lot of working relationship, and it’s not because the sportsmen hadn’t tried. I tried many years before I became a Supervisor, to do things in Lassen County, and was turned down routinely. And I know other organizations and other groups, other counties, similarly. Thank you.

CHAIRMAN NIELSEN: Yeah. Well, John, that’s one of the reasons that the Legislature tries to get involved. And as I said in my opening comment, sometimes there may be an overt attempt to ignore concerns, and oft times, it’s just inadvertent, and we want to try to foster the communications. And my intent, though I oft have been critical of any agency of government -- very much so -- here I really wanted to foster that spirit of cooperation and communication, and I’m going to assure you that we’ll follow up on it. I am not one that let’s go of something once we get started. And as I’m sitting up here, I’m writing a number of action points, and one in regards to your testimony. If you have tendered letters that you don’t feel you’ve had adequate
response to, I'd like copies of them. We will seek to work with the folks to see; sometimes that may have been intentional on occasion; it may not have been.

Next witn- -- and John, thank you for coming down. The next witness is Mr. Bill Burrows; he represents the Coordinated Resource Management Plan of Sunflower.

__________: Um, did you call for Bill Burrows?

CHAIRMAN NIELSEN: Yes.

__________: He is teaching a class at Shasta College; he'll be here in about a half hour.

CHAIRMAN NIELSEN: We'll just put him on down the list then. Is Mr. John Dees here? John Dees?

MR. JOE DEES: Joe Dees?

CHAIRMAN NIELSEN: Joe, I'm sorry. Excuse me, I misread. Joe Dees; Organized Sportsmen of Modoc County. Welcome, Joe. Is Mr. Forest going to testify with you then, or do you want to do your comments separately?

MR. DEES: Separately.

CHAIRMAN NIELSEN: Okay. Proceed, please.

MR. DEES: Thank you, Senator. I'm here representing the Sportsmen of Modoc County, and the hunters. And I would like to say that in our area, at least, this AB 580 Private Lands Management Program isn't working. It's probably caused the largest and most negative figure and impact on the hunting since the doe hunts of 1956. At that point in time, the sportsmen had to go around with the Fish and Game over the doe hunts, which really hurt the interstate herd, and they wouldn't listen. So, through legislation, we took the powers away from the Department of Fish and Game for three years in Northern California. And I hope that they will start remembering this because this situation is similar to that.

Some of the reasons is that this AB 580 Program has alienated the rancher/landowner from the sportsman, where there used to be good relationship. In a lot of cases now, there's fighting, and problems over land and access that we never had in the past. They're locking out prime public hunting areas through closing access routes. And the
access routes that they do leave open, the roads are so bad that they're almost impassable in a 4-wheel drive. A lot of the other problems that we've had is ranchers posting; some of the ranchers have posted public lands, BLM lands, and are using them for private hunting grounds. We've even had a case this year where ranchers have ran hunters out of a public campgrounds. I read a letter yesterday written from -- by the BLM directed to one rancher in the Cinder Cone area, south of Fall River, citing them on posting public lands. And they had to bring a ranger in there to straighten out the thing. We've had fights with linnetas (?) in Northern Lassen County; fights between guards and hunters. It's a dangerous situation. I saw Bud Bashora (?) out of District One in the Cinder Cone last year, and they had armed guards; the gentleman that owned the ranch was there, and the hunters were carrying guns. I said, "Hey, you guys, this is your mess, you know, you better clean it up or someone's going to get killed over it. It's serious."

Other things that's happened that we don't like, and I don't think it's fair, is the length of the hunting season. It runs from September the 26th through November the 15th; that's 51 days on the 580 Program, where the ordinary hunter, the sportsman, has 16 days. Sixteen against 51; that's not right. Probably one of the worst parts about it is the long late season, the November season, where the bucks are in the rut. Anybody can kill a buck in the rut. They stand out there and they shoot the big bucks that is your good breeding stock that they normally wouldn't kill. That's a real negative thing against the 580 Program. And I think one of the most important -- I was talking to some wardens -- I know all the local wardens -- and they're against it. They're against it for several reasons. And write this down, Banky, because... (Laughter) They are directed to check on boundary lines -- and I've seen these maps -- boundary lines that even a good surveyor would have trouble finding. I would defy any of these gentlemen here to take some of these maps and find the boundary lines on McDonald or Anderson Mountain, or even on the Cinder Cone, or Timber Crater; some of that area.

MR. CURTIS: That's why we changed the map requirement.

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MR. DEES: Yeah. Well, it's impossible. Those corners -- actually, what these wardens should be doing is out enforcing the laws; catching violators. They shouldn't be messing with -- they don't have time; they don't have the manpower to mess with this 580 Program. You'd have to put a warden on each ranch. They're hunting behind locked gates or hunting on private property, and they can't even get in to check some of these areas. So, it's a bad situation. But John Gaither said, "This is a bad program."

And in conclusion, I would like to say that, you know, I went along with the pilot program back when probably the first one was initiated. Garetz(?) on Spanish Springs Mountain -- Tom Garetz Ranch -- and now, R.C. Roberts owns it and they still call it Spanish Springs Hunting Club. I went along with that program because I thought it might be a good program. But since then, I've been involved in a lot and I've seen what's happened, and it's really changed my mind. I'm completely against it, and I think that it's going to have to either be completely changed or dropped all entirely.

There's one other thing that I'd like to bring up that has nothing to do with the 580 Program, and that is the deer tags in the X Zones. I think that the northern counties have been getting cheated on the situation where the whole state can put in for an X Zone drawing, and if they don't get drawn, they can put again in for a D Zone. I think if they put in for a tag and they don't get drawn, they shouldn't be able to hunt, and their own back yard is second choice. That's really hurt us and put a lot of pressure on our area.

And another thing is the X-2 black powder hunts on the garden. I like black powder hunting; I like to see them hunt, and have a place to hunt, same as the archers. But we ask them -- the Organized Sportsmen -- ask them not to increase the area, and not to increase the amount of tags that was issued from the original hunt. Well, they did both: they doubled the area and doubled the tags. The whole purpose of this was to catch the interstate herds -- deer that were coming out of Oregon migrating into California -- to get our share of that herd. Well, by increasing this, what they're doing is killing local bucks that live and stay in the same area on the garden; they're not getting interstate herd. As far as interstate herd goes, there isn't much of that
left anyhow. We've had so much small buck hunting, like forked horns and spikes in that area, they don't have much to migrate. Most of the deer that are moving around up there, are our local deer. That's about all I have to say, and thank you.

CHAIRMAN NIELSEN: Thank you, Joe. Mr. Erin Forest, please? Mr. Forest is representing also the Organized Sportsmen of Modoc County.

MR. FOREST: Senator...

CHAIRMAN NIELSEN: Good morning.

MR. FOREST: I'm going to be very brief. I just made some notes. I just found out about this hearing yesterday, so I haven't made all the preparation that might be necessary.

I guess my -- I have one or two or three concerns and I'll be very brief. One was the concern about the comparative parity. I don't think that's the real issue. I think somewhere along the line, we're going to have to face the issue of whether this 580 Program is constitutional; whether or not the state can grant exclusive, privileged hunting on publicly owned game. I think somewhere we're going to have to deal with that question. There are people who can hunt every year, every year, every year. This year, I didn't draw it; I didn't get to hunt anywhere. And, you know, that's part of I own part of that game. So, I think somewhere along the line, we're going have to deal with that because it also extends over into the seasons and bag limits. If I did draw a tag, I have to follow certain seasons and bag limits. In the 580 Program, you don't.

As far as the 580 Program itself, I think there has to be a greater surveillance over the proof of habitat improvement, for example.

CHAIRMAN NIELSEN: That is one of the Auditor General's recommendations too.

MR. FOREST: Yeah, I think, you know, I could go in and say, "I want -- I own this here ranch, and I want 100 permits," and this year, they're going to give me 100 permits. I've actually reduced the herds because I really haven't had time to improve the habitat or whatever to increase the herd. You ought to think very seriously about justifying the taking of animals on the increase rather than what was there when it was
My biggest concern, however, is in the potential of the 580 Program. There are a very, very small number of ranchers currently utilizing the 580 Program. I'm a rancher. I wouldn't use the program. But I could be forced to, and so could a lot of my neighbors. Potentially, we could kill more deer in the 580 Program on our ranches than are being killed during the season. You better think about it. You're going to force us into this thing. Right now, I don't like it. But by God, if my neighbors are going to make a lot of money from it, I might be -- get into it. And I live on the confluence of two migratory deer herds. And believe me, I think this year, for example, in X-2, you could kill more deer on my ranch than you've killed in all of X-2. You better look at the potential of the kill on private lands because you would kill more deer than any seasons; and you wouldn't have any need for seasons, then there wouldn't be any seasons in the future. Look at it, and thank you.

CHAIRMAN NIELSEN: Thank you very much, Erin. Next, Mr. George Neary of the Neary Ranch; Mill Creek Hunting Ranch. Mr. Neary is one of the cooperators and participants in the program. Welcome.

MR. GEORGE NEARY: Good morning...

...580/601 Program and as far as I'm concerned, I feel that it's very worthwhile. It's improving the -- and certainly in our area and our particular circumstance -- it's improving the quantity and quality of the deer; it's quite visible. I've owned the place now since 1976. There was a private hunting club operating on it that was taking between 150 and 200 bucks -- deer -- often in the season with public hunting because it was just a massacre. I kept the lessee off, we left it unhunted, and I had an opportunity to observe the increase in, again, the quantity and quality of the deer during that period of time when there was virtually no hunting at all.

We started in the 580/601 Program; we cut back the number of cattle that run on it; that automatically upgraded the habitat. We've been working on the water supply -- improving that, which, I suppose if it ever rains again in California, we'll see some
improvement. And I will say that the Fish and Game people have been conscientious and helpful, and the arguments are -- or certainly the objections I hear, don't sound like an objection so much to 601/580, except the bellyaching of the have-nots as opposed to the has, which is going -- that's endemic, and it's going to be constant about anything.

But as far as land being cut off, access being cut off, things like that, that has nothing to do with 580/601. Those are all administrative and policing-type problems that be consistent with California, Oregon, Nevada, Wyoming, any number of places. My son and I hunted last year in Ethian(?) Central Africa, and we had a problem like that there. There was a block of privately owned land in the middle of the National Forest; and, of course, we had to unload our guns and drive through. That's just the way it is. And that doesn't have anything to do particularly with game management; those are policing problems. They -- extra -- in this gentleman talking about how he can stay there, put himself in a 601 Program, and massacre all the animals that come through -- that seems not only ridiculous and unreasonable, but, you know, impossible. You get a limited number of tags. We're taking probably not even 40% of the deer off this 20-odd thousand acres we have that was being taken off by Blocksum's(?) Hunting Club. And that, in and of itself, will improve the gene pool, which spills over again into Dye Creek, spills over into Roney's(?), and generally into the public herd, or not -- they were taking trophy bucks. A man is going to come up here; to begin with, he's going to hopefully bring some money into a county that certainly needs some outside funds. He's not the local guy that lives here, buys a pack of 30/30s and maybe a few flashlight batteries and goes hunting. It's a guy that's coming from out of an area, seriously hunting for a trophy; not going to shoot the spikes and the forked horns or a doe or whatever, and is going to take a large decent representative specimen or nothing -- perhaps not take anything. And also, he's going to bring this nice, fresh new money into the area, which there's been studies in the submission I gave to the Senator; it shows a serious economic value that outside sportsmen contribute to a local area. And I think even if there was no other benefit in Tehama County, that should certainly
justify this program. Thank you.

CHAIRMAN NIELSEN: Thank you, Mr. Neary. Let's see, has Mr. Bill Burrows shown up yet? I guess not. Let's proceed then with Mr. Ron Parker, the Sportsmen's Council of Northern California. Mr. Parker? Good morning.

MR. RON PARKER: Good morning, Senator. Thank you for the opportunity to speak. First off, regardless of what some may believe, the sportsmen of this state aren't totally against Private Land Management. In fact, most of us are fully aware of the importance of it, and the beneficial results that it does have on our wildlife and fisheries in the state. The problem is, as Mr. Gaither recently or just said a few minutes ago, AB 580 is a bad bill. And the Sportsmen's Council of Northern California voted on March 22nd of this year to call for total repeal of AB 580, and there's no doubt in my mind and the minds of the membership that we will pursue those avenues to whatever degree it takes.

The concept of the Private Lands Management Programs through the pilot programs, which a number of people have hit on at the podium here already, were strongly supported by a lot of sportsmen of this state. But the difference that AB 580 -- the legislation AB 580 -- bought to the programs has really offended most of our north state's sportsmen. For example:

(1) The pilot program required that PLM plans "not conflict with public interest." With the present PLM programs, public interest is not considered whatsoever.

(2) The pilot programs required "with respect to the hunting season and bag limits, the regulation shall not differ from those imposed on lands within the immediate surrounding areas." The current law allows different bag limits and different privileges to those that are participating in the programs.

(3) The pilot program required that PLM participants to be actual "landholders" of the property. The present law doesn't require a landholder to be the sole owner of the property. Anybody holding a possessionary interest is eligible for the PLM programs.

(4) The pilot program required that the PL Programs could take only resident deer. Currently, the programs allow the taking of migratory herds. And these animals end up
conjugated in the low lands where they're more vulnerable during rut season, which makes the bucks even that much more vulnerable.

(5) The pilot program was fairly specific in subscribing the requirements of the PLM program, and the current law is less specific.

Those are just a few. Touching on the State Audit General's probe, there were a couple of points that have been brought up; I have a couple more. One of the points was that the investigation showed that the program was not producing the desired increase in deer population. In fact, some have decreased since the program was implemented. This has been a sportsmen's fear or fear throughout the sportsmen's community since the programs were initiated, primarily for the simple fact that the landholder has not been required to produce or to prove that he can produce that habitat and those herds prior to harvesting the animals.

Another point that Curtis Banky or Banky Curtis, I'm sorry -- I've known Curtis here a couple -- or I met him head-on at a couple other presentations -- but anyway, the major purpose of the program was to provide incentives, you know, to landholders to conserve and not subdivide their property. Well, the majority of the programs are in areas -- and this here, again, is from the investigation by the State Auditor -- they're in locations where there's little or no threat -- subdivisions little or no threat to the deer herds. In fact, I think it was discussed here earlier that a lot of the counties have made provisions against subdividing various agricultural lands. I know in Siskiyou County, I think it's 80 acres is the limit; that you can't subdivide under 80 acres in prime agricultural area.

Something that's very interesting, you know, I've been asked for alternatives to the program over the last few months, and I have an answer for that. A task force composed of eight individuals, appointed by the Oregon Fish and Game Commission, recently concluded a ten-month study into the management of game on private lands. The Oregonians are strongly aware that they're going to have to do something up there too because they're getting population encroachments upon habitat areas and things of this nature also. But this task force spent, like I said, 10 months and they came up with
some alternatives, which hopefully would keep them out of the mess that AB 580 has created here in the State of California. And one of them was:

(1) Voluntary registration by landowners who charged fees to allow access to their land for hunting. This would give their Department of Fish and Game a better idea of how widespread the practice is, and it would give hunters a better idea of what land is available for hunting.

(2) Secondly, a lottery access program, in which a hunter would buy a lottery chance to hunt on private land managed under a state-approved wildlife plan. Proceeds would be split so that the state would use some of the money to administer the programs and the landholders would use the rest. And from what I gather, by split: 50-50, so that the state is profiting for the enhancement -- they're to place that money into the enhancement of wildlife, and administer the programs as well as the landholder.

(3) After a state approval, wildlife management plan on private lands that DFG has signed a certain number of hunting tags for the land, and the landholder and the Department together would come up with a just price for those tags. I think one of the biggest complaints amongst the sportsmen's community is the fact that the landholder is allowed to assess whatever price he wants onto the wildlife. In other words, making hunting on these private lands out of the reach of the average individual.

CHAIRMAN NIELSEN: How can that better be regulated? I mean, you're kind of talking about a free market price-will-bear concept. What else could be done to handle that in a better way then?

MR. PARKER: Well, just -- for one thing, have legislation maybe to establish -- I think Doris Allen has some legislation she's trying to put through regarding a market value or a price on wildlife that's taken through poaching. I think the same type of legislation could be proposed maybe to give us...

CHAIRMAN NIELSEN: To give us a basis.

MR. PARKER: ...a dollar value as a basis, yes, in order to establish a set fee.

CHAIRMAN NIELSEN: Okay.

MR. PARKER: Private land leasing, which...
CHAIRMAN NIELSEN: We're going to have to have you move along, Ron...

MR. PARKER: Okay.

CHAIRMAN NIELSEN: We do want to get everybody in.

MR. PARKER: Okay. Well, those were some of the alternatives. We feel that just one statement in summary, we feel that a program could be developed with the combined efforts of sportsmen, landowners, and governmental agencies from input collected at public hearings throughout the state, allowing all interested parties to take part in establishing a program beneficial for wildlife and fisheries acceptable to all concerned. Thank you.

CHAIRMAN NIELSEN: Thank you, sir, very much. And thank you for submitting this to us as well. Next, Mr. Steve Kerns; Wildlife Research Society. We're moving along pretty well, folks, but we've got two -- four -- six -- about seven more people to testify and we do want to be expeditious and give everybody the opportunity, so try to be respectful of the time limits.

MR. STEVE KERNS: Thank you, Senator. My name is Steve Kerns; I'm with the Wildlife Society rather than Wildlife Research Group. The Western Section of the Wildlife Society is a group made up of professional wildlife biologists that work...

MR. KERNS: Move closer to the mike.

MR. KERNS: Pardon me?

MR. KERNS: Move closer to the mike.

MR. KERNS: Is that better? ...is a group of professional biologist in California, Nevada, and Hawaii. The Western Section of the Wildlife Society undertook to take a look at 580 in some detail. In this past July, the Society passed a resolution concerning the Private Lands Wildlife Management Program, and I'd like to share that with you this morning.

Concerning the Private Lands Wildlife Management Program of the State of California:

Whereas, an objective of the Wildlife Society is to develop and promote sound stewardship of wildlife resources, and of the environments upon which wildlife and
Whereas, the policy of the Wildlife Society is to encourage the retention or enhancement of wildlife habitat, for native plants and animals on public and private lands;

Whereas, wildlife habitat and associated wildlife in California is decreasing statewide; and

Whereas, approximately 1/2 of the land in California is in private ownership; and

Whereas, the welfare of many wildlife species depends on the availability of suitable habitats on private lands; and

Whereas, policy of the Wildlife Society is to endorse the principal of that hunting where properly regulated, is a biologically sound means of managing wildlife populations; and

Whereas, the PLMP encourages the private landowner to maintain and enhance wildlife habitat by allowing landowners to sell desirable opportunities to hunt wildlife.

Therefore, be it resolved that the Western Section of the Wildlife Society supports the Wildlife Management Program and it's legislative intent, which is to encourage the propagation, conservation, and utilization of fish and wildlife resource on private land.

Further be it resolved that the Western Section of the Wildlife Society encourages the implementation of the Private Lands Wildlife Management Program with the use of sound, biological information in management decisions, while seeking the highest standard in all activities of the wildlife profession, as stated by the Code of Ethics of the Society.

And this was adopted by the Executive Board of the Western Section of the Wildlife Society on the 9th day of July, this year.

CHAIRMAN NIELSEN: Steve, thank you very much for your testimony. Now, I would like to ask Supervisor Burt Bundy, the Chairman of the Tehama County Board of Supervisors, to come on forward. Good morning, Burt.

MR. BURT BUNDY: Good morning. I would welcome you here to Tehama County, but
you're almost a resident now and we certainly appreciate that. (Laughter)

CHAIRMAN NIELSEN: Yes, sir.

MR. BUNDY: And I do thank you for providing this forum for us here today. I am representing Tehama County Board of Supervisors on my comments, and our comments are limited into two areas. And I'll try to be very brief because most of those have been touched on already. The one area that is -- well, they're both a primary concern to us -- one is a communications notification problem that we seem to have with Fish and Game. Another deals with ownership or acquisition of private land within Tehama County that would reduce our tax base for Fish and Game uses.

The number one issue, or the first issue I'll address dealing with the communication notification process, I think I could sum it up in equating Tehama County Cattlemen's comments and the Farm Bureau's comments; I thought that Bob addressed those very well, and Arlo and Leland because those are some of our very real concerns as far as notification. We don't believe that Fish and Game has properly notified not only the private citizen and the people involved when different programs come in, but also the entities, such as the Tehama County Board of Supervisors and other groups in those programs. Quite a few -- quite often, those programs do effect us economically, socially, and we are involved in them, sometimes whether we like to be or not. I think that the first time that the 580 Program was initiated on the Dye Creek Ranches is a good example of that. There was almost no public input from local people involving that program, and it's something that I think that Fish and Game is working on solving; I encourage that; I hope that our communications do progress and improve; but it certainly was a real problem there.

I think getting into the ownership and acquisition of state lands is -- probably one of our very real fears about that has to do with county dollars. And that can be identified in about several -- oh, about four areas really. One is the outright property tax loss. Leland took most of my comments as far as the state game area up here; being 45,000 acres and we get less than $1,000 annually for taxes because it was set at the time of acquisition in 1954. But, I point out also that there are only a
couple of programs, and that's dealing with management of -- and properties for gain or for revenue that they can even pay us or give us PILT money -- Payment In-Lieu of Taxes. If it goes into a refuge system or several other different programs, we don't get anything. So, that PILT only applies to the management portion of their properties that they own. And there needs to be something done along that line.

I think another area that affects Tehama County is in law enforcement. There are many things that happen on those public lands that we are responsible for, or in part, have to deal with. And drug enforcement is one of the big ones. With a recent ability of our law enforcement to actually acquire all of the properties of private drug entrepreneurs, they have moved to public property and public land to do their job. And that is one thing that we are responsible for; it impacts our law enforcement process tremendously. Along with that is trespass problems; that with ownership of any land comes to be part of the concerns. And also, fire protection; that's another area that we do invest a substantial amount of county dollars in, and it does -- when you have public access, it does increase the possibility of fire.

I think we also look at the reduction in production of our ag economy. That may be balanced by tourism or sports dollars. But there is -- it's something that needs to be considered and looked at because if you take viable ag lands out of production, it does affect our economy, our job base, and, again, our tax base.

One that hadn't been talked about is dealing with predator problems on state acquired lands where they have no predator program on it. Quite often, that affects adjoining landowners. I had discussion about some land out on the west side that was to be set aside for repairing habitat -- about 1,400 acres. And the nearby wool grower -- sheep owner -- had some real problems with that because that habitat land was an excellent ideal habitat for coyotes. And he has some real problems with coyotes anyway, and I think that that should be looked at very closely as far as the impact on the county and on the adjacent landowners.

I think that I'll stop my comments there; that was all that the Board authorized me to comment on... (laughter) ...and I won't go any further. But I do appreciate this
forum, and hope that Fish and Game can really improve their process and communications with not only us, but the people that are involved in many of the programs. I think that they are making some steps in the right direction, but we need to all work on that very hard. Thank you.

CHAIRMAN NIELSEN: Well, Burt, I would commend you and the Board for how actively you worked with us, and then through us with the Department regarding the Dye Creek issue, which over the years, has been a very significant problem and concern, and the Tehama County Board certainly has been very helpful to me working with the Department in that regard. I do thank you.

I might note to the audience, if you have an interest -- because Burt is the first one that really talked about predators, but this Select Committee did hold a hearing in Willows a few months ago on the predator issue itself -- if you have some interest in that area, and, you know, being in the cattle business, a lot of us do have some strong interest -- or in the sheep business -- we might be able to tell you a little bit about what went on at that particular hearing; we'll probably be doing more in the area of predators.

Now, Mr. Dave Fitzpatrick; he is representing himself in his opinions. Mr. Fitzpatrick, good morning.

MR. DAVE FITZPATRICK: Good morning, Jim.

CHAIRMAN NIELSEN: Glad to have you here, Dave.

MR. FITZPATRICK: I've been operating under the 580 Program for going on four years. And I'd like to make a -- I generally call Bob enough, and he don't hardly concern...

CHAIRMAN NIELSEN: You're pretty good, but doggone it, those tape recorders aren't worth a hoot in how they hear.

MR. FITZPATRICK: Okay, fine.

CHAIRMAN NIELSEN: They've got a hearing problem, Dave.

MR. FITZPATRICK: I'll do the best I can. I've been under the program for -- this will be the fourth year completed. When I went into the program, it cost me $300 to
join and $10 a tag; and now it's $400 to join and $20 a tag; and now the new proposal that we're going to work on over in Eureka on the 2nd of December is likely to be raised to $800 to join and $35 per tag. And so, my concern is the cost and the income and the benefits in the 580 Program.

The Fish and Game has analyzed their costs; they broke down their different departments; what they charge against the 580 Program, and also their income. But going over their program, I can't see where they allow the income to be credited to the program that is outside of the $20 that I pay them for my special tag. For instance, for somebody to get -- buy a tag from me, they have to buy a hunting license. And then they have to apply for a deer tag. That costs them $29.75. And then, when they use my tag, I have to pay another $20; that makes $49.75 that they're actually getting for that deer tag. And in their costs or their income analysis, they only use the $20 figure. Now, part of that $29.75, of course, is a hunting license that they may have used anyway for ducks or geese or something else. But the deer tag portion of that is definitely tied in with the $20 tag that they charge me for. So, that's getting -- the state is already getting more than the $35 that they're asking to increase the tag to.

Okay, another point that they don't take into -- that they don't give me credit for is the cost that I have entailed in order to qualify for the program. For instance, I've had this ranch since 1971; I've always harvested 20 bucks -- or add-up till going into the program -- so I'm harvesting actually less numbers now than I did before. Okay, in order to qualify for the program, I cut my cow herd by 100 cows. I previously ran 350 cows all the time. Now I only qualify to run 250. So, that's 100 cows; that's quite an income. Also, I have 700 acres of irrigated ground on this ranch, and most of my winter pasture is cut into two separate fields of 2,000 acres each. I run my cattle on one side one year, and the other side the next year, leaving the 2,000 acres set aside for the deer habitat. It's giving the deer a lot of room. And it's costing me money to do that. But, they should credit me with that expense against my program instead of raising my cost from $300 to $800, and my tags from $10 to $35. I think that the layout of the charges and the credits are not realistic. Now, their own costs
for their warden or biologist and their managers and everything; they've broken that
down -- and I don't know anything about those, of course -- but they've broken them
down and delegated or charged some of it to the program, but they haven't credited the
program for the licenses and the tags and the improvement. I think that's about as
clear as I can say it.

CHAIRMAN NIELSEN: Well, Dave, I think you've made some excellent points, and I saw
Banky taking a lot of notes and doing a lot of nodding over there; I think you've made
some good points.

MR. CURTIS: ______ get a look at that, Dave.

MR. FITZPATRICK: Okay. Well, you've always worked with us in the past, there's no
reason why you won't in the future. (Laughter)

CHAIRMAN NIELSEN: Thank you, Dave. Has Mr. Bill Burrows gotten here yet?

_______: Yes.

(Testimony lost due to changing of side 5 to side 6; no overlap)

MR. FITZPATRICK: ...it encompasses about 35,000 acres. But before I move into
that, maybe I'll just give you a short, brief background. My great granddaddy came
here in 1847, so we've been around the country a little while.

CHAIRMAN NIELSEN: Know a little bit about resources. (Laughter)

MR. FITZPATRICK: And I've gone through the, you know, the area when -- or at least
my dad and my granddad did -- where the cattle were moved out of the mountains, or
sheep were moved out of the mountains, and burning and some of the clean-up work was
done as those people came out of the mountains.

And presently, I teach up at Shasta College and involved at a ranch west of Red
Bluff -- 3,500 acres -- with the Private Wildlife Management Program. But as I
mentioned, I'm representing the Sunflower Coordinate Resource Management Plan, which is
a group of 54 individuals, and are private landowners and government agency landowners
plus service agencies. And just to give you a representative sample of the kinds of
agency people that are involved is the California Department of Forestry, Bureau of
Land Management, U.S. Forest Service, Soil Conservation Service, Cooperative Extension,
This plan provides for the management of natural resources within the Sunflower Coordinate Resource area through the mutual effort of private landowners and state and federal agencies. The cooperative agreement is to meet periodically and to develop priorities... and this goes on to some other things there.

One of the major benefits of the plan here as they established it in 1979, was reduction of risk of large wildland burning areas; to enhance wildlife habitat; to stabilize or increase the quality of water production for the use and export from Sunflower; and maintain water quality. And I think those were very honorable goals, and those are some of the kinds of things that we have continued to work on as we boomed through this program for the last nine years.

I might just read a little bit from our most recent minutes here if I can find them. Here they are. This was our last meeting of August 11, 1988. And the present kinds of things that are happening there for this season are: Plan to treat 500 acres of brush along the Sunflower and the ______ Trail; and possible to start on some spur ridges; and to develop some water ________ places at Bear Wallow and Sunflower Flat. Also to develop some soil loss plot studies; and to develop a CRMP video to alert other people in the community that this might be a possible way to go; and also another one is to establish some vegetative plots to determine some site conversion potentials.

The point that I think that I'd like to make here in relationship to this is that we see from those people I read off, that hopefully, we're trying to get together in a cooperative effort -- private landowners and governmental agencies. And as we move into the 21st century, I think most of us all recognize that water and water quality and the whole water concept is going to be our biggest potential jeopardy that we may
be getting into. And as I think we all recognize, if that is our big problem, which I certainly feel it is, that water sheds don't respect landowner boundaries. And so I think the only potential way that we have for working with those water sheds is through some kind of cooperative agreement, such as these CRMPs. I know there's a very aggressive one going in the Stonyford and Elk Creek area there. But I'm here to encourage other individuals to get involved in coordinated resource management plans.

And more important, I see, as one of the private landowners in that area, that there needs to be some kind of financial incentive for the people to get involved. Whether it be for the work they may be doing in brush treatment, or for the work they're doing in a rotational grazing plans, or whether it be the work they were doing in water _______ or whatever; I think the only way that these are going to be long-term successful, except for these little isolated spots that are going, is to have some kind of financial assistance to those landowners to stimulate that kind of effort.

And so I would close with encouraging you to look at a coordinated resource management program or process as a way of getting all people, private and agency people, together for common causes; whether they be for water, or brush treatment, or wildlife, or whatever the goal may be for that particular water shed area. And I appreciate your time.

CHAIRMAN NIELSEN: Thank you very much, and Bill, we appreciate your comments. Your comments about financial assistance is certainly important and incentive. And it's the way I like to see government work; not by mandating and resting away from people something, but allowing some encouragement of incentives. And it is one of the points I would revisit that I have really been raising in the Legislature is, a prioritization of resources dedicated to incentive to participants, and to foster cooperation; and also dollars more dedicated to management and redirected from acquisition. And that is something that I've been working on a long time and I'm beginning to find more receptive audiences. And a lot of the points made here today are helpful in that regard.

Let me see, I guess the next person wishing to testify is Mr. Gene Tenney. Is Gene
here?

MR. GENE TENNEY: Hi. Yes I am. I will just pass, thank you. I'll choose another
day to beat up on the... (Laughter)

CHAIRMAN NIELSEN: I think they'll appreciate that, but I can tell you, they're a
tough bunch of suckers, and they...

MR. TENNEY: I ___ to tell you that.

CHAIRMAN NIELSEN: Thank you, Gene, very much. And Mr. Gene Gardner of the
California Wildlife Unlimited. Is Mr. Gardner here?

MR. GENE GARDNER: Yes. I'm Gene Gardner, and I operate a 580 Program in Siskiyou
County; I'm also the Secretary and Treasurer for California Wildlife Unlimited.

And this 580 Program I like very much; there's some things in it that I don't like,
but we have to kind of live with them. There's been a lot of controversy over us
charging for hunting on the property, or for the wildlife; you can do the same thing
with a commercial hunting license, but yet, nobody says anything about it. The only
difference is, you don't have the extended season to hunt under, and you have to have a
state season. But you can do the same thing under a commercial hunting license, and
you can get the ASC to fund a lot of programs that you want to do on the property.

But I'm all for the 580 Program. We've had our ups and downs, right?

_______: That's right.

MR. GARDNER: But I think it is a good program, and it will work. There has been
some bugs in it, and we are getting those out presently. Thank you.

CHAIRMAN NIELSEN: Okay. Thank you very much for your testimony. Now is Sandi
Palmer.

MS. SANDI PALMER: I will also pass. This is mainly on this is strictly
for my property. So I will also beat up on them at another time. (Laughter)

CHAIRMAN NIELSEN: All right.

MS. PALMER: A lot. (Laughter)

CHAIRMAN NIELSEN: Thank you, Sandi, but thank you for being in attendance here. I
think a lot of things that have been said are relevant to probably some of your
concerns. Kurt O'Haase?

MR. KURT O'HAASE: Thank you for the opportunity to let me speak. I am totally, completely disenchanted with our Fish and Game Department. Every phase of it. I think we're total complete idiots in our method of solving some of our problems. Just like the Dye Creek situation.

I'm not a biologist; I've been a gunsmith for 45 years; I've hunted in every western state, and I've watched a decline of our game all over. There obviously is hundreds of reasons why these things are taking place. It doesn't take a learned person or a biologist to figure out some of these things ourselves. The Fish and Game Department ought to have all the answers. And when you go and you take animals in the mating season, and you hunt them like you do; this, in theory, is going to increase the deer population. I say garbage. That's an outright falsehood, it's a belief that doesn't exist. I believe like they do in West Germany. We produce in the State of California approximately 40,000 deer that we kill. Big state.

West Germany, smaller than the State of California, has a yield of 220,000 of deer called roebucks. And they produce 220,000. But they have a game management program that works. They have, on a county level, a game warden called a "Jaegermeister". I happen to -- I'm a naturalized citizen, I was born in Germany. I've made somewhat of a study of this particular thing all of my life. And why we can't adopt other systems that are beneficial; why we have to live in a bureaucratic system that's frozen, inflexible totally. All of their system is, the Jaegermeister has a district; he counts all his animals, and then he says, "Okay, this year we had severe weather; we have a very low yield crop; we close the season." He is the sole person who determines this. In our bureaucratic system, it all comes from higher up, and they lose sight of the local problem.

I have property on the edge of the Yolo-boley(?) wilderness up here, and I've watched a decline of our deer. Every year it's worse. I would advocate closing the season. The Fish and Game Department and all of the people involved; I never heard anybody say, "Hey, we go and have all these individual private hunting clubs; we're
going to kill more deer; by that, we will also get more deer." Again, I don't believe any part of this. Why don't we think, consider, by having a moratorium, closing the season possibly one year. The economics are immaterial. There isn't a human being in this country that has to go hunting to go and get meat for their very existence. We can buy -- we can go to the supermarket or do whatever we want. As long as we do something about increasing our wildlife.

It's just like replanning our forest. We're destroying our forests as fast as we can. We're reseeding, but it's going to take 150 years to resupply it. I don't think we're doing a thing to analyze, from a biological point, how we can increase. The finest way that we can increase game population is not to hunt. And I believe we -- I strongly advocate a moratorium for at least one year, or at least half a study to find out if this is feasible. Thank you.

CHAIRMAN NIELSEN: Thank you for your remarks, Kurt, and if you are indeed a gunsmith, your recommendation is a very bold and not a self-serving one at all. All right, and the last witness, Dawn Meeder; Don's Guide Service.

MS. DAYN MEEDER: Uh, I'm going to pass, thank you.

CHAIRMAN NIELSEN: Okay. All right, Dawn. We have done very well in getting through the agenda here. Oh, yeah, Hal.

MR. HAL CRIBBS: If I could just have one minute.

CHAIRMAN NIELSEN: Absolutely. Mr. Hal Cribbs, representing the Fish and Game Commission. I was not going to exclude you; I was going to give the Department and you an opportunity to comment now.

MR. CRIBBS: Well, it was my intent just to sit and listen unless asked to comment, but... One of the things that's probably the most significant outcome of this hearing today is the fact that there's a lot of misinformation floating around; and I think we are at the root of a lot of that, in that we have a lot of things going on in state government, as you are aware, and sometimes we don't take the time to make the public fully aware of some of the issues that are really critical to a local area where there may not be of interest statewide.
One of the issues that came up here that I'm certain you're not aware of is the fact that the Commission adopted a policy that now requires anybody that's coming into the Private Lands Management Area Program to notify by certified mail, each adjacent landowner, so they're aware of it. And also that they publish a notice in the local paper, and it requests comments from the public on those programs back to the Department. I really suggest that the public take advantage of that. We want that information.

Also, every year the Commission approves the plans for the coming year. And those are noticed in our agendas, and the public has an opportunity to comment on those. We have had very few people comment on those programs. So I would suggest that if you'd like to get on our mailing lists, we'd be happy to do that to give anybody the opportunity to comment on those plans and have input right to the Commission on them. The Commission is sensitive and realizes there's some things that need to be corrected, and we're trying to do that. I would also say that if you have an issue, regardless of whether it's Private Lands Management Area or what it might be, we're there to be sensitive to that.

CHAIRMAN NIELSEN: Thank you, Hal. And ladies and gentlemen, I want you to know that Hal does play a very key and influential role, as do all of the other individuals who are here representing various entities of government, and you certainly have had their ear here today. Sometimes it's difficult to get people together, and I think Hal hit it on the head and I did in my introductory comments, one of our biggest problem is misinformation, lack of information, and all parties oftentimes are guilty of that. But it is our challenge always to foster that. Frankly, as a Legislator, my role is to provide those forums and those opportunities for the communication when I see it is broken down. Sometimes it is not a failure of communication and we simply have to take some kind of action; but oftentimes when it is, and you get parties to sit down and talk, you find how quickly things resolve themselves. A couple resolved themselves somewhat before you here today. Thank you, Banky. In any event, that's what does indeed encourage me.
I'm also very encouraged by the attendance here. We have, as I noted again in my introductory comments, a tremendous volume of communication and concern that citizens have voiced about these issues. Hence, my desire to call this hearing. Your attendance here and willingness to comment, testify, and offer constructive suggestions, is a manifestation of that interest. And I gather that the media has certainly gotten the word because I must say they have been extraordinarily attentive through the whole course of this; and a lot of times, because of the press on their time, they come and get their media bite or their couple of sentences and go. They've been right here through the whole course of this. So it is of manifest importance to the citizens of this region, and I think a lot of good things have come forth today, not the least of which has been that communication.

I like to look at myself as a problem-solver and, again, one who will foster that communication. I've learned that you have to be very adroit in how you are able to achieve that. And this Committee is going to indeed follow up; I've got about three pages worth of action notes on my own. And I can tell because I get to look at them here -- I used to look at their backs == but all the fellows from Fish and Game have been taking copious notes today as well. Now, I probably have railed at them more than anybody in state government because of communication or disagreements on various positions. But I will say in their defense, that whenever we have sat down and talked, I found them to be very accommodating and cooperative. And, you know, sometimes maybe the fault has been my own; maybe oft times it has been theirs. But I try to swing a big stick when I have to, and sometimes you really don't have to. And I think what I have found very often, I hope you have found some degree today. When you do look each other in the eye and communicate, things do get better. And I would anticipate that indeed they will.

I am going to be talking to Director Bontadelli and inventorying some of these concerns as I know all of the staff here will. Also through their own means, get word back to him. I believe that that will have it's impact and it will be helpful. And I want you to know that, again, I don't like to preside over debating forums or
discommunicating sessions; I'm an action-oriented person. There were legitimate concerns raised here today and they've been raised for a long time. Maybe in many respects, we are working towards resolution; I think Banky and Brian have noted some of that progress, but we want more. And in order to achieve that, as your Senator, then part of my forum is my legislative office and I intend to continue to use that.

I thank all of you for your participation here today; your patience and your wisdom and your forbearance. And I want to emphasize that point because many times our passions are inflamed. And we want to just go around bashing people, and all of you here were able to kind of keep your tempers in tow today, and I did not have to preside over debates and inflamed passions. And that's how you get things resolved, folks, it's nice to dispassionate, to discourse, in communication. And then, you know, maybe sometimes you have to agree to disagree and that's when the fight begins, but a lot of things can get resolved short of that. I learned a long time ago that I couldn't outrun the calves on my ranch and I couldn't stop stampedes by standing in front of them; that we needed to have new means of communicating with those dairy cattle to get them where you wanted them to be. I hope you found that to be the case here today and that it has been a productive session for you, and understand that the resolution of these concerns will be an ongoing process; I contend to be involved in it and I'm sure you will too. So, thanks all of you for your attendance here today.

Oh, I might note again, I want to also thank the representative of Assemblyman Stan Statham; Ray Narbaitz for being here, and I know he will be talking with Stan about the hearing. I did not see Mr. Staats representing Senator Doolittle, but we'll make sure John gets some information. Tom Greno(?) I saw stuck it out here representing Chris Chandler; so, your legislative delegation have been apprised.