

California Outdoor Heritage Report

Issues and Status Report – August 2009

STATE LEGISLATURE

2009 State Legislative Session

With the State Budget finally passed, the Legislature is currently off on its summer recess and will not reconvene again until mid-August. However, many bills of importance to COHA and its member groups are still pending. Below is just a few of the many measures COHA staff are working. For additional information, please visit our website at www.outdoorheritage.org

2009 COHA-Sponsored Legislation

During the 2009 Session of the California State Legislature, COHA is pleased to sponsor three bills which directly promote wildlife conservation and our hunting heritage. We are proud to say that, as of early August, all three of these measures are moving rapidly through the State Legislature with strong bipartisan support.

SB 589 (Harman) Hunting License Stamp/Tag Fiscal Oversight - SUPPORT

SB 589 (Harman) is a COHA-sponsored measure that would help protect hunting license tag and stamp revenues from being inappropriately expended by DFG for non-game or non-hunting purposes. Among other things, SB 589 would ensure that annual big game tag revenues are expended only on projects and programs which directly benefit big game and big game hunters.

Specifically, SB 589 would require that hunting license tag and stamp monies, whether for deer, wild pigs, wild sheep, bear, elk, antelope or game birds, be used for certain game species conservation and related purposes. In addition, the bill would require that sportsmen's groups have an opportunity to review and provide comment on proposed projects funded with the monies—creating much-needed transparency and allowing for projects to be better tailored to fit the conservation needs of particular game species.

The bill also consolidates all of the existing fiscal accounts for big game species into one single account. This improves efficiencies in the use of the monies and also helps ensure that there are sufficient funds available for each big game species, regardless of the number of tags sold for a particular species. SB 589 would also facilitate greater assistance with habitat projects by nonprofits who specialize in game species conservation, allowing for the more effective and efficient delivery of those projects.

We are pleased to state that SB 589 has full bipartisan support and is yet to receive a single “no” vote in either house. It is currently located in the Senate for one final, perfunctory vote. COHA is confident that this important bill will be on the Governor's desk for his consideration in the very near future.

AB 979 (Berryhill) Ban on Local Governments Impacting Hunting/Fishing Activities – SUPPORT

AB 979 (Berryhill) would help keep cities and counties from interfering with hunting and fishing activities. The bill is being sponsored by COHA in response to increasing efforts by urban cities and counties to arbitrarily restrict hunting activities within their jurisdictions, mostly due to local anti-hunting sentiment. This has occurred most recently with the Cities of Hercules and Mountain View in the Bay Area, as well as with the City of Morro Bay in San Luis Obispo County. The bill would preempt local government ordinances and reaffirm the California Fish and Game Commission's primary authority over the regulation of fish and game.

Despite opposition from animal rights groups and allied regional park districts, AB 979 recently passed the Assembly Floor with bipartisan support. It then passed the Senate Natural Resources and Water Committee by an 8-0 vote. It will next be heard in the Senate Appropriations Committee in mid-August.

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AB 1423 (Berryhill) Hunting Club Fees, SHARE Program, and Hunter Harassment – SUPPORT

Assembly Bill 1423 (Berryhill) is a COHA-sponsored measure that would: 1) clarify existing commercial hunting club license requirements and establish a new license fee structure; 2) update the Shared Habitat Alliance for Recreational Enhancement Program (SHARE) so that the Department of Fish and Game (DFG) may access new federal funding for support of the program; and 3) expand and increase penalties for willfully interfering with the lawful activity of hunting and fishing.

More specifically, AB 1423 would address the unexpected consequences of SB 1200 (2006), which inadvertently significantly raised the cost of operating many commercial hunt clubs. The intent of SB 1200 was to clarify who was required to purchase a commercial hunting club license. However, following several last minute amendments, the bill was altered to require DFG to charge a license fee for each property or parcel used for commercial hunting purposes, as opposed to the previously required single license fee. Prior to SB 1200, commercial hunting clubs paid around \$350 for a license. As a result of SB 1200, some commercial hunting clubs and individuals are now subject to several thousands of dollars in fees because DFG must charge \$350 for each property in their control.

AB 1423 also seeks to address the funding needs of the SHARE program, a private lands hunting access program that COHA and DFG have helped to administer over the last 3 years. As the result of the 2008 Federal Farm Bill, California would be eligible to compete for millions of dollars in federal money under the “Open Fields” program which is designed to support voluntary, state-run programs that provide incentives to private landowners who allow public access for wildlife dependent recreational activities. In total, the Farm Bill has allocated \$50 million dollars over the next four years for support of “Open Fields” activities in states that have private lands access programs.

Lastly, due to several recent cases of hunter harassment, AB 1423 would strengthen the penalty from an infraction to a misdemeanor for willfully interfering with the lawful activity of shooting, hunting, fishing, falconry, or trapping at a location where the activity is taking place. Additionally, AB 1423 clarifies the definition of “interfere with” to include such actions as placing gates or barricades to block access to lands without authorization from the landowner.

AB 1423 passed off of the Assembly Floor in early June and over to the Senate. On the Senate side, the COHA-sponsored measure passed out of the Senate Natural Resources and Water Committee on July 6th, and will next be heard in Senate Appropriations Committee in the very near future – one step away from the Senate Floor and just two steps from the Governors desk.

Other State Legislation – Support

AB 94 (Evans) Conservation Tax Credit – SUPPORT AB 94 would extend the Natural Heritage Preservation Tax Credit Act indefinitely and delete the monetary limit on the award of tax credits pursuant to the Act.

This bill maintains important financial incentives offered through the Act for property owners to voluntarily contribute lands to the State of California, local government or nonprofits at a reduced cost to the public. Such lands not only have significant wildlife

conservation and open space values, but may also provide much-needed recreational opportunities for the public, including for hunting purposes.

Over 8,000 acres have been conserved through the Act. AB 94 would help enroll thousands more acres by removing: 1) a time limit placed on the Act; and, 2) a \$100 million cap on the total amount of the tax credits. The amount of the tax credit is limited to the fair market value of the donation as determined by an appraisal that is reviewed and approved by the Department of General Services. The donation must also satisfy the requirements

AB 708 (Huffman) Poaching – SUPPORT

COHA staff have been working closely with Assembly Member Huffman, his staff, the Department of Fish and Game, and other conservation partners for several months to craft a bill that narrowly targets illegal commercialization and egregious poaching of California's fish and game resources. After several months of negotiations, AB 708 was introduced.

AB 708 would establish mandatory minimum fines and jail time for violators who are convicted of illegally selling, purchasing, or trading any amphibian, bird, fish, mammal, or reptile, or part thereof, for profit or personal gain. Additionally, AB 708 increases the fine and jail time for those who egregiously violate the daily bag limit or possession limit of fish, reptiles, birds, amphibians or mammals.

COHA is very concerned about the recent rise in illegal poaching and commercialization of deer, antelope, and waterfowl. With fewer than 300 Fish and Game Wardens patrolling the entire state, more needs to be done to help the Department of Fish and Game meet its public trust responsibilities.

AB 708, as recently amended, is well intended and headed in the right direction. With some additional minor amendments, we believe that this measure will help address illicit commercialization and poaching of our valuable fish and game resources while not inadvertently criminalizing otherwise law abiding hunters and anglers.

AB 708 passed off of the Assembly Floor and over to the Senate in May. On the Senate side, the measure passed out of the Senate Natural Resources and Water Committee in June, and out of the Senate Public Safety Committee in early July. The measure is currently pending in the Senate Appropriations Committee.

AB 1442 (Committee on W, P, & W) Omnibus Committee Bill – SUPPORT

COHA was recently successful in inserting amendments into AB 1442, a Fish and Game Code cleanup bill authored by the Assembly Water, Parks and Wildlife Committee. Our amendments would do the following: 1) encourage the Wildlife Conservation Board to acquire voluntary easements on private land to create public access for hunting and fishing opportunities; 2) allow nonprofit conservation groups to generate funding through hunting derbies, similar to what is already authorized for fishing; 3) make it a crime to remove the collar of a hunting dog without the written permission of the owner; and 4) reduce penalties for hunters who have forgotten their hunting license in the field but can produce the license in court.

AB 1442 passed off of the Assembly Floor and over to the Senate in late May. The bill is currently pending on the Senate Floor.

SB 51 (Ducheny) Salton Sea – SUPPORT

SB 51 would move the restoration process of the Salton Sea forward by creating a governance structure, housed

within the Resources Agency and staffed by the Department of Fish and Game and Department of Water Resources. This governance structure, known as the Salton Sea Restoration Council, would be charged with implementing the critical Phase 1 habitat and air quality components of the Restoration Plan (also known as "Early Start" projects) as well as the next steps in implementing the Restoration Project's Preferred Alternative, consistent with the habitat, air, and water quality objectives. This governance structure

includes a number of important components, including a balanced executive committee, a science committee, a local government forum, and a stakeholder forum. All of these parts of the governance structure provide for balanced representation and an opportunity for full participation by all interested parties. Funding for this effort will be provided by the funds currently within the Salton Sea Restoration Fund, additional bond funding earmarked for the Salton Sea, and federal Water Resources Development Act (WRDA) funds specifically targeted for Salton Sea restoration.

COHA, along with several other wildlife conservation organizations, and agency officials have been working on the Salton Sea Restoration plan for over four years. As a member of the Salton Sea Advisory Committee, COHA helped develop several of the “early start” habitat projects. SB 51 would implement these, and other, critically important restoration projects at the Salton Sea.

SB 200 (Correa) Internet Ads for Raffles – SUPPORT

SB 200 is a bill that would allow nonprofit organizations to announce and advertise raffles on the internet. However, this bill does not allow raffle tickets to be sold online.

As many nonprofit organizations can attest, having the ability to advertise raffles online, including on an organization’s website, will certainly help raise additional funds. Given the challenging economic times, nonprofit organizations need as many fundraising tools as possible.

SB 448 would create the California Safe Harbor Agreement Program Act to encourage landowners to voluntarily manage their property for the benefit of threatened and endangered species without being subject to additional regulatory restrictions.

SB 448 creates a voluntary, incentive-based program to encourage private landowners to conserve at-risk species

found on their property. This is an appropriate approach in COHA’s view, since additional take regulations may actually hinder conservation efforts in some cases by compelling landowners to not participate in habitat protection programs. By ensuring that the program creates a “net conservation benefit” without jeopardizing the continued existence of a particular species or creating new regulatory hurdles, we believe the bill would improve land management practices for the benefit of a variety of species in a landowner-friendly manner.

SB 448 passed the Senate Natural Resources and Water Committee by a 10-0 vote and then passed the Senate Floor. It is currently on the Assembly Floor.

SB 536 (Hollingsworth) Commercial Hunting Clubs – SUPPORT

SB 536 seeks to delete the provisions of the Fish and Game Code that pertain to commercial hunting club licenses. Eliminating the commercial hunting club license will allow the Department of Fish and Game (Department) to better utilize existing funding.

Current law requires, under specified conditions, certain individuals or landowners to obtain a commercial hunting club license if an access fee is charged for the opportunity to hunt on a particular property. The problem with existing law is that the Department expends far more resources issuing commercial hunting club licenses than any benefits produced by the license.

SB 555 (Kehoe) Protection of Conservation Easements – SUPPORT

SB 555 would prohibit a governmental entity from condemning a wildlife conservation easement held by a land trust or nonprofit group unless certain procedures are undertaken; and, the governmental entity would be required to prove that its proposed use is compatible with or more necessary than the easement’s public resource values.

COHA supports this bill because conservation easements on private land are one of the most successful wildlife conservation tools, protecting hundreds of thousands of acres of California’s most important wildlife habitat from development and other incompatible uses. In contrast to public fee-title acquisition, easements—which are entered into on a

voluntary basis—help keep land in private ownership and on the local tax roles. Easements also help landowners maintain their financial solvency. Easements have also proven critical to the ongoing effort to conserve waterfowl and upland game bird habitat.

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Lead bullet debate. Due to a complete lack of science calling for such an extended ban on lead, COHA is actively supporting the DFG recommendation that lead ammunition continued to be legal for use in pursuing small game and migratory upland game birds within the range of the condor. The CFGC adoption hearing for this regulation package is scheduled for August 6th.

Currently, non-toxic loads are required for the hunting of big game within the range of the condor pursuant to the passage of AB 821 in 2007 and the promulgation of detailed CFGC regulations which followed the passage of the measure.

Bear Hunting – San Luis Obispo County/Annual Harvest

With statewide bear populations 3½ times their levels of just twenty-five years ago, COHA worked closely with the California Fish and Game Commission, Department of Fish and Game (DFG) and the California Houndsmen for Conservation (CHC) to make two changes to the bear hunting regulations beginning with the upcoming 2009 season. The first proposal was to open San Luis Obispo County to bear hunting for the first time. The second change was to lift the existing requirement that DFG notify all of those with bear tags when the annual bear harvest quota is being approached each year. Lifting the notification requirement would not only result in a substantial annual cost savings to DFG, but also help simplify regulations for hunters and enforcement by having the bear season end on a specific date each year, rather than on an arbitrary date triggered by when the quota is being approached.

Over the past six months, COHA provided public testimony in support of these two positive bear hunting proposals at several Commission meetings. Most recently, at the April 8th meeting of the Commission, COHA and CHC representatives provided final testimony in support of the proposal. With COHA, CHC and other partners fully doing their job to ensure passage of the regulation change, it appeared that all that was left was the formality of the Commission gaveling down the approved change during their meeting to be held via conference call on April 21st. Unfortunately, DFG surprised everyone during the Commission's conference call by recommending that the two bear hunting related proposals both be tabled for this year and brought up next year with the 2010 tri-annual mammal regulations package. The sudden and unexpected last minute DFG retreat was stimulated by a threatened challenge to the California Environmental Quality Act (CEQA) documentation the agency had prepared in support of the proposals. The Commission agreed with the DFG request and tabled both bear hunting regulations until next year. Although highly disappointed that we could not secure these important regulation changes beginning with the 2009 bear season, COHA remains committed to working with the CHC, DFG and the Commission to secure these common sense and scientifically sound changes beginning next year.