



**COUNTY OF PLACER
FISH & GAME COMMISSION**

Ed King
Deputy Agricultural Commissioner
County Contact

FISH & GAME COMMISSION MEMBERS

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|-------------------------------------|------------------------------------|
| DISTRICT 1 Don Gould | DISTRICT 2 Mark Fowler |
| DISTRICT 3 Gregg McKenzie | DISTRICT 4 Gary Flanagan |
| DISTRICT 5 Kari Freidig | DISTRICT 5 Ron Salter |
| DISTRICT 5 Mickey Daniels | |

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**PLACER COUNTY
FISH & GAME COMMISSION
Minutes**

TIME/DATE: 7:00 P.M. WEDNESDAY, August 22, 2012

**LOCATION: PLACER COUNTY PLANNING COMMISSION HEARING ROOM
Community Development Resource Agency, DeWitt Center, Auburn
3091 County Center Drive (corner of Bell Road and Richardson Drive),**

The Placer County Fish & Game Commission is committed to ensuring that persons with disabilities are provided the resources to participate fully in its public meetings. If you are hearing impaired, we have listening devices available. If you require additional disability-related modifications or accommodations, including auxiliary aids or services, please contact the Recording Secretary at (530) 889-7372. If requested, the agenda shall be provided in appropriate alternative formats to persons with disabilities. All requests must be received at least 72 hours prior to the scheduled meeting for which you are requesting accommodation. Requests received after such time will be accommodated only if time permits.

- I. CALL TO ORDER – Gary Flanagan, Chairperson**
- II. ROLL CALL – Mark Fowler, Don Gould, Mickey Daniels, Gary Flanagan, Ron Salter, Gregg McKenzie**

Not Present: Kari Freidig

- III. Approval of agenda for August 22, 2012 and minutes for July 25, 2012**

Commissioner Fowler motioned to accept the agenda.
Commissioner Gould seconded the motion.
All commissioners voted to accept the agenda.

Commissioner McKenzie motioned to accept the minutes from July 25, 2012.
Commissioner Daniels seconded the motion
All voting commissioners voted to accept the minutes.

- IV. PUBLIC COMMENT**

Individuals may address the Commission on items under the jurisdiction of the Agricultural Commission not included on this agenda for no longer than five (5) minutes. ***No action can be taken on items addressed under Public Comment***

None.

- V. FINANCIAL REPORT**

A. Budget Update – Ed King

Expenditures for FY 11/12 totaled \$8,669.53.

Revenues for FY 11/12 totaled \$585.24, including \$354.61 in fine monies and \$230.63 in interest.

No expenditures were recorded for July 2012. A total of \$7,768 is budgeted for the current FY, including \$2,100 for Commissioner Fees, \$1,000 for Secretary Fees, \$2,000 for Mileage Reimbursement and \$2,000 for Grant Awards.

Revenues through July 31, 2012 total \$14.65 in interest. No court fines were recorded in July. \$200 in interest and \$1,000 in court fines is budgeted for the year.

Ed King reported on the status of the commission budget and the 2012 grant program. This year the commission budgeted \$2,000 for grant awards. The press release and grant applications will be sent out by the end of the month.

VI. AGENCY REPORTS

A. Commission Updates

Commissioner Gould reported about an article in the magazine California Game and Fish. He pointed out that since the 1937 Pitman-Robinson Act was enacted, millions of dollars raised from hunting and fishing related taxes have gone to support conservation.

Commissioner McKenzie talked to the Wildlife Heritage Foundation which has programs geared towards hunting. They are interested in presenting to the commission.

Commissioners Salter and Flanagan attended the Central Sierra Fish and Game Commissioners meeting in Placerville. They asked if Placer County can host the next meeting. Commissioner Flanagan suggested having a meeting at the Sagehen Creek Research Center in the Spring.

The Central Sierra group works on issues common to fish and game commissions in our region. Kent Smith, Department of Fish & Game Region 2 Manager, presented to the group. The group also received an update on the Strategic Vision project, fines and penalties and AB 2179.

Commissioner Fowler reported the mercury commission is slowly making progress.

B. California Department of Fish & Game – Lt. John Lawson

None.

Commissioners talked about how Lt Lawson has not been attending the meetings after committing to attend.

Commissioners reported that only they received only one weekly status report.

They also reported that have not received the citation reports summaries.

Lt. Lawson agreed to provide both of the above to the commission.

C. Nevada Irrigation District – Sue Sindt

Reservoir storage is slightly above average. FERC relicensing - NID has received first draft of agencies license, terms and conditions and have reached agreement on in-stream flows and are in the process of finalizing agreements on fish and wildlife measures.

Non-Action Items

VII. Questions and Answers with Placer County District Attorney R. Scott Owens and Deputy DA Jane Crue, Regarding the Prosecution of California Department of Fish and Game Violations and Environmental Crimes in Placer County

DA Owens introduced new Deputy DA Jane Crue. She has an extensive background in environmental crimes and is part of the county's newly formed environmental crimes and consumer fraud unit.

Most fish and game cases come in as misdemeanors and are assigned to deputy district attorneys. Deputy DA Jane Crue will oversee a central repository of fish and game cases.

The DA's office has lost 232 years of experience recently due to retirements and other staffing changes. His office has not had this much turnover in the past.

New DAs need to be educated on the different types of charges and their severity. They are not all equal.

All judges run their courts differently. Placer County currently has two judges that primarily handle arraignments which is how most fish and game cases are resolved. These cases are direct filed with the court by wardens and do not run through the DA's office. Since 2005, only 69 cases have been processed by the DA's office. Most fish and game violations are single count complaints. The DA only becomes involved in direct file cases when the defendant enters a not guilty

plea. The DA's office is engaged in any case involving weapons. The uniform bail schedule is often not used.

DA Owens talked about the deferred entry of judgment program. This program allows a person to plead guilty and then either take a class or pay restitution after which they are allowed to withdraw their guilty plea and the case is dismissed.

If the commission would like to schedule a meeting with the courts to discuss how fish and game cases are handled they may contact Yvonne Yoshikawa or Shari Shumaker.

Commissioners asked, "Can a day be set aside for just wildlife cases?" Unfortunately, with budget problems, they cannot have just a single day. There are not enough cases.

Commissioner Flanagan asked, "Can you re-file a misdemeanor as an infraction?" DA Owens indicated: Yes, the DA's office has the ability to re-file citations as infractions. This eliminates the necessity of a criminal jury trial and streamlines the process. It is a preferable process for minor cases. Also, the defendant has the right to object if a citation is being reduced from a misdemeanor to an infraction.

The courts and DA's office do not recover costs if the case goes to trial. He noted that this is not a determining reason whether a case goes to trial or not.

Deputy DA Jane Crue was a circuit prosecutor for Nevada County

She has been an environmental prosecutor for a little over 10 years. She has covered many counties in this area. She has spoken with Lt. Lawson and some of the other wardens. Ensured the commission that cases will not be ignored or dropped because DAs are not familiar with the fish and game codes.

Some civil penalties, such as those collected under Fish and Game Code Section 5650.1(h)(1), direct 50% of the penalties collected be deposited in county fish and game funds.

Action Items

VIII. Discussion on the possible effects AB 2179 would have on the distribution of base fines to county fish & game commissions if bill passes

Commissioner Flanagan spoke to the authors of the bill, which would allow the Department of Fish and Game to issue administrative civil penalties. The legislation, as currently written, does not direct 50% of fish and game fines to

county fish and game commissions. The author did not think they would get the 15 votes needed to pass the bill.

Discussion followed regarding acquiring information on legislation involving fish and game issues.

IX. Continued Discussion and vote on term limits for Commission Chair & Vice-Chair (Tabled from the August 2012 Meeting)

Commissioner Daniels motioned that the chairperson be limited to a maximum of two consecutive years. If no one accepts the nomination for chairperson, the position goes to the highest senior member that has not previously served as chairperson.

Public comment:

Marilyn Jasper indicated that there is not a need for term limits.

Commoners Salter seconded the motion.

All present commissioners voted for the motion.

IX. Continued discussion and possible vote regarding the lawsuit filed against the US Forest Service by the Pacific Legal Foundation. (Off road closures in the Tahoe National Forest)

Commissioner Flanagan described the legal brief and the issue. 800 miles of roads in the Tahoe National Forest are going to be closed.

Commissioner Salter motioned to table this item until the September commission meeting.

Public comment:

Alan Eberhart supported the motion of tabling the item until the next commission meeting.

Commissioner Flanagan received a copy of the reports as to why the US Forest Service is closing the roads and will forward it to the commission.

Commissioner Gould seconded the motion.

All present members voted in favor of the motion.

X. ADJOURNMENT at 8:20

XI. Next meeting will be Wednesday September 26, 2012