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**Legislative Report - February 1, 2012**

Updated by Jim Conrad, San Diego SCI Legislative Chair on February 2, 2012

**CALIFORNIA FISH AND WILDLIFE STRATEGIC VISION**

In 2010, [AB 2376](#) (Huffman) was signed into law which established the long-term goal of improving and enhancing the Department of Fish and Game's capacity and effectiveness in fulfilling its public trust responsibilities for the protection and management of the state's fish and wildlife for their ecological and public benefit values.

It required that the California Natural Resources Agency establish a cabinet-level California Fish and Wildlife Strategic Vision's Executive Committee tasked with developing a strategic vision for the Department of Fish and Game and the Fish and Game Commission, and to submit it to the Governor and to the Legislature.

The Executive Committee formed a Blue Ribbon Citizen Commission (BRCC) and a Stakeholder Advisory Group (SAG) representing a broad range of fish and wildlife related interests to assist it in completing its mission.

An initial draft of the report and recommendations was released to the public for review in November 2011. Following that, public meetings with an opportunity for comments and suggestions were conducted in December.

Additional public meetings were scheduled for late January but were cancelled because it was felt by the BRCC that further meetings were not needed.

The next joint BRCC and SAG meeting is scheduled on February 3, 2012 when the project will be discussed and recommendations are planned to be finalized for presentation to the CFWSV Executive Committee on February 16, 2012.

Some of the broader subject areas that have been raised for consideration are: 1) partnerships, 2) broadly informed and transparent decision making, 3) integrated resource management or cooperative resource management, 4) cross agency alignment, 5) enforcement and compliance, 6) staff development, 7) Fish and Game Code, 8) definition of success/defining and supporting success, and 9) mandates. A [chart describing these issues](#) can be found at the following website:

[http://www.vision.ca.gov/docs/BRCC\\_SAG\\_Mtg\\_111018-19\\_CommonThemes\\_111024.pdf](http://www.vision.ca.gov/docs/BRCC_SAG_Mtg_111018-19_CommonThemes_111024.pdf)

Finalization of the report and recommendations will continue through mid-February, 2012. It is planned to distribute the final Strategic Vision Report to the Governor and the Legislature by February 24, 2012.

This is also the same date as the deadline for the introduction of new bills in the State Legislature for the 2012 legislative session.

It appears likely that legislation will be introduced in February that can be used for the purpose of implementing the final recommendations of the California Fish and Wildlife Strategic Vision's Executive Committee.

[Further project information](#) can be found at the following website:

<http://www.vision.ca.gov>

### **GOVERNOR APPOINTS NEW DIRECTOR OF FISH AND GAME**

The Governor has appointed Mr. Charlton "Chuck" Bonham as Director of the California Department of Fish and Game, effective September 6, 2011.

Prior to his appointment as Director of Fish and Game, he served in a number of roles for Trout Unlimited over ten years, including since 2004 as the organization's California director. He was also a senior attorney for the organization.

Mr. Bonham has also served on the Board of Directors of the Delta Conservancy, whose mission is to conserve, sustain and enhance the cultural, agricultural, recreational, wildlife, and natural habitat resources of the River Delta region, as well as to develop and promote sustainable protection, management and stewardship programs through research and education.

Before his employment with Trout Unlimited, he was a Peace Corps volunteer in Senegal, West Africa, and an instructor and guide at the Nantahala Outdoor Center, in Bryson City, N.C.

SCI has recently met with Mr. Bonham and believes that its good working relationship with the Director and the Department staff will continue. Mr. Bonham has a good understanding of the issues affecting hunters and has expressed his desire to work together to resolve any matters of mutual concern.

He expressed a high level of interest in finding ways to achieve pay equity for game wardens, increasing warden numbers, providing them with better equipment, and reducing the amount of paperwork they are required to complete.

### **FISH AND GAME COMMISSION**

The State Fish and Game Commission will meet next on February 2, 2012, in Sacramento. Of particular interest on the agenda is the election of a new Commission president and vice president. The agenda can be viewed by accessing the Commissions [website](http://www.fgc.ca.gov) at [www.fgc.ca.gov](http://www.fgc.ca.gov).

**AL TAUCHER PRESERVING HUNTING & SPORTFISHING OPPORTUNITIES  
ADVISORY COMMITTEE**

The Al Taucher Preserving Hunting and Sportfishing Opportunities Advisory Committee met on February 1, 2012. In addition to reviewing various subcommittee reports regarding hunting, angling, youth in the outdoors and legislation, a review of the goals, objectives, desired products, policy, charter and membership was conducted. The next meeting is scheduled for March 6, 2012.

**BIG & UPLAND GAME ADVISORY COMMITTEES**

The Legislature passed SB 1058 in 2010 which required the Department of Fish and Game to set up a new Big Game Account and Upland Game Accounts under the Fish and Game Preservation Fund with the intended objective of establishing better accountability relative to how hunter's license, tag, stamp and other hunter generated funds are spent.

SCI has three representatives, Jim Conrad, Dwight Ortmann and SCI's California lobbyist, Kathy Lynch, on the Advisory Committees.

The next Upland Game Advisory Committee meeting will be held on February 6, 2012. Agenda items include status of the 2011-2012 projects, project effectiveness in meeting stated objectives, funding status and changes for 2012/2013, and planning horizon for Upland Game Birds in California.

The next Big Game Advisory Committee meeting will be held on February 7, 2012. Agenda items include a planning horizon for Big Game in California including discussion on plans for deer, elk, black bear and desert bighorn sheep.

**LEAD AMMUNITION UPDATE**

Last Fall, the Fish and Game Commission postponed until sometime in 2012 the further discussion of agenda items related to proposed expansion of the current lead ammunition ban regulations. Commission President Jim Kellogg had previously asked that the items be postponed as the Commission currently has issues of more immediate concern to address. However, if the new Commission president supports an expansion of the lead ammunition ban, this subject will likely be scheduled on the Commission agenda again very soon.

**LEGISLATION**

The 2012 portion of the 2011–2012 State Legislative Session convened in January. Below is a summary and current status of bills remaining from 2011. New bills can continue to be introduced until February 24, 2012.

**Bills Introduced in 2011**

**AB 606 (Gatto) Hunting and fishing** – Existing law authorizes the Department of Fish and Game to enter into contracts for fish and wildlife habitat preservation, restoration and enhancement with public and private entities whenever the department finds that the contracts will assist in meeting the department's duty to preserve, protect and restore fish and wildlife.

This bill would require the department to allow compatible hunting, fishing, and other recreational activities on land subject to a wildlife conservation easement or a fish and wildlife habitat

contract, except as specifically prohibited in the applicable easement, contract or memorandum of understanding, or by other applicable law.

The bill does not affect a landowner's authority to lawfully restrict public access. **Position: Support. Passed by the Legislature and held at the Assembly Desk.**

**AB 613 (Hagman) Ammunition** – Would repeal provisions of existing law which provide: 1) that no handgun ammunition vendor, as defined, shall sell, offer for sale or display for sale, any handgun ammunition in a manner that allows that ammunition to be accessible to a purchaser without the assistance of the vendor or employee thereof; 2) that handgun ammunition vendors obtain a thumbprint and other personal information from ammunition purchasers ; and 3) that the delivery or transfer of ownership of handgun ammunition may only occur in a face-to-face

transaction, with the deliverer or transferor being provided bona fide evidence of identity of the purchaser or other transferee. A violation of any of these provisions is a misdemeanor.

The provisions to be repealed were enacted in 2009 (AB 962) and subsequently declared by a Superior Court judge to be unconstitutionally vague. **Position: Support. Location: Assembly Public Safety Committee; failed deadline and is dead.**

**AB 1046 (Bill Berryhill) Hunting or taking game** – The California Constitution establishes the Fish and Game Commission and provides for the delegation to the Commission of powers to regulate the taking or possession of birds, mammals, fish, amphibians, and reptiles in accordance with applicable laws.

This bill would prohibit the Commission from imposing an absolute, statewide and permanent prohibition on hunting or taking game. The bill would not prohibit the Commission, in accordance with the California Constitution, from imposing conditions necessary for the protection and propagation of game.

The bill would also prohibit the policies of the Department of Fish and Game from including an absolute, statewide and permanent prohibition on hunting or taking game. **Position: Support. Location: Assembly Water, Parks, and Wildlife Committee; failed deadline and is dead.**

**AB 1162 (Chesbro) Wildlife: poaching** – Existing law authorizes the imposition of a civil penalty of up to \$10,000 on any person who violates the Fish and Game Code, or any regulation adopted to carry out the code, and who with the exercise of due care, should have known that the fish or wildlife species in question were taken, possessed, transported, imported, received, purchased, acquired, or sold in violation of such laws or regulations.

This bill would have increased the maximum civil penalty for a violation of the above provisions from \$10,000 to \$40,000, and would have specifically provided that the Department could levy the penalty by itself, without a court proceeding.

AB 1162 has recently been amended to delete the above proposed provisions. Accordingly, SCI has removed its opposition to the bill and is now neutral.

The bill currently provides that any person who knowingly and illegally takes a trophy deer, elk, antelope, bighorn sheep, or wild turkey in any of the following ways shall be subject to a fine of not less than five thousand dollars (\$5,000), nor more than forty thousand dollars (\$40,000), for deer, elk, antelope, and bighorn sheep violations, and a fine of not less than two thousand dollars (\$2,000), nor more than five thousand dollars (\$5,000), for wild turkey violations, or imprisonment in the county jail for not more than one year, or both that fine and imprisonment: (1) Outside the legal season; (2) With the aid of artificial light; (3) With the aid of bait; (4) Results in unnecessary and wanton waste of game; and (5) Without first purchasing or otherwise lawfully obtaining any required deer, elk, antelope, or bighorn sheep tag.

AB 1162 also provides that any person who uses a signal-emitting device, as defined, in conjunction with the take of bear for the purpose of selling or trafficking in bear parts would be subject to a fine of \$10,000 per bear part.

It would require that all revenue from fines imposed pursuant to these provisions be deposited in the Fish and Game Preservation Fund's Big Game Management Account or the Upland Game Bird Account, depending upon the violation.

Finally, the bill provides that the Fish and Game Commission shall adopt implementing regulations for the imposition of the above described fines. *Position: neutral. Senate Committee on Appropriations; held in Suspense File.*

**SB 124 (De León) Ammunition** – Existing law provides that any person who, while armed with a firearm in the commission or attempted commission of any felony, has in his or her immediate possession ammunition for the firearm designed “primarily” to penetrate metal or armor (armor piercing), shall upon conviction of that felony or attempted felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony, be punished by an additional term of 3, 4 or 10 years.

This bill would delete the term "primarily" and recast the above crime to be based on the immediate possession of ammunition for the firearm that is designed to “penetrate” metal or body armor.

It would redefine the term “handgun ammunition” to mean ammunition “capable” of being used in a handgun, notwithstanding the fact that the ammunition may also be used in some rifles.

Accordingly, all rifle ammunition cartridges that can be fired in a handgun (Thompson Contender, etc.) would be classified as handgun ammunition for purposes of SB 124.

Handgun ammunition “designed” to penetrate metal or armor would be redefined to mean any ammunition, except a shotgun shell, that is designed to penetrate a body vest or body shield when discharged from a handgun and which, by virtue of its shape, cross-sectional density or any coating applied thereto, is manufactured or designed to breach or penetrate a body vest or body shield.

This provision appears vague in that it does not specify whether the ammunition must be designed with the specific intent that it be able to breach or penetrate a body vest or body shield or whether it is only required that its design enables it to do so without such intent.

Such ammunition would be a felony to possess. This prohibition would now include rifle ammunition as the bill would delete the existing exemption for ammunition that is “primarily designed for use in a rifle”.

Depending upon how the term “designed to breach or penetrate a body vest or body shield” is interpreted, SB 124 could make it a felony to possess most popular big game hunting rifle ammunition, as virtually all can be discharged in at least one model of hunting or competition pistol, and all are designed to have an aerodynamic shape and cross sectional density that would

facilitate the penetration of a body vest or body shield. Furthermore, virtually all also have sufficient velocity and energy when discharged in a handgun to penetrate a body vest or shield regardless of other design characteristics.

A primary purpose of SB 124 is to remove the unconstitutional vagueness that caused its predecessor, AB 962, to be invalidated in Superior Court. **Position: Oppose. Location: Assembly Committee on Appropriations; held in Committee.**

**SB 313 (Correa) Firearms** – Would revise the “unsafe handgun” testing laws to allow licensed firearms dealers to sell used handguns from their own inventories for which production ceased prior to January 1, 2000, and for which production has not resumed, and handguns that are commemorative or custom-made, and for which production was or is limited to 1,000 or fewer firearms. **Position: Support. Location: Senate Committee on Public Safety; failed deadline and is dead.**

**SB 762, as introduced, (Yee) Fish and wildlife: taking and possession** – Existing law makes it unlawful to take any bird, mammal, fish, reptile, or amphibian except as provided in the Fish and Game Code or regulations made pursuant to that code. Possession of those animals, or animal parts, under specified circumstances is prima facie evidence the possessor took the animal or animal parts.

This bill would make technical, non-substantive changes to those provisions. **Position: Watch. Location: Senate Rules Committee; failed deadline and is dead.**

Please Note: An item in the body of text that is underlined and [in blue ink](#) is an embedded link. Holding the Control Key and clicking with your mouse will take you to a weblink with additional information.