



FISH AND WILDLIFE COMMISSION

Minutes of the July 17, 2008 Meeting

Attending Members

Crystal Norris
Al Ferris
Gene Gaffney
Martin Bauman
Andrew Pozzi
Pierre Gadd Jr.
Brock Dolman
Jeff Holden

Absent Members

Ned Hill
Jo Bentz
Dave Cook
Jim Lynch

Others

Lisa Correia, Agricultural Commissioner/Sealer
Stefan Parnay, Chief Deputy Ag. Commissioner
Peter Rumble, Sonoma County CAO's Office
Jeffrey Holtzman, Sonoma County DA's Office
Kathie Merrill, Dragonfly Stream Enhancement
David Lewis, UCCE
Mariska Obedzinski, UCCE
Alex McVicker, Ag. Commissioner's Office
Dagny Thomas, Ag. Commissioner's Office
Jim Goodman, DFG Hunter Education
Tom Henderson, DFG Hunter Education

Chairperson Crystal Norris called the meeting to order at 7:38 p.m.

Adoption of Minutes

Crystal asks if there are any additions or corrections to the June 2008 minutes. There is no quorum at the opening of the meeting. If an additional Commissioner arrives, Crystal will ask for a motion to approve the June minutes. Jeff Holden arrives, and there is a quorum. A motion to accept the June minutes was made by Gene Gaffney, with a second by Pierre Gadd. Motion carried.

Correspondence

- A. Correspondence from California State Fish & Game Commission regarding various regulatory actions
- B. Fish & Game Calendar for August (distributed at the meeting)

Financial Reports

Crystal states that the June financials are not final, and only show activity in both the Abalone and General Fund through June 23, 2008.

Through June 23, 2008, the Abalone Fund received \$418.63 from Central Collections, with a fund balance of \$8,810.71. The General Fund received \$2,630.85 from the Superior Court revenues and \$1,649.39 from Probation, with a fund balance of \$170,197.17.

Crystal notes that Gold Ridge Resource Conservation District has refunded the overpayment of grant #117, in the amount of \$1,375.00, which will be reflected in the FY year-end General Fund financials.

When Jeff Holden arrives, Crystal asks for a motion to approve the June partial financials. A motion to approve the June 2008 partial financial reports is made by Andy Pozzi, with a second by Jeff Holden. Motion carried.

Old Business

Draft letter regarding “Grant Recipient Project Completion Notice” (follow-up request); Draft regarding project follow-up “binding statement” inclusion in grant application - Alex McVicker and Dagny Thomas, from the Ag Commissioner’s Office, researched the current online grant application form and instructions for submitting a request. Alex noted that the online grant application has been truncated from its original format and that the lack of detail and specification regarding grant award project follow-up upon completion may be one of the contributing factors to poor follow-up in the past on the part of grant recipients.

Alex created a draft follow up letter to be sent out to grant recipients upon completion of their projects requesting a report on the final project, costs incurred, photos, etc. He also researched the verbiage of grant applications from other counties and modified the Sonoma County Fish and Wildlife application with a “binding statement” that is directly under the signature line on the application. The statement will serve as a signed acknowledgement by the grantee to the conditions of accepting grant funds and the commitment to submitting a follow-up report.

Crystal reviews the draft letter regarding grant recipient project completion and asks if there are any questions or additions to the letter. Andy Pozzi asks if the wording on the letter can include the option of the final project report being presented either orally in person, or submitted via written format, per the discretion of the Commission. It is noted that the wording on the final letter will include, *“The final report may be submitted in writing to the SCFWC, or as an oral presentation at a regular Commission meeting (or as decided otherwise by the Commission).”* This will allow the Commission to request an oral presentation on the final project report on an as per basis.

Al Ferris asks if it is necessary to request all of the receipts and cost accounting for each project. He feels that he would prefer not to receive an excess of financial documentation. Other Commissioners concur with this. Pierre Gadd asks if the Ag Commissioner’s staff will check expense receipts against the grant award amount, and then let the Commission know. It is agreed that when receipts and expense documentation are submitted with the final reports, the Ag Commissioner’s office staff will audit the final financials for each grant project and report to the Commission.

Crystal asks if there is a motion to approve the follow-up letter regarding “Grant Recipient Project Completion Notice” with changes. A motion is made by Jeff Holden with a second by Gene Gaffney. Motion carried.

Crystal asks if there is a motion to approve the “binding statement” inclusion in the verbiage of the grant application. A motion is made by Al Ferris with a second by Brock Dolman. Motion carried.

Draft of “Grant Approval Criteria and Review Process”- Crystal reviews the draft of the “Grant Approval and Review Process”, as submitted by the Ag Commissioner’s Office. She asks if there are any questions or comments about the draft.

Brock Dolman states that in the first paragraph, third bullet point, he felt the statement should read, *“The project must clearly indicate how the grant funds will enhance fish, wildlife, youth, educational, restoration and enforcement activities within Sonoma County.”* He also noted that the fourth paragraph should read, *“To increase the likelihood of receiving the grant, the Commission strongly recommends a representative for each application plan on attending all meetings, and be prepared to answer questions.”* It is agreed upon by the Commission that these changes be made to the draft.

Pierre Gadd would like the final paragraph to clearly indicate that project timelines will be tracked by the Ag Commissioner’s Office. The final paragraph will read, *“Project timelines will be tracked by the Commission, via the Agricultural Commissioner’s Office, to ensure the above guidelines are met.”*

Crystal asks if there is a motion to accept this draft with the changes. A motion is made by Pierre Gadd with a second by Andy Pozzi. Motion carried.

Crystal requests that the website be updated to reflect the changes to the grant application.

New Business

Jeff Holtzman, Deputy District Attorney, discussion on how monies are allocated from cases relating to the Fish & Wildlife Commission – Jeff Holtzman introduces himself. He enforces environmental protection laws for the Sonoma County District Attorney’s Office. The majority of cases he works come from Department of Fish & Game (DFG) investigations. The DA’s Office has a close working relationship with DFG.

Jeff explains that there are two ways that funds can be distributed by the DA to the Fish & Wildlife Commission:

1. Straight criminal prosecution (penalty): handled via the main DA’s office. 50% of the fines from these cases go directly back to the F&W Commission (i.e. Abalone cases); funds are punitive and regulated to the statute under which the cases were won.
2. Restitution: In these cases, the Fish & Wildlife Commission acts as a trustee to the environment. When possible, restitution is made on behalf of: a) harm made to natural resources or wildlife; b) pollution violations; and c) environmental negligence. Examples of these types of cases are: negligent dairy waste, stream bed divergence, etc. In these types of cases, where harm is not intentional, restitution is the way that cases are handled. When it is not practical for the DA’s office to offer direct restitution to the environmental area affected, the funds are directed to the Fish & Wildlife Commission for use in protecting and enhancing the environment in similar areas or ways through the grant award process. These funds can be designated to be used for repair or enhancement of the specific area the violation occurred. It can be challenging to put a dollar amount on some of the environmental violations that occur.

If the purpose for the funds is not very clearly designated (i.e. stream restoration, enforcement equipment, etc.), then the funds can be absorbed into the general fund.

Crystal asks Jeff Holtzman how the DA's office could make project/equipment designated funds easily accessible for grant awards by the Fish & Wildlife Commission separate from the general fund. Jeff suggests that the Commission ask the Board of Supervisors (BOS) to create a small annual fund (e.g. \$15,000.00), designated for encumbered grant funds (specifically designated DA funds from restitution cases). This "Encumbered" Fund would replenish to the same amount annually. It would never go over the set amount. When requests for encumbered use grant requests come in, then they can easily be accessed to award funds. This may reduce the need for the Commission to request additional funds during the FY from the BOS.

Lisa Correia asks Jeff if the encumbered funds designation to the Fish & Wildlife Commission is outlined within the Fish & Game code, or if it is a separate funding mechanism for the Commission. Jeff says that yes, this falls under Fish & Game Code Section 13103. "Expenditures from the fish and wildlife propagation fund of any county may be made only for the following purposes:..." He explains that once funds have been allocated to the county Fish & Wildlife Commission, they fall under the rules of the Fish and Game code.

Lt. Steve Riske, of DFG, explains that if funds are not designated for allocation to a specific county, for a specific purpose, funds will go to the Fish & Game Preservation fund, which makes it much more difficult for a county to secure the monies.

Andy Pozzi asks if the payee of a restitution fine may come in to request a grant to then apply the funds toward reparations of environmental harms that they have directly caused. He also wants to know if persons or businesses that are under court order to perform environmental reparations may approach the Commission for funds to achieve this. Jeff Holtzman says that both situations are feasible, but not encouraged. It would not set a good example to the public.

Andy then asks if funds may be recouped from felony cases that have been prosecuted out of state by violators acting within Sonoma County (i.e. Sonoma County abalone poachers based out of Las Vegas). Jeff replies that once a case is prosecuted out of the state, the DA's office loses control over the case.

Crystal Norris asks the Commission if they are interested in looking at incorporating Jeff's "Encumbered" fund suggestion into the '09-'10 Fiscal Year budget. The Commission can look at the average of funds allocated from the DA's office during FY '08-'09, and revisit the idea nearer to budget review time. The Commissioners agree with the idea.

David Lewis, Paul Olin and Mariska Obedzinski of UC Davis Cooperative Extension and Sea Grant Extension Program, are requesting a grant for \$14,570.00, for *Russian River Coho Movement and Survival Investigation*, first reading. David Lewis introduces himself and thanks the Commission for their past support for phase I of this project.

Mariska Obedzinski explains that they have been (PIT) tagging Coho salmon during their restocking efforts over the past year, which is where the past grant awards have been used. They are currently asking for funds to improve their electronic tracking system antennae at Palmer Creek and Mill Creek, and add two to Felta and Wallace Creeks to track the Coho movement throughout the year after their spring and fall PIT tagging and release. They wish to improve the range and size of two existing PIT tag antennae and add two more to expand the range of their Coho movement detection studies. This would allow for the study of the direction the salmon are moving – up or down stream.

They wish to examine how the different tributaries are being used as they connect with the Russian River and how this affects the survival of the salmon. They wish to also examine which creeks are being utilized more, and how adverse weather and climate changes (i.e. heavy precipitation or drought) and the movement of the Coho in relation to these factors affects their survival.

Andy Pozzi asks if any tracking is occurring past Palmer Creek and Mill Creek – once they get to Dry Creek is there any tracking occurring? Mariska states that their project isn't tracking in Dry Creek, but that Dave Cook and the Water Agency have some traps set up at Wohler Dam. When the Water Agency traps Coho, they are able to report back to the UCCE study on their finds via the PIT tags. There is a sharing of information occurring between the different entities.

Pierre Gadd wants to know if there is a range with the antennae that would not read or record the Coho movement. Mariska says that currently, with the length of the antennae being just short of the creek span, that there is about a 1 foot range for the fish to pass by, unrecorded.

Jeff Holden asks if the "Multiplexing PIT Tag Reader" listed on the grant request under "Equipment Needs" includes the 6 antennae. Mariska states that the antennae are listed further down in the equipment line items and not included with the Multiplexing PIT Tag Readers.

Dave Lewis adds that they have listed the equipment needed in order of priority, they are flexible with the amount of support they are given. They have listed their equipment needs in order of priority on the grant request. The primary thing that they need is the PIT Tag Readers, followed by the Cables, Waterproof Housing, etc.

Andy Pozzi asks how long the project will go on. Dave Lewis replies that they would like to continue the monitoring project until at least 2013, which will allow for three good cycles of brood years responding.

Crystal states that this is the first reading of the grant request, the second reading will be at the August meeting.

Doug Gore, Owner, of Dragonfly Stream Enhancement, is requesting a grant for \$9,000.00, for Grub Creek Fish Passage Project, first reading. Crystal states that Doug Gore is unable to attend the meeting this evening and has sent Kathie Merrill on his behalf.

Gene Gaffney asks if Grub Creek is the one that flows from the waterfall. Brock Dolman explains the exact location of the creek and gives a brief description of the work being done via the map provided in the grant request.

Crystal mentions that the project is time sensitive, as Doug Gore needs to be in and out of the project location by October 2008. She states that this is the first reading and the second reading will be at the August meeting.

Reports and Comments

Commission

Peter Rumble, Sonoma County CAO's Office discusses "Draft policy regarding Fund Balance Establishment and Grant Criteria" - Crystal introduces Peter Rumble from the County Administrator's Office and explains that the Draft Policy is still in the process of being worked on. Peter wants to give some background on the nature of the document and how it arose. He states that two Board members asked him to become involved, in an effort to put out, in writing, how the Commission decides to fund grants. The Board member's involvement was not related to any displeasure of past work or efforts by the Commission. The goal is to establish a transparent system so that anyone applying for a grant knows exactly what to look for, how the finances are handled by the Commission. He states that it is apparent from tonight's meeting that the Commission takes its work very seriously and weighs the matters before it. He explains that the previous comments regarding the draft policy have been heard "loud and clear" and he can assure the Commission that those comments have made it into the draft. The draft is still going through revisions, but by August he hopes that the Commission will agree upon the end result. Peter believes that it is a really good framework for the Commission to work with.

Pierre Gadd mentions that he's been having problems with rodents lately.

Martin Bauman "survived" his 5-day covered wagon adventure to North Dakota with his kids and grandkids. He noted that the ranchers and environmentalists in North Dakota are working together to save the prairie.

Public

Lt. Steve Riske, with DFG, is working on a large investigation regarding a stream alteration and pollution case off of Occidental Road.

Jim Goodman, DFG Hunter Education, says that they have eight classes scheduled in the next three months. The attendance has been great. Crystal asks if underprivileged kids are being reached. Jim says they are considering a grant request in the future to accommodate disadvantaged kids in their classes.

With no further business, the meeting was adjourned at 9:31 p.m.

Respectfully submitted,

Dagny Thomas

Secretary