

INNOVATION OF THE PRIVATE LANDS WILDLIFE MANAGEMENT PROGRAM: A HISTORY OF FEE HUNTING IN CALIFORNIA

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1989 TRANSACTIONS OF THE WESTERN SECTION OF THE WILDLIFE SOCIETY 25:49-59

California has a new approach to wildlife management on private land called the "Management of Fish and Wildlife on Private Lands" in the Fish and Game Code. It is commonly referred to as "Private Land Management" (PLM) or the "Private Land Management Program" (PLMP). The PLMP was a major innovation of the California Department of Fish and Game (CDFG). Many states have asked about the PLMP and Colorado has adopted a variation of it. The program has generated interest and controversy in California and throughout the nation. Its origin and problems that resulted need to be better understood.

I examined documents and interviewed key people for a brief history of fee hunting in California dating back to 1850. In the history, I emphasized upland and big game, then described the initial purposes for developing the PLMP, and changes made since the Legislature first signed the program into law. Finally, I proposed causes and solutions for some problems that have arisen.

ORIGIN OF FEE HUNTING

Fee hunting began in the United States during the mid-1800's. Waterfowl hunting was probably responsible for most of the fee hunting activity during the 1800's. Sons of English aristocrats hired market hunters to take them "punt-gunning" in the Sacramento Delta area (Payne-Gallwey 1886, Vachell 1900). The Cordelia Club in Suisun Marsh may have been the first waterfowl hunting club in the state (D. Chapin, pers. commun.). The club leased hunting rights from a rancher on 22 July 1893. Soon after, other waterfowl clubs were formed by hunters in the Butte Sink, near Marysville (E. Hatch, pers. commun.).

An important legal decision regarding fee hunting occurred in 1896. The Cordelia Club's trustee, Charles W. Kellogg, sued for an injunction to stop poaching on the club. The poachers asserted that the landowner, not the club, controlled the right to trespass, and that the lessee could not prevent poachers from taking wildlife owned by the state. The Superior Court found in favor of the poachers, but the decision was reversed upon appeal (*Kellogg v. King* 114 Cal. 378). The appeals court, referring to California Civil Code, Section 656, found that the club had a property right in the birds and the hunting under state law. Although the lessors reserved the right of trespass for themselves, only the club had the right to hunt. The

hunting lease provided an enforceable property right in itself, separate from the right to ingress and egress.

The first fee hunting for upland and big game in California started in the mid- to late 1800's. Some offspring of English aristocrats known as "the English Pups" (H. Ballard, San Luis Obispo County Hist. Soc. 1964) lived in San Francisco. The appellation was also used in San Luis Obispo and Santa Barbara counties, where they hunted. They played polo, dressed formally for dinner, and followed their old English traditions. These included "hunting" (chasing animals from horseback) and "shooting" (hunting game with firearms). They would have been accustomed to leasing hunting areas when unable to invade locally-owned properties by what they called "grace and favor" (H. Blythe, pers. commun.).

Other fee hunting areas were initiated during this period. In the late 1800's a German national, Baron von Schroeder, purchased the Nacimiento Ranch in San Luis Obispo County (present site of Camp Roberts) primarily to hunt bear (H. Blythe, pers. commun.). Quail hunting in the central coast area became popular for fee hunting in the mid-1800's. Hunters from Europe hired local market hunters as guides (Vachell 1900). Without a guide, private quail hunting often was "by invitation."

EVOLUTION FROM PRIVATE TO PUBLIC FEE HUNTING

Quail hunting often was a reason for community picnics. Families would gather at a hunting area, eat, socialize, and hunt. The bag limit of quail was 16, and hunters liked to see how few shots it took to kill a limit (I. McMillan pers. commun.).

The automobile made it easier for urban hunters to travel to rural California for hunting. By 1914, Butte Sink contained 20 gun clubs (1914 map, C. M. Phinney, Sacramento, Copy by von Geldern Engineering Co., Yuba City 1970.). Hunters who lived in Los Angeles and Sacramento could easily travel to nearby public lands, but private land surrounded the San Francisco Bay area. Bay area hunters had to hunt on private land or travel long distances to get to public land.

Prior to 1930, most fee-hunting areas were hunter-owned and restricted to owners and their guests. Fee hunting enabled urban hunters to reserve a place to hunt without the need for scouting. It also avoided

the risk of last-minute refusal from landowners when asking permission to hunt. However, permission to hunt could be obtained at many ranches for a handshake, often followed by the courtesy of giving the landowner venison as the hunter left the ranch, or a bottle of whiskey at Christmas time.

Beginning in the 1920's, hunters leased ranches for deer hunting in Marin, Sonoma, Mendocino, and Santa Cruz counties. Most pre-World War II hunting leases were informal, often without cash payment. In the early 1930's, Ward Hanes opened the Helvetian Gun Club near Booneville. He was a police officer in San Francisco and kept his fees low (\$25.00/yr) in appreciation of the continued job he had during the depression. In the 1930's, Paige Maillard, a San Francisco businessman, bought several ranches in Mendocino County. Maillard granted leases for hunting rights and lodging from 1946 through the 1950's for \$1,100-\$1,500 per year. He used dogs to drive deer for his clients. The Mann and Hart Arrow ranches were also leased for hunting during this time in Mendocino County for \$100-\$110/year (W. Brooks, pers. commun.).

In the Paso Robles area, ranchers first charged for hunting band-tailed pigeons in the 1920's. Later, the Hillman Ranch became a semi-dude ranch offering shooting as a form of recreation (H. Blythe, pers. commun.). In 1928, the Dune Lakes Club bought a waterfowl club near Arroyo Grande and began managing it for quail as well as waterfowl. Quail hunting began there in 1935 (Glading et al. 1945).

By 1930, ranchers began closing their lands to public access (some grain farms were closed as early as the 1890's to prevent fire) (G. H. Fitzhugh, unpublished memoirs in author's possession). During the late 1930's, as California became more populated and income increased, hunting became increasingly popular for the abundant game species. Farmers began leasing their land for pheasant hunting rights. In 1939, the Legislature authorized private "game management areas," later called licensed pheasant clubs, to stimulate landowner interest in game management (Harper et al. 1965). There were 17 pheasant clubs licensed by the Department in 1940. Some organized sportsmen did not like the idea. Harper et al. (1965:30) listed four of the criticisms of the commercial pheasant club law: (1) shooting hens would ravage the population; (2) private land would be removed from "public access"; (3) the law created a privilege for those few who could afford the fees; and (4) people hunting on private clubs had longer seasons than those hunting on public land or on unlicensed farms. The law persisted however, and the number of pheasant clubs increased greatly after World War II.

As grain farming increased in the Paso Robles area, dove hunting for a fee became important. Between 1940-1960 it was the primary sport attracting hunters. Hunters often used expensive .410, .20, and .28-gauge low-base shells, because they considered it unskilled and unsportsmanlike to use larger gauges or more powerful ammunition (H. Blythe, pers. commun.). They hunted quail by scattering the coveys without shooting. Then only one person shot over a dog at each point. Since the 1960's, dove hunting have become less important in central California's coast range.

Fee hunting had been developing in other states as well. New York passed its first hunting preserve law in 1911 (Kozicky 1987). By 1955, there were 756 preserves in the United States. From 1955 to 1968 the number increased to 2,471 (Kozicky 1987).

Big game hunting leases began in Texas in 1914 when the automobile provided easy access and it was legal for anyone to hunt on the property of another. Overhunting caused big game herds to decline and establishment of hunting leases was an effort by hunters and ranchers to protect game. The Texas Legislature legitimized hunting leases in 1925 and passed a stricter trespass law in 1929 (Tucker 1940).

POST-WAR EXPANSION

Hunter numbers during World War II were low compared to pre-war numbers. After the war, many servicemen moved to, or remained in, California to work. They frequently sought rural areas for hunting. Landowners responded to increasing public use of private land by posting land against trespass and hunting. A schism began between hunters and landowners. In 1949, the Legislature approved a cooperative hunting area program to provide more public hunting on private land. In this program, the Department helped groups of contiguous landowners by patrolling their land and establishing check stations. In return, the owners allowed the public to hunt for free. Shortly after the cooperative hunting area program began, farmers started similar unregulated efforts called "community hunting areas" (Glading 1968). In these, farmers donated hunting rights to a chamber of commerce, rice-growers cooperative, or some other official body, which charged for hunting. The income usually was used for programs or facilities to benefit the whole community. Unregulated private pheasant hunting clubs also developed during the 1950's (Glading 1968).

Many deer-hunting leases evolved by landowners allowing friends to help at various ranch chores and roundups for hunting privileges. Family outings also developed into hunting leases. For example, near

Shandon, Gene Rambo provided deer hunting pack trips to friends, and in turn, hunted quail on their property. Because of the inequity in cost, those with the quail property began paying Rambo's pack trip expenses. Finally, in the mid-1950's, Rambo began packing in other hunters for a fee (I. McMillan, pers. commun.).

Other fee hunting programs began as an effort to accommodate neighbors or to control trespass problems. The Tejon Ranch in Kern County began fee hunting in the mid-1950's as a service to people who owned land within the ranch borders, but also to help control poaching along the highways. By 1956, the Tejon Ranch had a written lease for hunting privileges.

The Laguna Ranch in San Benito County began fee hunting in the mid-1950's (H. Eade, pers. commun.). In 1957, Donn Bonnheim offered the first formal public big game fee hunting in the Paso Robles area. Within a few years, other types of outdoor recreation in an unspoiled setting became a part of his and other ventures.

Fee hunting had developed slowly and was finally accepted in the Coast Range. The story was different in the Sierra Nevada however, where much private land remained open to public hunting. In 1949, Ray Conway opened a shooting preserve in the Grass Valley area of the Sierra Nevada and began a fee hunting program for wild quail in 1952. Conway experienced serious opposition because he excluded the public from areas where they had traditionally hunted. Fires were set; his manager, Von Twitchell, was assaulted twice; shotguns were fired at Twitchell's house; and Conway and Twitchell were threatened with firearms several times. In addition to some of the public, some CDFG staff were opposed fee-hunting (Glading 1968).

By 1955, CDFG director Seth Gordon saw that fee-hunting could encourage private landowners to improve wildlife habitat. On 28 November 1955, Walter Howard of the University of California, Davis, founder of the Western Section, The Wildlife Society, met to discuss fee hunting with Gordon, Ben Glading, CDFG Chief of Game Management, and others. The meeting was terminated early because Glading objected to the concepts. Significantly, the agenda for this meeting contained the basic fee-hunting ideas later developed into law in the PLMP (Wildlife Ext. files), but the agency was not to officially recognize the potential value of private enterprise for wildlife until 1970.

The number of deer hunting leases increased during the late 1950's (Glading 1968) and may have peaked by 1960. Lassen (1964) surveyed 500 deer hunting ranches in 14 coastal counties between 1958-1962. However, many surveys were sent to owners of

any privately owned hunting area, whether or not a fee was charged. Many allowed only family members, but were included in the survey. Miller and Bollman (1967 Wildlife Ext. files) surveyed 158 deer hunting ranches in the same areas, 80 of which charged fees. Osterli et al. (1969) surveyed 67 landowners throughout the state who provided some kind of fee recreation. A few landowners had begun a fee recreation business around 1900, but the great majority started after 1930, most after 1963.

Wayne Long, who later helped develop fee hunting legislation, began his first fee hunting operation in 1962 in Lake and Napa counties. In 1964, he helped develop the Dye Creek Preserve in Red Bluff.

TWO EVENTS THAT INFLUENCED FEE HUNTING

Two important events that were to influence the fee-hunting movement had yet to take place. During the 1950's, deer populations in northern California exceeded the capacity of their range and the populations needed to be reduced. A liberal antlerless hunt was approved for 1956. Unfortunately, an early snowstorm that year forced deer to low elevations at the start of the antlerless hunting period and many people described wanton shooting and leaving of dead fawns. As a result, doe hunting became an unpopular, emotional issue. Ultimately, the Legislature passed a law (called the Busch Bill, after its author) giving individual counties the opportunity to veto antlerless hunting proposals put forth by the Department. Later, the PLMP, which did not require county acceptance, was seen as a way of implementing antlerless hunts despite local opposition.

The second event began in 1964, when Bill Keeler purchased the Dye Creek Ranch and organized a fee-hunting operation on it. The "Dye Creek Preserve" eliminated what had been widespread public hunting on thousands of acres of deer winter range. Since that time, Tehama County hunters have been antagonistic toward Dye Creek Ranch. This attitude may have contributed to political problems that began when Dye Creek obtained antlerless hunting tags under the PLMP.

GOVERNMENT INVOLVEMENT

Attitudes in government began to change during the 1960's. State and federal agencies published many pamphlets promoting fee recreation on private land. By 1968, even the staunch opponent, Ben Glading, had changed his mind about licensed pheasant clubs (Glading 1968). In California, Cooperative Extension personnel helped ranchers choose whether

to lease outdoor recreation rights.

A panel of five internationally known authorities prepared the California Fish and Wildlife Plan in 1965 (California Fish and Game Commission et al. 1966). One of the goals in the plan was to promote fee recreation. The plan recognized the private landowner as host to fish and wildlife resources, and proposed that the state encourage wildlife management and habitat improvement on private lands. The plan recognized that land managers must understand wildlife needs and be motivated before they would support wildlife improvements on their land.

MODERN INNOVATION

During the 1960's, CDFG's Stan Thompson envisioned that a fee hunting permit system could stimulate wildlife management on private lands. He helped Wayne Long, CDFG's Eldridge Hunt, and CDFG Deputy Director Lawrence Cloyd adapt the idea into a bill for the legislature to consider. William M. Ketchum, chairman, Assembly Committee on Agriculture, appointed Long and Cloyd members of the Ad Hoc Committee on Recreational Use of Agricultural Land. Rancher Howard Harris was chairman. They met for the first time on 30 April 1970. At this meeting, Cloyd said that sportsmen's organizations could best help wildlife by convincing hunters that fees for hunting on private land were appropriate and would lead to better wildlife habitat.

In 1971, Assemblyman Ketchum carried the committee's product, Assembly Bill 2407, for the CDFG. Ketchum was later appointed to the U. S. Congress and Assemblyman Lagomarsino carried the bill in the State Legislature afterward. Its purpose was to encourage ranchers to manage for wildlife and provide hunting by giving them some flexibility from state game laws so they could better manage fee hunting operations.

AB 2407 stated the policy of the state "... to actively encourage the management and utilization of wildlife resources on private land holdings." To this end, the Commission could grant "a license for the ... propagation, conservation, and utilization of wildlife resources." A management plan must provide for habitat development. Also, a license would authorize hunting "if the landholder engages in management or habitat improvement activities ..."

Hunters from Plumas, Lake, and Mendocino counties opposed AB 2407, mostly because they saw it as a "doe killing" program like the infamous "doe hunt of 1956." Many CDFG game wardens disagreed with biologists on the merits of the program (M. Cummings, pers. commun.). The same year, 1971, former chief

warden for CDFG, Charles Fullerton, assumed its directorship. The bill failed when the Department, under Fullerton, withdrew its support (W. Long, pers. commun.).

In 1978, Assemblywoman Carol Hallett, former staff assistant to Ketchum, began developing a similar bill. She formed two subcommittees in the Ad Hoc Committee on Recreational Use, one on recreational development and one on wildlife management. Long was chairman of the latter. Subcommittee members Long, Maynard Cummings, and Hunt wrote a program proposal in 1979 (Wildlife Ext. files). Cummings was Cooperative Extension wildlife specialist, and Hunt was CDFG's chief of the Wildlife Management Branch. The proposal described some problems facing hunters and wildlife, such as private land being closed to hunters, more people wanting to hunt, and changes in land use destroying habitat. Then it referred to the fee-recreation goals of the California Fish and Wildlife Plan. The proposal provided for both the motivation and understanding of wildlife needs called for in the plan.

Long, Cummings, and Hunt predicted that unless landholders could get an economic return from wildlife, more prime land and more improvable habitat would be lost to other land uses. They proposed to use the sale of hunting rights to encourage management and use of wildlife on private lands. They listed two benefits of such an approach: (1) economic return for the landowner and (2) increased public hunting opportunity commensurate with proper management. Goals of the program were to increase the production of wildlife on private lands through better management of both habitat and wildlife populations, and to increase the opportunity for both appropriative and nonappropriative use of wildlife resources on private land. The committee recognized that a successful program would reduce hunting pressure on public lands and improve habitat for many game and nongame species (Wildlife Ext. files). The proposal included the text of a suggested law and Fish and Game Commission regulation.

Legislative Analyst W. G. Hamm listed several potential problems. He believed public equity would be lost by *de facto* selling of game (letter to C. Hallett, 27 October 1979). He also predicted that Department costs for administration would be several thousand dollars per ranch, and the bill required that program fees pay the costs.

The proposal was amended, presented as a bill by Hallett, and became law in 1980 as a pilot project for five counties (Kern, Kings, Monterey, San Benito, and San Luis Obispo). Purposes and provisions of the law were the same as those described earlier for the Ketchum bill. However, the Hallett bill provided little

incentive for the landowner. Five ranchers joined the program because they thought it could be improved in time. The only deviation from state or county regulations was for antlerless harvest. The bill expressly required that seasons and bag limits on private land be the same as those on lands in "the immediate surrounding area." Deer were not migratory in the authorized counties, so the limit on extended seasons was not as serious as it would have been in some winter range areas. However, it did prevent PLMP operators from scheduling their hunters over a longer time. Conforming to standard seasons may have limited their opportunity to provide solitude to hunters.

Ranchers and the Department debated methods of handling PLM tags. Ranchers stamped public tags with a rubber stamp to validate them for PLM use. During 1982 and 1983 the Department supplied a "trespass permit" form to some ranches. This form, when completed, allowed a hunter to hunt specified animals on the PLM land. The hunters carried their public land deer tags until they took a deer, then completed and attached the tag. Then the rancher stamped the public tag to certify that the deer had been taken under a PLM permit. If unsuccessful, hunters could leave the PLM area and use their public tag elsewhere (H. Blythe, pers. commun.). Not all PLM ranches used trespass permits. Some always have converted the public deer tag to a PLM tag before allowing people to hunt (D. Geivet, pers. commun.). Providing tags was more of a hindrance than an incentive because deer tags were easily available in the five counties included in the Hallett bill.

CDFG's Robert Schulenberg administered the pilot program and helped resolve many problems during the early years. He developed the reporting and administrative system that was in place in 1983 when the program was reauthorized. He also helped by facilitating information exchange among ranchers. By the third year, the program was working well.

Before the Hallett bill expired in January 1984, a similar bill (AB580) carried by Assemblyman David Kelley became law. Kelley's bill applied to all counties and allowed landholders to manage wildlife according to a plan approved by the Fish and Game Commission, regardless of regulations for the surrounding areas. The latter provision provided a substantial incentive to landowners. However, the Department required an exchange of tags instead of the trespass permit permissible under the Hallett bill. The purposes of the Kelley bill were the same as those of the Hallett and Ketchum bills. The Commission described it as follows: "A program to allow landowners to more easily derive economic benefit from the wildlife that use the resources of their lands is now being used to encourage

them to maintain or develop their lands into wildlife habitat." (Statement of Purpose for Regulatory Action, 14 January 1985). A parallel statement dated 14 February 1984, also said "More public recreational uses of this wildlife base could be expected."

The Kelley bill received limited, but favorable, media attention while it was in the legislature. Directors of organized sportsmen's groups approved it. Those groups included the California Wildlife Federation (CWF), United Sportsmen of California, National Rifle Association, Gun Owners of California, and others (Wildlife Ext. files). The CWF and United Sportsmen of California are umbrella associations, whose board members represent other, more local sportsmen's clubs. Neither the CDFG nor the organizations approving of the bill publicized it widely in 1983 when it was in the legislature. Some of them may have chosen not to publicize it to avoid public and media debate during passage of the bill.

I do not mean to imply subterfuge in the above strategy. Proponents of the bill expected the margin for passage to be narrow, and controversy of any magnitude could cause it to fail. Leaders approved of the concept and may have avoided publicizing it widely as part of the overall strategy for success. If the leaders had disapproved, they had the means to prevent passage.

DOES FEE HUNTING IMPROVE HABITAT?

To provide the setting for game and amenities, some ranchers reduced the size of their livestock herds. Before the PLMP began, Chimney Rock Ranch, at the request of its clients, reduced its herd about 30% within a few years after beginning fee hunting. After entering the PLMP it reduced the herd by another 10% to provide nesting and fawning habitat and improve aesthetics for hunters (H. Blythe, pers. commun.). Interviews with 55 big game fee hunting managers revealed that ranches operating fee hunting outside the PLMP had higher average net income and did less habitat improvement than ranches in the PLMP (Fitzhugh 1988). Ranchers reduced livestock grazing by an average of 300 animal unit months, and also did other habitat improvements because of their involvement in the fee hunting business (Loomis and Fitzhugh 1989).

More PLM ranches exist in Lassen County than in any other county. Lassen County CDFG biologist Frank Hall, compiled a list of 20 practices conducted as part of the PLM plans on 13 ranches comprising 150,000 acres. Fitzhugh (1988) described six of these practices to put into perspective the potential effect of the PLMP. Livestock were eliminated from 9,271 ac and deferred for 4 months on 13,400 ac. These were just two of the 20 practices exchanged for 199 deer

tags. One rancher excluded livestock from an irrigated meadow especially to benefit a threatened sandhill crane population. Others planted alfalfa, excluded livestock from riparian zones, or provided public access through private land. Fee hunting, especially through the PLMP, does improve habitat for game and nongame species.

EARLY PRIVATE LAND PROGRAM ADMINISTRATION

Soon after the Kelley bill passed, the CDFG contracted with Jim Hannan to work in central California, and Henry Elliott to work north of Sacramento, to promote the PLMP and help ranchers enter it. Hannan and Elliott increased PLM activity faster than would otherwise have happened, and increased fees to the Department as a result. The Department considered their contracts, totaling about \$80,000, as startup costs, and did not include them as charges against the program.

During the first years of the statewide program, a few PLMP landowners failed to fulfill their obligations to habitat improvement. The CDFG identified and removed them from the program.

Habitat maintenance or improvement is an important component of PLM plans. However, during 1984-85 the Department encouraged some ranchers to join the program instead of seeking depredation permits for deer, or so that the Department could obtain a much needed antlerless harvest. Even in these situations, some habitat improvements were required. Comments by the CDFG to the Commission on 14 January 1986 indicate that support of the local herd management plan goals could sometimes be more important than habitat improvement to justify a PLM plan (Wildlife Ext. files).

PROBLEMS AND CONTROVERSY FOR THE PROGRAM

In 1985, Dye Creek Ranch entered the program with a late hunting season and antlerless permits. Their program was biologically sound, but politically unwise. Organized Tehama County sportsmen, always against antlerless harvests, objected so strongly that Senator Jim Nielsen called a public meeting at their request on 10 September 1985 in Los Molinos. Organized sportsmen's groups from northern California were invited. The meeting was unruly and overwhelmingly antagonistic to the PLMP. This started significant resistance to the program.

During 1985 and 1986 problems occurred in northeastern California where land boundaries were

unclear. Hunters, expecting access to public land, were denied it in a few areas. A particular cause of confusion was a ranch with public and private land interspersed. Arguments between armed parties occurred. A caller concerned about these difficulties awakened the Bureau of Land Management's district manager at about 2 o'clock one morning, wanting immediate action to resolve the problem.

Between 1985-87, opponents of the PLMP spoke before local sportsmen's clubs, presented petitions to county boards of supervisors, and lobbied legislators. A Lassen County supervisor was particularly active. Jim Freeman wrote an article in the San Francisco Chronicle in 1985 praising the program. Several later articles by Ken Castle in the same newspaper criticized the PLMP severely.

Hunters Suggest Changes. These incidents inspired serious opposition to the PLMP by hunters. For example, the Sportsmen's Council of Central California (SCCC) is well-established and represents many sportsmen's clubs in central California. They passed a resolution in December 1985 that called for public hearings before new PLMP permits were issued. They also asked that existing permits conform to deer seasons and bag limits on adjacent lands. Their objections included the charge that the affluent hunter had more and better opportunities than those who could not afford hunting club fees. Hunting during the rut, when bucks are less wary bothered them. They also objected to hunting where deer may have concentrated because of earlier hunting by the public on surrounding lands. In an accompanying letter signed by president Henry Doddridge, dated 11 December 1985, they said, "In summary, if seasons, bag limits, and ratio of buck/does to be harvested are to be changed in order to benefit wildlife, then it should be done wherever needed, and not primarily for profit in 'islands of special privilege'." Another resolution passed at the same meeting asked that any agency administering lands adjacent to proposed PLMP areas be consulted in advance for coordination of the management plan.

The Commission made a major policy change three months later. They restricted late seasons, modified criteria for approving plans, and formed the policy of "parity" (see Policy Changes section).

Ranchers Suggest Changes. Ranchers made suggestions for efficiency and greater income to the Department. For example, in October 1984 they asked for the option of selling an "opportunity permit," like the "trespass permit," proposed under the Hallett bill, with income going to CDFG from individual permits for the opportunity to hunt. This permit would generate funds from unsuccessful hunters without using a tag from the allocation. Thus, funds to the Department

would include not only income from all the allocated tags, but from opportunity permits for unsuccessful hunters. The ranchers argued that the number of animals to be harvested is determined by the plan and should be separate from the administration of tags. It is easier to attract hunters with a small fee for the opportunity to hunt, and charge for success only after they harvest an animal (H. Blythe and G. Work, pers. commun.).

A proposal for an opportunity permit was prepared for hearing before the Fish And Game Commission on 5 April 1985 (Statement of Purpose for Regulatory Action, 14 January 1985). It would have allowed the unsuccessful hunters to retain their public tags. A possible problem may have been that separating the opportunity fee from the harvest fee might result in charges that ranchers were selling wild animals. The proposal was never acted upon.

Pressure on Ranchers. From 1985 to 1987 the livestock industry was depressed and many ranchers had difficulty making loan payments. Diversified income was a possible solution. Two logical ways of diversifying were to harvest fuelwood and lease hunting rights.

Just when many ranchers began fee hunting, insurance became expensive and hard to get. Policies were as much as \$8,000 (or more for very large ranches), and during one period no insurance carriers could be found at all. These crises coincided with the initial restriction of the PLMP. Ranchers felt threatened by these financial and regulatory limitations.

The ranchers perceived that to accomplish the major goal of the program, many of them must be motivated to participate. Only when they participate is there a chance of changing their approach toward land management to promote better conditions for wildlife. To motivate landowners, the program must be positive, free from excessive paper work, and easy for them to market.

Ranchers Organize. By the end of 1985, the need for a trade association was apparent. Information on pricing, marketing techniques, insurance, and potential costs was hard to find. Some organized approach to the insurance problem was needed. Fee hunting had political opposition, but the California Cattlemen's Association and the California Farm Bureau Federation perceived hunting as recreation and refused to actively defend it for the landowner. Lee Fitzhugh, Cooperative Extension wildlife specialist, helped organize a trade association for owners and managers of upland and big game fee hunting areas. The association, California Wildlife Unlimited (CWU), was born in a series of meetings from February 1986 through May 1987 when the board of directors filed papers for incorporation. Founding directors were Harold R. Eade, Presi-

dent; George Work, Vice President; Mike Sutsos, Secretary, Lester Patterson III, Treasurer, Ray Harden, and Mike and Bonnie Mitchell, members. CWU's goals were: (1) obtain group hunting club insurance; (2) provide an organized political voice for hunting club owners; (3) set ethical standards for the industry; (4) provide a clearinghouse for marketing hunting; (5) provide a source of statistics for banks and insurance companies; (6) gather information about hunters desires; (7) exchange information, forms, etc.; (8) coordinate with similar groups in other states; (9) identify needed research and guide universities; and (10) stimulate public education about hunting.

Hunters Organize. The Sportsmen's Council of Northern California was organized in March 1988, with Harold R. Edgar, Sr. as president. Ron Parker and Al Shults were co-organizers. A steering committee was formed with 16 members from 7 sportsmen's clubs. The goal of the organization was to support fair and equitable opportunity for hunters (letter from Edgar to Board of Directors, CWU, 31 March 1988). They immediately passed a resolution for the repeal of the PLMP. In particular, they objected to: (1) PLMP seasons and bag limits being different from those on immediately surrounding areas; (2) landholders as well as owners being licensed; (3) the taking of migratory wildlife; (4) the provision that PLM regulations "may supersede any provision of this (Fish and Game) code ..." Removing these provisions from the PLMP would make it the same as the pilot program except that it would apply to all counties where nonmigratory deer live. The Sportsmen's Council of Northern California proposed in a letter to Governor George Deukmejian 25 March 1988, that these changes be made.

Political Problems Mature. Lieutenant-Governor Leo McCarthy, on 7 August 1987, requested an audit of the program by the state Auditor General. McCarthy also asked the Fish and Game Commission to stop issuing new permits, but they did not comply. There may have been political reasons for McCarthy's action. He was of the opposite party from the governor and made the request at a public meeting when the governor was out of the state, with no discussion and little advance notice to the CDFG. About the same time, the legislature announced a public hearing concerning operations of the CDFG, including the PLMP. The legislative hearing was held 26 October 1987 and most of the testimony provided strong support for the program. The audit, completed in May 1988, identified some administrative problems within the CDFG but found no evidence of wrongdoing within the Department or by ranchers in the program (Hayes 1988). The CDFG acted rapidly to follow the Auditor General's instructions. Opponents of the PLMP were left with little

substance for complaint, but I do not think they changed their opinions.

Until this time, the CWF supported the PLMP and tried to convince its members of its value. Early in 1988, their board of directors voted to work toward repeal of the PLMP. The CWF supports a legislative advocate in Sacramento and has had great influence in California legislation. Their switch was a serious threat to the PLMP.

Controversy over fees. The level of fees to support the PLMP is an unsettled issue. Sections 3402 and 3407 of the California Fish and Game Commission regulations establish tag fees and a 3-year license fee designed to "meet the department's costs in administering the program." According to the Statement of Purpose for Regulatory Action dated 3 May 1984, these costs covered the review of management plans, permit activities, and costs of "printing and managing an identification system in the form of tags ..." This view of costs to be reimbursed would allow the Department to control wildlife management on private land without special expenditures each year. The Department would have paid its own cost of promoting the program and suggesting management practices.

Later, the Auditor General would disagree with this interpretation of legislative intent. His interpretation was that all Departmental costs must be paid by fees from the program. For example, start-up promotion costs, costs of helping landowners develop plans, and costs of checking hunters for law enforcement on PLMP lands must be reimbursed. This added another financial burden to the landowners.

Ranchers discovered that the PLMP was being assessed costs of law enforcement on PLMP lands that often had been done without cost before they joined the program. This made them feel that the Department was charging Departmental duties that should be charged to the general Departmental budget. They also discovered during this time that not all program-generated license and tag fees were credited to program income.

In California, deer hunters purchase a hunting license and a deer tag application, good anywhere in the state. They then apply for the deer tag for the zone where they want to hunt. The tag itself is free. To hunt deer on a PLMP area, hunters may exchange an application or a deer tag for a PLMP deer tag, for an additional fee. Once exchanged, the previous tag or application is void, and the hunter cannot return to public land to hunt, or to private land not in the PLMP. Only the extra fee for the PLMP tag is credited to the PLMP income. Money received by the Department for public deer tag applications goes by law into a general account used for wildlife management, and cannot be

accounted to another program. However, at least as recently as 1965, a portion of hunting license fees was credited to the licensed pheasant club program (Harper et al. 1965).

It would have been easy to identify at least some people who hunted only on land in the PLMP. Nonresident hunters and those who exchanged an application could be distinguished from those who may have used their tag to hunt on public land before exchanging it. Ranchers believed that the license and application fees from nonresident hunters on PLMP lands and application fees from resident hunters who exchanged an application were generated by the PLMP and should be credited to it.

Ranchers, disturbed at the accounting procedures, also thought the Auditor General should have amortized first-year start-up costs. Then, they realized that they were paying for every hour of a biologist's time, including travel and report-writing, and also for time supervisors spent supervising people and reviewing reports for the PLMP. This was a new experience for most ranchers. They became concerned that all the costs were being passed to them by an agency that was not accountable for its expenditures.

POLICY CHANGES

Even before the hearings and audit, the CDFG and the Fish and Game Commission had been restricting the program annually in response to hunters's complaints. Ranchers became more concerned with each change.

In a policy adopted 7 March 1986 (Wildlife Ext. files) the Fish and Game Commission emphasized that all PLMP operators had to improve habitat. The only standard exceptions were ranches that already had managed their habitat well or those likely to be subdivided. Practices such as population control and cessation of depredation killing were no longer substantial reasons for approving a plan. Hunts during the rut needed special justification. Hunts extending past late November in migratory deer ranges had to conform to season dates in nearby hunt zones to achieve "parity for the nonattached hunter." Antlerless or "either-sex" deer hunts also had to be consistent with hunts in adjacent zones. In a letter to the Commission on 14 January 1986, CDFG Director Jack Parnell questioned some of these provisions and their effect on the PLMP.

Hunters who did not like the PLMP objected to late seasons, while ranchers thought they needed them. It soon was apparent that the Commission was reluctant to approve hunts after late November in resident deer areas as well as migratory areas (letter from E. Hunt 4 August 1986).

On 6 March 1987, fees were increased from \$300 to \$400 for the 3-year license, and the cost of the buck deer tag was doubled to \$20. This was done to satisfy the legislative requirement that the program pay for itself.

After December 1987, new applicants had to place legal notices in local papers and send copies of the application to all adjacent landowners by certified mail.

Landowner benefits under the PLMP were linked to changes in carrying capacity. Species other than deer were brought under the "parity" policy.

The Auditor General's report (Hayes 1988) required tighter control, closer monitoring of the program and fees even higher than they already were. Beginning with a meeting 9 September 1988, the Department developed new regulations to comply with the report and resolve hunters' complaints. The proposed changes, which included 13 items were distributed 29 September. Some of the items reflected suggestions from the 9 September meeting, but other suggestions apparently had no influence. Ranchers, acting through the CWU board of directors, sent a letter to the Commission calling their attention to the total effect of the piecemeal changes in the PLMP. They also objected to perceived changes in attitude and responsiveness toward landowners by the Department since 1986. Another letter went to the Department's director objecting to the actions of some game wardens on PLMP lands and suggesting policy to resolve that problem. As a result of these letters, the Department arranged a meeting 15 November with CWU directors, at which they discussed the proposed changes to the PLMP program. CWU made recommendations for modifying four of the proposals and the Department made most of the changes.

One of the main items discussed involved control of the Department's cost for administering the PLMP. Besides influencing the proposals before the Commission, this meeting also influenced internal Department procedures to reduce costs.

On 1 December 1988, the Commission adopted the 13 proposals, including: (1) doubling the number of signs required on unfenced lands adjacent to some public lands; (2) applicants providing the Department with four sets of original U.S. Geological Survey quadrangle maps of the entire area, identifying all structures and facilities on the maps; and (3) doubling the application fee to \$800 and increasing tag fees substantially. For example, the buck deer tag fee was raised from \$20 to \$35.

Much of the ranchers' concern remained. The situation seems to be a classic example of conflict between government and business in a new industry.

PRESENT STATUS

By 1988 the program included 54 ranches, covering 703,724 acres, more ranches than ever before. The Auditor General (Hayes 1988) found that all ranches examined were doing the management described in their plans. The program has attracted enough ranchers that market forces are beginning to control prices. Hunters have choices and access. However, by the end of the year, more restrictions had been imposed than ever before, some of them with substantial costs to owners.

The PLMP was teetering toward failure. On one side was ranchers' willingness to support the program because of a desire to manage their ranches better and the need for income. On the other side, marginal financial returns and vigorous opposition from hunters gradually was making the program impracticable. Research showed that 1/3 to 1/2 of fee hunting operations in California were losing money in 1986 (Loomis and Fitzhugh 1988, Fitzhugh 1988). Ignoring land costs, and using a strict cost-accounting margin analysis, the average net income for deer hunting operations was \$1.02/acre. Including the cost of family labor reduced the average return to a negative \$.90/acre (Loomis and Fitzhugh 1988). To include land costs would make all ranches show negative returns. (Land costs, prorated among all ranch enterprises, should be included as an opportunity cost because one option is always to sell the ranch and use the capital, tax payments, etc. in other ways.)

A PREDICTION FOR THE FUTURE

I predict that policies and fees imposed in 1988 may force the smaller operations out of the program. If recent changes eliminate all but the larger ranches, access will be lost, and the program will be driven away from market control toward an elitist pricing system. This is one of the situations the opponents of the program wanted to avoid.

Some ranchers, who depend on a late season deer hunt may close land permanently to hunting and may manage the land to favor other than wildlife interests. Some of these lands are key winter ranges for deer.

Other landowners who leave the program may only reduce their hunting program to standard seasons and perhaps take more hunters during less time. The number of animals taken on these ranches would be unregulated except by the standard seasons and bag limits for the hunt zone.

Some PLMP areas in hunt zones where per-

mits are limited by drawings, may close public hunting on their ranches because they will be unable to supply tags to regular clients. A few of these ranchers may return to killing deer during the winter by depredation permits.

If these responses occur, the effect of the recent regulations will be contrary to the purpose of the original legislation. The PLMP will be effective only on a few large ranches. It will not protect habitat in most of the winter ranges and will not be effective in slowing subdivision of important deer range or in providing hunting access. Also, the economic need for diversification may force ranchers to harvest more fuelwood and use other resources more intensively to avoid selling the ranch during low periods in single-product economic cycles. Diversification that does not include a wildlife goal probably will harm wildlife habitat.

In 1980, Carol Hallett warned Donn Bonnheim, one of the principal proponents of the Hallett bill, that "the bureaucracy" was likely to ruin the program (D. Bonnheim, pers. commun.). That may be happening. "The bureaucracy," although well intentioned, is pressed by special interests and may be politically powerless to achieve the program goal. The system in which it works encourages running the program rather than achieving the goals.

CAUSES AND SOLUTIONS

Using hindsight, at least one cause of difficulty for the PLMP was the adverse attitude of local Tehama County hunters toward the Dye Creek Ranch. This attitude originated in actions taken many years ago and is unrelated to the present.

Another seems to be a lack of public relations and failure to seek local hunters's participation in designing the program. Hunters' response to the Ketchum bill should have been a warning. Local sportsmen's groups may have been more supportive if they had been informed between 1980 and 1983 and if their ideas had been sincerely sought. The program also may have been structured differently.

It may yet be possible to preserve habitat on private lands. Both hunters and ranchers must participate in all stages to develop the solution. A citizens committee of ranchers and hunters, with good communications to their constituencies, should be able to resolve the original problems, preserving wildlife and their habitat on private land and providing more public hunting. The result of such an effort should be a sound and well-supported program. Whatever the outcome, it can be no worse than lack of action under the present circumstances.

The next chapter in this history is yet to be written. The accuracy of my predictions will be determined soon. California's wildlife need action now.

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