

The Honorable Fran Pavley, Chair  
Senate NR&W Committee  
State Capitol, Room 4035  
Sacramento, CA 95814

June 18, 2012



**RE: AB 2179 (Allen) – OPPOSE**

Dear Senator Pavley:

The California Waterfowl Association (CWA) strongly urges you to oppose AB 2179 (Allen), which would allow the Department of Fish and Game (DFG) to impose civil penalties of up to \$20,000 for violating any provision of the F&G Code or regulation adopted pursuant thereof.

While we appreciate the intent of the author to provide greater enforcement tools to DFG, AB 2179 would wrongly allow for relatively minor F&G offenses to be subject to severe financial penalties. The bill would accomplish this by gutting and re-writing well-established civil penalty legal requirements within the F&G Code which appropriately target serious fish or wildlife-related crimes only, including commercial violations or violations which are committed knowingly.

In addition, the bill removes important checks and balances—especially an existing requirement that DFG consult with and seek concurrence of the local District Attorney before proceeding with a civil hearing. The measure would also unnecessarily delete monetary penalties guidelines which were established by the F&G Commission via its regulatory process and after substantial public input. While AB 2179 requires DFG to establish new monetary penalties, there would no longer be review by a separate state agency (e.g. the F&G Commission) and considerably less meaningful public input.

Please note that current law already allows the F&G Commission to revoke the hunting or fishing license of anyone convicted of 3 F&G violations within a 5-year period, while also permitting (1) the permanent revocation of a hunting or fishing license, (2) equipment seizure and (3) fines up to \$40,000 of persons convicted in criminal court of certain egregious poaching violations, such as possession of gross overlimits of fish or game. Unlike AB 2179, these laws appropriately target serious poaching or other significant F&G violations only, and would not apply their enhanced penalties indiscriminately.

For these reasons, please oppose this measure when it is considered before your committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Hennelly", is written over a light-colored background.

Mark Hennelly, Vice President  
Government Affairs and Public Policy

Cc: Members, Senate Natural Resources and Water Committee  
The Honorable Michael Allen, Assembly Member, 7<sup>th</sup> District