

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

857



FROM: County Counsel

SUBMITTAL DATE: January 27, 2004

SUBJECT: Electing not to participate in Public Hearings after Notice from the Department of Fish and Game

RECOMMENDED MOTION: 1) Adopt Resolution No. 2004-059, electing to discontinue the process of evaluating proposed antlerless deer hunts in the County of Riverside. 2) Direct the Clerk of the Board of Supervisors forward a certified copy of Resolution No. 2004-059 to the California Department of Fish and Game.

BACKGROUND: At last year's hearing regarding antlerless deer hunts in the County, a representative of the Department of Fish and Game was requested to provide this Board with direction on how to "opt out" of the public hearing process. While the information was not provided, it is nevertheless recognized that the enabling statutes provide for the adoption of a resolution allowing a designated county to discontinue participation in the notice/public hearing process. The proposed resolution requests withdrawal from the program allowing for reentry if a future Board so chooses.

JOE S. RANK, Assistant County Counsel

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Policy
Policy

Consent
Consent

Department Recommendation:
Per Executive Office:

Prev. Agn. ref.

Dist.

AGENDA NO.

3.14

2 RESOLUTION NO. 2004-059

3 RESOLUTION OF THE COUNTY OF RIVERSIDE
4 ELECTING NOT TO PARTICIPATE IN PUBLIC HEARINGS
5 AFTER NOTICE FROM THE DEPARTMENT OF
6 FISH AND GAME UNDER FISH AND GAME
7 CODE SECTION 458

8 WHEREAS, in 1977, Fish and Game Code Section 458 became effective, designating certain
9 counties to be noticed whenever an antlerless deer hunt is to be considered within a designated county,
10 and

11 WHEREAS, in the last several years, the County has conducted public hearings, for the purpose
12 of evaluating the proposed hunts, without clearly being made aware of all issues/concerns involved, and

13 WHEREAS, at it's hearing January 28, 2003, Chairman Tavaglione questioned the ability of the
14 County to properly evaluate the proposed hunts recognizing that the State Department of Fish and Game
15 should advise the State Commission on whether or not the proposed deer hunt should be conducted, and

16 WHEREAS, Fish and Game Code Section 458 provides "The Board of Supervisors of any
17 county in which this section is applicable may, by resolution, elect not to exercise the rights conferred
18 by this section," now, therefore

19 BE IT RESOLVED, that the Board of Supervisors of the County of Riverside, at its regularly
20 scheduled meeting on January 27, 2004 elect to not exercise the rights conferred by Fish and Game
21 Code Section 458, unless, and until a subsequent resolution is adopted by the Riverside County Board of
22 Supervisors setting aside this election.

23 JSR:dbf

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