

F&G Chief Carper faces fight in the Senate

By BOB ALDRICH

As if Governor George Deukmejian isn't having enough trouble getting his appointees through the state Senate, a new battle is taking shape over Howard "Don" Carper, the governor's choice as director of the Department of Fish and Game. Carper's appointment has sparked an outcry from conservationists and commercial fishing interests, and both groups are gearing up to defeat him. He is also in trouble because he intervened in a Madera County criminal case involving three friends convicted of shooting doves out of season.



The governor appointed Carper in June 1983, meaning that Carper can serve until June 1984 without Senate confirmation. But if he doesn't get it by then, state law requires that he get out. And a spokesman for Senate President Pro Tem David Roberti says Carper has "serious problems."

Carper, 50, replaces E.C. "Charlie" Fullerton as head of Fish and Game, the department that oversees California's wildlife resources. Many conservationists had hoped that the governor would reappoint the popular Fullerton, who served under former governors Ronald Reagan and Jerry Brown. Essentially, both conservationists and commercial fishermen see Carper as too much the sportsman, interested in the environment only as a place to use a fishing pole or a rifle.

"Carper is an outrageous appointment," says League of Conservation Voters director Carl Pope. "(He is) a man with no sympathy for protecting wildlife, no basic understanding of the complexities of the biological communities he's responsible for managing."

On the commercial fishing side is John J. Royal, executive secretary-treasurer of the Fishermen and Allied Workers Union, ILWU Local 33 in San Diego. In a letter to the Senate Rules Committee, which must vote on the Carper appointment, Royal says, "Mr. Carper knows only one fishing industry, the sports fisherman. The nomination of Mr. Carper to this important government position is akin to nominating a vegetarian to head the Department of Agriculture."

Carper replies

Carper replies that he knows fish-and-game issues. "The majority of people who are hitting me hard," he says, "are people that have not bothered to find out what my back-

ground really is . . . I did not ride into town on a turnip wagon. I've been heavily involved with a state-wide conservation organization for years and have been very active in conservation issues in this state — both from a sportsman and a commercial standpoint. From a legislative position, as well as commission issues and general public education, I do have a little background and a handle on the situation."

Previous to his appointment, Carper owned a sporting goods store in Inglewood for over twenty years and is now the president of a distribution company handling mail-order tools sales and airplane rentals. He is also the vice-president of an aviation-sales-and-repair company as well as a partner in a land-and-livestock company. However, Carper says, effective with his appointment last June he withdrew from active management in all those firms.

Not that he hasn't continued to help his former customers. Last October, Carper intervened on behalf of three hunters convicted for shooting doves out of season. The three — residents of Torrance and customers of Carper's Inglewood gun shop — were fined \$585 each by Chowchilla Judge John DeGroot, who also confiscated their guns. When the three protested the confiscation to Carper, he ordered an aide to write DeGroot, asking that the firearms be returned. The judge complied.

In late January, the Sierra Club and the League of Conservation Voters called for Carper's suspension from office, charging that the DeGroot letter was an abuse of the legal process. Defending it, Carper told *The Sacramento Bee*, "We (the department) wanted to tell the judge we were completely satisfied with the way he handled the case and that we would have no problem if he wanted to return the guns."

Carper has long been supportive of gun owners as evidenced by his involvement over the years with organizations like the National Rifle Association, the California Rifle and Pistol Club, the California Wildlife Federation (which Carper calls a ". . . pro-hunting, pro-gun, conservation and preservation organization . . .") and the California Varmint-Callers Association. He is a founding member of the Hunting Hall of Fame and a past-president of the Los Angeles chapter of the Safari Club International.

Although Carper's detractors have also complained about his lack of professional training in biology or wildlife management, what seems to bother many of them even more is what some call his "cavalier attitude" toward wildlife. In this regard, he wrote a letter on December 5, 1980, to Mifty Trankmann, director of the now-defunct Trinity Wildlife Care Center. Carper, then president of the California Wildlife Federation, was replying to Trankmann's request for funds.

"It is not that we are unable to help," he wrote, "it is that we can't due to our different concepts of life in the big forest. I am sorry that you are reaching the end of your

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resources; however, I suspect that the last raccoon that you tamed and then turned loose, only to starve or get run over, is delighted. At least now the poor critter can die a normal death or continue to live slightly crippled."

When asked about the letter recently Carper replied, "It (the care center) was an idealistically wonderful idea. However, realistically, it was not a good one. I might have made an error in my choice of words in the reply. But, you have to keep in mind that it was written in 1980. I don't know if what I said in 1980 really has much bearing on what my job is now. I was representing an organization with a specific viewpoint then, and now I'm representing the State of California."

Tulare Lake episode

Carper's critics also complain about a more recent action: As director, he approved the poisoning of a San Joaquin Valley waterway to expedite a pumping project being conducted by two of the valley's agribusiness giants — J.G. Boswell Company and Salyer American. The firms were draining flood waters from Tulare Lake basin and in so doing threatened to spread white bass into the Sacramento-San Joaquin Delta. The bass, a predator fish, could wipe out the Delta's all-important salmon fishery. When it was found that several bass were outside a fish screen that was supposed to stop them, Carper ordered the poisoning — which kills all fish —

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to assure that the escapees got no further than a nearby waterway.

Opponents accused Carper of a "shoot-first, ask-questions-later" policy. "That type of reaction comes from them not understanding the entire situation," he replies. "We had reason to believe that the fish were actually planted on the other side of the screen. Using the chemical was the best way to make sure the bass didn't escape north and threaten the other fish in the Delta."

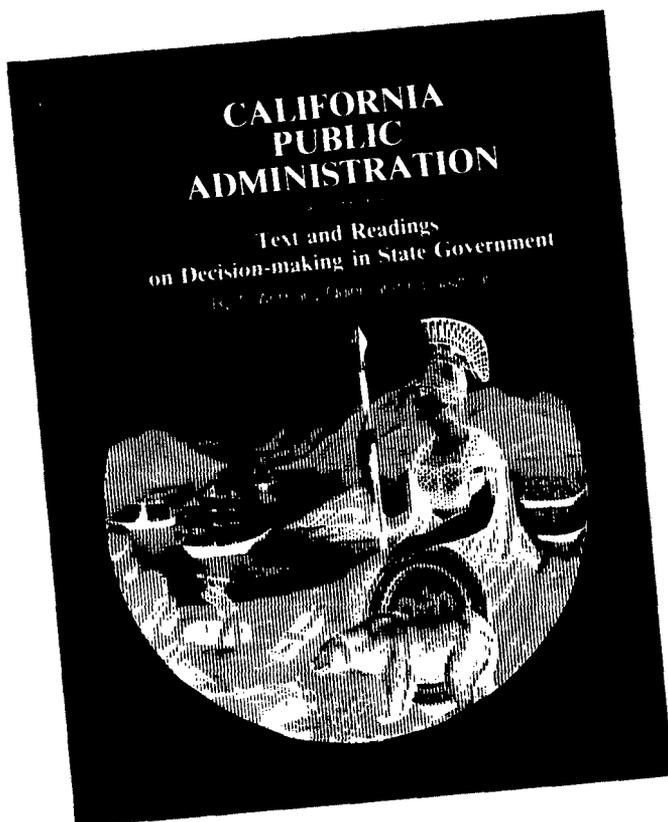
Carper also came under fire last month for allegedly telling the Pacific Marine Fisheries Commission that his solution to competition from Vietnamese refugee fishermen would be to, "put them all in a big boat and sink it." Refugee leaders told the *San Francisco Chronicle* that two members of their community were willing to testify about the incident at Carper's confirmation hearing before Senate Rules this spring. Carper denies making the remark although the charge is one more in a growing list of problems facing Carper when he faces the Senate.

Staffers at the Rules Committee say that committee mail is running against Carper's appointment to the \$49,940-a-year job. However, Carper is lobbying hard to hold his position and seeking support wherever he can. "I can only rely on the wisdom and the integrity of the Senate and the Rules Committee," he says. "I hope they'll assess me based on my performance in office." 

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California Public Administration

by T. Anthony Quinn and Ed Salzman



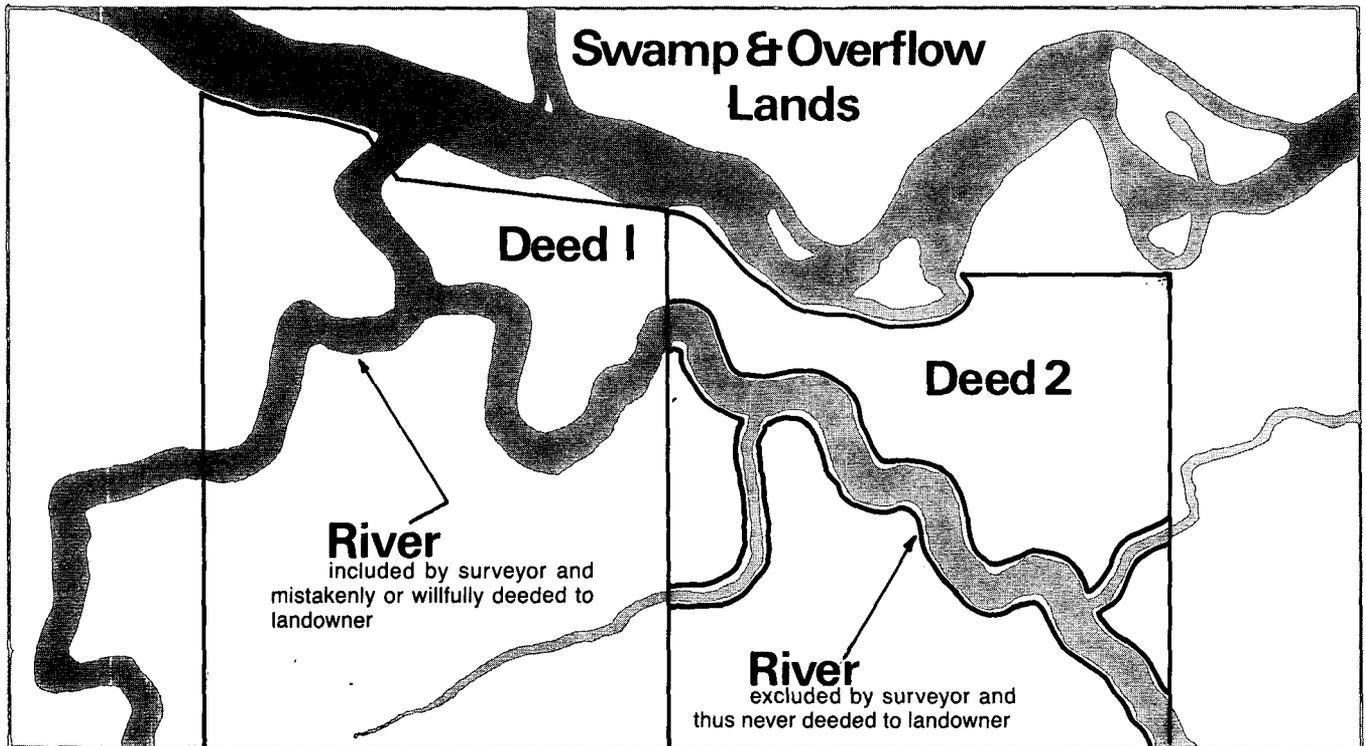
California Public Administration, first published four years ago, has become a basic resource for students of California's system of government and for individuals who want to learn about the inner workings of the state bureaucracy. This second edition contains a large new section on the California tax revolt and the impact of Proposition 13. Sections are included on the top executives, the regulatory agencies, the Legislature, the judicial system, education and the bureaucracy. The administrative agencies are covered from three angles — those which provide direct public services, those which establish or implement public policy, and those which are essentially internal organs of government.

The 112-page, large-format book also contains diagrams showing the legislative process, the court system and the state's administrative agencies.

Although this book is designed primarily for classroom use by students of public administration, it will also be a useful tool for anyone seeking to understand how state government works.

The price: \$5.25, including tax. Copies may be ordered now from the *California Journal Press*, 1714 Capitol Ave., Sacramento 95814. Postage and handling are free on prepaid, Visa or MasterCard orders only.

State sells wetlands in 1855; now wants them back



By WESLEY MARX

In 1855, shortly after California's admission to the Union, the state began an enormous sale of land. For one dollar an acre, the enterprising citizen could buy wetlands of the kind that once rimmed many state waterways like a green, wind-rippled scarf. Often flooded because of high winds or storms, they were regarded as relatively useless "swamp and overflow" territory. What could be better than to sell these watery wastes to persons who would build levees, drain the land and turn it into productive farms? And the buyers came. Some 2.2 million acres were sold.

One would think that this long-ago land sale would have been long since forgotten. Not so. Tainted by greed and corruption, the sale has left a legacy of conflict that continues to this day. Meanwhile, much of this once muddy wasteland has become precious waterfront property, a potential bonanza for landowners and developers. In the battle for its control, millions — if not billions — of dollars in property development is at stake.

On one side is the State of California, contending now that many of the land sales it made a century and more ago were improper, involving land it had no right to sell. Thus, it has been moving slowly over recent years — almost par-

Wesley Marx, author of The Oceans: Our Last Resource, wrote "Offshore oil: A California battleground" for the September 1983 Journal.

cel by parcel — to lay claims to much of its old property.

On the other side are the heirs and successors to those who bought the land, some of whom have big plans for its future. They contend that it is unfair and unjust for the state to appear after 100 years to claim property once purchased from the state itself, and upon which they have been paying taxes all this time. Equally embittered are the title insurance companies that have lost a lot of money and stand to lose much more as land titles that they once guaranteed as free-and-clear are clouded by state claims.

Not surprisingly, the Legislature is involved. Carrying a bill for the landowners and title companies is Republican Senator James Nielsen of Woodland, the GOP leader in the upper house. The bill (SB834) would wipe out a majority of state claims by legitimatizing the original sales. State Attorney General John Van de Kamp, one of many opponents, calls the measure a "wholesale giveaway" and "unconscionably poor public policy."

Trust lands

At the core of the dispute is the distinction between swamp and overflow lands, which could be sold, and the state's navigable waterways, which could not. Essentially, the state says that many of the large swamp and overflow tracts that were deeded off to private buyers in the last century included parts of waterways. Thus, the state seeks now to get its waterways back. If that's impossible because the area has been diked and filled, the state will make an exchange. In return for granting a clear title to the current