

California Fish and Wildlife Strategic Vision Project
Potential Recommendations for Discussion in Phase 3 and
for the DFG Strategic Planning Process

February 28, 2012

Assignments to Phase 3 or to a Strategic Planning Process

At its meeting on February 16, 2012, the California Fish and Wildlife Strategic Vision (CFWSV) Executive Committee adopted an interim strategic vision that included recommendations put forward by the other working bodies of the project: the CFWSV Blue Ribbon Citizen Commission (BRCC) and the CFWSV Stakeholder Advisory Group (SAG). The executive committee also requested that the CFWSV Project be completed, and a final recommended strategic vision be submitted, by early April. To help facilitate the remaining work of the BRCC and SAG, the executive committee also requested that those two groups confine their deliberations to only a few topics, leaving all other topics to a strategic planning process through the California Department of Fish and Game (DFG).

This document names and explains the potential recommendations put forward by working bodies of the CFWSV Project, but that were not included in the February 16, 2012 interim strategic vision. The potential recommendations are presented first by whether they are to be addressed by the BRCC and SAG in phase 3 (section 1 below) or by DFG in its planning process (section 2 below); within each of these two categories, the potential recommendations are further presented by topic area.

The topics to be discussed by the BRCC and SAG in phase 3 are:

- the role, name and membership of the California Fish and Game Commission (F&GC),
- funding and efficiencies,
- statutes and regulations, and
- mandates

The topics to be handled by DFG in its planning process include, but are not limited to:

- the name and mission statement of DFG,
- enforcement,
- partnerships and integrated resource management (IRM),
- science, and
- statutes and regulations.

The potential recommendations included in this document came from multiple sources; to identify from where the recommendation last originated, this document includes a code that precedes the title text of each recommendation. The codes are:

{S} The recommendation was approved by members of the SAG who were present at its last meeting on February 3, 2012, but was not adopted by the BRCC or discussed by the executive committee.

{B} The recommendation was adopted by the BRCC, and the executive committee requested additional discussion be held.

- {E} The executive committee suggested that SAG members, individually or collectively, directly convey the recommendation to the Governor and the California State Senate.
- {N} The potential recommendation was not fully considered by the SAG on February 3, 2012.
- {H} The potential recommendation was suggested early in SAG deliberations but “held” for future discussion and deliberations in phase 3 of the project.

This document also retains notes from homework volunteers and individual SAG members for those recommendations that were not fully discussed on February 3, as well as staff notes, which are in brackets and underlined [like this]. Any text proposed for elimination is in strikethrough ~~like this~~ and new proposed text is underlined like this.

Section 1: Recommendations for Consideration by the BRCC and SAG in Phase 3

Role, Name and Membership of the California Fish & Game Commission (F&GC)

1. {B} Realignment of the Powers and Duties of DFG and F&GC Recommendation: The authority of F&GC should prospectively be focused on the setting of hunting and fishing seasons, bag and catch limits, and related functions. Other regulatory and land management responsibilities, including the administration of and listing decisions under the California Endangered Species Act, oversight of California’s marine protected areas, and administration of the Oil Spill Prevention Act, should be centralized in DFG.

Originally, the mission of both DFG and F&GC was to implement, administer and enforce the state’s laws governing hunting and fishing. In more recent years, the mission of both entities has expanded dramatically, to include many other functions. The respective powers and duties of DFG and F&GC should be modified to reflect this modern reality, and to allocate between the two current legal responsibilities in a manner that is effective and efficient.

2. {B} Name Change Recommendation: The BRCC recommends that the title of the California Fish and Game Commission be changed to more accurately reflect the scope of its jurisdiction in the 21st Century.

3. {B} F&GC Member Qualifications Recommendation: Drawing upon the successful experience of other state agencies whose decision-makers are required to reflect diverse and specific areas of expertise, the BRCC recommends statutory changes that expand the F&GC from five to seven members, and require that individual commissioners reflect particular, diverse professional qualifications. Currently, the five members of F&GC are required by law to have no particular professional backgrounds or qualifications.

4. {E} F&GC Member Qualifications Recommendation: Request that the Governor when making appointments and California State Senate when confirming said appointments consider these criteria for potential members to the California Fish and Game Commission:

- A. The degree to which the appointee will enhance the diversity of background and geographic representation of the Commission**
- B. The appointee's demonstrated interest and background in wildlife and natural resources**
- C. The appointee's previous experience in public policy decision making**
- D. Potential conflicts of interest of the appointee with subject matter under the jurisdiction of the F&GC**
- E. A commitment by the appointee to both prepare for and attend meetings and subcommittee meetings of the F&GC**
- F. The diversity of knowledge of natural resource issues including outdoor recreation and related scientific disciplines**

Description: The California State Constitution decrees the existence of FG&C, its size (five members), terms (six years), and appointment authority (Governor with California State Senate approval). [See California State Constitution, Article 4(b) below.] The California State Constitution is silent, however, regarding the qualifications of the appointed members. The scope and responsibilities of F&GC have significantly expanded over the years as the size and diversity of California's population has grown. The five volunteer F&GC members are expected to make complex public policy and biological decisions on behalf of all Californians based on volumes of often very technical information. Creating a defined set of qualifications including education, expertise, and experience to help guide the Governor's selection of members and the senate's confirmation process may elevate the discussion and result in decisions that improve the public's and legislature's confidence. A Little Hoover Commission report [1990] specifically noted this lack in that there was "no clear publicly understood criteria for selection and appointment of Fish and Game Commissioners."

"CALIFORNIA CONSTITUTION, ARTICLE 4 (b) There is a Fish and Game Commission of 5 members appointed by the Governor and approved by the Senate, a majority of the membership concurring, for 6-year terms and until their successors are appointed and qualified. Appointment to fill a vacancy is for the unexpired portion of the term. The Legislature may delegate to the commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. A member of the commission may be removed by concurrent resolution adopted by each house, a majority of the membership concurring."

Ties to Strategic Vision: Goal 1, Objective 5; Goal 3, objectives 6 and 7

Funding and Efficiencies

Vision: Successful natural resource stewardship depends upon stable, adequate funding.

5. {B} Funding and Efficiencies Recommendation: Reform and Simplify DFG Funding Programs

The BRCC recommends that the number of special funds be substantially reduced through elimination of particular accounts, consolidation of accounts, or both. In this way, for example, special funds meant for management of game species and hunting and fishing programs could be consolidated into one fund, thereby protecting the integrity of the funds, affording a measure of flexibility, and achieving substantial administrative efficiencies.

The proliferation of special funds within the DFG structure creates significant administrative burdens and limits the effective use of available resources. (See, for example, Legislative Analyst's Office, *A Review of the Department of Fish and Game* (1991).) There are now literally scores of special funds imposing significant limitations on DFG's ability to manage its fiscal resources effectively. Many of these funds are longstanding, single-focus programs that are outdated and often contrary to sound, state of the art, ecosystem based management practices.

6. {N} Funding and Efficiencies Recommendation: Identify program costs (noting funding authorities and stability of funds over time) and identify where fees do not cover costs

7. {N} Funding and Efficiencies Recommendation: DFG should work with stakeholders to evaluate the potential stable funding options (see appendix for list of ideas that have been suggested in this process and/or used elsewhere)

8. {N} Funding and Efficiencies Recommendation: Require open and transparent accounting within DFG to build public confidence in how funds are managed

[Note: Previous meeting participants believe it is important that the stable funding and the efficiencies recommendations stay together when moving forward.]

[SAG member comment: I do not support any increase in existing fees or any new fees. DFG needs to throttle back to live within its appropriations and recognize that the ability to continue to receive bond funding may be about over. DFG needs to get "back to basics"; structurally change the size of DFG and the way it does business to live within its appropriation.]

Description: As noted in the Treanor Report (page 26-27), the California State Legislature realizes that DFG has been underfunded for at least the last three decades. (See Fish and Game Code Sections 710, 710.5, 710.7). Fish and Game Code Section 711 states "It is the intent of the legislature to ensure adequate funding from appropriate sources for the department." Unfortunately, while there appears to be near universal recognition that DFG and F&GC do not have the resources they need, increasing funding is politically challenging. There is a need to both review the adequacy/appropriateness of existing funding streams and broaden the base of funding for DFG to include additional funding sources to include all who benefit from DFG's programs.

Specific funding streams each have their own limitations: general funds can vary from year-to-year, bonds are also variable and can only be spent on capital costs, and fees are typically constrained to very specific uses and can result in very high administrative costs. ~~From DFG's perspective, as new funding sources are developed over time,~~ DFG staff identified the burden of administering multiple, highly specialized accounts and noted that it would be preferable to consolidate them into relatively fewer accounts with more flexibility in terms of how monies can be spent.

[Suggested edit to description text from homework volunteers.]

Note that if this recommendation moves forward, the three lists of specific funding mechanisms that could be explored is suggested as an appendix.

Potential new funding mechanisms that have been suggested in this process or elsewhere include:

General Funding

- Sales tax on outdoor gear (could be statewide or at local or regional level).
- Water fee or tax (all wildlife needs water, and water transport and delivery fuels development and associated wildlife impacts).
- Wildlife tax on license plates, vehicles, or fuel due to mortality of wildlife on roadways and the impact on habitat.
- Boating or shipping fee (similar to above for cars).
- Dedicated portion of state sales tax.
- Real estate transfers fee.
- Develop campaign around nominal (\$1), voluntary (or opt out type fees) for hotels, aquaria, natural history museums, zoos, outdoor gear retailers (REI), etc. that focus on wildlife and/or habitat preservations. For example, ask each visitor to an aquarium if they'd like to contribute \$1 to help preserve California ocean habitat (or 50 cents, to be matched by aquarium!). Similar hotel room based programs have been successful in areas around national parks, the Smithsonian Museums use this approach in their gift shops, etc.
- Develop a mechanism whereby DFG can easily accept donations of money, land or equipment – potentially using the California Wildlife Foundation or other support foundation.

Fee Based Funding

- Fee for service to support the Conservation Banking Program.
- Develop fee to support Natural Communities Conservation Planning Act Program.
- Fee for California Endangered Species Act (CESA) compliance.
- Fee or tax on large vessels to help fund invasive species work.
- Fee to be paid by certain appropriate industries that generate spill response activities to fund DFG's water pollution investigation and cleanup program or authorize diversion of a portion of

the Office of Spill Prevention and Response (OSPR) fees/funds to non-OSPR pollution cases (based on nexus of fuel as significant portion of inland spill responses). Note: SAG/DFG concerns raised about ‘robbing Peter to pay Paul’ and need for NEW funds versus redistributing existing insufficient funding.

- Develop a campaign to encourage non-hunters to purchase stamps (e.g. duck stamp) to support wetland conservation activities at DFG, even if they’re not required to have the stamp on their person to conduct non-hunting activity (e.g. bird watching). Note: this may not be a major money maker and changing the name of the stamp to “wetland restoration stamp” might be necessary.
- Develop fee on bird seed/bird feeders and other non-consumptive wildlife type products. Could be a huge money maker but past attempt met with opposition from bird groups.
- Require users to pay for parking/use of wildlife areas or ecological reserves. The state of Washington passed legislation for a “Discover Pass” program (“Your ticket to Washington’s great outdoors!) and expects to raise \$10-20 million annually. [Georgia also recently instituted its Georgia Outdoor Recreational Pass, which is now required to access certain wildlife management areas.](#) The most visited California-managed outdoor areas are likely to be state parks which also need stable funding, but the DFG share from such an initiative might still be significant. Might look at that model as an option (see <http://discoverpass.wa.gov/> for more information) or other state department’s funding sources. Note, important to make it EASY to pay such fees. Requiring non-consumptives to provide a copy of their driver’s license, purchase such passes in person, etc. is a major disincentive. Such items must be easily available on-line and day passes must be available on-site.

[Suggested edits to description text above from homework volunteers.]

- Create user fee of some kind (stamp, entry fee, fee on SCUBA tank refills, etc) to help fund marine protected areas (MPAs)/marine programs. Note: the challenge in obtaining fees from non-consumptive users is the cost necessary to assess fees or enforce the need for stamps or licenses on non-consumptive users.
- Fees on scientific collecting permits/research users.
- DFG is not funded for nuisance wildlife efforts. Consider a development fee or building permit fee in areas that are newly developed. (Given the new wildfire fee for urban/rural interface homes, this proposal could be politically challenging).
- Southern California has been hit hard in the recent past by wildfires. Consider an OSPR-type program that would include a team of experts to assess impacts associated with wildfires and tap fire related fees to fund (potential use of special assessment districts). Revisit Fish and Game Commission and Board of Forestry joint policy on pre-, during, and post-fire consultation and actions.
- Fines and/or legal settlements for harmful acts in marine environments should be directed to DFG for marine conservation.

- Costs to enhance marine life should be part of any new or renewed license or other regulatory permission for industrial activities with identified adverse impacts to the marine environment.
- Once-through cooling mitigation funds. (Note: this program was established by the State Water Resources Control Board).

Potential enhancements of existing funding streams:

- Continue to pursue federal conservation funding. Note: usually requires state match.
- Pursue additional bond funds.
- Raise California Environmental Quality Act (CEQA) fees to recover DFG costs.
- Adjust user-based fees to ensure they are set appropriately and structured to keep up with inflation. Note: some on SAG think this should be responsibility of DFG (administrative) others think it should be done legislatively.
- Ensure fees cover costs of administrating program.¹ For example, commercial fishing fees currently only cover an estimated 25% of the costs of managing commercial fisheries in California, scientific collecting fees do not cover management costs, non-consumptive users fund DFG through general funds monies but not directly via user fees, etc.

[SAG member comment: DFG needs more effective and efficient accounting of commercial fishing costs; need to account for revenues/costs by fishery groups. For example, the CPS complex includes sardine, anchovy, mackerels and squid; most CPS fishermen and processors harvest the entire complex. DFG receives \$12.60 per ton landing tax for sardine, which is managed by NMFS, not the state. DFG has admitted that it makes money on sardines – those funds could be applied to squid management costs or reduce sardine landing tax and increase squid. Squid permit fees are the highest in the state at \$2,500, while most fishing permits are only 20% of that cost, or less.] Review and adjust fines and develop fine schedule that automatically keeps up with inflation.

- Increased waste discharge fees, access State Water Resources Control Board pollution funds for DFG activities with a nexus to this fund.
- Increase use of big game fundraising tags.
- Mitigation bank contributions should provide adequate ongoing operation and management funds through endowment or otherwise.

¹ See Fish & Game Code, § 711 (2) The costs of commercial fishing programs shall be provided out of revenues from commercial fishing taxes, license fees, and other revenues, from reimbursements and federal funds received for commercial fishing programs, and other funds appropriated by the Legislature for this purpose.

(3) The costs of hunting and sportfishing programs shall be provided out of hunting and sportfishing revenues and reimbursements and federal funds received for hunting and sportfishing programs, and other funds appropriated by the Legislature for this purpose. These revenues, reimbursements, and federal funds shall not be used to support commercial fishing programs, free hunting and fishing license programs, or nongame fish and wildlife programs.

Ties to Strategic Vision: Goal 2, objectives 2, 4, 5 and 7; Goal 4, Objective 5

9. {N} Funding and Efficiencies Recommendation: Evaluate program efficiencies, level of service delivery (adequate versus optimal), and viable funding.

[Suggested edits to previous recommendation from homework volunteers.]

Implementation actions include:

- Create workgroup of DFG/FGC staff and stakeholders to evaluate program efficiencies, level of service delivery, and viable funding.
- Work with other state and federal agencies to investigate coordination of programs to improve program efficiencies.

Description: DFG's broad mandates have, at times, prevented it from reviewing programs with the intent of improving efficiencies. It is necessary to review DFG's programs to improve efficiencies, determine the appropriate level of service ~~necessary~~ for each program, and identify viable funding sources to operate these programs. These efficiencies could be found both through internal changes and through improved coordination with other agencies and departments.

[Suggested edits to description text above from homework volunteers.]

Implementation Assessment

- Method: Administrative, regulatory, statutory
- Timeline: Mid-term, long-term

Ties to Strategic Plan: Goal 3, Objectives 1; Goal 4, Objectives 3 and 4

10. {H} Funding and Efficiencies Recommendation: Increase efficiency of DFG science programs by improving processes for hiring and retaining seasonal employees within state government.

Statutes and Regulations

11. {B} Statutes and Regulations Recommendation: Perform a Comprehensive Review and Update of the California Fish and Game Code and Related Laws

The BRCC recommends that a comprehensive review of state statutes, constitutional provisions and regulations concerning DFG and F&GC be undertaken. That review, which should be of a technical, nonpartisan nature, should be initiated without further delay. The independent California Law Revision Commission is an ideal body to undertake the constitutional and statutory review, and to then make recommendations for curative amendments to the California State Legislature for consideration and enactment. After that process is completed, DFG and the Secretary for Natural Resources should undertake a conforming review process of California's regulations implementing those constitutional and statutory mandates.

California statutes affecting DFG and F&GC have evolved over 140 years. During that period, new and sometimes inconsistent legal mandates have been imposed via legislation. A technical, nonpartisan review would provide recommendations for curative amendments to address the inconsistencies.

[Staff note: A variation of this recommendation was adopted by the executive committee and included in the interim strategic vision.]

12. {N} Statutes and Regulations Recommendation: *MakeEvaluate* potential statutory changes to the California Endangered Species Act (CESA) to improve the permitting process: Uniformity in permitting process, efficiency in permitting, consistency in the application of CESA standards, and opportunity for applicants to appeal DFG decisions.

[SAG member comment: I don't think there is agreement that all of these things in the recommendation should proceed or at least there is concern about the 'details' of implementation. I think members of the SAG as a whole would be more comfortable with a recommendation to evaluate such changes than a recommendation to MAKE them.]

Implementation actions include:

- Provide the ability for DFG to allow incidental take for threatened species through regulations (as opposed to individual permits), similar to federal 4(d) rule and incidental take for candidates.
[Homework discussion: Suggest holding as high priority for discussion during third phase.]
- Create an internal appeals process that an applicant can invoke when unable to reach agreement on terms for an incidental take permit.
[Homework discussion: Suggest including with recommendation #2 now.]
- Allow arbitration similar to 1600 arbitration for incidental take permits issued under CESA (consistency of application of standards).
[Homework discussion: Suggest holding as high priority for discussion during third phase.]

13. {N} Statutes and Regulations Recommendation: Allow the incidental take of fully protected species following review and under specified circumstances

Implementation actions include:

- Only allow take for defined restoration projects or agreed upon beneficial projects.
[Proposed change from individual SAG member]
- Reviewing status of fully protected species to determine the need for protection.
[SAG member comment: This is not necessarily needed. If we create a take process for fully protected species it would be done on a case by case basis. Main concern is recommending something that will be costly and time intensive.]
- Eliminate fully protected status or alternatively list under CESA depending on status review.

[SAG member comment: Elimination is controversial and I don't necessarily see a lot of support for it.]

Description: The fully protected species statute is outdated and needs addressing. Until the statutory change made in 2011, there was no way to allow for take of fully protected species. This caused challenges for projects throughout California and deterred habitat improvement projects that could benefit fully protected species because of the risk of take during the restoration project. While some would support abolishing the fully protected species statutes completely, broader support could be gained by moving species needing protection to CESA and eliminating it for those that don't need warrant protection. However, DFG has stated that its workload would be significantly less it would be much easier for DFG if the statutes were eliminated, rather than requiring the review and listing of current fully protected species.

[Suggested edits in description paragraph from homework volunteers.]

[SAG member comment on original language: I don't agree with the last two sentences of the description.]

Ties to Strategic Vision: Goal 3, Objective 3; Goal 4, Objective 2

Mandates

14. {N} Mandates Recommendation: Review DFG/FGC responsibilities/mandates to determine whether or not they should be combined, eliminated or transferred elsewhere.

[Suggested vision and edits to outcome text from homework volunteers.]

[SAG member comment: I do not agree to creating an organization that meets All its mandates. There are lists of pages and pages and pages of unfunded mandates that will never be funded and should not be funded through fees. DFG needs to "throttle-back" to live within its appropriation.]

Implementation actions include:

- Create workgroup of DFG/FGC staff to review current responsibilities of DFG/FGC and make recommendations on potential transfer, combination, or elimination.
- Work with stakeholders to get their recommendations on potential transfer, combination, or elimination of responsibilities.
- Work with other state and federal agencies to investigate feasibility of transfer, combination, or elimination of responsibilities.
- Work with the legislature (members and staff) to gain support for transfer, combination, or elimination of responsibilities.

Description: DFG/FGC has an incredibly broad mandate, which creates challenges in efficiently implementing all the programs over which it has responsibility. With the current interest in reviewing

Title 14 of the California Code of Regulations and the California Fish and Game Code to identify: (1) inconsistencies; (2) redundancies; (3) unused and outdated code sections; (4) sections creating parallel systems and processes to be consolidated; and (5) opportunities to restructure the codes to group similar statutes and regulations; ~~and (6) other opportunities for amendment, repeal, consolidation, and simplification of sections of the code.~~ It ~~would~~may be worth ~~incorporating~~ considering ~~of~~ eliminating ~~/or~~ transferring some responsibilities outside of DFG; ~~For example OSPR may be better placed elsewhere and~~ some examples that have been raised in discussions are placement of OSPR within DFG, the role of the California Ocean Protection Council, and whether some of the water branch's activities may be more appropriate with the State Water Resources Control Board.

[Suggested edits to description text in paragraph above from homework volunteers.]

[SAG member comment: This descriptive text in paragraph above belongs under statutes and regulations, not funding.]

Ties to Strategic Vision: Goal 4, Objective 3.

15. {H} Office of Spill Prevention and Response Recommendation: Reestablish that the OSPR administrator has autonomous control over hiring, personnel, budgeting, and funds regarding marine oil spill prevention and response activities, to ensure the ability to carry out “best achievable protection” of the coast from spills, pursuant to the California Government Code (Lempert-Keene-Seastrand Oil Spill Prevention and Response Act).

16. {H} Office of Spill Prevention and Response Recommendation: Use an existing civil service classification to hire a law enforcement pollution investigator with powers to enforce the provisions of the Government Code relevant to OSPR and the administrator.

Section 2: Recommendations for Consideration in the DFG Strategic Planning Process

DFG Name and Mission Statement

17. {B} Name and Mission Statement Recommendation: The BRCC recommends that the titles of both the California Department of Fish and Game (DFG) and the California Fish and Game Commission (F&GC) be changed to more accurately reflect the scope of both entities' jurisdiction in the 21st century. The BRCC has reached consensus that the mission around the management of wildlife resources needs to be strengthened to include the preservation and conservation of natural resources for current and future generations. The BRCC wants DFG assisting with this effort to review and potentially recommend ways to strengthen the mission statement.

18. {S} Name Recommendation: Ask the DFG director to conduct an analysis for a potential DFG name change to inform further SAG discussions

Description: While there was significant discussion among the SAG/BRCC about the pros and cons of changing DFG's name, additional information is still needed before a recommendation can be made. As such, the SAG/BRCC is requesting specific information regarding costs and benefits (tangible and intangible) associated with a possible name change in order to inform further SAG/BRCC deliberation.

Implementation Assessment

- Method: DFG administrative
- Timeline: Short-term (requested deadline of 60 days)

Description of Previous Discussions Related to a Name Change

There was general agreement during discussions that the name "California Department of Fish and Game" reflects the historical origins of DFG (and F&GC) as an agency primarily concerned with managing hunting and fishing. The existing name does not accurately reflect the modern, broad mandates of DFG to manage species and habitats for a variety of purposes both ecological and utilitarian. DFG manages seven major program areas: biodiversity conservation; hunting, fishing and public use administration; management of department public lands; enforcement; communications, education and outreach; spill prevention and response, and the California Fish and Game Commission. Clearly this range of responsibilities extends far beyond regulation of hunting and fishing as the current name implies. Notably, AB 2376 itself establishes a process to develop a California Fish and *Wildlife* Strategic Vision. DFG is supported by the California *Wildlife* Foundation and the National Fish and *Wildlife* Foundation. California is one of only a small number of states that continue to use the term "game" with most state resource management agencies having replaced the game with the more inclusive term "wildlife." Potential names that have been suggested include Department of Wildlife Conservation and Management, Department of Fish and Wildlife, Department of Wildlife and Habitat, or Department of Wildlife.

Implementation benefits include:

- Improved alignment between DFG's name and the DFG's current broad range of duties (see above).
- Improved understanding from the wider public of the mission and work of DFG,
- Improved appreciation and increased support for DFG from the public.
- Future financial support (via future bond, sales tax or other funding measure on ballot, etc). Any broad scale funding mechanism will require significant public support. DFG's name (and the impression it gives of DFG's responsibilities being limited to managing hunting and fishing) would be a significant impediment to the success of any future public funding campaign. Polling efforts, leading up to the 21 campaign (November 2012), demonstrated that the term "wildlife" and protection of wildlife attracted wider support from diverse constituency groups than virtually any other term/concept.

Implementation drawbacks include:

- Questions whether a name change was necessary or a high priority for the strategic vision process.
- Potential public confusion between DFG and the USFWS if the DFG changed its name to use the term “wildlife”.
- Costs involved in making a name change.
- A risk of alienating DFG’s hunting constituency if a name change is viewed as agency movement away from the agency’s historic support of hunting and fishing.

Miscellaneous: Some noted that both the Natural Resources Agency and CalFire recently changed their names and suggested exploration of why, how and any costs associated with these recent name changes could be helpful as DFG considers this issue. CalFire, in particular, structured its name change process to minimize costs by allowing a gradual replacement of the name and logo on vehicles, signs, buildings, and elsewhere. Also, much of the funding for “re-branding” could be potentially be raised outside DFG from diverse groups – further underscoring the breadth of support for a more inclusive term to communicate the work of the agency.

Implementation Assessment from Previous Discussions

- Method: The California Constitution does not mention the Department of Fish and Game, but DFG's name is established by statute. Specifically, Fish and Game Code section 700 states: "There is in the Resources Agency a Department of Fish and Game administered through the director." For this reason, a change in DFG's name would require the California State Legislature to amend the Fish and Game Code, but would not require any changes to the Constitution. Article 4, Section 20(b) of the California Constitution states: "There is a Fish and Game Commission of 5 members...." Because the Constitution specifically defines the official title, it would require a constitutional amendment to change it.
- Timeline: Medium-term as it would require legislative action

Ties to Strategic Vision: Goal 1, objectives 1 and 2; Goal 2, objectives 1 and 2; Goal 4, Objective 5

Enforcement

19. {N} Enforcement Recommendation: Dedicate administrative support in each law enforcement district

[SAG member comment: How will this be paid for? There’s no new money.]

Description: Currently, approximately 20% of peace officer time is spent on administrative activities. When the “straightline” re-structuring of the DFG Law Enforcement Division (LED) occurred in 2004, adequate support staff was not part of the transition; support activities were going to be provided by the regions. However, support provided by the regions is limited and many times non-existent. This is a result of not having direct support personnel under the reporting structure of the LED chief.

A comparison to other existing law enforcement departments with approximately the same number of officers has a much larger support structure. CHP has 30% to 35% of direct support staff to sworn officer. LED currently has 392 officers and 10 (2.6%) support staff that report directly to LED. Given the existing DFG administrative structure, for LED to function in a comparable fashion an immediate increase to between 118 and 137 administrative staff would be required. As sworn staff levels increase, administrative staff would need to increase accordingly; this can be achieved through new positions or through reallocation of existing DFG administrative staff, as long as reporting authority is clear.

Ties to Strategic Vision: Goal 2, Objective 1

20. {S} Enforcement Recommendation: Increase the number of DFG warden positions by 50 per year until the force totals 1,000.

Description: California has a population of 37 million people yet our warden force remains at 1970s level when our population was 20 million. California's population has a great effect on the resource. Hunter and angler numbers may have decreased, but that has been replaced by greater population impact on the environment. California is confronting increased human-wildlife conflicts, depredation, development, renewable energy, non-consumptive recreational use, and pollution and water quality issues. Additionally, with more awareness of environmental issues the legislature has, on a yearly basis, passed more laws and mandates such as the MLPA, condor lead shot ban, and mandatory pollution response that have affected our law enforcement staff.

More and more with increased communication and improved technology there is an expectation on the part of the public and other department employees that DFG provide 24/7 year-round service. Without adequate warden staffing levels this is all but impossible. To even approach this level of public and department service and, without a staffing study, we believe we would need 1,000 sworn officers who are adequately supported administratively. These officers will provide immediate relief to current staff and allow for more timely response, the ability to focus on more investigations, greater permit compliance monitoring and an increased capacity to work with department staff to ensure regulatory mandates are carried out.

With current staffing levels, there has been created a situation where wardens, other DFG employees and the public are frustrated with the level of enforcement response and resource protection. Officers feeling obligated to DFG and the community cancel vacations, work extended shifts in excess of 18 hours, and create situations where supervisors are forced to give mixed messages such as get it done but manage your time. These extended hours and canceled vacations lead to burned out employees, anger, lower morale and, in some cases, diminished performance; this leads to more personnel complaints to the legislature and DFG and a breakdown in communication between law enforcement and other department functions.

An increase in wardens would also allow wardens to work with biologists and environmental scientists on projects that require long-term, concentrated efforts due to the complexity and investigation time

required to put together a strong case. Without an adequate number of officers, the constant demand of day-to-day calls does not allow adequate time needed to follow up on more complex investigations.

In states like Texas and Florida, the warden force is already in the 700-1200 officer range. California's natural resources deserve comparable protection.

Ties to Strategic Vision: Goal 2, Objective 1

Partnerships and Integrated Resources Management (IRM)

There was some discussion about whether IRM is a form of partnerships and belongs in the partnerships section or whether it may be a fundamental strategy; this may be discussed further in strategic planning process.

21. {N} Partnership/IRM Recommendation: Use more collaborative processes that engage regulatory agencies with landowners, conservation organizations, and local agencies on restoration/enhancement projects.

Meeting notes: Suggestion that these IRM recommendations are examples of partnerships above and should be a subset of partnerships recommendations; need to be combined. Another member suggested that IRM is a multi-disciplinary approach to resource management, not just about partnerships; DFG can take an IRM approach without actually engaging in partnerships. Some participants believe this is already captured in another partnerships and collaboration recommendation.

Implementation actions include:

- Example is the conservation assessment partnership between CalTrans and DFG
- Work with organizations that outreach to landowners to help create stronger relationships with private landowners
- Variation: work with landowners themselves to provide solutions to common issues [e.g. invasive species]

22. {N} Partnership/IRM Recommendation: State agencies have specific expertise in some areas but not others, and should utilize each other as resources as needed.

Implementation actions include:

- Departments under the California Natural Resources Agency (and those state agencies with a resources and/or regulatory nature) should meet to determine how they can effectively partner to achieve common goals specific to education, restoration, land acquisition, land management, and species and habitat monitoring. Additionally, those agencies with expertise not found in or very limited within DFG but needed for the implementation of DFG projects (e.g. archaeology,

engineering, hydrology, landscape architecture and facility planning) should be able to be “contracted out” to conduct necessary tasks.

- DFG staff should also be able to be “contracted out” more so for focused species and habitat assessments or work (e.g. vegetation mapping recently or currently done by BDB for California State Parks, San Diego Association of Governments, etc.)
- Those departments with more staff and/or more specific expertise in public works contracts, or that have higher or less stringent delegated authority should coordinate with those that do not.

Ties to Strategic Vision: ?

23. {B} Partnership/IRM Recommendation: Encourage DFG Partnerships with the Non-Profit Community

The BRCC recommends that to address the growing fiscal crisis, increased reliance upon and collaboration with the non-profit community should be encouraged. DFG should be encouraged to pursue such mutually-beneficial partnerships in the future, and state law should be amended to facilitate such collaborations.

In recent years, General Fund support for DFG and F&GC has been reduced and revenues derived from hunting and fishing license fees have steadily declined. Concurrently, the legislature and courts have imposed significant new mandates upon DFG, many of them unfunded. Increased reliance upon and collaborations with the non-profit community has occurred, and foundation funding has been secured, for some discrete DFG and F&GC programs, such as those carried out under the Marine Life Protection Act. The California Department of Parks & Recreation, which is facing budgetary crises similar to those of DFG and F&GC, provides a good model: 2011 legislation [AB 42] was enacted to facilitate DPR-non-profit partnerships, and the California State Parks Foundation has been a strong policy and fiscal partner of DPR.

24. {H} Seek legislation to establish incentives, both financial and performance standard based, for organizations to work collaboratively in developing and implementing comprehensive, integrated resource management programs (see “The Future of Natural Resource Management” White paper and Action Plan (December 2010) for additional information).

Science

25. {N} Science Recommendation: DFG can provide² credible science for management and policy-makers.

² “Provide” here is not meant to imply that DFG has only the internal capacity to provide science for management and policy-makers. Rather that DFG determines the best way to provide scientific information in a variety of ways – some of which would be internally developed, some through the use of scientific information gathered through external means, and/or a combination of both.

[SAG member comment: This is not strong enough – DFG’s own strategic initiative’s as well as earlier versions of the science framework placed enhancing restoring scientific capacity as a high priority. This section needs to be strengthened to include this as a CFWSV goal: To enhance DFG capacity (as well as credibility) by more than just a cost-benefit analysis. This is a vision!]

Meeting notes: Discussion about the internally- versus externally-generated science question. If science recommendation #1 is moving forward, the ideas in science recommendation #2 may already be encompassed, making recommendation #1 unnecessary.

Implementation actions include:

- A. Request a cost-benefit analysis of what is involved in internal versus external development of science as well as barriers to improvement/making changes and include an identification of gaps and needs in scientific capacity, such as integrated resource management.
- B. DFG has in-house scientists with expertise in designing scientific studies, conducting rigorous data collection, understanding and developing scientific models, analyzing data obtained from research and monitoring, and reporting and interpreting scientific studies generated from DFG staff and outside collaborators.
- ~~C. DFG has in-house scientists who are skilled at interpreting science and data to be effectively utilized by DFG.~~
- ~~D.C.~~ DFG has in-house experts who are skilled at supporting, developing and cultivating scientific partnerships.
- ~~E.D.~~ Scientific professionals in DFG are held to and protected by a DFG Science Quality Assurance and Integrity Policy
- ~~F.E.~~ Increase the use of existing and available science, such as access to JSTOR

Ties to Strategic Vision

- Goal 2: Highly Valued Programs and Quality Services, Objective 7: Engage in broadly-informed and transparent decision-making (multiple sciences, public attitudes, traditional knowledge, etc.)

26. {H} Partner with educational institutions (from elementary thru university levels) and existing environmental education programs (like the California Envirothon)

27. {H} Enhance and re-establish partnerships with organizations that have scientific capacity (such as academic institutions, other credible scientific organizations and stakeholders, in order to expand ability to make decisions based on best readily available science)

28. {H} Develop mechanisms to facilitate collaborative partnerships between DFG personnel and scientists from other state and federal agencies, academic institutions, and other appropriate third-party scientific organizations

- 29. {H} Promote active involvement of DFG employees in the larger scientific community**
- 30. {H} Encourage and facilitate partnerships with stakeholders (e.g., consumptive and nonconsumptive resource users and citizen scientists) to participate in data collection**
- 31. {H} Reach out to the scientific community for assistance in designing management plans and conducting environmental reviews**
- 32. {H} Provide scientific advisers to DFG and F&GC who are independent experts in economics and other social sciences, ecology and population biology**
- 33. {H} Coordinate scientific determinations with other state and federal scientific bodies (i.e. PFMC Science and Statistical Committee)**
- 34. {H} Identify the potential to coordinate with other agencies by developing a matrix that describes the interactive hierarchical structure of California agencies and extant offices within DFG that use guidance from science in conserving and managing California's natural resources**

Statutes and Regulations

- 35. {H} Create a unit with DFG and F&GC staff to develop regulations**