

California Fish and Wildlife Strategic Vision Project
Potential Recommendations for the Strategic Vision from the Blue Ribbon Citizen Commission and Stakeholder Advisory Group Members
Revised April 5, 2012

This document contains potential recommendations for the California Fish and Wildlife Strategic Vision (CFWSV) that were adopted by the CFWSV Blue Ribbon Citizen Commission (BRCC), were supported by members of the CFWSV Stakeholder Advisory Group (SAG) who attended the March 28, 2012 meeting, or were adopted/supported by both. Staff has organized this document into three categories:

1. Those potential recommendations adopted by the BRCC and supported by a majority of SAG members who attended the March 28, 2012 SAG meeting.
2. Those potential recommendations adopted by the BRCC, but *not* supported by a majority of SAG members who attended the March 28, 2012 SAG meeting.
3. Those potential recommendations supported by a majority of SAG members who attended the March 28, 2012 SAG meeting, but *not* adopted by the BRCC.

Recommendations are sequentially numbered from one section to the next to facilitate ease of identification during discussions.

Section 1: Recommendations Adopted by the BRCC and Supported by SAG Members

Foundational Strategy #2: Commit to Formal and Informal Collaboration and Partnerships

1. *Potential Collaboration and Partnerships Recommendation:* *Following the CFWSV process, the SAG recommends that a stakeholder group continue as an advisory body to DFG and F&GC.*

Description: Membership would potentially include existing SAG members and others with an interest in DFG and F&GC activities. The purpose of the group would be to:

- 1. Facilitate enhanced communication among DFG, F&GC and the diverse stakeholder community;*
- 2. Provide guidance and recommendations on issues of mutual interest and importance, including the DFG strategic planning effort; and*
- 3. Serve as an advocate for DFG and F&GC to the legislature and other decision-making bodies.*

The group could meet once or twice a year to discuss issues of importance, and to be convened as needed to present information on critical issues.

2. Potential Collaboration and Partnerships Recommendation: Where appropriate, engage in meaningful consultation and collaboration with tribal officials of California Native American Tribes in decision-making processes that affect tribal lands, cultural resources and/or issues of mutual concern.

Description: Tribes are a unique from other government agencies or organizations due to their status as dependent sovereign nations. Many tribes rely on what is commonly referred to as traditional or cultural resources that the United States is obligated to protect and maintain; these resources may include but are not limited to fish, water, burial sites, specific plants and ceremonial sites (historic and contemporary).

A well-crafted tribal consultation process would enable DFG to 1) identify tribes whose traditional and/or cultural resources would be impacted by a given action, 2) work with the affected tribe(s) to mitigate or avoid impacts to those traditional and/or cultural resources, and 3) better understand how local ecosystems work and the consequences and impacts of a particular action .

SAG member support: 17 supported, 3 abstained

Statutes and Regulations

3a. ¹BRCC version of Potential Statutes and Regulations Recommendation: Consider possible legislative changes to the fully protected species statutes to determine whether modifications are appropriate.

3b. SAG version of Potential Statutes and Regulations Recommendation: Seek statutory changes to the fully protected species statutes to allow the incidental take of fully protected species under specified circumstances related to certain management activities as defined by DFG.

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 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.

¹ While the BRCC and SAG members present at the March 28, 2012 SAG meeting did not adopt the exact same language regarding fully protected species statutes, they are similar enough that staff are presenting them here together.

Ties to Strategic Vision: Goal 3 (An Effective Organization), Objective 3 (Develop, align and inform clear fish and wildlife statutes, regulations and governance); Goal 4 (An Efficient Organization), Objective 2 (Develop simple, clear and consistent governance and permitting practices and processes)

SAG member support (for SAG version): 14 supported, 2 opposed, and 2 abstained

California Fish and Game Commission

4. Potential Fish and Game Commission Recommendation: Increase the number of California Fish and Game Commission members from five to seven.

Description: This recommendation is proposed to address existing and future workload for the F&GC members, including committee responsibilities. Implementing this recommendation also increases the ability to meet the need to reflect the diversity of the people of California.

Ties to the strategic vision: Goal 1 (Strong Relationships with Other Agencies, Organizations and the Public), Objective 7 (Engage in timely and transparent decision-making); Goal 2 (Highly Valued Programs and Quality Services), Objective 7 (Engage in broadly-informed and transparent decision-making)

SAG member support: 20 supported

Mandates, Funding and Efficiencies

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

5. Potential Funding and Efficiencies Recommendation: Require open and transparent accounting within DFG to build public confidence in how funds are managed.

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. DFG staff identified the burden of administering multiple, highly specialized accounts and noted that it would be preferable to consolidate fees into relatively fewer accounts with more flexibility in terms of how monies can be

spent. Public support for continued (or increased) DFG funding depends on both transparent accounting and the sense that funds are being used efficiently. SAG participants therefore believe it is important that the stable funding and efficiencies recommendations work in concert and be advanced together.

Ties to Strategic Vision: Goal 4 (An Efficient Organization), Objective 3 (Manage capacity/resources)

SAG member support: 20 supported

6. Potential Funding and Efficiencies Recommendation: As part of its strategic planning effort, DFG will evaluate and implement 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. Such an analysis should include identification of DFG/FGC capabilities given current resources, including staff and funding. These efficiencies could be found both through internal changes and through improved coordination with other agencies and departments.

Implementation actions include:

- Create workgroup of DFG/FGC staff and stakeholders to evaluate program efficiencies.
- Implement new, innovative ways to improve program efficiencies.
- Work with other state and federal agencies to investigate coordination of programs to improve program efficiencies.

Ties to strategic vision: Goal 3 (An Effective Organization), Objective 1 (Coordinate resource planning, policies, practices, processes and regulations with other agencies and organizations and statewide within DFG); Goal 4 (An Efficient Organization), Objective 3 (Manage capacity/resources) and Objective 4 (Maximize services while minimizing costs)

SAG member support: 20 supported

Section 2: Potential Recommendations Adopted by the BRCC

California Fish and Game Commission

7. Potential Fish and Game Commission Recommendation: The titles of both the California Department of Fish and Game (DFG) and the California Fish and Game Commission (F&GC) should be changed to the California Department of Fish and Wildlife and the California Fish and Wildlife Commission, respectively, in a manner that minimizes cost.

Description: The BRCC reiterates its previous recommendation that a name change to DFG and F&GC is necessary to more accurately reflect the scope of both entities' jurisdiction in the 21st century

Ties to the strategic vision: Goal 1 (Strong Relationships with Other Agencies, Organizations and the Public), Objective 1 (Increase stewardship awareness and participation by the public); Goal 3 (An Effective Organization), Objective 2 (Encourage and support strong internal, external and interagency communications and collaboration)

8. ²Potential Fish and Game Commission Recommendation: Drawing upon the successful experience of other state agencies whose decision-makers are required to reflect diverse and specific areas of expertise, make statutory changes to require that individual commissioners reflect particular, diverse professional qualifications, be reflective of California's diverse population, and provide balanced representation.

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 and state law are silent, however, regarding the qualifications of the appointed members; currently, the five members of F&GC are required by law to have no particular professional backgrounds or qualifications.

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 new statute to help guide the Governor's selection of appointees and the senate's confirmation process could enhance commission membership and result in decisions that improve the public's and legislature's confidence.

The State Water Resources Control Board and the California Energy Commission are examples of other boards and commissions with specific requirements that have to be met for appointments; a similar approach should be taken for F&GC appointments. The goal is to create some balance of

² A similar but more detailed recommendation is supported by a majority of SAG members who were in attendance at the March 28, 2012 SAG meeting; see Section 3 for the SAG member recommendation.

representation as well as provide some depth of understanding of issues being addressed (“wise and efficient decision-making”). Appointees need to be qualified for the role that they will be asked to play and provide balanced representation.

Commissioners should represent a broad perspective of Californians. Having no criteria at all for F&GC members is unacceptable. We need a commission that more accurately reflects the values and perspectives of the people of California.

Ties to Strategic Vision: Goal 1 (Strong Relationships with Other Agencies, Organizations and the Public), Objective 5 (Embrace and support diversity among stakeholders and the public); Goal 3 (An Effective Organization), objective 6 (Develop knowledgeable, capable and experienced employees and commissioners) and objective 7 (Demonstrate credibility)

Mandates, Efficiencies and Funding

9. Potential Mandates, Efficiencies and Funding Recommendation: Pursue a high-level task force that reviews and makes recommendations regarding F&GC and DFG funding and efficiencies. Policy direction on funding, and special funds in particular, this group would take – see letter from secretaries (“Proliferation of special funds...achieving substantial administrative efficiencies.”). Attach letter as exhibit A. Public finance experts must be part of the task force.

10. Potential Mandates, Efficiencies and Funding Recommendation: Pursue a high-level task force that reviews and makes recommendations regarding F&GC and DFG mandates.

Description (of both recommendations #9 and #10): While sufficient time was not available to address the issues surrounding mandates, efficiencies and funding in the strategic visioning process, their evaluation is critical to successfully implementing the *California Fish and Wildlife Strategic Vision*. There is widespread agreement that the interrelated issues of mandates, operating efficiencies and funding are the most in need of change and reform, but the current, time-limited process and strategic vision-level expectations were not conducive to delving into “the weeds” of what really needs to be accomplished in these areas. Thus, rather than be silent and leave the biggest “elephant in the room” without resolution, the BRCC is recommending a future process that can take the necessary time to focus on these extremely important issues.

Ties to the strategic vision: Goal 2 (Highly Valued Programs and Quality Services), Objective 2 (Help achieve and maintain healthy ecosystems), Objective 4 (Provide consistent and unified delivery of quality services and products), Objective 5 (Practice adaptive management) and Objective 7 (Engage in broadly-informed and transparent decision-making); Goal 4 (An Efficient Organization), Objective 5 (Maximize services while minimizing costs)

Science

11. Potential Science Recommendation: Focus on building DFG capacity to address the complex role that science must necessarily play in adaptive management, including the use of knowledgeable science integrators.

Description: As natural resource issues expand in their complexity and consequence, so too does the landscape of scientific inquiry with direct relevance to those issues. To manage resources in this context goes beyond creating new data — the *effective use of science in policy and management* brings with it the unique and challenging task of accessing, interpreting, and intelligently using science from a vast range of disciplinary perspectives, science necessarily generated externally from the organization.

Therefore, the BRCC recommends that DFG focus on building this capacity: to address—with both care and agility—the complex role that science must necessarily play in adaptive management. A more sophisticated approach to the role that science plays in adaptive management will lead to (1) better resource management outcomes, (2) an increase in the public trust in DFG, and (3) a stronger relationship and accountability with the academic community.

To assemble the full range of relevant scientific expertise within DFG would be impractical, duplicative and expensive. More than narrow disciplinary expertise, DFG will need experienced and knowledgeable science integrators, professionals who can synthesize the knowledge of others produced around the world, who can seize abstract ideas and make them accessible to managers for application. California in particular is home to a world-class, thriving scientific community in its University of California and California State University systems, among others. DFG needs to build internal expertise in a way that mobilizes that considerable investment and capacity. DFG staff must become expert in the challenge of delineating a constructive role for science in a transparent, legitimate, and credible process, a process that guarantees robustness and integrity from ‘data-to-decision.’ Further, DFG must engage in outreach and dialogue that encourages the scientific community to address salient, timely management issues, while at the same time becoming more responsive and open to new ideas and emerging tools that could improve practice within DFG. Both scientists and managers must become more adaptive, and more interactive, seeking long-term science partnerships that promote mutual understanding and trust.

Ties to strategic vision: Goal 1 (Strong Relationships with Other Agencies, Organizations and the Public), Objective 2 (Proactively engage other agencies, organizations and stakeholders as partners and collaborators) and Objective 6 (Share data, processes, tools, knowledge, expertise and information); Goal 2 (Highly Valued Programs and Quality Services), Objective 2 (Help achieve and maintain healthy ecosystems) and Objective 5 (Practice adaptive management); Goal 3 (An Effective Organization), Objective 7 (Demonstrate credibility); Goal 4 (An Efficient Organization), Objective 4 (Maximize services while minimizing costs).

Section 3: Potential Recommendations Supported by SAG Members

Statutes and Regulations

12. Potential Statutes and Regulations Recommendation: Evaluate potential statutory changes to the California Endangered Species Act (CESA) to improve the permitting process consistent with existing protections: Uniformity in permitting process, efficiency in permitting, consistency in the application of CESA standards, and opportunity for applicants to appeal DFG decisions.

Implementation actions include:

- Convene a task force of CESA experts (those who deal with CESA on a daily basis) to advise and inform implementation of the recommendation.
- 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.
- Amend Title 14, Section 783.8, [Reconsideration and Appeal Procedures], to provide for appeals of proposed permit standards, terms or conditions.
- Allow arbitration similar to 1600 arbitration for incidental take permits issued under CESA (consistency of application of standards).
- Ties to strategic vision: Goal 2 (Highly Valued Programs and Quality Services), Objective 4 (Provide consistent and unified delivery of quality services and products); Goal 3 (An Effective Organization), Objective 3 (Develop, align and inform clear fish and wildlife statutes, regulations and governance); Goal 4 (An Efficient Organization), Objective 2 (Develop simple, clear and consistent governance and permitting practices and processes)

SAG support: 14 supported, 6 abstained

California Fish and Game Commission

13. California Fish and Game Commission Recommendation: No change to the powers and duties of the California Department of Fish and Game (DFG) and F&GC.

Description: The SAG deliberated the merits of realigning the power and duties of the F&GC and determined that a citizen's commission with today's powers and duties is preferable to changing it at this time. The committee/workshop process recommended in the interim strategic vision will allow for greater public input during the deliberative process and enhance informed decision-making by F&GC. At a time when the SAG is recommending improved transparency and improved management of all wildlife and habitats, it seems questionable to recommend narrowing the management oversight of F&GC.

14. Potential Fish and Game Commission Recommendation: Keep the name of the California Fish and Game Commission consistent with any changes made to the name of DFG; the SAG's ~~strong~~ preference is the "fish and wildlife" nomenclature.

Description: The SAG recognizes that there is existing legislation in the works to change the name of DFG and is not offering a position on that name change; however, consistent with the recommendation to maintain the current powers and authorities of F&GC, any name change to DFG should be mirrored in the F&GC name.

Ties to the strategic vision: Goal 1 (Strong Relationships with Other Agencies, Organizations and the Public), Objective 1 (Increase stewardship awareness and participation by the public); Goal 3 (An Effective Organization), Objective 2 (Encourage and support strong internal, external and interagency communications and collaboration)

15. ³Potential Fish and Game Commission Recommendation: The SAG deliberated the merits of requiring that individual commissioners reflect particular qualifications and decided against that approach in favor of the following: Amend California Fish and Game Code Section 101 et seq. to require the Governor when making appointments and California State Senate when confirming said appointments to 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 and related scientific disciplines, including wildlife-dependent recreational activities, whether consumptive or non-consumptive**

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 and state law are silent, however, regarding the qualifications of the appointed members. The scope and responsibilities

³ A similar but less detailed recommendation was adopted by the BRCC; see Section 2 for the BRCC recommendation.

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. Although the CFWSV Stakeholder Advisory Group considered creating a defined set of qualifications including education, expertise, geographic origin, and experience, it determined that such a prescriptive approach would require a constitutional amendment and could stifle the governor's ability to find qualified people for appointment to the designated positions. However, creating a new statute to help guide the Governor's selection of appointees and the senate's confirmation process could enhance commission membership 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."

FISH AND GAME CODE Section 101 et seq. address items affecting the Commission that are not Constitutional , such as: It is in the Resources Agency; it shall elect one member as president and one as vice president; its members shall be paid per diem compensation; it shall form a marine resources subcommittee, etc.

New statutory language that suggests what the governor and Senate Rules Committee should "consider" when making and confirming appointments would reside appropriately in this area of law as guidance for the future appointment of Fish and Game Commissioners. The new language requires consideration but does not require that the criteria be used.

Ties to the strategic vision: Goal 1 (Strong Relationships with Other Agencies, Organizations and the Public), Objective 5 (Embrace and support diversity among stakeholders and the public); Goal 3 (An Effective Organization), objective 6 (Develop knowledgeable, capable and experienced employees and commissioners) and objective 7 (Demonstrate credibility)

SAG member support: 18 supported, 1 abstained

Mandates, Efficiencies and Funding

16. Potential New Funding and Efficiencies Recommendation: *In the future, when the legislature enacts legislation, it identifies a specific means by which the new mandate can be paid for.*

Description: This recommendation is needed to help reinforce the importance of providing sufficient resources for new mandates in order to support effective implementation.

Ties to the strategic vision: Goal 4 (An Effective Organization), Objective 3 (Manage capacity/resources)

SAG member support: 14 supported, 2 opposed, 3 abstained

Other Topics

17. Potential recommendation: Request a report from DFG and F&GC to the legislature and governor by June 1, 2013 to identify progress in implementing recommendations within the strategic vision. Recommend that the chairs of those legislative committees with jurisdiction over fish and wildlife hold a joint hearing following the release of the report.

Description: This recommendation helps to ensure continued communication with participants in the strategic visioning process and shows the legislature, governor and members of the public how the recommendations of the strategic vision are being implemented.

SAG member support: 20 supported