California Fish and Wildlife Strategic Vision Project
Potential Recommendations for the Strategic Vision for BRCC and SAG Consideration on March 15, 2012

March 13, 2012

This document contains potential recommendations for the strategic vision as suggested during workshops on March 8 and 9, 2012. During the workshops participants discussed potential recommendations for the final strategic vision, which are presented here in the order of the workshop topics: statutes and regulations, funding and efficiencies, mandates, and the California Fish & Game Commission (F&GC). A final category of "other" resides at the end of the document for potential recommendations that did not fit into any of the four workshop topics.

Suggested additional text identified during the workshops is in underlined text (like this) while suggested deletions are in strikethrough text ~~(like this)~~.

These potential recommendations will be discussed on March 15, 2012 during meetings of the California Fish and Wildlife Strategic Vision (CFWSV) Blue Ribbon Citizen Commission and CFWSV Stakeholder Advisory Group.

Potential Recommendations

Statutes and Regulations

~~1. 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 California Department of Fish and Game (DFG) and the California Fish and Game Commission (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.~~

Workshop notes: The potential statutes and regulations recommendation #1 is recommended to be eliminated. This idea has already been addressed through the executive committee and a subsequent conversation that will take place during the mandates workshop on Friday.

2. Statutes and Regulations Recommendation: Evaluate 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.

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.
- ~~Create an internal appeals process that an applicant can invoke when unable to reach agreement on terms for an incidental take permit.~~ Amend Title 14, Section 783.8 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).

3. Statutes and Regulations Recommendation: Seek statutory changes to the Fully Protected Species Act to ~~A~~allow the incidental take of fully protected species ~~following review and~~ under specified circumstances related to certain management activities.

~~Implementation actions include:~~

- ~~Only allow take for defined restoration projects or agreed upon beneficial projects.~~
- ~~Reviewing status of fully protected species to determine the need for protection.~~
- ~~Eliminate fully protected status or alternatively list under CESA depending on status review.~~
- ~~New bullet? Allow incidental take of fully protected species similar to CESA.~~

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.

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

Funding and Efficiencies

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

4. Potential New Funding and Efficiencies Recommendation: *Establish legislation to create a commission to reconcile funding, statutory and regulatory mandates. The integrated reform plan for DFG's work would be subject to an up or down vote by the California State Legislature.* [Staff note: For

additional proposed details of this commission, see also document titled "Potential Frameworks for a Budget Reform and Mandates Commission" dated March 12, 2012.]

- Reform and simplify DFG funding programs
- Identify program costs (noting funding authorities, ~~and~~ stability of funds over time, and implications of adequate versus optimal levels of service) and identify where current ~~fees~~funding does not cover costs.
- DFG should work with stakeholders to evaluate ~~the~~ potential stable funding options (see ~~below~~appendix for list of ideas that have been suggested in this process and/or used elsewhere).
- Require open and transparent accounting within DFG to build public confidence in how funds are managed.
- As part of its strategic planning effort, DFG ~~E~~evaluate and implement program efficiencies~~, level of service delivery (adequate versus optimal), and viable funding~~, and share those program efficiencies with the proposed commission.
- Example of unfunded mandate: "The failure of DFG to meet its in lieu fee obligation to counties pursuant to California Fish and Game Code Section 1504 remains a major concern. This shortfall in funding from DFG to the counties has lead to frustration at the local level, where county officials continue to bear the burden of providing mandated services to public lands that are not subject to local property tax."

DFG Sustainable Funding Overview (Proposed Description): DFG and F&GC have taken on increasingly important roles in the management and conservation of natural resources and their habitats. Initially, they were primarily responsible for administering the state's hunting and fishing programs. However, habitat and non-game wildlife protection has become an important role of DFG in wildlife management and conservation. The transition to F&GC's and DFG's new roles has been difficult because funding has not kept pace with the expansion of responsibilities.

DFG has been underfunded for the last three decades, limiting the ability to meet its responsibilities (Treanor Report, 2009). The public and stakeholders recognize that DFG does not have the resources they need to meet its responsibilities. There is a need to review the adequacy of existing funding streams and broaden the base of funding. Disagreement over the extent of the DFG's underfunding should also be resolved.

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.

DFG's funding is complex with multiple special funds and accounts that limit its ability to manage its fiscal resources. The convoluted funding sources undermine confidence in DFG to effectively use available resources to meet its responsibilities. Simplifying and consolidating accounts will help remedy these problems.

Current Funding: Fiscal Year 2012-13

DFG currently relies on funding from the general fund, the federal government and a number of special funding accounts.

FY2012-2013 California Department of Fish and Game Funding	
General Fund	$62,141,000
Fish and Game Preservation Fund	$109,096,000
Federal Trust Fund	$ 78,461,000
Total Budget	$390,885,000

The Legislative Analyst's Office has a number of reports that highlight the funding challenges of DFG and discussion of funding responsibility (A Review of the Department of Fish and Game [1991], A Ten-Year Perspective: California Infrastructure Spending [2011]).

- Proliferation of special funds within DFG's structure creates significant administrative burdens and limits the effective use of available resources.
- Growing backlog of deferred maintenance at DFG for maintaining the roads, parking lots, dams, water delivery systems, and buildings necessary to provide the public with access to its wildlife conservation sites.
- Over the last decade, the state has provided more than $13 billion for state and local resources-related infrastructure. Most of this funding has come from bond funds – and funding from bond revenues now comprises approximately 20% of DFG's budget. [NOTE: Given the expiration of available general obligation bond funding by 2015, there will be a significant impact on the scope of work conducted by DFG.] About three-fourths of the $13 billion in spending over the last decade came from general obligation bond funds.
- The California State Legislature has stated its policy intent that the costs of a resources-related program or project should, to the extent possible, be paid by its direct beneficiaries. Expenditures with broad public benefits, on the other hand, are appropriately funded with state public funds (such as General Fund monies and general obligation bond funds). Where the benefits of an activity are shared between public and private beneficiaries, the application of the beneficiary pays funding principle would allocate the funding responsibility for its costs proportionally between these two sets of beneficiaries.

Proposed Recommendation

The Nature Conservancy has one important clarifying additional recommendation to the BRCC and SAG proposals. "The BRCC recommends that the number of special funds be substantially reduced through elimination of particular accounts, consolidation of accounts, or both" with the goal of promoting wider understanding of DFG's funding/budget expenditures among direct user constituencies, policymakers, opinion leaders and the public. Additionally, we believe DFG should become less dependent on the general fund, consistent with the "beneficiary pays" principle from the LAO report.

The SAG proposals include identifying program costs, identifying potential stable funding options, and evaluating program efficiencies. However, to reform and simplify DFG funding programs, legislation should be introduced to reconcile the complex and poorly understood funding of DFG programs.

We would propose sponsoring legislation that would create a one year charter to produce a funding plan that identifies comprehensive fiscal reform across the DFG's budget. We believe that an appropriately chartered "DFG Budget Reform Commission" should undertake a detailed review of DFG's budget; recommend specific revenue sources aligned with program functions; and overall, simplify and streamline the DFG's budget and accounting.

In light of the multiple demands of different stakeholders, it is likely that this undertaking would fail unless viewed as a comprehensive reform and restructuring of DFG's functions. Consequently, we believe that this legislation should be designed to empower the DFG Budget Reform Commission to offer detailed reform proposals and simply allow the legislature to take a "direct vote" on the proposal – without considering amendments to the plan. Such an approach would encourage all constituencies to look towards a higher performing DFG overall.

The process could be based on the federal Defense Base Closure and Realignment Commission (or BRAC) process. In this process, the federal government directed the Department of Defense to realign inventory and reduce expenditures on operations aimed at achieving increased efficiency in line with Congressional and Department of Defense objectives. The BRAC commission prepared their recommendations with the condition that it could only be approved or disapproved in its entirety.

This recommendation combines recommendations 2, 3 and 4 in the funding and efficiencies document dated March 6, 2012. [NOTE: The proposed "DFG Budget Reform Commission" would be charged with development of a sustainable funding path that potentially incorporates the five following funding and efficiencies recommendations.]

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

~~***5. Funding and Efficiencies Recommendation: Reform and Simplify Department of Fish and Game (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. Funding and Efficiencies Recommendation: Identify program costs (noting funding authorities, ~~and~~ stability of funds over time, and implications of adequate versus optimal levels of service) and identify where current ~~fees~~funding does not cover costs.

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

8. 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 ~~them~~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.

Implementation Assessment

- Method: Administrative, regulatory, statutory
- Timeline: Long term

Ties to Strategic Vision: Goal 4, Objective 3

PROPOSED APPENDIX – FUNDING IDEAS

This list includes ~~P~~potential new funding mechanisms that have been suggested in this process or elsewhere but inclusion on this list does not imply SAG support. It should also be noted that that there was no detailed discussion by the SAG during any of its deliberations regarding any of the potential mechanisms listed below.~~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 $1to 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.

- 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 <u>existing</u> 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.
- 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.

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

9. Funding and Efficiencies Recommendation: As part of its strategic planning effort, DFG ~~E~~evaluate and implement program efficiencies~~, level of service delivery (adequate versus optimal), and viable funding~~, and share those program efficiencies with the proposed commission.

Implementation actions include:

- Create workgroup of DFG/FGC staff and stakeholders to evaluate program efficiencies~~, level of service delivery, and viable funding~~.
- Implement new, innovative ways to improve program efficiencies.
- 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 for each program, and identify viable funding sources to operate these programs~~. 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 Assessment

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

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[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 Plan: Goal 3, Objectives 1; Goal 4, Objectives 3 and 4

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

11. 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.*

Proposed Description: This recommendation….

Mandates

~~***12. Mandates Recommendation: Review DFG/FGC responsibilities/mandates to determine whether or not they should be combined, eliminated or transferred elsewhere.***~~

~~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. It may be worth considering eliminating or transferring some responsibilities outside of DFG; 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.~~

~~Ties to Strategic Vision: Goal 4, Objective 3.~~

~~***13. Potential 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).***~~

~~14. Potential 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.~~

15. Potential Mandates Recommendation: Seek legislation that would create a stakeholder process to review state laws that mandate action by DFG and F&GC for the purpose of recommending: 1) which mandates should be repealed due to being obsolete, lacking a constituency or not benefiting natural resources; 2) which mandates should be consolidated with others to enhance potential efficiencies and effectiveness; 3) which mandates should be performed by other agencies/departments instead of DFG and/or F&GC; 4) which mandates should be priorities pursuant to limited fiscal resources. In this case, stakeholders must not be limited to various interest groups and the DFG/F&GC, but also include representation from the California State Legislature and other state agencies/departments that share mandates with DFG and F&GC.

Description: Over the years, the legislature has passed so many laws mandating action by DFG and F&GC (especially DFG) on so many different issues that there would never be adequate staff or resources to perform all of them. New mandates are regularly added and none are removed, creating a disservice and adverse impacts to state employees, the public and natural resources. So many mandates, especially during tough fiscal times, result in priorities being determined by annual budgets and judgment calls by individual employees. This recommendation will be a difficult and time-consuming task, but it is necessary to help create a more effective DFG and F&GC into the future.

Implementation Assessment

- Method: Administrative
- Timeline: Medium-term
- Level of likely BRCC/SAG agreement: High

~~16. Potential Statutes and Regulations (and Governance) Recommendation: Review the California Fish and Game Code and Title 14 of the California Code of Regulations to identify and make recommendations to: (1) resolve inconsistencies; (2) eliminate redundancies; (3) eliminate unused and outdated code sections; (4) consolidate sections creating parallel systems and processes; and (5) restructure codes to group similar statutes and regulations.~~

~~Implementation steps include:~~

- ~~Make legislative request to the California Law Revision Commission to review and recommend, in cooperation with the work group, "clean-up" of Fish and Game Code and Title 14.~~
- ~~Establish a work group made up of DFG staff and stakeholders.~~
- ~~Obtain priorities for regulatory and statutory review from stakeholders.~~
- ~~Review Title 14 of California Code of Regulations.~~
- ~~Review California Fish and Game Code.~~

~~Description: The California Fish and Game Code and Title 14 of the California Code of Regulations both need to be reviewed to reduce redundancy and improve consistency and clarity. The director of DFG~~

~~should create a work group to consist of a representative each from the DFG Legislative Office, the DFG Office of General Counsel, and the DFG Law Enforcement Division, as well as several (4-6) individuals from different programs within DFG (e.g., wildlife, fisheries, marine, habitat conservation, etc.) to review the DFG/F&GC portions of Title 14 of the California Code of Regulations and, subsequently, the California Fish and Game Code.~~

~~Because there are numerous regulations within Title 14 that address matters more appropriately dealt with in the Fish and Game Code, it may be advisable to review Title 14 first and, in so doing, prepare a list of sections to delete from Title 14 and add to the Fish and Game Code. Proceeding in this manner may also reduce the scope of substantive amendments to Title 14, which, unlike revising the Fish and Game Code, requires costly and time-consuming compliance with the California Environmental Quality Act.~~

~~At the outset of this process and periodically throughout, the work group would meet with stakeholders to ascertain their opinions and suggestions for amending, repealing, consolidating, and simplifying the codes. For particularly complicated or controversial areas, it may be useful to establish ad hoc groups comprised of both DFG staff and stakeholders to work through possible revisions. The work group would also consult with and utilize other DFG staff as needed and, where appropriate, with representatives of state and federal agencies with parallel or overlapping jurisdiction to identify opportunities to coordinate different statutory schemes. Coordination with other agencies should also look at eliminating duplicative mandates.~~

~~The work group would ultimately prepare a proposed plan for revising the codes. Although the subject-matter expertise of DFG staff and stakeholders would be critical at the earlier phases, it is advisable to consult the California Law Revision Commission (CLRC) early in the process to ensure the approach followed is appropriately structured to facilitate a large-scale code revision. At a minimum, once the plan is prepared and approved by DFG management the work group would consult and work with CLRC to determine the best approach to and to draft the actual code revision to follow.~~

~~This process could also proceed in phases by focusing first on less controversial and complicated areas such as redundancies and regrouping code sections and then proceed to more difficult issues like merging parallel processes (e.g., consolidating the California Environmental Quality Act, the Native Plant Protection Act, and the fully protected statutes). Ultimately, simplified regulations will make it easier to communicate and improve compliance.~~

~~Finally this recommendation only addresses review of existing regulations and code. Further discussion is necessary to improve the regulatory development process for DFG/F&GC and stakeholders.~~

~~Implementation Assessment~~

- ~~Method: Administrative, regulatory, statutory~~
- ~~Timeline: Medium-term/long-term~~

~~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) and Objective 3 (Develop, align and inform clear fish and wildlife statutes, regulations and governance).~~

California Fish and Game Commission

Proposed BRCC and/or SAG statement: "The BRCC and/or 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."

~~17. Realignment of the Powers and Duties of the California Department of Fish and Game (DFG) and F&GC: 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.~~

18. Potential F&GC Recommendation: ~~The BRCC recommends that~~Make the ~~title~~name of the California Fish and Game Commission~~ be changed to~~ consistent with any changes made to the name of DFG~~more accurately reflect the scope of its jurisdiction in the 21st Century~~; the SAG's strong preference is the "fish and wildlife" nomenclature. ["Clean" version: Make 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: This recommendation….

19. Potential F&GC Recommendation: Increase the number of California Fish and Game Commission members from five to seven.~~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.~~

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.

20. Potential F&GC 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* ***~~Request that~~ 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&CG***
- ***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 outdoor recreation ~~and related scientific disciplines~~(outdoor recreation is intended to include both consumptive and non-consumptive activities)***

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

Other Topics

***21. Potential new recommendation from the funding workshop**: Following the CFWSV process, the SAG recommends that a stakeholder group continue as an advisory body to DFG and F&GC. 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 [mandates workshop participants suggest adding "including the DFG strategic planning effort;" here]; 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, or to be convened as needed to present information on critical issues.

Proposed description:

Identify:

- Redundant mandates (those done by other agencies)
- Obsolete mandates
- Conflicting mandates (Hopefully the Law Review Commission will do this)

Evaluation should include

- How each mandate pertains to DFG's mission
- How much funding there is for each mandate (source of the funding)
- Department's priorities in actually meeting the mandates

Budget requests indicate what priority DFG is giving to any particular mandate.

Evaluate what the sources of funding are for each mandate:

Permits & fees
Tags & licenses
Bonds (expiring?)
Federal funds (Pittman-Robinson, NOAA, SFRA, etc.)(matching?)
Grants
General fund

Funds borrowed from other dedicated sources

Can't really do this evaluation until:

DFG does its mission statement in the strategic planning process

Law Review Commission finishes its work

22. Potential new recommendation from the mandates workshop: *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.*