

Potential Additional Language for Mandates Recommendations Submitted by Noelle Cremers and Eileen Reynolds

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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to review state laws that mandate action by DFG and F&GC for the purpose of recommending: 1) which mandates should be repealed due to being obsolete, lacking a constituency or not benefiting natural resources; 2) which mandates should be consolidated with others to enhance potential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

Melissa, below is the language from the statutes and regulations discussion. The part for discussion in the mandates workshop is what is highlighted below. - Noelle

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identify and make recommendations to: (1) resolve inconsistencies; (2) eliminate redundancies; (3) eliminate unused and outdated code sections; (4) consolidate sections creating parallel systems and processes; and (5) restructure codes to group similar statutes and regulations.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).