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Date: August 10, 2011

To: Diane Colborn, Chief Consultant
Assembly Water, Parks, and Wildlife Committee

From: Anton Favorini-Csorba

Subject: Department of Fish and Game Strategic Vision Request, Phase 1

SUMMARY AND METHODOLOGY

Summary

Assembly Member Huffman requested that the Legislative Analyst's Office examine the structure and operations of state fish and wildlife agencies across the nation. This memo responds to the first phase of that request: a survey of the general models for fish and wildlife management. We find that there are two basic models: a standalone department or a division within a larger coordinating entity, with a commission or board in virtually all cases. However, the number of functions that an agency performs varies widely from state to state. In addition, the subset of functions that each fish and wildlife agency performs differs greatly across states, making any sort of categorization by function difficult. Using data collected on all 50 states, we selected Florida, Texas, New York, and Washington as candidates for in-depth analysis as case studies. These case studies will form the basis of the second phase of the request, to be completed by August 31st, where analysis of the case studies may highlight best practices in fish and wildlife management that can be utilized by California.

Please contact Anton Favorini-Csorba with any questions, at 916-319-8336.

Methodology

In order to gain a national perspective on organizational structures, we spoke with representatives from several national organizations, such as the National Conference of State Legislatures, the Council of State Governments, and the Association of Fish and Wildlife Agencies. We also spoke with a consulting firm, Responsive Management, that surveys constituent satisfaction with fish and wildlife agencies across the nation.

Various types of data were compiled to assist us in developing the list of case studies. These data were used to identify states that face similar challenges in managing their fish and wildlife resources. We examined the websites of all 50 states to develop the list of fish and wildlife agency program responsibilities. Additional reports and surveys supplied the data for agency funding sources and affiliated commission or board structure and authority. Data from the 2010 Census were used to compile physical statistics on state surface area, population, and coastline length. Classifications of habitat types were derived from World Wildlife Federation habitat maps. The information in this memo is as accurate as possible but has not been verified with the individual

state agencies. Several judgment calls were made when classifying the types of functions that departments perform.

STATE FISH AND WILDLIFE AGENCY STRUCTURES

Model Types

Two general agency structures: department or division. State fish and wildlife agencies roughly fall into one of two categories: a "department" structure where a standalone governmental unit reports directly to the governor, or a "division" structure where the fish and wildlife unit is situated within or underneath a coordinating entity like California's Natural Resources Agency or Colorado's Department of Natural Resources. States are evenly divided between the two models, with 25 states containing a standalone department while the remaining 25 states have a division structure. For the purposes of this analysis, in the "division" category we included both the 18 states that have divisions (or an equivalent subunit) within a department and the six states, including California, that have departments that report to an overarching entity.

Larger area states tend to have a department structure. In our analysis, we found that some generalizations could be made about states' physical characteristics and their fish and wildlife agency structure. States with larger surface areas are more likely to have standalone departments rather than divisions under a coordinating entity, when holding population constant. Population appears to have no significant relationship with governance structure. Most "Western" states tend to have a department structure (8 of 13 states), perhaps due to their relatively large size.

Commission/Board Structure and Authority

Nearly all states have a board or commission. All but two state fish and wildlife agencies have an associated commission or board with some responsibility relating to fish and wildlife management; only Minnesota and Rhode Island do not. As such, we did not include the existence of a board or commission when developing the above models. Four states, including Florida, have fish and wildlife management agencies with a commission structure (akin to California's State Water Resources Control Board organization), rather than having a commission that is an independent entity.

Most states have rulemaking commissions. Boards and commissions may either serve in an advisory capacity or in a regulatory capacity. Thirty-four states have some sort of commission or board that has authority over rules promulgated by the fish and wildlife agency. However, that authority takes many forms in different states, ranging from merely having veto power over rules issued by the agency (nine states) to setting rules like bag limits or methods of take, up to setting general policy for the entire agency. In the remaining 14 states with a commission or board, that body serves exclusively an advisory role. Hawai'i is the only Western state that designates the role of the commission or board as solely advisory. New Mexico's State Game Commission approves, but does not write, rules proposed by the Department of Game and Fish. All other Western states have granted some level of rulemaking authority to a commission or board. Finally, in 19 states the board or commission selects the executive director of the fish and wildlife agency, including five Western states.

Agency Functions

California's DFG appears to have a broad mandate relative to other states. All states have an agency that promulgates hunting and fishing licenses and maintains some sort of wildlands, usually for hunting or fishing purposes. In this analysis, we identified eight functional areas in which fish and wildlife agencies might perform duties in addition to those areas: Parks management, Water Quality regulation, Forestry regulation, Law Enforcement by sworn officers, Boating regulation, National Environmental Policy Act equivalents, State-level Endangered Species Acts, and Oil Spill Response. On average, a state wildlife agency will be involved in three of the eight functional areas, but the number of functions performed by an agency varies widely across states. Some narrowly focused agencies will exclusively manage state endangered species. On the other hand, the fish and wildlife agencies in California and Alaska have the broadest mandates, each with a role in six of the eight functional categories. California's Department of Fish and Game (DFG) does not play a significant role in either boating or managing state parks.

No clear groupings of types of functions performed by fish and wildlife agencies. There is also significant variation in the mix of functions that any given state's fish and wildlife agency will perform. The most common functions were endangered species management, enforcement, and boating. Nearly all states have a state-level Endangered Species Act equivalent, but only 17 states have a law similar to the California Environmental Quality Act. Forty state fish and wildlife agencies have a law enforcement unit within the relevant division or department; 10 states consolidate law enforcement for all natural resources, such as New York's Division of Enforcement contained within its omnibus Department of Environmental Conservation. Over half the states (27) include boating activities within their fish and wildlife agency. On the other hand, only three fish and wildlife agencies play a significant role in responding to oil spills, and only five have responsibilities relating to forestry. California's DFG performs activities in both of those areas.

Fish and Wildlife Agency Funding Mechanisms

Hunting and fishing license sales are the most common source of funding. States fund fish and wildlife management and conservation programs through a broad range of different mechanisms. Hunting and fishing license fees are used by all states to fund these programs. Outside of licenses, however, few generalizations can be made about the other types of funding mechanisms employed. After licenses, legislative appropriations of general purpose revenue (like the General Fund) are the next most common funding mechanism employed, but just over half of state fish and wildlife agencies (26) receive a significant amount of support from this source.

Most states have a dedicated funding source in addition to licenses. Most states have some funding source dedicated to fish and wildlife programs that supplements license sales and general purpose revenue sources, although 10 states do not. For the purposes of this analysis, we are considering bonds to be a dedicated funding source because portions of bonds are typically set aside for specific conservation efforts. However, unlike many of the other funding mechanisms mentioned above, bonds are not a stable or ongoing source of funding. Commonly used dedicated funding sources include bonds (17 states), fees on real estate transfers (15 states), and tax credits in exchange for land donations (12 states). Five states dedicate a portion of the state sales

tax to fish and wildlife programs, and this was generally regarded as a stable and therefore desirable funding source.

CASE STUDIES

General Basis for Case Study Selection

California faces a broad range of challenges to fish and wildlife management, including: a large and growing population; a large surface area; a long coastline; multiple diverse habitat types; high numbers of endangered species; numerous invasive species that compete with native species; a diverse range of responsibilities; multiple state environmental laws; and a variety of funding constraints. In selecting states for case studies, we chose states that face similar challenges to California but that have different organizational structures, funding sources, and responsibilities, based on the models we describe above. We therefore selected a mix of states that includes both standalone departments and division structures.

States Selected for Further Study

Using data on the above bases for selection, we have identified four states as case studies to be examined in greater depth: Florida, Texas, New York, and Washington. The rationales for selecting those states are laid out below; please see Appendix 1 for a chart summarizing the bases for selecting these states. These rationales contain details about each of these states – for example, the main funding sources – but this information is preliminary and may change as each state's fish and wildlife agency is examined in greater depth. Information availability or the timeframe of the request may require eliminating one of the above states.

Florida. Florida emerged as a desirable case study for many reasons. First, Florida shares a number of physical characteristics with California, including geographic, demographic, and biologic features. The most notable physical similarity is that both Florida and California have a large estuary that has been extensively modified (California's Delta and Florida's Everglades). Florida also shares with California a long coastline, a large and steadily growing population, many species listed under a state endangered species act, and many invasive species. Second, Florida is an attractive choice because its Fish and Wildlife Conservation Commission (FWCC) performs nearly all of the same functions as California's DFG, without forestry but adding boating. The FWCC also presents an unusual institutional response to management challenges, in that FWCC is the primary fish and game management agency, with no separate commission as in most other states. The FWCC incorporates the public processes associated with a commission or board directly into the operation of the main fish and wildlife agency.

Florida's fish and wildlife management agencies underwent a reorganization within the past ten years. The reorganization is generally regarded as having been a positive change and may provide some insights relevant to the current Strategic Vision effort in California. Florida also funds its fish and wildlife programs in a manner similar to California, using a mixture of bonds and general purpose revenues in addition to hunting and fishing license revenues. Finally, some consider FGCC to have successfully implemented a planning process that has proven useful in guiding the agency's day-to-day operations.

Texas. Texas is arguably the most similar state to California in a physical sense, and thus is an appropriate choice for a case study. Like California, Texas has a very large surface area, a significant coastline, a large and growing population, and many listed and invasive species. Texas is also the only state to span even more habitat types than California does (Florida has a relatively uniform ecosystem). Including Texas in the list of case studies also offers the opportunity to evaluate the department structure model of fish and wildlife agencies, albeit with a broader mandate that includes boating and parks. Finally, although Texas uses some of the same funding mechanisms as California, it supplements its license fees with a dedicated portion of the state sales tax.

New York. New York is less similar to California than Texas or Florida from a physical standpoint, but other similarities to California in management of fish and wildlife resources make it worth investigating in greater depth. Most importantly, New York is one of seventeen states that has a law similar to the National Environmental Policy Act (NEPA) at the state level, like the California Environmental Quality Act (CEQA). In addition, some consider New York to have stringent environmental legislation and regulations. The CEQA is a significant component of DFG's responsibilities, and as such it is important to include a case study with an equivalent process. Finally, New York has a relatively large population.

New York differs from California in several ways that may offer an informative contrast. New York's fish and wildlife agency follows the division model and has much more narrowly focused responsibilities. Unlike California, New York's Fish, Wildlife, and Marine Resources division does not appear to have enforcement responsibilities or play much of a role in either forestry or water quality. In addition, New York's commission-equivalent has an exclusively advisory role. Finally, New York finances its fish and wildlife programs through a combination of license revenues, bonds, and a real estate transfer fee, but seems to use limited general purpose resources.

Washington. Like New York, Washington differs from California in several ways, such as population, land area, number of endangered and invasive species, and density. However, as a Western state, Washington contains many of the same habitat types as California. More importantly, Washington also has a state-level NEPA equivalent. Washington's experience with that law may be generalizable to DFG's CEQA processes. Like Texas, Washington also has stand-alone department structure and a commission with rulemaking authority. The commission appoints the director of its Department of Fish and Wildlife (DFW). However, the functions of Washington's DFW are narrowly proscribed such that it only covers traditional fish and wildlife activities, law enforcement with sworn officers, and its NEPA policy. Finally, Washington appears to use an array of funding sources similar to California in order to supplement hunting and fishing licenses: bonds, tax credits, and general purpose revenues. Because some regard Washington's DFW as a well-performing agency, the apparent similarity to California in revenue sources may provide clues about the importance of funding (relative to other factors like institutional structure) to a fish and wildlife agency's performance.

Key Areas of Research for Case Studies

We plan to examine four major areas of the selected states' fish and wildlife agencies in greater detail: agency structure; scope of responsibilities; funding mechanisms and constraints; and planning and performance measurement processes. Questions and topics in each of these areas have been drawn from Assembly Member Huffman's request. The responses to these inquiries should provide some clues as to processes or organizational structures that have facilitated or impeded a given agency's ability to meet its responsibilities effectively and efficiently. If possible, we will identify examples of processes or structures that can be generalized to California.

Agency Structure. Key areas for inquiry may include: relations between the fish and wildlife agency and other state agencies; the chain of command; how organizational structure impacts operations; and changes to the agencies structure as new situations or conditions have arisen.

Scope of Responsibilities. Key areas for inquiry may include: more detailed descriptions of specific activities; changes in the agency's functions through time; relative effort expended on different functions; conflicts between functions; and the impact of the agency's mission statement on its functions.

Funding Mechanisms and Constraints. Key areas for inquiry may include: size of the department's budget relative to state surface area or population; number of funding sources; the relative contribution to the budget of different funding sources; vote requirements within the state Legislature for raising different forms of revenue; agency discretion or authority over fee levels; and restrictions on the agency's use of funds.

Planning and Evaluation Processes. Key areas for inquiry may include: description of the agency's planning and evaluation processes; the types of performance metrics that are employed; frequency of planning and evaluation activities; staff's impression of the utility of planning and evaluation processes; and the relevance of the mission statement to agency planning processes.

APPENDIX 1: SUMMARY CHART OF BASIS FOR SELECTION OF CASE STUDIES

	Florida	Texas	New York	Washington
Shared Physical Characteristics	Population Coastline Listed Species Invasive Species Large Estuary	Population Coastline Listed Species Invasive Species Diverse Habitat Types Surface Area	Population Coastline (largely freshwater) Invasive Species	Coastline Invasive Species Similar Habitat Types
Governance Structure	Commission Only	Department Structure and Rulemaking Commission	Division Structure and Advisory Commission	Department Structure and Rulemaking Commission
Functions	Similar: includes boating but not forestry	Broader: includes boating and parks	Focused, without enforcement, forestry, or water quality	Focused, without forestry or water quality, but includes NEPA
Funding (in addition to licenses)	Bonds General Purpose Revenues	Bonds General Purpose Revenues Sales Tax	Bonds Real Estate Transfer Fee	Bonds General Purpose Revenues Tax Credits
Additional Features	Recent reorganization Well-regarded planning process		State-level NEPA equivalent Many environmental regulations	State-level NEPA equivalent Western state