

NATURAL RESOURCE STEWARDSHIP - ISSUES

Unfunded mandates.

Science advisers to the DFG, the Commission, and the Ocean Protection Council, must include independent experts in Economics AND the Social Sciences.

The Ocean Protection Council (OPC) is the coordinating body for marine issues among state agencies. Of the two public members, only Dr. Knatz is (very) qualified to be on the OPC, the other one, not so much.

The membership of the Ocean Science Trust (OST), needs to be changed to better represent the public interest. One of the Ocean Interest Group positions should go to a established state wide fishing and ocean dependent group. I believe that one of the UC/State University members, should be a social scientist familiar with marine issues.

 Informs OPC directly

 One of the OST should go to fishing interests

Clear qualifications and standards for appointments

SB X 1-2, CA. Renewable Energy Resources Act. It mandates that at least 33% of the states energy comes from renewables. At what cost? And where is the reliable technology? Wind farms slaughter bald and golden eagles, falcons, hawks, other birds and bats! We are not talking about a few animals; the numbers are in the thousands! This is being done by an energy source that is neither reliable nor cost effective.

All of the renewables require heavy subsidies to compete, and when the public monies dry up, they are not sustainable. The exception being individual solar, that is solar installed on the homes and buildings it supplies energy to, but even then requires reliable backup from conventional sources.

Ensure there is adequate water of sufficient amount and quality for State trust resources
Balance management - between consumptive use and non-consumptive e.g., giant garter snakes need summer water (now largely provided by rice farming in the Sac Valley) while moist soil management for waterfowl involves spring/fall water in managed wetlands. The snake is close to extirpated in the San Joaquin Valley where wetlands are managed more for waterfowl and rice production has declined. (Other issues such as water quality also play into the equation).

Also don't forget the support consumptive users provide by purchasing licenses and stamps, as well as fundraising.

Collaboration with other state and federal land managers. CALFED didn't quite work out....some say it failed. Has anyone looked at where progress was made (beyond the Little Hoover Commission)? Can it be built upon?

Continue to implement IRM in conjunction with Dept of Conservation Watershed Program and Dept of Water Resources IRWMPs. One example is meadow restoration in the Sierra.

- 1) Too many missions within one agency. Makes it hard to prioritize. DFG has multiple missions. Sport hunting and fishing overlaps with Policy/Regulations, Biology, Enforcement, Litigation and Land Management. They may need to think about some separation between missions. The example would be US Fish and Wildlife Service moving all the biological research functions into the US Geological Survey to separate research from management. They need simplification and clarity about missions.
 - a. Creates a "too many cooks in the kitchen" problem. No one is providing a clear vision in the goop of too many missions. Hard to side with one constituency. The Legislature can override any decision that is made.
- 2) Ecosystem services (thinking of the whole ecosystem rather than by individual species, issue types).
- 3) Barriers to Conservation Easements presented by DFG policies. Ecosystem services markets promise to provide restoration projects up and down the State-fulfilling DFG's mission.
 - i. Requiring farmers and ranchers to be contractors
 - ii. Prevailing wage and labor requirements are extensive. Mom and pop farms and small conservation agencies like RCDs, are expected to be labor experts. Costs of compliance with regulations often outweigh the cost of the project.
- 4) Prompt Payment a huge problem. DFG is the slowest paying agency and sometimes doesn't pay reimbursed costs for over a year.
- 5) Staff is overworked and underavailable – need more funding resources.
- 6) DFG currently serves as an obstacle to conservation projects on private land:

- a. No direction on what resources are important, target areas and species groups. Reacts rather than proacts.
 - b. Permits are cumbersome, expensive and time consuming.
 - c. Not enough Staff
 - d. Not enough outreach to the community
- 11) Staff needs to be part of the project formulation project and serve as partners in restoration projects rather than the red line that sends projects back.
- 12) Staff not able to enforce regulations
- 13) No staff to build community partnerships
- a. Staff should participate in regional planning efforts like IRWMs
- 14) Should set regional priorities in concert with local resource professionals
- 15) Improve perception of DFG in the community
- a. Fix the “bedside manner”
 - b. Biologists and permitting staff should have training in communication skills and should be trained to work with the local public.
- 16) Need for a functioning Safe Harbor Program
- a. Not well used
- 17) Need for Smart Permitting system
- a. The system should know the difference between a highway project and a restoration project
 - b. Fully protected species status makes it nearly impossible to do conservation projects for the fully protected or other protected species
 - c. Partners in Restoration program (sustainable conservation) has been successful. Need to implement on a larger level
 - d. Two examples of DFG partnering well in the community:
 - i. The experience of Marin RCD with its Programmatic Permits for stream rehabilitation is right on point. DFG has identified the Lake and Streambed Alteration Program fees as an issue in a 2010 White Paper. The fees cover 88% of notices they receive- apparently the remaining 12% get no action. Marin County is in collaboration with DFG, USFWS, NMFS etc to approve, construct and finish projects in less

time than would take DFG evaluate and permit the project. Streambed White Paper at

<http://www.fgc.ca.gov/public/reports/DFGIssues/Lake%20and%20Streambed%20Alteration%20Program%20Fees.pdf>

- ii. The Lower Butte Creek Project, a program spanning ten years that developed and implemented fish passage improvements for the endangered spring-run Chinook salmon while improving water delivery capabilities for the 13,000-acre Butte Sink Wildlife Management Area is an area where the only possibility of success is in a collaborative process that combines the regulatory agencies with landowners and organizations like Ducks Unlimited and California Waterfowl Association. This project has significantly aided Spring Run Chinook in Butte Creek while improving water supply to agriculture and duck clubs in a critical waterfowl wintering area. Even powerful agencies with all the powers of the ESA will need to use this collaborative approach. DFG's white paper on Russian River Frost Protection is another area that needs collaboration and partners.

[http://www.fgc.ca.gov/public/reports/DFGIssues/Russian River Frost Protection.pdf](http://www.fgc.ca.gov/public/reports/DFGIssues/Russian%20River%20Frost%20Protection.pdf)

18) FRGP (Fisheries Restoration Grant Program) grant program takes 15 or more months from date of submission of application to Notice to Proceed. It takes a solid year to know whether or not you were awarded the grant and then several months to get the Notice to Proceed. By then, often significant match funds have dried up. Has a "bulk" permitting processing.

19) Need for Inter-agency Coordination. Often DFG requirements directly contradict requirements from other agencies.

- a. Need to pull open DFG code and coordinate it with other entities
- b. Need to coordinate with Water Rights Laws

20) Use local DFG staff input when making decisions. This would be a big boost in the area of moral. Biologists and technicians are just as important as management and should have an opportunity to share their knowledge and be taken seriously.

21) Improve enforcement methods. To date there has been no enforcement on people who really break the law. While DFG is an enforcing agency, it is unclear how they are supposed to accomplish this. When landowners are being threatened with compliance and then see a neighbor who breaks the law and never gets even a slap on the hand, it again sends mixed messages and undermines DFG authority and DFG staff morale.

22) Organize the FRGP grants programs in a better fashion. Right now there is no organized method to get the most important projects on the ground. We have a grantwriting competition and then a citizens committee making decisions based on this competition. Also, large projects need to be factored in to receive some funding to move the planning process forward and start gathering needed monetary support to actually move projects into implementation. Dedicated funding needs to be established for monitoring.

DFG's strategic plan:

Initiative 2: Develop Statewide Land Stewardship – Purpose

Strategy 1: Evaluation of Current Process

Strategy 2: Developing Acquisition Priorities

Strategy 3: Identify Funding and Staffing

Initiative 3: Develop Strong Water Resource Management Program – Purpose

Strategy 1: Develop Scientific Expertise

Strategy 2: Enable DFG to Compete Effectively with Other Major Water Interests in the Allocation and Protection of California's Fish and Wildlife Resources

Initiative 4: Develop/Enhance Partnerships – Purpose

Strategy 1: Establish criteria and guidance for identifying, developing, and sustaining partnerships

Strategy 2: Form mutually beneficial partnerships that compliment and support essential department functions and programs

Strategy 3: Seek out and extending partnership opportunities to non- traditional partners

I find no specific reference to a plan for managing marine resources in DFG's strategies, other than the mention of fish and wildlife resources in I.3, S.2.

However elements of all three Initiatives are germane in crafting a vision for DFG conservation and management of marine resources.

Thoughts:

A. Evaluating current processes requires integration of policies and agency jurisdiction. The state manages near-shore fisheries, the federal government, through the PFMC and NOAA, manages many fisheries that are harvested in both state and federal waters. The first goal may be to develop a matrix re: who has responsibility for what resources – and who is doing what research and management activities – to foster increased communication and collaboration. It is important to INTEGRATE policies to achieve better science-based approach and management efficiency.

Example: State Marine Life Management and Protection Acts both mandate ecosystem-based science and management. To date, however, based on a policy decision from the Resources Agency, there has been NO INTEGRATION between the MLMA (viewed as management) and MLPA (viewed as ecosystem protection and ‘not about fishery management’). Federal fishery management, including thousands of square miles of MPAs, was excluded from consideration altogether when crafting a network of MPAs in California state waters. Yet the ocean functions with no such distinctions. Areas set aside to protect habitat and ecosystems also protect nearshore fish and shellfish – and this affects fishery management! Integration of these protections is key to achieving ‘best available science’, which states that all policies should be carefully considered and integrated, and not simply layered on top of each other.

“Integrating Marine Reserve Science and Fisheries Management”, from the National Fisheries Consensus Center’s Consensus Conference held June 7-9, 2004 in Long Beach, California:

- *“Marine reserves and other protected areas should be integrated with existing and emerging management measures as part of a coherent ecosystem-based approach to management of commercial and recreational fisheries and should not be simply layered over existing regulations.”*

In addition, the federal government is now in the process of developing a California Current Ecosystem Plan, and a sophisticated ecosystem model, that will encompass part of California waters (at least as far south at Pt. Conception). The omission of the Southern CA Bight creates a big hole, as the primary production of CPS such as sardine, mackerels and market squid occurs south of Pt. Conception.

How can DFG fill the gap?

CA Current Ecosystem Plan (federal, PFMC) – ecosystem interactions

B. DFG authority and expertise to conduct science-based management of marine resources needs to be restored.

The current management structure seems top-heavy with the Ocean Protection Council having umbrella oversight over the ocean (and maintaining a declining funding pot), and the Resources Agency also having broad oversight of all resources, with DFG seemingly third on the proverbial match.

DFG requires the scientific expertise to conduct field research programs, similar to the DFG of better times.

One possible mechanism to augment DFG scientific capability in these harsh economic times is through partnership with resource users, i.e. Memoranda of Understanding, whereby the industry contracts for external scientific support and administers field research in cooperation with the Department. (CWPA and the Sea Urchin Commission are two examples of this type of partnership arrangement.)

C. As noted in opening comments, it is important for DFG to improve its accounting system to enable it to track funding income and outgo, ideally by species complex. Resource users are generally willing to pay their fair share for management of the resources they harvest – if they know how much is required and how the funding is expended.

Partnerships with resource users can and should extend beyond field research. Industry leadership should have the ability to sit down with DFG and strategize how to fund necessary management. Participation in both research and management decisions is key to foster improved relationships with DFG and the Commission, and to collaboratively seek and identify cost efficiencies that will foster better management.

Good resource stewardship relies on good (or best available) science.

Change the Name to accurately reflect the mission. I suggest Department of Fish and Wildlife and Fish and Wildlife Commission. Alternatives used by other states are in Treanor Report.

Minuses: Cost

Pluses: “Game” is an outdated concept. As Marshall McLuhan said in the ‘60’s “the medium is the message.”

Question: Purpose of change in Agency name from Resources to Natural Resources?

Focus – Improve focus of department then align responsibilities with the commission to this focus.

a. Department

The department has been given multiple, sometimes conflicting, mandates. By considering exactly what the department should be doing we answer both prioritization of those mandates and overlapping state responsibilities.

With lead from stakeholders, department employees and other state agencies, evaluate which programs the department should be the lead agency and which it should be a consultant on. Where should some of these responsibilities properly be handled?

b. Management schemes

Should all land matters (including ownership of DFG land) be properly under State Lands Commission [water issues under water control boards/marine matters under Lands] but the management of fish, wildlife, and habitat be handled by department? Not a proposal just trying to think outside the box and generate thought. To me, clearly hunting regulations should be department/commission responsibility, but timber harvest

plans belong to Department of Forestry(?) with input from department/commission as plans will affect wildlife. Move OSPR to EPA?

c. Alignment of Commission responsibility

Originally the department and commission responsibilities were parallel. Then the department assumed other responsibilities so that their priorities were sometimes and now frequently different. As the commission relies on department for analysis, in a time of limited resources, this creates problems. By first determining the department's responsibilities and then coordinating the commission's, the process becomes more efficient.

Inherent in this is the assumption that the commission process allows transparent decision making with stakeholder (citizen) input. It promotes both better decisions and better buy in. There will always be a tension between department/commission objectives due to potentially conflicting objectives – resource conservation and recreational/commercial use.

Minuses: Major change, political ramifications beyond department, personnel issues

Pluses: More efficient and focused wildlife management

Questions: Input from stakeholders, department and other agencies.

1. DFG is challenged at meeting its land management responsibility. Some of this is caused by a lack of resources for management of the land it owns. However, rather than focusing its limited resources on the land it already owns, DFG continues to try to acquire more land without identifying funding sources to manage new land.
2. Land management should be in partnership with the local communities. There are good examples of grazing leases on DFG property that allow for improved management and income to improve the management, but there are only a few of these examples statewide.

1. There is a need to identify a structure and process for building and managing a biodiversity conservation strategy for California. This would need to be accomplished in partnership with other State, County, and Federal agencies and the California Biodiversity Council. (The model used to build and maintain the existing California Water Plan is a successful example of an approach that could be used to build a "California Biodiversity Plan") (*also under the MISSION WG*).
2. There is a need/opportunity to build collaboration at the statewide level on setting watershed restoration priorities. Specifically, there is an opportunity for CDFG and USFS to work together to set state priorities for watershed restoration specific to

different species, particularly riparian and aquatic species (*also under the MISSION WG & SCIENCE WG*).

3. There is an opportunity to coordinate restoration needs/efforts with USFS, particularly with the Pacific Southwest Region Regional Forester's intent to engage in a 15-20 year effort to restore forests & grasslands in California, particularly to address threats from climate change, unnatural large scale disturbances, non-native invasive species, and expanding human populations. (decreasing fuel loads to a more natural fire regime)
4. There is a need to clearly define "stewardship" - it needs to address a balance of social needs with resources needs and should use an "all lands" partnership approach.
5. There is a need for CDFG to jointly identify California Species of Conservation Concern with partner agencies (e.g., USFS).
6. There is a need to address resource concerns and damage (e.g., chemical poisoning to wildlife, safety issues for hunters) related to the proliferation of marijuana on public lands, in partnership with other land managers.
 - a. Change in paradyme - number of plants eradicated (state and feds) to eradication and restoration (some funding from federal funding; USFS restoration)
7. Continued stocking of hatchery trout outside of their historic range poses a threat to many native aquatic species of fish and amphibians.

- 1) Water Management and provision of water for fish and wildlife (e.g., in-stream flow, water acquisition)
- 2) Land Management including public uses, funding for long-term basic management and maintenance, and assessment of values for ecological services and climate change
- 3) Marine Management including recreational and commercial harvest program management and delivery, marine life reserves, and ocean conservation
- 4) Partnerships – leverage partnerships to maximize program development and delivery
- 5) Enforcement
- 6) Science as it relates to supporting harvest programs, ocean conservation, and measuring climate change effects