

California Fish and Wildlife Strategic Vision Project
Regulatory and Permitting Working Group Issues Framework
Revised October 24, 2011

All items highlighted in grey have been moved to the California Fish and Wildlife Strategic Vision Blue Ribbon Citizen Commission and Stakeholder Advisory Group common themes document dated October 24, 2011; the highlighted items remain in this document to help provide a record of from where information was gathered and the context within which it was developed. For the draft interim strategic vision, staff recommends that highlighted goals be removed from this document and retained only in the common themes document. Underline and strikeout text represent changes (additions and deletions, respectively) since the last version released to the public, dated October 17, 2011.

Table 1: Revised Regulatory and Permitting Working Group Issues Framework							
ISSUE	PROBLEM(S)	GOAL(S) Preceded by RP #)	EXAMPLE(S) OF WAYS TO ACHIEVE GOAL	TIE(S) TO DFG STRATEGIC INITIATIVES	IMPLEMEN- TATION SCALE CRITERIA	TIME SCALE CRITERIA	FINANCIAL SCALE CRITERIA
Statute <i>Moved goals 1-3 to Common Themes Table 4: Compliance</i> <i>Moved goals 1-4 to Common Themes Table 6: Fish and Game Code</i>	Fish and Game has a broad and sometimes conflicting code. Legislature does not have clear understanding that unfunded mandates have consequences.	1. Create a clear body of law to govern issues related to the California Department of Fish and Game (DFG) A 2. Create a code that has greater clarity and consistency. B 3. Create a code that has the ability to be properly enforced. C 4. Legislature understands the financial consequences on state agencies for the laws and their associated enforcement D	<ul style="list-style-type: none"> - Prioritize, clarify and coordinate mandates, starting with unfunded and underfunded C, D Goals 3 and 4 - Transfer mandates to appropriate other agencies if in better position to implement (stat; mid-long) C, D Goals 3 and 4 - Increase coordination with local and tribal governments, and other governmental agencies (admin; short; mid-high). [Not sure this one fits here] [As a mechanism to create this clarity and consistency, coordinate with local and tribal governments, and other governmental agencies.] - Review types of infractions to determine if should be raised from a misdemeanor to a felony (such as abalone violations) (stat; mid; high) C goal 3 - Ask California Law Revision Commission to clean up code (stat; mid-high; high) A, B Goals 1 and 2 - Consider providing a mechanism for incidental take for fully protected species (stat; mid; high) [Not sure this one fits here] 	Initiative 4	Administrative and Statutory	Mid-term	Initial costs, but could lead to potential long-term savings.
California Endangered Species Act (CESA)	Problems managing/mitigating for species. Inconsistency in	5. CESA to provide stable and increasing populations of wildlife in a way that is coordinated with other	<p>Work in conjunction with USFWS/NOAA (NMFS) to review species list to improve coordination on how permits are handled, enhancement activities are worked on, etc.</p> <ul style="list-style-type: none"> - Work jointly with USFWS/NOAA to improve issuance of permits under 	Initiatives 2, 5, 7			

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	determining listing which often leads to costly and time-intensive litigation	state and federal statutes allowing for some flexibility.— <u>A</u> 6. <u>Apply CESA permitting process in a consistent manner.—B</u>	<p><u>ESA/CESA. B Goal 6 (admin, short, low cost)</u></p> <ul style="list-style-type: none"> – <u>Work jointly with USFWS/NOAA to coordinate and partner on enhancement/recovery activities for listed species. A Goal 5 (admin, short, low-mid cost)</u> – <u>Coordinate federal and state mitigation policies and permitting (start with admin – may be all levels; mid; high) A Goal 6 (admin, short, low-mid)</u> – <u>Use consistent applications of science and be transparent in the determination of listing a species and the areas of potential habitat Mitigation needs to have a positive outcome. (admin; immediate and ongoing;) B Goal 6 [Should move to Science WG. Understand need for science to drive mitigation in a permit, but good to keep focused on direct permitting issues.]</u> – <u>Consider providing a mechanism for incidental take for fully protected species (stat; mid; high) [Not sure this one fits here] [As a mechanism to create this clarity and consistency, coordinate with local and tribal governments, and other governmental agencies.]</u> – <u>Review the fully protected species statute with CESA listing process and consider which species should be taken off the list or moved to CESA (stat and reg; mid) [Not sure this one fits here – regulatory and permitting instead?] [As a mechanism to create this clarity and consistency, coordinate with local and tribal governments, and other governmental agencies.]</u> – <u>Having species mitigated in a consistent way between CESA and FESA (admin initially; stat after; mid) B Goal 6</u> – <u>Actions should be taken toward recovery of endangered species (admin; short-mid; high) A Goal 5</u> 				

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Structure [Move to Governance and Mission WG?] <i>Moved goal 7 to Common Themes Table 7: Defining and Supporting Success</i>	Organization of DFG often leads to unnecessary overlap of funds, employees, permitting and work load	7. Restructure DFG in a way which reflects its main goals and strategic vision— A [What would we recommend for restructuring that would specifically lead to improvements in permitting and regulatory activities? [Note this seems like more of a method than a goal]] 8. Ensure DFG staff and processes are easily accessible while ensuring ease of accessibility for the public— B	<ul style="list-style-type: none"> – Determine organizational goals and priorities (create work plans that have specific timeframes related to goals in individual projects, programs and divisions) – Restructure based on consumptive and non consumptive use [Do we really want to reorganize based on consumptive and non consumptive use?] – Wildlife and Ecological Services branches should communicate more thoroughly [Not sure any of these examples achieve the described goals] 	Initiatives 2, 3			
Permitting <i>[In the short term develop a list of all permits issued by DFG and permits issued by other agencies/ organizations that necessitate</i>	Difficulties related to acquiring and implementing permits. Permitting processes are onerous, costly, sometimes inefficient and take far too long	9. Ensure the general public is provided with a permitting process which is transparent (A) 10. Ensure the general public is provided with a permitting process which is consistent (B) 11. Ensure the general public is provided with	<ul style="list-style-type: none"> – Improve consistency of permitting by project type and between regions and offices, while recognizing local differences (admin; immed and ongoing) B Goal 10 – Improve efficiency of obtaining a science-collection permit by considering an overhaul of the current process (admin; short) C Goal 11 (maybe A, B, D, 9, 10 and 12 too?) – Increase accessibility (provide online tools as well as staff readily available to answer questions) of permit process (admin; short-mid; high) D Goal 12 – Remove barriers to restoration related to permits—see <i>Barriers of Restoration Report, Resources Agency 2003</i>. Review criteria for 	Initiatives 2, 5			

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coordination with DFG]		a permitting process which is efficient- (C) 12. Ensure the general public is provided with a permitting process which is accessible- (D)	<p>categorical CEQA exemption for small scale restoration projects and explore NEPA criteria. (mostly admin/some stat; high) Fisheries Restoration Program is an example to use for other programs to follow C,D Goals 11 and 12 (admin, short, low)</p> <ul style="list-style-type: none"> - Have DFG staff available for pre-project planning on a timely basis (provide online tools as well as staff readily available to answer questions) (admin; short; high cost in the short term, potential savings long term) D Goal 12 <ul style="list-style-type: none"> o Improve key regulatory programs, incl. but not limited to: o NCCP: changes to improve implementation timelines and local participation. o streambed alteration permitting o Timber Harvest Review process, clarity on who pays for DFG review o Others? - Dept to provide a clear list of what the applicants need to provide during permit process (admin; short; medium cost) A,B,C,D Goals 9, 10, 11 and 12 - Prohibit informal policies unsupported by law or regulation A,B Goals 9 and 10 - Increase permitting coordination with U.S. Fish and Wildlife Service (USFWS) and other state and federal agencies B,C Goals 10 and 11 - Allow for arbitration or mediation over permit standards (Draft Permit stage – before final) C Goal 11 - Increase coordination with local and tribal governments, and other governmental agencies. [Does this fit better in partnership/collaboration?] [In the issuance of permits? Is this to assist with using “other science” such as traditional ecological knowledge from Native Americans? OR, do we want to coordinate with other agencies in issuance of permits so we provide some consistency (e.g., Section 404 permits - COE), Although a permit not issued there is also Fish and 				

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			<p><u>Wildlife Coordination Act (federal project related to water development) etc?]</u></p> <ul style="list-style-type: none"> - <u>Coordinate with USFWS on the development of avian protection plans (this was brought up by PGE)</u> 				
<p>Partnership/ Collaboration</p> <p>(All WGs)</p> <p>Moved goals 13 and 14 to Common Themes Table 1: Partnerships and Common Themes Table 3: Integrated Resource Management</p>	<p>DFG is limited in its ability and drive to coordinate with other governmental and non governmental entities, therefore missing opportunities to achieve goals and complete projects</p>	<p>13. Increase partnerships to leverage DFG resources <u>(A)</u></p> <p>14. Increase partnerships to leverage DFG fulfill its statutory obligation <u>(B)</u></p>	<ul style="list-style-type: none"> - Work with land owners, both private and those who may operate on leased state-owned ground, to build positive, trusting relationships which are mutually beneficial <u>B Goal 14</u> - Coordination with other natural resources agencies, at tribal, local, state and federal levels <u>A,B Goals 13 and 14</u> - Improve coordination with the University of California for increased science/ data assistance <u>A,B Goals 13 and 14</u> - <u>Increase coordination with local and tribal governments, and other governmental agencies (admin; short; mid-high) B Goal 14 [Not sure how this fits here]</u> 	<p>Initiatives 4, 7</p>			
<p>Personnel</p> <p>(All WGs)</p> <p>Moved goals 15-17 to Common Themes Table 5: Staff Development</p>	<p>Staff lacks necessary training to aptly perform their jobs and lacks opportunities for continuing education</p> <p>Leadership (Supervisors and Managers) in DFG</p>	<p>15. Develop a work force that is capable of proper management <u>(A)</u></p> <p>16. Develop a work force that is capable of proper communication <u>(B)</u> with the general public</p> <p>17. Develop a work force</p>	<ul style="list-style-type: none"> - Communication training for all employees <u>B Goal 16</u> - Ensure that hiring policies are consistent with promoting those with proper management experience and training. <u>A Goal 15</u> - Provide management training/Require meaningful continuing education at the all staff level (leadership training – specifically for Supervisors and Managers) <u>A,C Goals 15 and 17 [Provide/encourage cross-program training, mentoring and coaching? The goes back to communication between ecological services and wildlife branches up in Structure.]</u> - Offer CESA training <u>C Goal 17</u> - Allow and encourage for publishing of scientific documents <u>C Goal 17</u> 	<p>Initiatives 1, 2, 6</p>			

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	need to be held accountable for their actions	that is capable of encouraging professional development (C)	<ul style="list-style-type: none"> - Increase opportunity for professional development (C) Goal 17 				
Enforcement Moved goals 18 and 19 to Common Themes Table 4: Compliance	<p>Lack of DFG wardens</p> <p>Lack of resources to enforce DFG laws</p> <p>Lack of coordination among agencies</p> <p>Lack of consistency in the prosecution phase</p>	<p>18. Increase (A) and ensure consistent enforcement (B) of DFG laws</p> <p>19. Increase (A) and ensure consistent prosecution (C) of DFG laws</p>	<ul style="list-style-type: none"> - Increase the number of and enforcement ability of DFG wardens (A) Goal 18 (admin, short, high) - Review types of infractions to determine which should be raised from misdemeanor to felony (such as abalone violations). Work with current wardens to do this task. (A) Goal 18 (stat, mid, mid cost) - Increase DFG ability to gather evidence as needed to enforce laws (C) Goal 19 [What does this mean? Lack of training, lack of time or not valued by the organization? Perhaps delete?] - Improve coordination with other law enforcement agencies - Improve coordination with the AG's Special Prosecutor-- Office to assist county district attorney on enforcement Create Special District Attorney capacity focused on F&G Code violations (housed in Sacramento) to assist county district attorney on enforcement. (C) Goal 19 (admin, short, high cost) - Increase communication and coordination with other law enforcement agencies (A) Goal 18 [How does this tie back to the goal? Will this lead to better reporting and thus more consistent enforcement. Linked to the next bullet.] - Provide education to other law enforcement agencies about DFG laws (A,B) Goal 18 - Improve consistency of staff understanding of statutes (B) Goal 18 [Is the addressing just enforcement staff or all staff? I assume that wardens get together for requalification and refreshers on a regular basis (annually or semi annually?)] - Educate judicial branch about DFG laws (C) Goal 19 	Initiatives 2, 4, 6			

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Regulatory (Some Sustainable Financing WG issues)	Several DFG regulatory programs that are key to achieve CA's ecological as well as economic objectives lack a necessary level of support, funding, and/or emphasis within DFG Statute and regulation language are not always consistent Current regulations lack consistency, transparency and accountability	20. Identify and Improve key regulatory programs that provide broad public and private benefits. A Examples: <ul style="list-style-type: none"> - NCCP - streambed alteration permitting - landowner incentive programs (safe harbor, etc.) - Timber harvest plan review process 21. Create a clear understanding of the regulations and associated statutes. B to ensure they are consistent for all to interpret. C	<ul style="list-style-type: none"> - Analyze opportunities for adjusting regulatory fee structures for increased sustainability of key regulatory programs <u>A Goal 20 (admin/stat, mid, low)</u> - Prioritize DFG investments of staff time and fungible dollars in key programs <u>A Goal 20</u> - Identify necessary reforms to state laws that would facilitate greater public and private use of the programs <u>[Suggest this be moved to the statutory issue]</u> - Identify gaps and overlaps in regulatory processes <u>AGoal 20</u> - Prohibit informal policies unsupported by law or regulation <u>B, C Goal 21</u> - Regulations are the implementation of the statute – the language used to describe the regulation needs to be clear and concise (Example: pest-control). <u>B Goal 21</u> - <u>Look for opportunities to utilize technology to enhance regulatory programs and reduce costs (Example: electronic monitoring of permitted activities to ensure goals are achieved) A Goal 20</u> 				