

**California Fish and Game Commission Alternatives**  
**Submitted by SAG Member April Wakeman**  
**March 6, 2012**

Issue	Pro	Con
<p><b>Authority</b> – Note the Commission’s authority is limited to that given it by the legislature</p> <p>a. Authority should be prospectively focused on the setting of fish and game seasons, bag and catch limits, and related functions. Other duties should be centralized in DFG. [BRCC]</p>	<p>Originally mission of both DFG and FGC was to implement, administer and enforce hunting and fishing laws. In recent years duties of both have expanded. Powers and duties should be modified to allocate between the two organizations in a manner that is effective and efficient.</p> <p><i>A wide range of experts including the United States Commission on Ocean Policy, recommends that fish and wildlife management decisions be separated from conservation actions. That is, decisions as to who “takes” living resources and under what conditions should be separated under different authorities from conservation actions meant primarily to preserve species and habitat. Dividing conservation from allocation enables agencies to develop expertise on their focused missions, clarify roles, and provide constituent groups with a single responsible agency.</i></p>	<p>Limiting FGC power to only hunting and fishing would result in species rather than ecosystem management. DFG has neither budget nor process to hold public meetings on CESA, MLPA, etc. One of the duties of the FGC is to provide an appeal process for public dissatisfied with actions taken by DFG. The commission provides the open transparent process for department action.</p> <p>1) At a time when the strategic vision process is being asked to recommend positive future changes for the F&amp;GC and DFG into the next century, this proposal takes the F&amp;GC backward by limiting its role to items from the last century (not productive, per our charge to be strategic and futuristic in this process); 2) To transfer decisions, such as the listing of endangered species, away from the public, transparent process at the Commission, and move it into the Department that doesn't have such required open processes is contrary to what stakeholders are demanding. And, it simply places a new, additional unfunded mandate on the Department.</p> <p><i>Ecosystem management could still occur at DFG level with allocation decisions set by FGC.</i></p>

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		<p>A change in responsibility might result in less need for meetings. It could be the same number of meetings (and same cost) but with a different structure.</p> <p>But agree that a public process would be needed to ensure transparency in DFG decision-making if more authority was vested in the department.</p>
<p>Authority – b. Commission authority should remain unchanged</p>		
<p>c. Commission authority should be expanded to match DFG responsibilities</p>	<p>Commission is overworked as it is.</p>	<p>The disconnect between DFG and FGC results in different priorities. There has been an incomplete delegation of authority by the legislator resulting in an inability to resolve global issues</p> <p>Incomplete delegation by legislature, e.g. fee setting [60% legislature, 39% FGC, 1% DFG].</p> <p>Consider Commission authority in light of DFG mandates.</p> <p>Need complete authority for true Ecosystem Based Management</p> <p>The FGC doesn't have the expertise to oversee the full range of DFG responsibilities.</p>
<p><b>Name Change Recommendation</b></p>	<p>Change name to reflect the scope of its jurisdiction in the 21<sup>st</sup> Century. [BRCC] [AB 2402 Dept. of Fish and Wildlife]</p>	<p>If Authority option A is chosen [only hunting and fishing responsibilities] the current name does reflect the jurisdiction of the FGC</p>
<p><b>Commission or Board</b></p>	<p>See <u>Commission Governance</u> paper</p>	

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<b>Citizen</b> Commission or Professional Commissioners	Question biases of professional staff – citizen commission more likely to represent varied interests.	Job has outgrown ability of part time commissioners. Need professional commission.
Number of Commissioners – currently 5 Increase number of commissioners	Increase to how many? 7 [BRCC], 9? Increase in workload and if FGC moves to more subcommittees, need more commissioners. More likely to have quorum at meetings and representation from more interests.	Requires amendment to constitution Changing the number of commissioners appears to be an arbitrary exercise, and begs the question of what problem is trying to be solved.
Term – currently staggered 6 years [term limit?]	Longer than Governor term to isolate political influence and prevent instant turnover at elections	If increase number of commissioners, then?
Representation – currently at Governor’s discretion	Representation based on: Interest group – then which? Geographic area At least one scientist	At Governor’s discretion but attempts to balance interests. Hard wiring membership may not always be in best interest
Qualifications – currently none General or specific ‘seats’	Suggestions: SAG: i] degree to which the appointee will enhance the diversity of background and geographic representation of FGC, ii] appointee’s demonstrated interest and background in wildlife and natural resources, iii] appointee’s previous experience in public policy decision making, iv] potential conflicts of interest of the appointee with the subject matter under FGC’s jurisdiction, v] commitment by appointee to both prepare for and attend meetings and subcommittee meetings, vi] diversity of knowledge of natural resource issues including outdoor	It may be a good idea to list some parameters for qualifications in law, but being too specific or prescriptive could have unintended consequences. For example, it may not be easy for the Governor to find qualified people in every specified discipline, resulting in long-term vacancies and absence of a quorum.

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	recreation and related scientific disciplines. How to define and recommendation to appointing party or hardwire specific qualifications	
Appointed by Governor	Governor unlikely to want to give up Increase seats with new seats appointed by legislature? Elected? If professional then hired by whom?	Is legislature any less politically motivated?
Confirmation - by Senate within 1 year		Recently experienced high number of never confirmed commissioners who nonetheless voted on important issues. Concurrent issue - no appointment so sitting commissioner continues without review.
Subcommittees - Marine by statute, Taucher Aquaculture Budget Focus Groups for specific issues as they arise	Marine subcommittee wonderful example of allowing stakeholder input on issues to save time for full commission. In part due to professional commission staff (contract). Committees by interest group (Taucher - hunters) or subject matter (marine) Consider open to all (marine) or membership (Taucher)	Need additional staff and probably commissioners
Training - none	Recommend mandatory training for new commissioners (NOAA fishery council model) Continuing education - attend Western Assoc. of Fish and Wildlife Agencies meetings?	FGC already expected to put in long hours with very limited compensation. Continuing education not a substitute for substantively qualified commissioners.
Meetings - 10/year,	Moving meetings around state,	NGOs headquartered in Sacramento must

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only 2 in Sacramento	particularly based on issues to be discussed, allows more public participation.	travel. ☺ Results in meetings being held in remote locations that are inconvenient for most participants and rarely has intended outcome of facilitating local input on item of local concern [given number os items on agenda and planning time required for most meetings]. May actually decrease public participation. Results in higher costs to state.
Staffing - currently 8	Mean and lean	Must use DFG as research staff. Hoover found DFG recommendations slanted. DFG overworked and may not be able to respond in as timely manner as FGC wants. Add staff for subcommittees [currently MRC staff is contract hire].
DFG Director - appointed by Governor Alternative: FGC/Governor choose 3 candidates and Governor/FGC picks one of those	DFG and FGC responsibilities not parallel. DFG has far more than FGC.	FGC appoint in order to be able to control DFG.
Budget - FGC - currently line item	Give FGC responsibility for own budget [include items currently covered in DFG budget]	Current FGC budget inadequate – DFG covers legal costs. How will it be funded?
Budget - DFG - currently Governor's		Allow FGC to review and make recommendations [AB 2402 - Review 30 days before Governor] AB 2402 flawed – 30 days not workable plus budget process confidential so how could FGC hold a public discussion of budget?