

California Fish and Wildlife Strategic Vision Project
Notes from the January 20, 2012 Joint Meeting of the BRCC and SAG
January 22, 2012

During the first two weeks of January 2012, California Fish and Wildlife Strategic Vision (CFWSV) Blue Ribbon Citizen Commission (BRCC) and Stakeholder Advisory Group (SAG) discussion topic meetings were held in six areas: common themes, compliance, funding, governance, science, and statutes and regulations. Individual BRCC and SAG members, as well as participating California Department of Fish and Game (DFG) and California Fish and Game Commission (F&GC) employees, volunteered to develop text for potential recommendations in the six areas.

On January 20, 2012, four members of the BRCC and twenty members of the SAG jointly met to discuss the potential recommendations, as well as suggested changes to chapter 3 of the draft interim strategic vision as proposed by BRCC and SAG members and members of the public; this document is a general summary of the discussions that took place. Text changes to the potential recommendations are made in tracked changes.

Draft Interim Strategic Vision - Chapter 3

In general, BRCC and SAG members believe chapter 3 is heading in the right direction, though additional conversation is needed regarding the visions, missions, and core values. Staff offered some ideas about how the next iteration of the strategic vision will be presented to the CFWSV executive Committee on February 16, 2012. Given the number of suggestions in chapter 3, some SAG members would like to discuss the ideas next week and come back to the February 3 joint meeting with proposed text.

Chapter 3 homework volunteers: Karen Buhr, Debbie Byrne, Noelle Cremers, Kaitilin Gaffney, Jason Rhine, April Wakeman (lead)

Common Themes Discussion Topic

Potential Transparency Recommendation: DFG and F&GC will be transparent about their functions, programs, and activities

Potential Common Theme #1: Engage in clear and compelling communication, education and outreach, both internally and externally

Potential Common Theme #3: Use "ecosystem-based" management as an approach that recognizes the full array of interactions in a system, including humans, rather than single issues, species or services in isolation.

Potential Partnership Recommendation/Common Theme #2: Actively participate in and create partnerships/collaborations among other agencies, stakeholders and within the organizations [both DFG and F&GC].

Partnerships (moved from compliance discussion topic)

Potential Partnerships Recommendation #1: Utilize partnerships to promote the DFG/FGC mission

Potential Partnerships Recommendation #2: Encourage a broad-based coalition effort of outdoor organizations [both consumptive and non-consumptive] to tap into their memberships to support the DFG/FGC mission [B:31]

Potential Partnerships Recommendation #3: Foster effective partnerships to better meet DFG mission (creating/sustaining partnerships)

Discussion: Suggest merging the partnership recommendations together, under common themes (common theme #2 related to collaboration and partnerships).

Potential partnerships recommendations homework volunteers: Karen Buhr, Debbie Byrne, Jennifer Fearing, Kaitilin Gaffney (lead)

For the “efficiency” recommendation as a potential common theme, please take a look at the goals and objectives and discuss in that context.

Potential additional “efficiency” common theme recommendation homework volunteers: Debbie Byrne, Mark Rentz (lead)

BRCC reflections: May want to consider completing the sentences of the common themes to identify what you want to accomplish (outcome for each)

Science Discussion Topic

| *Potential Science Recommendation #1: ~~Credibility~~: Decisions made by managers and policy-makers are informed by credible science.*

| *Potential Science Recommendation #2: ~~Capacity~~: DFG has capacity to can provide credible science for management and policy-makers.*

Discussion: “Provide” is intended to include both internal and external science. Credible, sound, best available all used to describe the quality of the science; suggest using only one and with a definition. Credible is defined in the science discussion notes as part of the potential recommendations. Suggestion to remove any adjective in front of science when using that term in recommendations (i.e., credible, best-available).

Concern with recommendation #2: Could be interpreted to mean that the science is only provided from within DFG and there is still a lot of disagreement about how much “science” should be generated internally or externally. There are numerous national debates about terminology taking place in the literature and the courts that we will not resolve today or in either of these groups; suggest we not attempt to resolve. Seems like we are close enough here and let the larger debate wage as we move forward. Note that transparency under common themes has a lot to do with science. If there is an adjective moving forward, suggest using it consistently throughout the vision and add to the glossary in the vision document.

BRCC reflections: In various discussions have talked about adaptive management but don’t see that concept in the recommendations. Elevate to the recommendation level now?

Governance Discussion Topic

Potential Name Change

| *Potential Name Change Recommendation #1: Ask the DFG director to conduct an cost-benefit analysis for a potential DFG name change to inform further SAG discussions*

Discussion: CBA is one type of economic analysis that does not necessarily work well for natural resource issues. CBA has specific meaning that may not lead to desired outcome. Suggest striking out CBA and perhaps ask for a "feasibility analysis." Requesting the analysis instead of the name change as there seems to be a bit of consternation about the potential cost of a name change whilst trying to be most efficient with limited resources; to have more information to make an informed recommendation, asking for the analysis first to better understand costs and benefits, both tangible and intangible. It was noted that some have a concern that a name change could potentially be a big expense to DFG.

BRCC reflections: Support the idea of changing the name and don't necessarily agree that we need any more discussion or an analysis. CalFIRE did not engage in a full analysis of the implications of a name change, yet changed it anyway. You are likely going to have a legislator introduce this bill anyway in the very near future, regardless of whether this group can come to agreement.

Fish & Game Commission Member Qualifications

Vision: Successful natural resource stewardship will depend upon a capable and representative California Fish and Game Commission.

Potential F&GC Member Qualifications Recommendation #1: Define a set of qualifications for Request that the Governor when making appointments and California State Senate when confirming said appointments to consider these criteria when making and reviewing appointments for potential members to the F&GC California Fish and Game Commission:

- A. The degree to which the appointee will enhance the diversity of background and geographic representation of the commission*
- B. The appointee's demonstrated interest and background in wildlife and natural resources*
- C. The appointee's previous experience in public policy decision making*
- D. Potential conflicts of interest of the appointee with subject matter under the jurisdiction of the F&GC*
- E. A commitment by the appointee to both prepare for and attend meetings and committee meetings of the commission*
- F. The diversity of knowledge of natural resource issues including outdoor recreation and related scientific disciplines*

Potential F&GC Member Qualifications Recommendation #2: Create greater stakeholder input and exchange, and a better understanding of issues by F&GC members and all involved prior to formal F&GC hearings by expanding the use of committees and holding issue-specific public workshops.

Discussion: The criteria are fine in recommendation #1, but this discussion that has been kicked around for years. Doesn't seem real intent is being met with this recommendation. If we really want a more professional, paid F&GC, then need a recommendation with more teeth. Make the specific criteria part of the recommendation? Basic question that has to be answered is what does F&GC do in order to determine what are the appropriate qualifications? One member said F&GC makes policy and scientists are not necessarily who should be at the table making policy decisions. The SAG has yet to engage in this conversation of should there be specific expertise?

BRCC: reflections: Interest in developing a recommendation that is more specific about the expert qualifications of potential commissioners. Recommendation #2 is unclear and don't understand what is

intended. Propose to refocus F&GC toward more traditional fish and game mandates and relieving it of responsibilities related to CESA and other species management responsibilities (make those the responsibility of DFG, being composed of professional wildlife managers).

Defining Success

Potential Defining Success Recommendation #1: ~~DFG~~ Develop performance metrics to define success, tie performance to DFG's and F&GC's mission statements, and match DFG's and F&GC's goals with funding (priorities).

BRCC reflections: and discussion: Were there other models you looked at for comparison? Response was that this was founded on direct quotes from the Legislative Analyst's Office about what other states are doing and the inability of DFG to report on what it is doing. Less of a "perform or die" recommendation and more about how we can do better. Are there other departments that have done something similar? DFG staff member present was not aware of anything. Always tough to be first. If you have an underfunded department with challenges, would be good if we have some sense from those who have to conduct whether this would work for them. Statement that perhaps Director Bonham is already pursuing performance metrics and this is in support of that effort. Why does this only apply to DFG? Any reason not to expand to F&GC?

Office of Spill Prevention and Response (OSPR)

Potential OSPR Recommendation #1: Reestablish that the OSPR administrator has autonomous control over hiring, personnel, budgeting, and funds regarding marine oil spill prevention and response activities, to ensure the ability to carry out "best achievable protection" of the coast from spills, pursuant to the California Government Code (Lempert-Keene-Seastrand Oil Spill Prevention and Response Act).

Potential OSPR Recommendation #2: Use an existing civil service classification to hire a law enforcement pollution investigator with powers to enforce the provisions of the Government Code relevant to OSPR and the administrator.

Discussion: Concern that these recommendations may be too much in the weeds, although clearly there is a problem that needs to be addressed. Is there some other way that this can be addressed? For example, the "on-scene coordinator" represents the OSPR administrator who is responsible for spill responses, and the on-scene coordinator was replaced without knowledge of the administrator. There are some real benefits to OSPR being part of DFG. A DFG staff member indicated that this is a controversial topic within DFG and not sure why; suggest taking the time necessary to hear the different perspectives within DFG. The challenge is in part that the SAG does not have all the OSPR stakeholders at the table. SAG members offered to place this under potential statutes and regulations recommendation #1 as an implementation recommendation; the SAG member proposing this recommendation did not support this move. OSPR has a significant trustee responsibility within DFG; yet it appears that the OPRS administrator has legal responsibility but not the legal authority. Suggestion that the request to address this issue through the strategic vision process came from Huffman, who is taking a wait and see approach.

BRCC reflections: Concern about this recommendation in that it would create a "free-floating" entity within DFG; either keep OSPR under the direction of the DFG director or move it outside as its own free-standing organization. Have there been any dysfunctions as a result of this statutory conflict? Who was the author of the 2001 legislation? Perhaps this fits better under the topic of statutes and regulations. As compared to isolating these subjects as a vision issue...there are other constituencies that could probably make similar arguments

about structural issues and proposed changes within DFG. A BRCC member suggested that this could be a specific implementation action under statutes and regulations recommendation #1.

This subject will move to the third phase. Deb Self and Melissa Miller-Henson will speak about this issue to determine if there is another approach that can be pursued.

Statutes and Regulations Discussion Topic

Potential Statutes and Regulations (and Governance) Recommendation #1: 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; ~~and (6) pursue other opportunities for amendment, repeal, consolidation, and simplification of sections of the code.~~

Potential Statutes and Regulations Recommendation #2: Make statutory changes to the California Endangered Species Act (CESA) to improve the permitting process: Uniformity in permitting process, efficiency in permitting, consistency in the application of CESA standards, and opportunity for applicants to appeal DFG decisions.

Potential Statutes and Regulations Recommendation #3: Allow the incidental take of fully protected species following review and under specified circumstances.

Potential Statutes and Regulations Recommendation #4: All DFG policies are in writing ~~written~~ and employees are trained in the proper implementation of policies.

Discussion: Broad agreement from most stakeholders that fully protected species is not working well. Concern from DFG and stakeholders is how do you allow for the incidental take of fully protected species? A SAG member commented that she does not understand this issue and would like to “flag” this. Not fleshed out well enough with stakeholders who might not support. Perhaps soften language? Review the possibility or feasibility? There is a process under CESA, yes? Establish a similar process for fully protected species.

BRCC reflections: Supportive of recommendations and intrigued by #3 but desire more information; potentially provocative and controversial.

Potential statutes and regulations recommendation #3 homework volunteers: Karen Buhr, Noelle Cremers (lead), Jennifer Fearing, Kaitilin Gaffney, and Cliff Moriyama

Compliance Discussion Topic

Permitting

Potential Permitting Recommendation #1: As part of a broader improvement to the permitting process, provide adequate resources to DFG for assisting applicants with pre-project planning in advance of submitting a permit application (e.g. state incidental take permits and streambed alteration agreements)

Potential Permitting Recommendation #2a: Establish an inter-agency coordination process in the review of CESA incidental take permit application, ~~s and~~ streambed alteration agreements, and other appropriate permits and agreements.

Discussion: Question is should this more broadly apply to other permits or agreements? Perhaps the more broad interpretation already incorporated under “improve coordination with other regulatory state agencies”? BRCC suggestion to limit the recommendation to the current two examples. SAG member suggests adding “and other appropriate” to the recommendation.

Potential Permitting Recommendation #2b: Make the application review and permit preparation process more consistent and transparent to applicants.

Potential Permitting Recommendation #3: Remove permitting barriers to “small scale” restoration [and other appropriate](#) projects.

Discussion: Recommendation #3 needs to have discussion language added (“small scale restoration and other appropriate”).

Potential Permitting Recommendation #4: Develop a set of criteria and implementation guidelines for “beneficial projects.”

BRCC reflections: Watch for things like the definition of small scale (less than 5 acres) and the problem of serial additions (4 acres here, another 4 acres there, and then another 3, etc.).

Integrated Resource Management

Potential IRM Recommendation #1: Engage in effective integrated resource management processes.

Potential IRM Recommendation #2: Use more collaborative processes that [combineengage](#) regulatory agencies with landowners, conservation organizations, and local agencies on restoration/enhancement projects

Potential IRM Recommendation #3: State agencies have specific expertise in some areas but not others, and should utilize each other as resources as needed

IRM recommendation? Suggested, selected characteristics of effective “targeted” multi-agency collaboratives that encourage integrated resource management in achieving natural resource stewardship (essentially a description of IRM) [Not a recommendation; make this a footnote to the to the IRM section of the full potential compliance recommendations document]

Discussion: Suggestion that the definition of integrated resource management (IRM) be included with any executive summary when presenting to the CFWSV Executive Committee. Same may apply to the definition of partnerships. Perhaps the latter item (potential recommendation?) should be a footnote to the IRM section rather than a separate recommendation.

Enforcement

Overarching Potential Enforcement Recommendation: Increase Enforcement Efficacy

Potential Enforcement Recommendation #1: Ensure successful recruitment and retention of California fish and game wardens

Potential Enforcement Recommendation #2: Seek authority or sponsor legislation to:

- (1) establish egregious and illegal commercialization cases as felony statutes;*
- (2) increase penalties for certain misdemeanors up to and include lifetime privilege revocation;*

- (3) include FGC violations in criminal histories; and,
- (4) limit diversion to once per two years per violator.

Potential Enforcement Recommendation #3: Increase the number of DFG warden positions by 50 per year until the force totals 1,000.

Potential Enforcement Recommendation #4: Establish a state wildlife crimes prosecutorial/judicial task force (including DFG, California Attorney General's Office, California District Attorneys' Association, Judicial Council, U.S. Attorney General's Office, etc.) to identify new approaches to shared or specialized adjudication of environmental/wildlife crimes.

Potential Enforcement Recommendation #5: Dedicate administrative support in each law enforcement district

Discussion: Recommendation #1 question – assume that it will build off AB 708? DFG staff answered that yes, that is the type of felony envisioned. Which misdemeanors? Not identified in the recommendation. Three fish and game violations within one year and license can be revoked; a judge can do it at any time. Want to know which misdemeanors have in mind before supporting. What about public process to dispute? “Some are as mundane as trespass.” For criminal histories only a couple of F&GC violations come up; many of the others don't show. “Violations” needs to be more specific. One of the issues is that DFG does not have a current records management system. Concern voiced that DFG violations not show up on general criminal background checks.

Have not seen any recommendations on the education and outreach side of compliance and would like to make sure we don't lose that subject area as we move forward.

Homework volunteers for potential enforcement recommendation #2 (misdemeanors): Jennifer Fearing (lead), Nancy Foley, Jason Rhine

BRCC reflections: Question about expansion of the number of wardens. DFG indicated that there are currently 392 sworn positions; in 2002 DFG Law Enforcement Division (LED) took a 50-person sweep of vacancies. At the moment LED has between three and five warden vacancies, which is the lowest rate in 25 years. The DFG suggested recommendation of 1000 wardens came from looking across the nation at other fish and wildlife enforcement agencies and comparing (i.e., Florida, Texas) the numbers. California has greater habitat diversity, more people, etc., so needs more wardens than those other states. DFG has not conduct a warden staffing study at this point since so far behind it isn't even close to the point of needing one.

Have you looked at the implications of having bringing on that many new wardens in that time frame? Impacts to the courts, equipment needs, infrastructure costs, administrative support etc.? DFG staff suggested that the costs will be minimal. There are models for determining administrative support needs.

While very supportive of this recommendations, in these budgetary times don't think a recommended 150% increase will go very far.

Language concern with enforcement recommendation #4 – Rick Frank to check in with Jennifer Fearing regarding his concern.

Funding Discussion Topic

Developing Funding Sources

Vision: Successful natural resource stewardship depends upon stable, adequate funding.

Potentially three recommendations under this category:

- Identify program costs (noting funding authorities and stability of funds over time) and identify where fees do not cover costs
- DFG should work with stakeholders to evaluate the potential stable funding options (see appendix for list of ideas that have been suggested in this process and/or used elsewhere)
- Require open and transparent accounting within DFG to build public confidence in how funds are managed

[Note: Participants believe it is important that the stable funding and the efficiencies recommendations stay together as moving forward.]

Discussion: Recommendation document need to strike “worthy of further exploration” language and change to “ideas that have been suggested in this process or elsewhere....”

Creating Efficiencies

Potential Creating Efficiencies Recommendation #1: Review DFG/FGC responsibilities/mandates to determine whether or not they should be combined, eliminated or transferred elsewhere.

Outcome: Ensure an efficient organization that is focused on its core functions and has adequate, stable resources needed to meet ALL its mandates.

Potential Creating Efficiencies Recommendation #2: Convene a committee to evaluate program efficiencies, level of service delivery (Cadillac or Pontiac?), and viable funding.

Creating efficiencies recommendations #1 and #2 homework volunteers: Noelle Cremers and Kaitilin Gaffney

Other Discussion

Request for staff to provide a document compiling the list of homework volunteers and their contact information.

Staff requested that homework be completed by close of business on Thursday, January 26, but subsequently has changed that request to 10:00 a.m. on Friday, January 27, 2012.

California Fish and Wildlife Strategic Vision Project

Contact Information for January 20, 2012 BRCC and SAG Homework Volunteers

January 22, 2012

On January 20, 2012, four members of the California Fish and Wildlife Strategic Vision (CFWSV) Blue Ribbon Citizen Commission (BRCC) and twenty members of the Stakeholder Advisory Group (SAG) jointly met to discuss potential recommendations for the second phase of the CFWSV Project; this document identifies the homework topics and volunteers for each that arose from the meeting. Homework is requested to be completed by 10:00 a.m. on Friday, January 27, 2012.

Draft Interim Strategic Vision – Chapter 3

Chapter 3 homework volunteers: Karen Buhr, Debbie Byrne, Noelle Cremers, Kaitilin Gaffney, Jason Rhine, April Wakeman (lead)

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| Kaitilin Gaffney | KGaffney@oceanconservancy.org |
| Jason Rhine | Jason@outdoorheritage.org |
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Partnerships Common Theme

Potential partnerships recommendations homework volunteers: Karen Buhr, Debbie Byrne, Jennifer Fearing, Kaitilin Gaffney (lead)

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Potential Efficiency Common Theme

Potential additional “efficiency” common theme recommendation homework volunteers: Debbie Byrne, Mark Rentz (lead)

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| Debbie Byrne | babyhorse@mac.com |
| Mark Rentz | MarkR@acwa.com |

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Statutes and Regulations

Potential statutes and regulations recommendation #3 homework volunteers: Karen Buhr, Noelle Cremers (lead), Jennifer Fearing, Kaitilin Gaffney, and Cliff Moriyama

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Compliance - Enforcement

Potential enforcement recommendation #2 (misdemeanors) homework volunteers: Jennifer Fearing (lead), Nancy Foley, Jason Rhine

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| Nancy Foley | NFoley@dfg.ca.gov |
| Jason Rhine | Jason@outdoorheritage.org |

Language concern with enforcement recommendation #4 – Rick Frank to check in with Jennifer Fearing regarding his concern.

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Funding Efficiencies

Potential creating efficiencies recommendations #1 and #2 homework volunteers: Noelle Cremers and Kaitilin Gaffney

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