California Fish and Wildlife Strategic Vision Project
Phase 3 Potential Recommendations Related to Fish and Game Commission
March 6, 2012

This document presents potential recommendations related to the name, role, or membership of the California Fish & Game Commission (F&GC), to be discussed in Phase 3 of the California Fish and Wildlife Strategic Vision (CFWSV) Project; these recommendations were also presented in a document dated February 28, combined with potential recommendations related to mandates, funding and efficiencies, and statutes and regulations.

The potential recommendations included in this document came from multiple sources; to identify from where the recommendation last originated, this document includes a code in curly brackets that precedes the title text of each recommendation. The codes are:

{B} Indicates that the recommendation was adopted by the Blue Ribbon Citizen Commission (BRCC), and the executive committee requested that additional discussion be held.

{E} Indicates that the CFWSV executive committee suggested that Stakeholder Advisory Group (SAG) members, individually or collectively, directly convey the recommendation to the Governor and the California State Senate.

This document retains notes from homework volunteers and individual SAG members for those recommendations that were not fully discussed on February 3, as well as staff notes, which are in brackets and underlined [like this]. Any new proposed text is underlined like this.

1. {B} Realignment of the Powers and Duties of the California Department of Fish and Game (DFG) and F&GC: The authority of F&GC should prospectively be focused on the setting of hunting and fishing seasons, bag and catch limits, and related functions. Other regulatory and land management responsibilities, including the administration of and listing decisions under the California Endangered Species Act, oversight of California's marine protected areas, and administration of the Oil Spill Prevention Act, should be centralized in DFG.

Originally, the mission of both DFG and F&GC was to implement, administer and enforce the state's laws governing hunting and fishing. In more recent years, the mission of both entities has expanded dramatically, to include many other functions. The respective powers and duties of DFG and F&GC should be modified to reflect this modern reality, and to allocate between the two current legal responsibilities in a manner that is effective and efficient.

2. {B} Name Change Recommendation: The BRCC recommends that the title of the California Fish and Game Commission be changed to more accurately reflect the scope of its jurisdiction in the 21st Century.

3. {B} F&GC Member Qualifications Recommendation: Drawing upon the successful experience of other state agencies whose decision-makers are required to reflect diverse and specific areas of expertise, the BRCC recommends statutory changes that expand the F&GC from five to seven members, and require that individual commissioners reflect particular, diverse professional qualifications. Currently, the five members of F&GC are required by law to have no particular professional backgrounds or qualifications.

4. {E} F&GC Member Qualifications Recommendation: Request that the Governor when making appointments and California State Senate when confirming said appointments consider these criteria for potential members to the 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&CG***
- ***E. A commitment by the appointee to both prepare for and attend meetings and subcommittee meetings of the F&GC***
- ***F. The diversity of knowledge of natural resource issues including outdoor recreation and related scientific disciplines***

Description: The California State Constitution decrees the existence of FG&C, its size (five members), terms (six years), and appointment authority (Governor with California State Senate approval). [See California State Constitution, Article 4(b) below.] The California State Constitution is silent, however, regarding the qualifications of the appointed members. The scope and responsibilities of F&GC have significantly expanded over the years as the size and diversity of California's population has grown. The five volunteer F&GC members are expected to make complex public policy and biological decisions on behalf of all Californians based on volumes of often very technical information. Creating a defined set of qualifications including education, expertise, and experience to help guide the Governor's selection of members and the senate's confirmation process may elevate the discussion and result in decisions that improve the public's and legislature's confidence. A Little Hoover Commission report [1990] specifically noted this lack in that there was "no clear publicly understood criteria for selection and appointment of Fish and Game Commissioners."

"CALIFORNIA CONSTITUTION, ARTICLE 4 (b) There is a Fish and Game Commission of 5 members appointed by the Governor and approved by the Senate, a majority of the membership concurring, for 6-year terms and until their successors are appointed and qualified. Appointment to fill a vacancy is for the unexpired portion of the term. The Legislature may delegate to the commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. A member of the commission may be removed by concurrent resolution adopted by each house, a majority of the membership concurring."

Ties to Strategic Vision: Goal 1, Objective 5; Goal 3, objectives 6 and 7