

The Treanor Report

A Look at the California Department of
Fish and Game

And

Fish and Game Commission

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**DVD: BOB TREANOR PRESENTATION: CALIFORNIA FISH
AND GAME COMMISSION, DECEMBER 5, 2005**

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California. In addition to Fish and Game Commission meetings, AGP-Video, Inc. broadcasts the meetings of California's Air Resources Board, Coastal Commission, Ocean Protection Council, State Lands Commission, and many of the proceedings of the Marine Life Protection Act Implementation process.

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INTRODUCTION

It has been 160 years since the '49ers rushed to the gold fields of California, focusing the world's attention on our state's incredible natural resources. The rush for gold is over but the land rush continues. Although slowing, the population of California grew 8½% between 2000 and 2008.¹ The struggle to “ensure the long term sustainability of California's fish and wildlife resources”² in face of increasing population and limited financial resources has become critical.

The authors admit to being completely biased when it comes to the beauty of California. From the heights of Mt. Whitney at 14,505 feet to the depths of the Monterey Canyon at -11,800 feet, the scope of our natural resources, whether furred, finned or feathered, vegetated, or geologic is awe inspiring. These resources have not only an innate ecological value but also provide multiple benefits for the citizens of our State present and future. It is imperative that we take care of these resources.

Currently the California Fish and Game Commission and the Department of Fish and Game have primary responsibility for the wildlife of this state and their habitats. The present organizational structure was fashioned in the early 1950's and arguably has not kept pace with the demands of a dramatically evolving California. Today the responsibilities include:

- A land area of 159,000 square miles;

¹ U S Census Bureau, State & County Quick Facts, 8 July 2009
<<http://quickfacts.census.gov/qfd/states/06000.html>>.

² California Fish and Game Commission Mission Statement that can be found at
<http://www.fgc.ca.gov/strategic_plan/mission.pdf>.

- 1,100 miles of coastline, 30,000 miles of rivers and streams, 4,800 lakes and reservoirs, 80 major rivers, three of the four North American desert habitats, and pristine mountain peaks;
- More than 1,000 native fish and wildlife species;
- More than 5,000 native plant species;
- Nearly 350 threatened or endangered species;
- Responsibility for oil spills; and
- A human population approaching 38 million which dramatically affects the use and conservation of these resources.

The purpose of this report is to foster an approach to resource management policies and implementation that is more coherent and transparent than the present situation. The focus is on the relationship between the Commission and the Department, not a comprehensive blueprint for reorganization, improved funding, prioritization of mission, or change in jurisdiction although this report touches on each and the approach developed may include all or some of these issues. To add real world perspective, we reviewed wildlife agencies of the Pacific Rim states and Florida, the Little Hoover Commission Report of 1990, the California State Auditor Report of June 2005, and interviewed Directors, Commissioners and stakeholders in California and other states.

Today, California has a tri-furcated system of wildlife management that is divided among the Commission, the Department, and the Legislature. Theoretically, the Fish and Game Commission sets policy and the Department of Fish and Game implements it. The Commission makes regulations and the Department enforces those regulations. In reality things are much more complicated. The Commission finds itself in the middle between the Legislature which has delegated to it some, but not total, authority over fish and wildlife matters,

and the Department which has been delegated responsibilities far beyond its original and the Commission's mission. This paper will first address the Fish and Game Commission and Department of Fish and Game individually before tackling the much more difficult issue of interaction between the agencies, with brief comments regarding the retained jurisdiction of the Legislature.

The report will also consider funding options and raise the question of renaming these entities. The paper concludes with a proposed constitutional amendment in conformity with the model law recommendations.

The Appendix contains reports on the history, structure and funding of the wildlife organizations of the Pacific rim states – Alaska, Washington, Oregon, California and Hawaii, plus Florida – to use as a source of alternatives. Next is an overview of the commission style of governance based on recommendations developed by a committee of the International Association of Game, Fish and Conservation Commissioners as part of the “Model Game Law.” The final paper contains recommendations from the former Director of the Oregon Department of Fish and Wildlife. This package includes a DVD recording of the farewell address of Bob Treanor when he retired as Executive Director of the Fish and Game Commission that suggests improvements to the operations of both California organizations.

THE FISH AND GAME COMMISSION

Article IV, Section 20³ of the California Constitution creates the Fish and Game Commission. Pursuant to this mandate, the Legislature has delegated “the power to regulate the taking or possession of birds, mammals, fish, amphibia, and reptiles to the extent and manner prescribed in this article (Fish and Game Code §200).” Generally speaking, Division I of the Fish and Game Code outlines the authority and limitations thereon granted to the Commission. Originally the Commission was responsible for the regulation of recreational fishing and hunting while the Legislature retained jurisdiction over commercial fishing. Over time much, but not all, of that jurisdiction has been delegated to the Commission. For instance, the Commission regulates the take of herring, lobster and sea urchins but not fisheries landing fees. This lack of comprehensive authority has complicated implementation of fiscal accountability and ecosystem-based management.

The Commission, in general, is granted the power to regulate by establishing, extending, shortening, or abolishing open and closed seasons; establishing, changing or abolishing bag limits and possession limits; establishing and changing areas or territorial limits for taking legal game; prescribing the manner and means of taking; and establishing, changing or

³ *Article IV, Section 20(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.*

abolishing restrictions based on sex, maturity, size or other physical characteristic. [Birds and mammals in Section 203; fish and reptiles in Section 205; antelope in Section 331; elk in Section 332; migratory birds in Section 356; deer in Sections 451-454, etc.] A good compilation of the Commission's powers and duties can be found in its Strategic Plan at <http://www.fgc.ca.gov/strategic_plan/overview.pdf>.

The Commission has five members who are private citizens (not state employees) who receive \$100 for each actual day of service performed, not to exceed \$500 for any one calendar month. In addition to this compensation, Commissioners receive their actual and necessary expenses incurred in performance of their duties. Although some seats are traditionally held by specific stakeholder interests (the "hunting seat" or the "conservation seat"), there are no requirements that a Commissioner represent a specific constituency or geographic area, or have a specific background or expertise. In comparison, appointment to the Boating and Waterways Commission gives "primary consideration" to the residence of the members and requires that certain stakeholder groups be represented.

Commissioners in California are appointed to staggered six year terms by the Governor. By staggering the terms a new Governor or Legislature cannot suddenly change the makeup of the Commission for political reasons. A Commissioner is allowed to serve up to 1 year before his/her confirmation by the Senate. That has resulted in several 'unconfirmed' Commissioners in the last ten years. In all states reviewed, the Governor was empowered to appoint the Commissioners but required legislative confirmation.

According to Fish and Game Code Section 206, the Commission must meet at least 10 times per year with "no more than two regular meetings to be held in Sacramento per

year.” The budget crisis in 2009 has prompted the Commission, in an effort to conserve funds, to meet in the area surrounding Sacramento. Normally Commission meetings are scheduled across the state from Susanville to San Diego, and from Monterey to Mammoth Lakes in order to encourage the fullest public participation.

The Commission currently has three subcommittees, each with its own operating criterion. The Marine Resources Committee is the only one established by statute [Fish and Game Code section 105] and open to all interested parties. Membership in the Al Taucher’s Preserving Hunting and Sport Fishing Opportunities Advisory Committee is by invitation of the commissioner(s) chairing the committee and focuses on promoting recreational hunting and fishing activities. In addition, there is a newly formed Aquaculture Committee. In the past there have been other committees such as Budget, Legislative, Threatened and Endangered Species, Department Lands, etc. However, they have not consistently met. The current Commissioners have considered re-forming a Budget and/or Legislative Review Committee.

The Commission has a small, dedicated staff but primarily depends on the Department for analysis and recommendations. A grant has permitted the Marine Resources Committee to contract for administrative and policy support (which has improved the Committee’s efficiency). The Commission does not have its own identification in the state budget. It is funded as a line item in the Department’s budget, a situation it has attempted to change for the last several years.

FOR DISCUSSION

COMMISSIONERS

Number

In light of the size and scope of resource management in California, the currently authorized five commissioners may not be adequate. As the Commissioners are private citizens with outside responsibilities, there have been occasions when a quorum is at risk. If, as is discussed later, there is merit to establishing criteria for commissioners based on representation of certain constituencies, bio-geographic regions or by expanding the use of the subcommittee system, then it may be important to consider expansion of the Commission to seven or more members.

Qualifications - In General

Unlike California, many states designate qualifications for appointment. Appointment to the Alaska Boards of Fisheries and Game is based on “interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership”⁴ but without regard for geographic location. Oregon’s Commissioners, on the other hand, must be from each congressional district, and at least one east and one west of the Cascades. Additionally, officers of sport or commercial fishing organizations or those holding an interest in a commercial fish processing company are ineligible.⁵ Washington also requires that Commissioners should be appointed from each side of the Cascades.⁶ The significance of the Cascades is that the range divides Oregon and Washington into two distinct bio-geographic areas.

⁴ Alaska Statutes 16.05.221(a) and (b)

⁵ www.dfw.state.or.us/agency/commission/

⁶ www.wdwf.wa.gov/commission/

Many have suggested that members of the California Commission should be citizens with a proven track record of interest and demonstrated expertise in fish and wildlife conservation, including an interest in hunting, fishing, and/or wildlife-related recreation. Members should be appointed in recognition of their interest in wildlife and not appointed because of their background in agriculture, real estate, forestry, environmental advocacy or political affiliation.

The first finding of the Little Hoover Commission (LHC) in its 1990 report was that there were “no clear or publicly understood criteria for selection and appointment of Fish and Game Commissioners.”⁷ The LHC felt there were two dimensions to this issue. The first was that issues considered by the Commission were too complex for sportsmen. The second was that because of the lack of scientists as members, the Commission was reliant on Department staff work. The final LHC complaint was that without stated standards, neither the Governor nor the Senate had a means of evaluating candidates. The Little Hoover Commission suggested “broad-based representation should include biologists, environmentalists, developers, ranchers *and* sportsmen.” Clearly there is a major difference of opinion as to which stakeholders, if any, should be represented on the Commission.

Qualifications - Specific Areas of Representation

As noted above, identifying the public constituencies that should be represented on the Commission is a major area of concern. In addition to which stakeholder groups (fishermen, hunters, developers, bird-watchers, hikers, miners, corporate conservationists, etc.) deserve representation, the qualifications of the individuals chosen must also be

⁷ Little Hoover Commission. (1990). *Report on California's Fish and Game Commission and Department of Fish and Game*. Commission on California State Government Organization & Economy. Page 27.

considered. Should those stakeholders who financially support the Department/Commission (license purchasers) deserve a louder voice on the Commission? What makes a person qualified to sit on the Commission in addition to stakeholder representation? Should there be education or other expertise required? Are there any stakeholders who should be excluded due to perceived conflicts of interest (e.g. would a real estate developer have an inherent conflict or true stakeholder interest)? Should each geographic or biogeographic area of the state be represented, and if so, how should these be defined? And what is an “environmentalist”?

Continuing Education

The federal fisheries councils enacted under the Magnuson-Stevens Act have implemented a mandatory orientation for all new members. The US Fish and Wildlife Service currently schedules such orientations but these are located in Virginia, making it difficult and expensive for California Commissioners to attend. An excellent educational opportunity is provided by the Western Association of Fish and Wildlife Agencies⁸ that holds both winter and summer meetings. Many of California’s Commissioners and the Commission staff have attended and report that these meetings provide them with greater insight into the issues confronting them and their fellow Commissioners. Education does cost, but it can facilitate deeper understanding and hence better wildlife decisions. Should new member orientation or continuing education be required of all Commissioners?

When Seated

Currently, a Commissioner must be confirmed by the Senate within one year of his or her appointment. As a consequence,

⁸ Whose website is <<http://www.wafwa.org>>.

there are circumstances where Commission decisions are made based on votes by a Commissioner who is in fact never confirmed as his/her appointment is rescinded by the Governor prior to confirmation. Should the constitutional qualification that a Commissioners' terms extend until "their successors are appointed and *qualified*"⁹ [emphasis added] mean until the successor is confirmed?

Term

Commissioners are currently appointed to 6-year terms. There are no restrictions on the number of terms a commissioner may serve. Is the length of term appropriate and should term limits be imposed?

FULL TIME COMMISSION

One further question is whether the importance of California's natural resources justifies a full time, professional Commission whose sole duty is to formulate policy and supervise the Department of Fish and Game.

APPOINTMENT OR ELECTIVE

Rather than appointments by the Governor, should the Commission instead be an elective body such as the Board of Equalization?

RESPONSIBILITY

As originally conceived, the Commission was to regulate recreational activities as they related to natural resources while the Legislature retained jurisdiction over commercial

⁹ California Constitution Article IV, Section 20(b).

fishing.¹⁰ The Commission is responsible for formation of the general policies for the conduct of the Department.

As noted throughout this paper, times have changed. Resources once thought to be limitless are now scarce. Development is pushing into wildlife habitat creating more human/wildlife interaction. Water and air pollution, climate change, increasing knowledge about impacts on wildlife and habitat all have made the Commission's task more difficult. Sometimes, as the Little Hoover Commission noted, there is simply insufficient information to allow the Commission to make a determination,¹¹ creating frustration among those who do see a link and seek a ruling. California has embraced the science-based concept of ecosystem based management - considering the whole ecosystem, including humans and the environment, rather than managing one issue, species, or resource in isolation. Our laws call for it.¹²

Over the years additional jurisdiction has been delegated to the Commission by the Legislature but in some cases the remaining division of responsibility prevents a comprehensive solution of issues. Many times this is unavoidable. This report calls for an examination of the duties and responsibilities of the Department of Fish and Game. The Commission's authority should be reviewed in light of those discussions.

CORE ISSUES

¹⁰ See Fish and Game Code Section 200 which in part states "No power is delegated to the commission by this article to regulate the taking, possessing, processing, or use of fish, amphibia, kelp, or other aquatic plants for commercial purposes, ..."

¹¹ Little Hoover Commission, for instance pages 22 and 29.

¹² For instance the California Ocean Protection Act (Public Resources Code §35510(b)(3))

There are two core issues that need to be emphasized. The unanimity among the experts interviewed, whether hired or appointed was striking. The one universal recommendation from those consulted for this paper is that **the Commission must have hiring/firing authority over the Director of the Department**. This interrelationship is key to the success of both entities so has been given its own section later in this paper. Whether California finds this change is or is not politically feasible, an effective relationship between the two organizations is of paramount importance.

The second issue of dramatic import is budgetary authority. While the Commission has asked to present its own budget to the Governor, it remains a line item within the Department's budget. Although it is a relatively small number (\$1.3 million in 2008-09 or .3%), this places the Commission in a subservient position to the Department.

A concurrent issue is whether as the agency responsible for setting policy for the Department, what responsibility or authority should the Commission have over the Department's budget. If given authority, should the Commission approve or just review the Department's budget? The purpose of giving the Commission oversight on the Department's budget is to allow the Commission to direct how the Department's resources are being allocated. Funding truly does dictate policy. Both budgets, of course, would remain part of the Governor's budget and subject to the current process. In Arizona and Washington, the Fish and Wildlife Commission approves the Department's budget submitted to the Governor.

COMMITTEES

Over the years the Commission's responsibilities and the complexity of the issues addressed have increased. One way

the Commission has attempted to deal with this is through the Committee system. As noted above the three current Committees operate under completely different frameworks. The intention of the committee process is that it allows one or two Commissioners to consider certain issues in depth and then make recommendations to the full Commission. With full participation by the Department and stakeholders, this is one method of considering issues, discussing stakeholder concerns, and taking the time to do an in-depth analysis that is seldom possible in front of the full Commission due to time constraints.

Should there be consistent criteria for each of the committees? Should each constituency have a committee where its concerns are addressed or should each committee's charge be broad? For instance, the Al Taucher Committee represents the interests of recreational sportsmen, the hunters and fishermen. When wildlife issues arise, should they be addressed here as being the committee which usually handles wildlife issues? On the other hand, this committee may be considered a hostile environment by many animal protection groups. In other words, should a committee represent stakeholders, subject matter, or both? It might also be noted that an open and transparent process is the hallmark of a commission. A lack of consistent guidelines and procedures put these qualities at risk. How often should the committees meet? Who may participate or vote in a committee meeting - anyone or only those with a demonstrated nexus to the committee's purpose? Does a committee vote compel action or inaction or serve only as a recommendation?

The Board of Forestry uses the committee system to its advantage. The committees meet the day before the Board's meeting to work on issues that the Board will address. The

committee chair is then expected to bring a recommendation to the full board.

In this light, which standing committees should the Fish and Game Commission have? Some suggestions have included Marine Resources, Recreational Opportunity, Habitat, and Budget and Legislation.

INTERACTION BETWEEN THE COMMISSION AND LEGISLATURE

The incomplete and patchwork nature of the delegation of authority from the Legislature to the Commission is an issue. At times the piecemeal authority of the Commission has increased its difficulty in trying to create comprehensive solutions. There should be a clearer delineation between Legislative responsibilities and Commission responsibilities based on which is better qualified to address each issue. Constituencies will argue for one or the other in part based on the constituency's expertise often related to whether the issue stems from professional or grass roots supporters.

In terms of interacting with the Legislature, should the Commission make recommendations or send letters of support or opposition on issues to the Legislature? What weight should the Legislature place on any such support or comment? Agencies of the state are not allowed to take positions on legislation without approval by the Governor's office. Should the Commission be subject to the same limitation even though it functions outside the usual Executive Branch hierarchy?

THE DEPARTMENT OF FISH AND GAME

The Department of Fish and Game is one of eight departments (excluding boards and commissions) that comprise the Natural Resources Agency and report to the Secretary for Natural Resources. The Department's Director and Chief Deputy Director are appointed by the Governor and confirmed by the legislature. The Mission of the Department is to manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public.¹³

Today, the Department's responsibilities are enormous. To quote from just one section [Fish and Game Code §1802]. "The department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. The department, as trustee for fish and wildlife resources, shall consult with lead and responsible agencies and shall provide, as available, the requisite biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used in the California Environmental Protection Act (Division 13 (commencing with Section 21000) of the Public Resources Code)." Other responsibilities specifically spelled out in just Division 2 of the Fish and Game Code include:

- Conduct biological and field investigations [§1000]
- Operate fish and wildlife enhancement facilities [§1014]
- Prepare and issue all licenses, permits, tags,

¹³ Mission of the Department of Fish and Game, see <http://www.dfg.ca.gov/about/>.

- reservations and other entitlements [§1050]
- Maintain and operate fish hatcheries [§1120]
- Investigate all diseases relating to wildlife (e.g. West Nile Virus)[§1008]
- Coordinate with the federal government 'to the fullest extent possible' on threatened or endangered species [§1018]
- Count salmon escapements [§1985]
- Issue scientific collection permits [§1002]
- Review California Environmental Quality Act documents and consult with other agencies [§711.4]
- Prepare draft management plans for parcels under its jurisdiction [§1019]
- Review timber harvesting plans developed by the Department of Forestry and Fire Protection [§703(b)]
- Acquire property authorized by the Wildlife Conservation Board [§1348]

This list does not include the Office of Spill Prevention and Response (OSPR) created under the Lempert-Keene-Seastrand Oil Spill and Prevention Act of 1990 whose mission is to prevent, prepare for, and respond to spills of oil and other deleterious materials and to restore and enhance the affected wildlife.

The Department in its Budget Fact Book for Fiscal Year 2009-10 Governor's Proposed Budget¹⁴ states its fundamental priorities are:

- Managing wildlife and fisheries
- Assessing resources
- Restoring habitat
- Managing water resources
- Enforcing laws and regulations protecting wildlife, fish,

¹⁴ *Fiscal Year 2009-10 Budget Fact Book*. (n.d.). Retrieved July 15, 2009, from Department of Fish and Game website found at <http://www.dfg.ca.gov/budget/09-10/09-10/BudgetFactBook.pdf>.

and habitat

- Public education regarding the benefits of a healthy and sustainable fish and wildlife population
- Conservation planning, environmental review, and permitting
- Responding to environmental spills
- Developing and implementing regulations as applicable to the above areas of responsibility

FOR DISCUSSION

DIRECTOR

As mentioned previously and addressed further under Commission/Department Interaction, recommendations have universally included that the Commission be given hiring/firing authority over the Department Director for reasons explained therein.

DEPARTMENT RESPONSIBILITY

A discussion of the Department's responsibilities should seek to establish the proper balance between anything that affects fish and wildlife (the answer is almost everything) and an effective organizational approach to conservation and resource management. The experience of other states validates California's example of one Department for both fish and wildlife, and for both fresh and saltwater activities. Although Alaska has separate Boards for Fisheries and Game, its Department of Fish and Game manages both. Florida had separate Game and Fresh Water Fish and Marine Fisheries Commissions until a constitutional amendment combined them. Oregon's fish and wildlife commissions were combined in 1975.

At the same time, although pollution, development, boating and waterways, parks and recreation, energy, climate change, forestry practices, water resources, air quality, transportation, and oil spills all affect fish and wildlife, inclusion of all of these responsibilities at the department level can complicate its structure as a wildlife organization and detract from its core mission. Finding the balance between what should be included and that which might better be handled separately will be a difficult process. There is also a growing body of scientific data regarding the 'optimum size' of an

organization that may be used as a guide when considering this issue.¹⁵

For a comparison, California's departmental organization chart and those of the other states are included in the Appendix. Several variations should be noted here however. The Alaskan equivalent of the Office of Spill Prevention and Response (OSPR), a very significant entity in light of the *Exxon Valdez* incident, is part of its Department of Environmental Conservation. Washington's equivalent unit is part of the Department of Ecology, although there is a small Oil Spill Team within its Department of Wildlife. Oregon's Wildlife Enforcement Division is a unit of the State Highway Patrol, with some reimbursement provided by the Department of Fish and Wildlife. Alaska also has a Boards Support Section whose duty is to support the Board of Fisheries and the Board of Game.

Through the 1980's when the California Department's core role was to provide opportunities for hunting and fishing, funding was provided from hunting and fishing fees. Beginning with the Clean Water Act, California Environmental Quality Act, and the threatened and endangered species legislation, the Department assumed greater responsibilities without increases in staff or funding. The Department's CEQA document filing fees, recently increased by the Legislature, still do not come close to covering the costs associated with this responsibility. To use this simply as an example, the questions become:

¹⁵ For instance, Tom Peters, *The Pursuit of Wow!: Every Person's Guide to Topsy-Turvy Times*, (New York, NY: Vintage Books, 1994). Percy Barnevik and Rosabeth Kantor, *Global Strategies: Insight from the World's Leading Thinkers*, (Boston, MA: Harvard Business School Publishing, 1994) and Malcolm Gladwell, M, *Tipping Point, How Little Things Can Make a Difference*, (Little, Brown & Company, 2002), pages 182-192.

- Is the Department the appropriate entity to review CEQA documents?;
- If not, should there be Departmental oversight with regards to wildlife issues?;
- How should CEQA document filing fees be set in order to fully cover the expenses involved?; and so on.

INTERNAL OPERATIONS

The Little Hoover Commission Report of 1990 made four findings with regards to the Department. Unlike their findings on the Commission which addressed organic issues, the LHC findings relating to the Department focused on departmental operations which are the responsibility of the Director and outside the scope of this paper with one possible exception.

That exception was the inability of the Department “to provide upon request information to the Legislature and other entities, to properly track its funding and taxing mechanisms, and to adequately monitor fish and game counts, hunting and fishing takes and illegal depredation of wildlife”¹⁶ due to the lack of a comprehensive management information system. This is mentioned here because similar shortcomings were noted in the 2004 State Auditor Report 2004-122R on the Preservation Fund (also known as the Cogdill Report).¹⁷ Similar deficiencies have also been noted by the Legislative Analyst.

¹⁶ Little Hoover Commission, page 3

¹⁷ California State Auditor. (2005). *Department of Fish and Game: The Preservation Fund Comprises a Greater Share of Department Spending Due to Reduction of Other Revenues*. Sacramento: Bureau of State Audits. Available online at <<http://bsa.ca.gov/reports/summary/2004-122R>>.

The authors, as a personal opinion, would like to state here that the Department has moved to address these issues and particularly through the work of Chief Deputy Director John McCamman (and his staff) the clarity and availability of information is greatly improved. We believe that Deputy Director McCamman would agree that his work is not done but that the Department is acting and making progress in remedying these issues.

COMMISSION/DEPARTMENT INTERACTION

FOR DISCUSSION

Fish and Game Code Section 703(a) defines the interrelationship of the Commission and the Department. That section states: “General policies for the conduct of the department shall be formulated by the commission. The director shall be guided by those policies and shall be responsible to the commission for the administration of the department in accordance with those policies.” However, in practice it is not that simple.

The Little Hoover Commission summarized this issue in its 1990 report.

...to what extent does the Commission (composed of Governor’s appointees) actually direct the Department, whose Director is also a Governor’s appointee and not directly accountable to the Commission? This first issue is a question of authority, with the central question being the power of the Department to, in large part, set its own agenda. Clearly, even though the Commission advertises and holds public hearings, all parties concur that the Commission depends upon the Department for a substantial portion of its staff support and information. The FGC receives well-researched and highly developed recommendations concerning proposed and established policies from the DFG. Given this fact, and the fact that the Commission has only minimal staff resources, critics argue it may not be accurate to portray the Commission as the independent authors of fish and game policies. In fact, they argue, it may be more accurate to portray the Department as having a clear ability to set the terms for the Commission’s decisions. This argument, critics suggest,

has even greater weight when one incorporates recent comments of the DFG Director, who maintains that his primary responsibility is to the Governor, not to the independent Commission.¹⁸

In addition to the issues noted by the LHC, the Department has many masters. In these times of limited resources, not everything can be done. The priorities of the Department may conflict with those of the Commission.

The Little Hoover Commission found “the Commission has not, and as presently structured, cannot adequately exercise its statutory authority over the Department of Fish and Game.”¹⁹ The LHC saw the Department’s responsibility primarily to the Governor’s office with the Commission having no formal relationship with the Resources Agency. Without any contractual employer-employee control over the Director, the authority of the commission was rendered ‘hypothetical.’ The LHC went on to observe that without its own resources, the Commission could not exercise any effective oversight of Department implementation of its policies.

Many states have resolved this conflict by giving the Commission the authority to hire/fire the Director of the Department. Of all of the comments gathered, this was the one universal recommendation. As one party said, at a core level, the agency director must be accountable to the Commission. The Director’s staff must be the Commission’s staff as well. Separate administrations, budgets and staff are a prescription for divided allegiance within the agency, wasted resources and distrust.

In Hawaii, the chairperson of the Board serves as a full-time salaried Executive Director of the Department of Land and

¹⁸ Little Hoover Commission, Identified Issues, page 20

¹⁹ Little Hoover Commission, Findings, Page 28.

Natural Resources. In Oregon the Commission appoints the Director of the Department of Fish and Wildlife. The same is true in Washington and Arizona.

Several states have designated divisions or separate entities within a department that are dedicated to serving their respective Commissions. In Alaska, the Boards Support Section supports both the Board of Fisheries and the Board of Game and reports directly to the Director. Florida does the same in a slightly different manner by creating subsections to provide the same function (that do not directly report to the Director but report instead to an intermediary). For instance, Florida's Division of Marine Fisheries has two sections – Marine Fisheries Management which oversees and develops management plans and the Marine Fisheries Service which works as a liaison between the marine fishing community (both commercial and recreational) and the Wildlife Conservation Commission.

The Little Hoover Commission recommended the formation of a Resources Agency Oversight Task Force.²⁰ The members of the Task Force would include a executive member from each of the “major resource-related commissions and departments within the agency” and be chaired by the Secretary. The goal would be to unify policy and practice with respect to fish, wildlife and habitat. The Ocean Protection Council may serve as a template if this solution is considered as it serves to coordinate ocean-related state agency activities.²¹

²⁰ Little Hoover Report, page 3

²¹ See <<http://www.opc.ca.gov/about/>>.

FUNDING

Perhaps President George H. W. Bush's most famous statement was "Read my lips: no new taxes."²² California finds itself with a long list of needed services and a short list of revenue sources. The traditional funding mechanisms have little more to give. It is far beyond the scope of this paper to give instruction as to how to allocate state resources, but natural resource conservation, protection and enhancement are dramatically underfunded now, and it is very important that these concerns receive high priority when allocating General Fund monies. As discussed below, it is no longer possible or even reasonable for the traditional users, hunters and fishermen, to fund the entire Department's budget.

Whether called a tax, user fee, permit, or anything else, if there is a clear nexus between the payment and the benefit, the expected payer is less likely to balk. Traditionally wildlife programs have been funded by hunting and fishing license sales where the licensees were directly affected by wildlife and fish regulations. Today, the scope of the Department's activities far exceed programs which are seen as benefiting these users and many programs are viewed with suspicion as efforts to limit or completely eliminate disfavored activities. Many in the Sportfishing community, for instance, see the Marine Life Protection Act only as an attempt to stop fishing. Use of lead bullets in the condor range is similarly seen by the hunting community only as a way to outlaw hunting. Sportsmen are neither willing nor able to foot the entire bill for all fish, wildlife and natural resource management. Sportfishing license sales (number of licenses) declined 18.1% from 1990 to 2008 and 14.1% from 2000 to 2008. Hunting

²² Republican National Convention, August 18, 1988.

license sales declined 23.9% from 1990 to 2008 and 8.0% from 2000 to 2008.²³

Therefore, the first question we pose is who benefits from the work of the Department and Commission. One answer is that while some may benefit more than others, all Californians benefit. These benefits are both tangible (increased economic activity due to tourism and other uses) and intangible (the value of a clean and healthy environment). For this reason the use of General Fund monies for Departmental activities is justified. However, realistically speaking, the funds simply are not available for natural resource protection, conservation and enhancement. Alternative revenue sources must be developed.

A review of the Fish and Game Code tells us that the legislature realizes that the Department has been underfunded for at least the last three decades. Section 710 states that “The legislature finds and declares that the department has in the past not been properly funded.” Section 710.5 was added in 1990 to state, “The legislature finds and declares that the department continues to not be properly funded.” And then in 1992, section 710.7 states (a) the legislature finds and declares all of the following: (1) the department continues to face serious funding instability ...”

Section 711 states “It is the intent of the legislature to ensure adequate funding from appropriate sources for the department.” It then delineates how the Legislature expects to fund the Department’s mandates as follows:

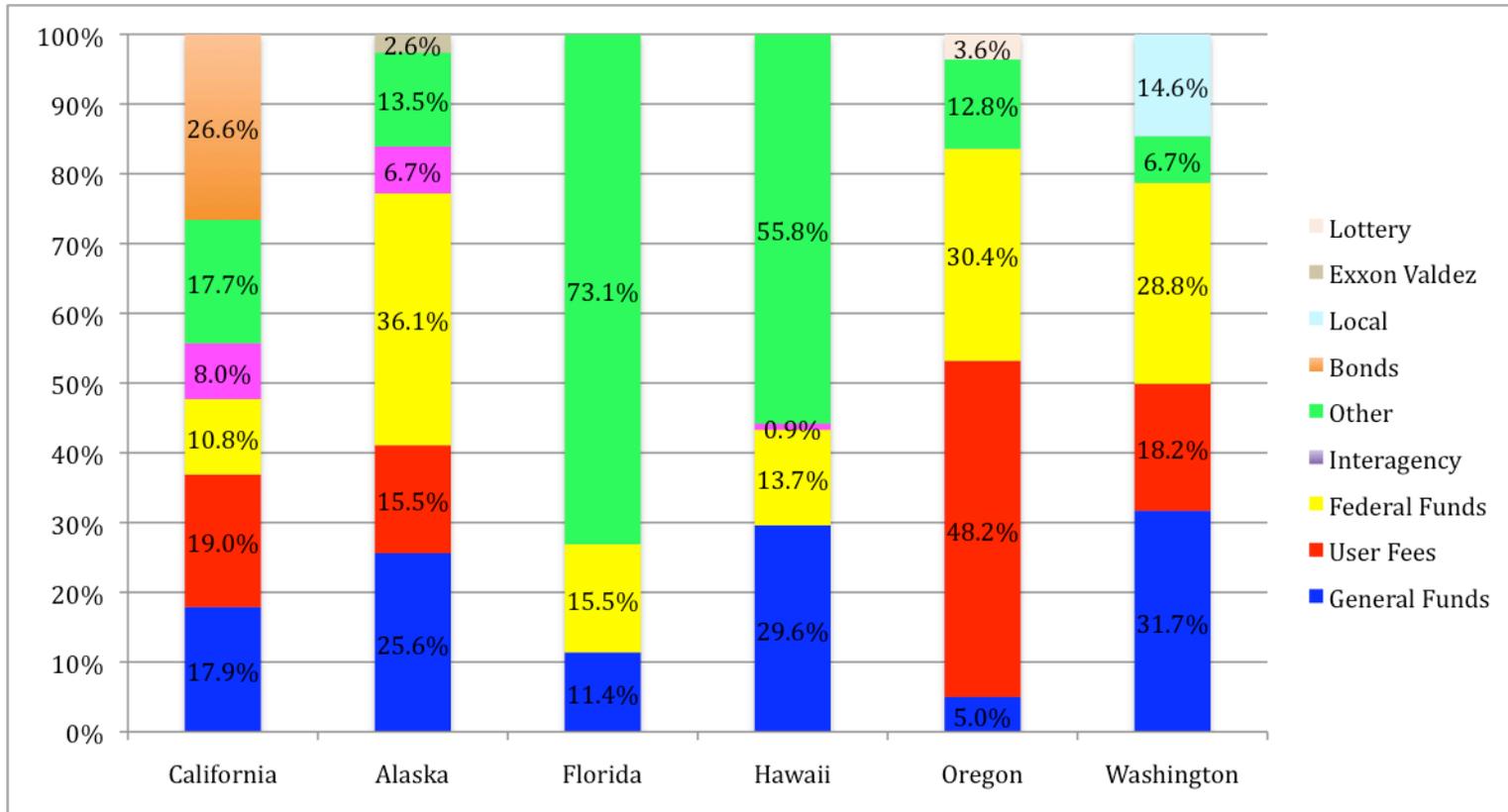
- Nongame fish and wildlife programs shall be provided from the General Fund through nongame user fees and sources other than the Fish and Game Preservation Fund [§711(a)(1)].

²³ Department of Fish and Game Statistics, 15 July 2009
<<http://www.dfg.ca.gov/licensing/statistics/statistics.html>>.

- Commercial fishing programs shall be provided out of commercial fishing taxes, license fees and federal funds [§711(a)(2)].
- Hunting and sportfishing programs shall be provided out of hunting and sportfishing revenues and shall not be used to support commercial fishing, free hunting and fishing programs or nongame fish and wildlife programs [§711(a)(3)].
- Land management costs and wildlife management programs shall be supplemented out of revenues from the Native Species Conservation and Enhancement Account in the Fish and Game Preservation Fund [§711(a)(4)].

The Legislature has depended on “fees paid by those who utilize the resources” to support the Department as noted in 1990 in §710.5. In 1992 in §710.7(3), the Legislature noted, “As the state’s population grows and land uses change through urban development, fish and wildlife resources continue to be depleted, necessitating a significant portion of the department’s activities to be directed toward protecting fish and wildlife resources for the benefit of the general public.” One should not jump to the conclusion that the depletion of fish and wildlife is due entirely to hunting and fishing. Urbanization, population growth, pollution and climate change have all had larger impacts on our fish and wildlife and their habitats. It should also be noted that increased knowledge and awareness have alerted the State to previously unrecognized problems, particularly with regards to non-native invasive species and climate change. Increasingly sportsmen are complaining about being asked to support programs that instead of enhancing their recreational enjoyment, are in fact severely limiting or even totally eliminating such recreational activity.

COMPARISON OF FUNDING SOURCES BY STATE



The wildlife departments in all the states reviewed received significant revenue from both General Funds and Federal Funds. In these states Oregon received the least from General Funds (6.3%) and Washington the most (31.7%) although these figures surely reflect differences in classifying revenue sources as well as actual allocations. [Florida's license fees, for instance, are included in the "Other" category in the chart on the previous page.] Federal funds ranged from 10.8% (California) to 36.1% (Alaska). User fees averaged 15-20%, with Oregon at 33.2%. The Oregon Department of Fish and Wildlife receives 4.8% from the state lottery while the Alaska Department of Fish and Game gets 2.5% from the Exxon Valdez Oil Spill Fund.

The Arizona Game and Fish Department and Commission (the Director is selected by the Commission) has direct control over about two-thirds of their budget with the Legislature controlling the remaining third. The directly controlled revenue includes license and tag fees and monies from ballot propositions. The Commission has approval authority over the Department's budget.

Funding for the Department of Conservation in the state of Missouri is the envy of all wildlife departments. This is a result of a constitutional amendment that created a 1/8th cent conservation sales tax.²⁴ That proposal was supported by

²⁴ *Article IV, Executive Department, Section 43(a). For the purpose of providing additional moneys to be expended and used by the conservation commission, department of conservation, for the control, management, restoration, conservation and regulation of the bird, fish, game, forestry and wildlife resources of the state, including the purchase or other acquisition of property for said purposes, and for the administration of the laws pertaining thereto, an additional sales tax of one-eighth of one percent is hereby levied and imposed upon all sellers for the privilege of selling tangible personal property or rendering taxable services at retail in this state upon the sales and services which now are or hereafter are listed and set forth in, and, except as to the amount of tax, subject to the provisions of and to be collected as provided in the "Sales Tax Law" and subject to the rules and regulations promulgated in connection therewith; ...*

groups as different as the American Association of University Women, the Audubon Society, The National Wildlife Federation, sportsmen's groups and the media. "No new taxes" is a mantra today. A tax dedicated to wildlife and natural resources, presented to the citizens of California, however, may be acceptable.

California has not had a major oil spill in a long time, our lottery funds are dedicated to schools and we have no dedicated sales tax; therefore, we need to look to other funding sources. The list below is not inclusive and is meant to generate thought.

- Recreational User Fees – Hunters and Fishermen currently purchase licenses and tags. Imposition of user fees for other uses (hiking/camping/bird watching/scuba diving) is possible but may be problematic as other agencies could already be charging fees to these same users (e.g. Parks and Recreation/Boating and Waterways)
- Commercial Fishing Permits and Landing Fees – as noted earlier commercial fishing fees are currently set in part by the Commission and in part by the Legislature. Based on a 2005 report by the Department of Fish and Game, the revenue received from the commercial fishing industry covers only 22 percent of the program costs. The report indicates that the ex-vessel value of commercial fish landed in 2005 was approximately \$109 million and the landing tax revenue to the State equaled only one percent or \$1 million. AB 489 introduced in the 2009 session attempted to rationalize the landing fees to reflect current economics.
- Trophy Tags – Hunting: There are limited hunting tags issued for certain species and in certain regions. These, or a portion of these in order to maintain public access, could be auctioned with the proceeds used to support

conservation of those species. Fishing: Slot limits are a well-known fishery management tool in which fish may only be taken if they are between certain limits (so that the smallest and largest are released). For those anglers hoping to catch a ‘trophy’ fish, a tag can be offered to legalize the take of one oversized fish a season.

- CEQA Fees – These fees are set by code and do not reflect actual costs.
- Industrial License Fees – Any industrial development which impacts fish and wildlife could be subject to a fee, subject, of course, to fees already imposed by current licensing agencies. In any case, the actual costs expended by the Department should be reimbursed.
- Interagency Services – Although not a source of “new” money, the cost allocation of work done for other agencies should be properly accounted (e.g. Department of Forestry)
- Environmental License Plates – The California Environmental License Plate program should be revisited. Florida has an excellent program. Although perhaps not a large source of funds, allowing an individual to proclaim his support of wildlife on his license plate contributes to the generation of revenue for conservation by this driver and any others who might be influenced by the message.²⁵
- Extractive Royalties – Another already taxed source but should be reviewed for reasonableness and full coverage of actual expenses to manage.
- Aquaculture/Rig Decommissioning/Ocean Parks/Marine Spatial Planning – These are new areas which are opening. Any costs associated with these programs should be covered by fees generated by the programs

²⁵ Current law provides “*The environmental license plates shall be the same color and design as regular passenger vehicle, commercial vehicle, motorcycle, or trailer license plates...*” [Vehicle Code §5102] which provides no special recognition of either the intent or the donation.

themselves. These programs may be a source of additional revenue.

- Land Use Fees – While it is traditional that if the state leases property, it charges rent, except for oyster farms and kelp harvesting, this same concept has not been applied to marine waters (e.g. lease use of the California Halibut Trawl Zone to the trawlers).
- Commemorative licenses and stamps – An interesting concept that was included in AB 1442 in 2009. While hunters and fishermen buy licenses that support wildlife programs, until the Commemorative Stamp, the non-hunter or fisherman has had no simple mechanism to donate directly to the state’s wildlife programs. This bill also included a “warden stamp” which is a voluntary donation by hunters and fishermen for the benefit of game wardens that would be made when purchasing annual licenses. Similar concepts have been used by a variety of states (Florida and Washington, for example) that suggest voluntary contributions to different programs such as Kids Fishing, Conservation, as part of a license purchase.
- Income Tax Check-Off: Otters have it, threatened and endangered species and presidential candidates have it, why shouldn’t residents be able to donate \$1 to the wildlife agency when paying taxes?
- Tax on all Sporting Goods: Similar and in addition to the federal Pittman-Roberts (formerly known as Dingell-Johnson) and Wallop-Breaux Acts which impose a tax on firearms and fishing tackle respectively. One should note that Pittman-Roberson Wallop-Breaux funds are the source of most Federal Funds noted in each state’s revenue sources

NAME

“The name is Bond. James Bond.”

What’s in a name? Industry spends millions of dollars every year to create the “perfect” product name. The name of a state department or agency is just as important. It sends a message to its citizens not only about the subject but also who it considers to be its stakeholders. Although most states began with either a Fish and Game agency or one of each, the recent trend has been towards use of the word “Wildlife” in place of Game in order to include not only game animals but also all wildlife within the state.

The table below sorts the names of the agencies responsible for managing fish and wildlife resources from a state by state based on a compilation done by the US Fish and Wildlife Service.²⁶ Many states have multiple agencies such as California’s Natural Resources Agency, Department of Fish and Game and Environmental Protection Agency. Often, as in California, the narrower term refers to a sub-agency or department.

<u>Name</u>	<u>Variations</u>	<u>States which Use</u>
Fish and Game		Alaska, Arizona, Arkansas, California, Idaho, Massachusetts, New Hampshire, New Mexico, North Dakota, Wyoming
	Game	Pennsylvania
	Game and Parks	Nebraska
	Fish and Boat	Pennsylvania
	Game Fish and Parks	South Dakota

²⁶ U S Fish and Wildlife Service, 15 July 2009
<www.fws.gov/offices/statelinks.html>.

	Fish Game and Wildlife Game and Inland Fisheries	New Jersey Virginia
Fish and Wildlife	Wildlife	Delaware, District of Columbia, Florida, Indiana, Kentucky, Louisiana, Minnesota, Oregon, Rhode Island, Vermont, Washington Colorado, Connecticut, Georgia, Nevada, North Carolina, Ohio, Tennessee, Utah
	Wildlife Conservation Wildlife Resources	Oklahoma Georgia, North Carolina, Tennessee
	Forestry and Wildlife Parks and Wildlife Fish Wildlife and Parks	Hawaii Texas Kansas, Mississippi, Montana
	Fish Game and Wildlife Fish Wildlife and Marine Fisheries Resources	New Jersey New York
	Wildlife Damage Management Service Inland (Freshwater) Fisheries and Wildlife	Texas Alabama, Maine
Fisheries	Marine Fisheries Marine Resources Fish Wildlife and Marine Resources	Connecticut North Carolina Virginia New York
Natural Resources	Aquatic Resources	Hawaii Arizona, California, Colorado, Georgia, Illinois, Indiana, Iowa, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Carolina, Utah, Vermont, West Virginia, Wisconsin
	Natural Resources and	Delaware, North Carolina,

	Environment	South Dakota
	Natural Resources and Conservation	Alabama, Montana, Nevada, Pennsylvania
	Natural Areas and Preserves	Ohio
	Resources and Economic Development	New Hampshire
	Energy Minerals and Natural Resources	New Mexico
	Land and Natural Resources	Hawaii
	Aquatic Resources	Hawaii
Conservation		Maine, Missouri, Washington
	Natural Resources and Conservation	Alabama, Montana, Nevada, Pennsylvania
	Conservation and Recreation	Massachusetts, Virginia
	Wildlife Conservation	Oklahoma
	Environment and Conservation	Tennessee
Pollution Control		Minnesota
Environment		Maryland
	Environment and Conservation	Tennessee
	Environment and Natural Resources	Delaware, North Carolina, South Dakota
	Health and Environment	Kansas
	Environmental Quality	Arizona, Arkansas, Idaho, Louisiana, Michigan, Mississippi, Montana, Nebraska, Oklahoma, Oregon, Texas, Utah, Virginia, Wyoming
	Environmental Protection	California, Connecticut, Florida, Illinois, Kentucky, Maine, Massachusetts, Nevada, New Jersey, Pennsylvania, Rhode Island, West Virginia
	Environment and Conservation	Alaska, New York, Tennessee, Vermont

Health and Environmental Control	Kansas, South Carolina
Environmental Services	New Hampshire

It should also be noted that although California calls our primary agency the Department of Fish and Game, the word “Game” does not appear except in the Department’s name in its Mission Statement²⁷. That Mission Statement reads:

The Mission of the Department of Fish and Game is to manage California’s diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public.

The Mission of the Fish and Game Commission,²⁸ likewise, does not use the term “Game” except in its name. The Commission’s mission is:

The Mission of the California Fish and Game Commission is, on behalf of California citizens, to ensure the long-term sustainability of California’s fish and wildlife resources by:

- Guiding the ongoing scientific evaluation and assessment of California’s fish and wildlife resources;
- Setting California’s fish and wildlife resource management policies and insuring these are implemented by the Department of Fish and Game;
- Establishing appropriate fish and wildlife resource management rules and regulations; and
- Building active fish and wildlife resource management partnerships with individual

²⁷ <<http://www.dfg.ca.gov/about/>>, August 19, 2009

²⁸ <http://www.fgc.ca.gov/strategic_plan/mission.pdf>, August 19, 2009

landowners, the public and interest groups, and federal, State and local resource management agencies.

COMMISSION

As one of the authors constantly remarks, it is easier to change than to create. We therefore offer the following action item to be used as a starting point. The framework suggestion comes from the “Model Game Law” developed by a committee of the International Association of Game, Fish and Conservation Commissioners.

The “model” recommends that the Commission should have power over policy, budget, adoption of regulations, and the selection of an administrator who would be free to carry out the policies and programs of the Commission. In addition, the Commission style of governance is to ensure ethical and prudent operation of the agency. As we look at other States, in many that are most successful, the Commissions appoint the Directors of the Department of Fish and Game/Wildlife and have oversight of the Department’s budget.

For discussion purposes we suggest the following Constitutional Amendment that would:

1. Increase the number of Commissioners from 5 to 7,
2. Establish a separate budget for the Commission,
3. Increase staff for the Commission itself,
4. Mandate that the Commission appoint the Director of the Department,
5. Give the Commission oversight/approval of the Department’s budget, and
6. Change the name of the Commission to the Fish and Wildlife Commission.

Suggested Amendment

Article IV, Section 20:

- (b) There is a Fish and ~~Game~~ Wildlife Commission of ~~5~~ 7 members appointed by the Governor and approved by the Senate, a majority of the membership concurring, for 6-years and until their successors are appointed and qualified. Appointment to fill a vacancy is for the unexpired portion of the term. The Commission shall have a separate budget funded equally by the State's General Fund and the Fish and Game Preservation Fund. The Commission shall be adequately and independently staffed to carry out its powers and authority. The Commission shall appoint the Director of the Department of Fish and Wildlife. The Commission shall have full authority over its budget and the budget of the Department of Fish and Wildlife. The Legislature ~~may~~ shall delegate to the Commission ~~such~~ all powers relating to the protection and propagation of fish and ~~game~~ wildlife ~~as the Legislature sees fit~~. A member of the Commission may be removed by concurrent resolution adopted by each house, and majority of the membership concurring.

DEPARTMENT

The major issues to be considered with regards to the Department are:

1. Appointment of the Director by the Commission,²⁹

²⁹ Amend Fish and Game Code Section 701 as follows: "The director shall be appointed by the ~~Governor~~ Fish and Wildlife Commission, and receive the annual salary provided for by Chapter 6 (commencing at Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code." At the same time it may be appropriate to consider amending Section 701.3 regarding the appointment of the Chief Deputy Director.

2. The scope of responsibilities of the Department,
3. Whether the Commission should either review or approve the Department's budget prior to submission to the Governor,
4. Alignment of funding sources with responsibilities and providing adequate funding, and
5. Changing the name to the Department of Fish and Wildlife.

APPENDIX

CALIFORNIA

History

For the first 20 years of California's statehood, regulation over hunting and fishing was predominantly the responsibility of local authorities. In 1852, the Legislature approved a game law for 12 counties setting closed seasons for "quail and partridge, Mallard duck and wood or summer duck...elk, deer, and antelope..." and providing penalties for illegal hunting and possession of such game. The counties were made responsible for enforcement by requiring justices of the peace "to take cognizance of all offenses under this law." Another law of the same year authorized "all officers of justice and all good citizens to remove, breakdown, and destroy any weir, dam, fence, set or stop net or other obstacle to the run of salmon." Game laws were extended to all counties in 1854, and in 1861 steps were taken to protect trout by setting closed seasons in certain counties. All law enforcement remained in the hands of local peace officers until 1883.



California's first wildlife conservation agency, forerunner of the present Fish and Game Commission, was the Board of Fish Commissioners established by the State Legislature on April 2, 1870, one year before the Federal government established a U. S. Commission of Fish and Fisheries. The Board consisted of three members appointed by the Governor for four-year terms.

The original Board of Fish Commissioners was given the authority “to establish fish breederies and to purchase and import spawn and ova of valuable fish suitable for foods,” and to construct fish ladders and to take other steps to restore and preserve fish in state waters. The Board of Fish Commissioner’s original two-year appropriation of \$5,000 was largely used to import new varieties of fish and preserve valuable native food fish. The first importation was made in 1871 when 15,000 American shad were released in the Sacramento River. The first fish hatchery owned and operated by the State was constructed on the grounds of the State University at Berkeley, and the first attempt to propagate King salmon in California was made in 1872. The second hatchery was built at Clear Lake in 1873.

One of the first fishways was installed on a logging dam in a tributary of the Truckee River about 1870. The Board of Fish Commissioners forced the logging operator to construct the fishway, over his protest that no sensible fish would use it. He became an enthusiastic fish ladder advocate, however, after it was opened and the fish immediately began to use it.



The Board was granted jurisdiction over game as well as fish in 1878 when statutes were passed protecting game by setting closed seasons and regulating hunting methods. Although appointed to mainly preserve and increase the fish supply, the Board early recognized the need for game conservation, and recommended in its 1888-90 Biennial Report a two-year ban on deer hunting because of high losses due to severe winters and their indiscriminate slaughter by hide hunters. The Board was authorized in 1889 to import game birds into the State

for propagation, and penalties were established for destruction of such game.

The scope of activities undertaken by the Board gradually increased. The State actively entered into law enforcement in 1883 when the Board established a Bureau of Patrol and Law Enforcement. The first compilation of California fish and game laws was published by authority of the Board in 1885. Regular licensing of commercial fishers began in 1887 when the Legislature passed an Act requiring “every person engaged in vocation of fishing” in public state waters, using boats and nets to be licensed. In 1893 the Board engaged its first attorney. State fish and game activities, however, remained limited in scope until after the turn of the century, and appropriations were meager, averaging about \$3,000 a year.



Beginning in 1907 the activities of the Board expanded rapidly. The initial impetus came with the passage of the Hunting License Act of 1907 that, for the first time, required licenses for everyone hunting certain protected game birds and animals. The position of the Board was greatly

strengthened by the provision in that Act that moneys from the sale of licenses and from fines and forfeitures would be credited to the Fish and Game Preservation Fund. The \$118,247 from license fees in 1907 credited to the Fish and Game Preservation Fund exceeded the total appropriations for all preceding years. One of the first of the expanded activities of the Board was the establishment in 1908 of a game farm at Hayward. This farm was abandoned ten years later, but other game farms were established.

Reflecting the augmented importance of game conservation in the Board's activities, the name was officially changed in 1909 from the Board of Fish Commissioners to the Fish and Game Commission. The fairly complex organization which has come to characterize fish and game administration dates back to these years when appropriations were considerably increased, enabling the Commission to undertake new responsibilities and services in succeeding years. For example, the first stream survey was made in 1912. Scientific investigations into the life, abundance and habitat of salmon, trout, edible crabs and clams were begun in 1913 for the Commission by scientists from the University of California and Stanford University. A wildlife conservation education program for the State's schools was initiated the same year, headed by a full-time Commission employee. In 1914 the Commission began publishing "California Fish and Game", a scientific journal which continues to be published today.

As a counterpart to the Hunting License Act of 1907, the Angling License Act of 1913 required the licensing of all persons over 18 who engaged in non-commercial fishing. Moneys from the sale of licenses and from fines and forfeitures were also credited to the Fish and Game Preservation Fund.

During the next two years (1914-15), several new activities undertaken by the Commission were reflected in changes made in the internal organization of the agency. Organizational changes included the establishment in 1914 of the Bureau of Education, Publicity, and Research in recognition of the need for more extensive development of these activities by the Commission. In 1915 the Commission established the Department of Commercial Fisheries, thus creating a separation of administration for activities pertaining respectively to commercial and sport fishing. Also

in 1915, the Legislature by statute set aside the first game refuge in the State.

Substantive changes in the Commission's activities, and minor administrative structural changes became too frequent during the following several years to justify individual mention in a brief resume of historical development. One important event was the division of the State into districts with each Commissioner directly responsible for over-all administration in his area. By 1926, the need for a comprehensive reorganization became apparent and was undertaken by the Commission. The principles guiding this reorganization were expressed in the report of the Executive Director:

It was determined that the Commission should function a business concern with a similar form of management, centering all responsibility where it belonged; that the three Commissioners should serve in exactly the same capacity as the directors of any modern corporation, fixing the broad general policies of the Commission, and divorcing themselves entirely from the administrative and executive work which theretofore had been handled by each Commissioner for his own particular district; and that the Commission should act collectively as a commission, and that no individual commissioner should have the right to determine policies or direct the actual functioning of any department or employee of the Commission."

The reorganization of 1926 set up three major departments (Fish Culture, Commercial Fisheries, and Patrol) and seven lesser bureaus (Finance and Accounts, Education and Research, Publicity, Pollution, Screens and Ladders, Game Farms, Statistics, and Game Problems). A unified Department of Patrol replaced the previous decentralized district patrols.

In 1927 the Department of Resources was created, and it succeeded to many of the powers and duties of the Fish and Game Commission, ending, or at least substantially altering, the independent agency status that the Commission and its predecessors had had since 1870. A new Fish and Game Commission was created to head the Division of Fish and Game within the new Department of Resources. The new Commission differed from the former in that its three members, instead of being appointed by the Governor for four-year terms, were appointed by and held office at the pleasure of the Governor.



The Division was administered by the Fish and Game Commission, which operated through its executive officer, a non-civil service employee, who was nominal administrative head of the division. The Division developed into an agency largely independent of the Department of Resources, of which it was a part. As a Division within the Department of Resources, Fish and Game was legally the responsibility of the Director of Resources. In practice, however, the Commission administered the affairs of the Division through authority granted by the Legislature in the Fish and Game Code. Because of this, and other considerations such as operation with earmarked, and therefore, definitely assured funds, and the fact that the Commission members were appointed directly by the Governor, the Division of Fish and Game was unique compared to other Divisions in the Department, in that it was administered by a body not under the direct control of the Department, with the result that the Director of Resources had little, if any, authority over the Division.

During the years when the Division of Fish and Game was being administered by the Fish and Game Commission, two important structural changes were made in the Commission itself, which have carried over to the present day. The number of Commissioners was increased from three to five by statute in 1937, all five being appointed by and holding office at the pleasure of the Governor. In 1940, the people voted a constitutional amendment, which provided that the five members of the Commission be appointed by the Governor, subject to confirmation by the Senate, for six-year staggered terms, removable by a majority vote of the Legislature. The effect of this amendment lessened the Governor's control over the Commission by setting terms longer than the gubernatorial term and staggering them so that a new Governor would have holdovers from previous administrations. Previous Commissions had either terms of four years, or severed at the Governor's pleasure. The constitutional amendment also empowered the Legislature to delegate to the Commission powers relating to the protection, propagation, and preservation of fish and game.

In 1945, the Legislature delegated to the Commission "the power to regulate the taking of fish and game" to the extent and in the manner prescribed in the act. This is the basis for the so-called plenary powers of the Commission to set rules and regulations having the force of law over matters pertaining to hunting and sport fishing. Today, those powers also extend over most commercial fishing in the state. Variations in the supply of fish and game from year to year make it advisable to review and revise hunting and fishing regulations carefully and frequently. By granting plenary powers to the Commission, the Legislature is spared the necessity of legislating such matters.

For about ten years (1945-1955), fish and game administration was the object of extensive investigation by

the Legislature. These studies dealt with a great variety of questions and problems, including comparisons with administrative practices of other states, a survey of conflicting demands and pressures brought by sportsmen, landowners, and other groups, and substantive aspects of fish and game administration ranging from game and fish planting policies to kelp harvesting.

These studies revealed that dissatisfaction with operations of the Division was widespread. The 1955 Progress Report of the Senate Interim Committee on Fish and Game, pages 13 to 15, preserves a chronology of the various investigations and studies leading to legislation abolishing the Division and establishing the Department of Fish and Game.

In at least an attempt to resolve some of these ills, the commission in March 1947, adopted a comprehensive resolution setting up a procedural format for the operation of the division and delegating to the executive officer the responsibility of carrying out the program. Some four years later it was found that there was a large area of non-compliance and disregard for the key portions of the Commission's mandate. Legislative interim committees conducted a series of studies into the internal organization of the division. The 1947 Senate Interim Committee on Fish and Game, under the chairmanship of Oliver J. Carter, made detailed studies of the administrative organizations in the states of Arizona, Colorado, Michigan, Nevada, Oregon, Pennsylvania and Washington in an effort to compare operations of other states with those of California. In 1949 legislation was introduced to reorganize the Division of Fish and Game; however, the measure failed to pass and it was apparent that further study was necessary. The 1949 Senate Interim Committee on Fish and Game, headed by J. Howard Williams, undertook the task of planning for the overhaul of the division, based on sound management practices as a

curative for then-current weaknesses. As the result of this latter study, the committee recommended to the 1951 Session of the Legislature, 'that there be established a Department of Fish and Game administered by a director appointed by the Governor,' and 'Concurrent with the appointment of a director to administer the newly established department, all sections of the Fish and Game Code presently delegating administrative powers to the Fish and Game Commission should be rescinded and the administrative powers re-delegated to the Director of the Department of Fish and Game.' To quote further from that committee's report to the Legislature:

Presently the Division of Fish and Game functions primarily as an autonomous group headed and administered by the Fish and Game Commission, while established by law as being within the Department of Resources. The same law stipulates the Department of Resources shall be administered by the Director of Resources. Thus, we have contradiction and conflict at the top level from the very inception. This attitude extends throughout the organization of Fish and Game as well as Resources. We find the parent department with one stepchild, so to speak, over which the parent has no conclusive control. The parent readily accepts credit for the child's good accomplishments but disavows all responsibility for its shortcomings.

The 1949 Assembly Interim Committee on Fish and Game also found that reorganization was a prime necessity. The reasoning was summarized:

In the past, administrative direction of the division activities has fluctuated between the commission members themselves, the executive officer or secretary (depending on his title at the time), the bureau chiefs and quite often a combination of all three. Many difficulties of administration confronting the division

today have undoubtedly resulted from this fluctuating leadership. In most cases the executive officer (or secretary) has been relatively untrained in the administrative and technical aspects of the division program. In addition, the turnover of these employees has been rather high. In view of these facts there has been an apparent reluctance on the part of the bureau chiefs to accept the executive officer (or secretary) as the administrative head of the division. Consequently, there appears to be a tendency for the individual bureau chiefs to withhold information or to by-pass the executive officer. Thus, without a centralizing influence, the bureau chiefs frequently find themselves in competition with each other for funds, personnel, equipment, and even work programs. Moreover, it is evident that certain bureaus in the division have at times actually worked at cross purposes rather than together for a common goal. A frequent source of complaint voiced by sportsmen who are located away from the division headquarters is that they cannot go to any single place in their area and obtain complete information covering all phases of the division's program and of the plans contemplated for their area. In fact, most of the current suggestions from outside sources regarding the organization of the division suggest establishment of strong district offices.

Following considerable study and investigation, the Legislature at its 1951 session enacted a measure creating the Department of Fish and Game (Chap. 715, Stats., 1951). On September 22, 1951, with the appointment of a



director, the Department of Fish and Game was officially in operation, and the Division of Fish and Game passed from existence.

Most Californians have a misconception that the Fish and Game Commission and the Department of Fish and Game are one and the same. Statutorily, there is considerable difference in the charge of each. Even today, most citizens think of the Department as either wardens or hatchery personnel, while they have no clue who or what the Commission entails.

Both the Department and the Commission face many challenges to accomplish their respective mandates. Some of which are as follows:

- A human population approaching 38 million people, which are impacting wildlife habitat at an increasingly rapid rate.
- An area of 159,000 square miles.
- Habitat and wildlife diversity that is unequaled by any other state.
- California has more than:
 - 1,100 miles of coastline, 30,000 miles of rivers and streams, 4,800 lakes and reservoirs, 80 rivers, three of the four North American desert habitats and scores of rugged high mountain peaks;
 - 1,000 native fish and wildlife species;
 - 5,000 native plant species; and Nearly 350 threatened and endangered species.

Management Structure

The Fish and Game Commission consists of 5 members appointed to staggered six-year terms by the Governor and confirmed by the Senate. Although there are no official

requirements, governors attempt to appoint people with diverse geographic locations and interests. Consequently, stakeholders speak of the “conservation seat” or the “hunting seat,” although there are no statutory requirements.

The Director of the Department of Fish and Game, unlike many other states, is appointed by the Governor and reports to the Secretary for Natural Resources, not the Commission. The Commission has only an advisory capacity, if that, in his or her appointment. Also, unlike states such as Arizona, and Washington where the Commission reviews and/or approves the department’s budget, in California the Commission’s budget is only a line item within the Department’s budget. There has been an attempt by the Commission to be able to set its own budget.

Although the Commission is responsible for setting policy, it has neither the power nor the staff to make sure that the Department implements this policy.

The present organizational structure was not provided ready-made for the Department on September 22, 1951, but evolved during the first year and a half of operations. Senate Concurrent Resolution No. 84 adopted at the 1951 Session directed that an organizational plan on a regional basis be developed for the new department and submitted at the next (1952) Session. The Department



of Finance in cooperation with the Department of Fish and Game presented, early in 1952, the outline for a staff and line structure with operations decentralized among five regions. This plan was the basis for reorganization of fish and game administration, but it was not until January of 1953 that the

regional managers were selected, department headquarters moved from San Francisco to Sacramento, and the department staffed and organized. With some “reorganizations” over the years, this is pretty much the present organizational structure of today.

The Commission has statutory authority to formulate general policies for the guidance of the Department. The Commission has well over 200 other powers and duties founded in the Fish and Game Code. The primary responsibility that the Commission has to the public is to afford an opportunity for full input and participation in the decision-making process of adopting regulations or taking other actions related to the well-being of California’s fish and wildlife resources. The Commission also provides an appeal process for those members of the public dissatisfied with actions taken by the Department.

Organization Chart California Department of Fish and Game



Funding

Expenditures³⁰	2008-2009 (In Thousands)	% of Budget
Biodiversity Conservation Program	\$195,835	48.8
Hunting, Fishing and Public Use	60,293	15.0
Management of Department Lands	48,919	12.2
Enforcement	60,308	15.0
Communications, Education and Outreach	2,630	.7
Spill Prevention and Response	31,786	7.9
Fish and Game Commission	1,345	.3
Capital Outlay	530	.1
	\$401,646	
Funding Source		
Fish and Game Preservation Fund	\$86,734	21.6
General Fund	83,665	20.8
Federal Trust Fund	51,328	12.8
Proposition 84	49,358	12.3
Office of Spill Prevention and Response	26,117	6.5
Reimbursements	34,816	8.7
Environmental License Plate Fund	17,435	4.3
Hatcheries and Inland Fisheries Fund	17,297	4.3
Other	34,935	8.7
	\$401,646	



³⁰ Department of Fish and Game, Fiscal Year 2008-09 Budget Fact Book, 15 July 2009 <<http://www.dfg.ca.gov/budget/08-09/08-09BudgetFactBook.pdf>>.

ALASKA

History

Alaska history has been profoundly shaped by its fisheries. Its abundant marine resources helped sustain the first humans who crossed from Siberia to the Americas. British Captain James Cook came to Alaska in search of the fabled Northwest Passage; instead he found one of the richest fisheries in the world. Watching fish jump in the waters around his vessel, he wrote in his logbook, “It must abound with salmon,” and gave it the name Bristol Bay.



Commercial fishing interests were among the most vocal supporters of the purchase of the territory from Russia; while others decried it as folly, people in the seafood business knew that Seward’s Icebox was packed with salmon and cod. Canned salmon later emerged as the new territory’s first major industry and by the 1930’s played the role that oil does today, generating the vast majority of the territory’s revenues. But salmon packers’ reliance on fish traps drove a wedge between the industry and the Alaskan population that pushed the territory toward statehood.

The pace toward statehood accelerated after World War II as Alaskans returned from overseas deployments, GIs sought adventure in the northland and communities grew around the wartime investment in new roads and airports. In 1942 as a high priority military project, the Alaska Highway connecting Dawson Creek, British Columbia to Delta Junction, Alaska, a distance of 1,680 miles, and completed in just 234 days, opened the state to vehicle traffic (although it is still impossible to drive to Juneau, the state capitol, from the lower 48 states). In 1949 the Territorial Legislature created

the Department of Fisheries and the first fish board in order to assert more control over the economy and so residents had a bigger say in its biggest industry: commercial fishing. But that industry was in serious trouble. The industry had been highly dependent on salmon, mostly canned, accounting for 70 percent of Alaska's annual catch of fish by weight and 90 percent of its value. Most of the remaining volume was herring although halibut contributed more in value.

Salmon production had peaked in 1936 with 130 million salmon caught but then began a steady decline. By the 1950's Alaska salmon runs were declared a federal disaster. Several reasons were likely to blame. Lax federal management and a lack of basic research into salmon runs were surely factors. Federal law required half of all runs to escape upriver to spawn the next generation, but no one really counted. Wartime demand for protein resulted in an overharvest of Alaska's salmon runs that also steepened the decline. Long-term fluctuations in climate, later known as the Pacific Decadal Oscillation, also undoubtedly played a role.



In dealing with these problems, the Territorial Department of Fisheries had some early success. In 1951, it helped overturn an outdated federal law that required Bristol Bay fishermen to use sailboats and gradually reduced the number of fish traps. A new threat emerged in 1952 under a treaty governed by the International North Pacific Fisheries

Commission that allowed the Japanese fleets to fish in the Bering Sea. The treaty was intended to help rebuild Japan after the war but had a significant impact on Western Alaskan salmon, particularly from Bristol Bay. Despite protests from the Alaskans, postwar tensions with the Soviet Union made

Japan an important ally so fish stocks were sacrificed for political ends.

This was the situation in 1955 when delegates came together to write a state constitution. The opening keynote address by former Governor Ernest Gruening included an obituary for the salmon industry as that summer's harvest was the worst in 46 years. The resulting constitution has been regarded as a model constitution containing key provisions intended to preserve Alaska Fisheries: reserving fish as a common property resource, providing for principles of sustained yield management, and prohibiting any exclusive right of fishery.



When statehood was granted in 1959, The salmon industry flexed its muscle one more time and secured a provision in the statehood act that delayed transfer of authority to manage fisheries until the new state demonstrated its ability. The industry expected this might take five years, during which they could still use their traps. Bowing to the will of the Alaska public, fish traps were banned immediately and the new Alaska Department of Fish and Game (ADF&G) was certified to take over fish management the very next year.

If the 1960's was a decade of Alaska taking control of its fisheries, the 1970's were about taking action to secure its fisheries' future. The state created the Fisheries Rehabilitation, Enhancement, and Development program, better known as FRED, to develop a system of salmon hatcheries; impose limited entry to stabilize the growing commercial fishing fleet; and push the federal government to claim a 200-mile limit to keep the foreign fleets away from

Alaskan fish. But before any of these took effect, things only got worse. Alaska salmon production in 1973 plunged to just 22 million fish, a new low for the century and the runs that followed the next two years weren't much better.

This time, however, state biologists saw it coming. The poor returns were the result of two unusually cold winters, and they followed Andy Anderson's direction to rebuild the runs regardless of the pain. Fishing was completely closed in Prince William Sound and restricted to just a few days elsewhere to ensure that adequate escapement reached the spawning grounds. It hit fishermen in the pocketbook even as their numbers were being pared by limited entry.

The sacrifice made by salmon fishermen during the first two decades of statehood, as the Department of Fish and Game stuck to its policy of putting escapements first, was rewarded in 1980 when salmon returned to Alaska rivers in numbers not seen in 40 years. In the decade to come, salmon production pushed to heights never imagined. In 1980, a record return of over 62 million sockeye salmon surged into Bristol Bay. Pink salmon returned to the waters off Kodiak and the Alaska Peninsula in levels not seen since the 1930's. Runs were strong in Southeast, Prince William Sound, and Cook Inlet. Even the Kuskokwim River saw its commercial harvest of chums and cohos top one million for the first time ever. The statewide catch of 110 million salmon in 1980 ranked just below the record catches in the mid-1930s and would have been higher had not a lengthy price dispute limited the catch in Bristol Bay. History was made in 1983 when Bristol Bay fishermen landed a record 38 million sockeye salmon, a full 50 percent more than the previous record catch.

During the decade to come, salmon production in Cook Inlet more than doubled. As the FRED Division's new hatcheries

came on line in Prince William Sound, five new catch records were set in seven years, topping out at 33 million salmon. Hatchery production helped boost the Southeast harvest to 30, 40, 50, and finally 66 million salmon. Alaska's salmon catch set a record of 154 million fish by the end of the decade. The strength in returns was due to multiple factors: Fish and Game's diligence in managing for escapement goals, strong hatchery returns, reduced high-seas interceptions, and a change in climate in 1977, a shift from cold to warm that is now called the Pacific Decadal Oscillation (reversing the decline in the '50's).



The 1990's brought new challenges both at home and abroad that forced Alaska to radically rethink its fisheries and how they were managed. The pollock fishery was finally Americanized but there were calls to share some of the benefits of the fishery closer to home; rising effort in the halibut fishery

prompted action to stop the dangerous and wasteful derby³¹, and thawing relations with Russia prompted a complete restructuring of agreements affecting the high seas.

For Alaska salmon, the boom that began the previous decade pushed to new heights. New harvest records were set during five of the first six years of the 1990's that saw the total catch increase from 155 million to almost 218 million salmon.

³¹ The commercial season was often reduced to one or two days (or sometimes just hours) as commercial fishermen scrambled to catch as many fish as possible – the derby – before the Total Allowable Catch was reached and the season closed. So-called derbies have been replaced by Individual Fishing Quotas (IFQs) in which each fisherman is assigned a quota which he may catch in a time frame which he determines.

Increasing hatchery returns were part of the success but wild runs were also strong. Bristol Bay set new catch records of 40 million salmon in 1993 and 45 million in 1995.

As Alaska entered the new millennium, most of its major fisheries were at peak levels of production, managed by scientific principles, and the state's management of its wild fish stocks was recognized as sustainable both at home and abroad.

In Alaska, the many steps that had led to the dramatic resurgence of Alaska salmon since statehood were enshrined as a matter of policy by the Fish Board in 2000. Adoption of the Sustainable Salmon Fisheries Policy was followed later that year by a stamp of approval from the London-based Marine Stewardship Council. In the years to come, other Alaska fisheries met the same standard: pollock, halibut, sablefish, and freezer-longline cod were certified as sustainable by the Marine Stewardship Council (MSC). The designations by the MSC recognized the effectiveness of management by the Alaska Department of Fish and Game, the North Pacific Fishery Management Council and International Pacific Halibut Commission and was intended to appeal to consumers who want to make responsible choices when buying seafood.

As Alaska neared 50 years of fishery management, its commercial fisheries were stronger than ever, yet serious concerns and future challenges still remained. To appreciate the dramatic change in Alaska's commercial fishing industry during the past five decades of state management, consider the harvest statistics from the beginnings of statehood to 2007, the most recent year for which complete catch data is available. In 1959, the first year of Alaska statehood and the last year of federal fishery management, Alaska produced 324 million pounds of seafood worth almost \$29 million. In

today's dollars, that would be about \$204 million. In 2007, the Alaskan commercial harvest reached \$1.7 billion.

Alaska's success in fishery management over the past five decades is a matter of record but its future is not necessarily assured. Alaska fisheries face serious challenges in the years ahead. At statehood, fisheries were a major driver of Alaska's economy but now are a distant second to oil and gas. As oil revenues fluctuated in the 1980s and 1990's, many basic management research projects were pared back or cancelled.

Fortunately, Alaska fisheries have been built on a firm foundation: a constitutional mandate for sustained yield, a commitment to scientific research, and to serve the Alaska people. With renewed commitment and investment, Alaska should continue to be a world leader in fisheries.

Management and Structure

The Commissioner of the Department of Fish and Game is the chief executive officer of the Department. The Commissioner is appointed by the Governor, subject to confirmation by the Legislature, for a term of five years. The Department consists of the following divisions: Commercial Fisheries; Sport Fisheries; Wildlife Conservation; Habitat and Restoration; Subsistence; Commercial Fisheries Entry Commission; and Administration and Support. These divisions carry out programs of the Department and provide the day-to-day management of the resources base. The Department also carries out research and completes reports to provide information to the Board of Fisheries and the Board of Game to support their regulatory function.

The Alaska Board of Fisheries and the Board of Game were established by the Legislature to adopt regulations dealing with their respective issues. Members are appointed by the

Governor for staggered, three year terms and confirmed by a joint session of the Legislature. Members are appointed on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the Board, with a view to providing diversity of interest and points of view in the membership.³²

The Board of Fisheries' main role is to conserve and develop the fishery resources of the State. This involves setting seasons, bag limits, methods and means for the State's subsistence, commercial, sport, guided sport, and personal use fisheries. It also sets policy and direction for the management of the State's fishery resources. The Board is charged with making allocation decisions, and the Department is responsible for management based on those decisions.

The Board of Fisheries meets four to six times per year in communities around the State to consider proposed changes to fisheries regulations. The Board uses the biological and socioeconomic information provided by the Alaska Department of Fish and Game, public comment received from people inside and outside of the State, and guidance from the Alaska Department of Public Safety and Alaska Department of Law when creating regulations that are sound and enforceable.

The Board of Game generally meets two or three times a year, during the period November through April. Meetings vary from 10 days to 14 days. The Board may also meet due to a court action, legislation or an emergency situation. Regulation changes



³² Alaska Statutes 16.05.221 and 16.05.225.

are considered on a region-based schedule with each region being discussed on a two-year cycle.

The Board of Fisheries and the Board of Game meet jointly as the Joint Board of Fisheries and Game to address issues common to both Boards such as habitat concerns and all regulations governing advisory committees. Meetings of the Joint Board are scheduled on an as needed basis. Actions taken by the Joint Board require majority of each of the two Boards.

The Joint Board of Fisheries and Game set the regulations for advisory committee guidelines. These include the establishment of advisory committees, setting the number of seats by community if more than one community is represented on the committee, and setting the guidelines for uniform rules of operation. The composition of advisory committees can be changed by the Joint Board after they receive a proposal and meet to act on the proposal.

Within the Department of Fish and Game is the Boards Support Section. This section facilitates the work of the Boards and advisory committees by providing administrative, technical, and logistical support. It ensures the public process for the State's regulatory systems relating to fish and wildlife resources operates efficiently and effectively. Its primary responsibility is to provide support for this public process, and ensure that the system is legal, timely, and accessible to the citizens of the State. The section consists of the Executive Director of the Board of Fisheries, the Executive Director of the Board of Game, a publications specialist, a publications technician, an administrative assistant and an administrative clerk at headquarters. A regional coordinator works in five of the six regions (Arctic, Interior, Southwest, Southcentral, and Southeast, with the Western region dispersed and served by the team of coordinators). The

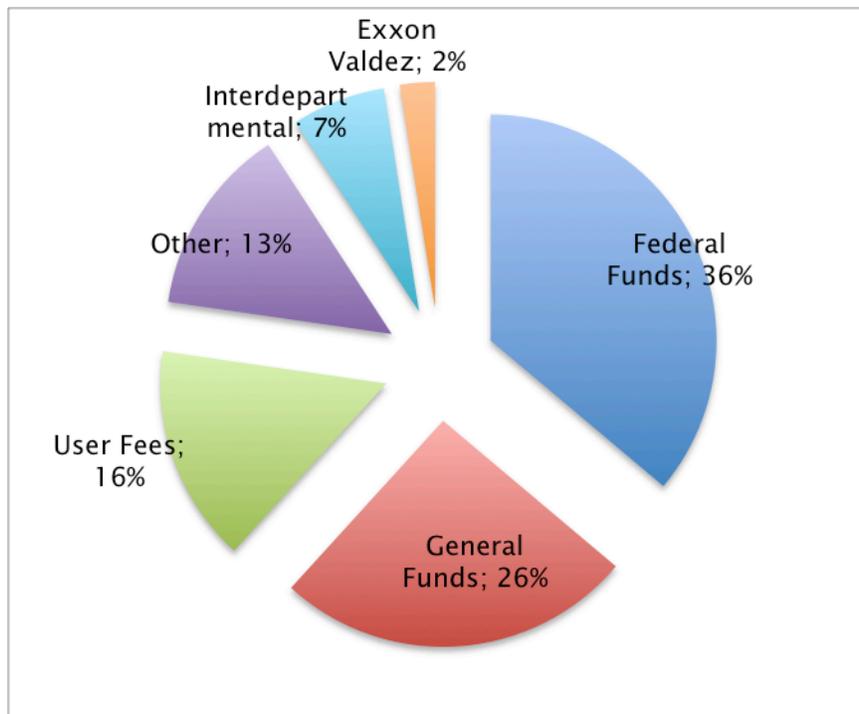
regional coordinators' primary focus is to provide support to the local advisory committees and the general public within the respective region.

Organization Chart Alaska Department of Fish and Game



Funding

The Alaska Department of Fish and Game revenues come from three major fund types: General Funds, Federal Funds, and Other Funds. Other Funds include fish and game license fees, *Exxon Valdez* Oil Spill Settlement, Inter-Departmental receipts, Commercial Fishing Loan Fund, Test Fisheries receipts. The department's budget for 2008 was \$146,862,200 with 2009 set at \$180,044,500. The proposed 2010 budget is \$180 million.



FLORIDA

History

In 1845 Florida became the 27th state, and by 1850 the population had grown to 87,445. In 1855 the first freshwater fishing regulation was passed to prohibit the use of haul seines. At the same time, the Internal Improvement Act passed to govern construction of railroads by Henry Flagler and Henry B. Plant who had begun efforts to drain south Florida marshlands for agriculture, particularly citrus, altering forever the natural hydrology and habitat of the state.



Beginning in 1875, hunting licenses were required of non-residents. The licenses were gotten from local counties but it was the State Legislature that imposed the requirement. The first true wildlife conservation law was passed in 1877, prohibiting taking of deer, turkey, quail, partridge and mockingbirds during closed seasons. Also, an attempt was made to prohibit taking of plumed birds that had been nearly devastated in the preceding seven years due to demand for plumage for ladies hats. Without law enforcement, the act did virtually no good and by 1890 the roseate spoonbill and reddish egret were nearly eliminated. In 1879 the State Legislature passed a law to protect the food fishes of the state and to regulate fisheries. It also authorized "fish bailiffs" to be hired by each county.

In the 1880's Florida began to attract eco-tourists and sportsmen as steamboats plowed the rivers, railroads expanded down the east coast and marshlands began to be drained. A change in attitude, from considering wildlife to be either a nuisance or limitless commodity to be exploited to

recognizing the value and necessity of conserving the resource, began to take place.

The first Florida Fish Commission was created in 1889. A law to regulate harvest of freshwater food fishes was defeated with an opposing legislator stating: “too much legislation will ruin any people. We have legislated for railroads, for fences, for jack mules, for razorbacks, for the birds of the air and now we are going down into the waters and are legislating for fishes, depriving the poor man of chances for earning his living. It is the most damnable law yet.”

In 1893 the first law protecting manatees from over harvest



was passed. Until that time Seminole Indians in particular used them as a food source. In 1897 the first official game wardens were hired and worked out of sheriff’s offices. The Audubon Society was formed in 1901 in an attempt to prevent the total loss of plumed birds

that were being driven to extinction to decorate ladies’ hats. Florida’s population was now 500,000. In 1905, Guy Bradley was hired by the Audubon Society to help control plume hunting. He was murdered in the line of duty as was Columbus McLeod, one of his successors.

In 1909 the first game preserve law was passed, following a national trend brought about by the influence of Theodore Roosevelt an avid hunter, fisherman and outdoor



enthusiast. In the previous year Roosevelt had created the first national wildlife refuge at Pelican Island in Florida.

The Florida Shellfish Commission and the first State Department of Game and Fish were created in 1913 and ownership of wildlife (but not freshwater fishes) was vested in the state. In 1915 the Legislature delegated fish and wildlife regulations back to the counties, the Game and Fish Department was abolished, and wildlife ownership temporarily vested back into the counties. The 1917 Legislature reversed the decision and vested ownership of game, birds and fish with the state, as it remains today.



The State Department of Game and Fresh Water Fish was established in 1925. Florida was the 46th state to establish such a department. Governor Martin pointed out that game and fish were “one of the state’s most valuable commercial

assets, as well as one of her greatest tourist attractions. Our fresh and salt water fish should be conserved and the supply increased by the employment of scientific methods of propagation.” First state fishing licenses were sold: free for county residents, \$2 for out-of-county residents, \$5 for out-of-state. At the same time a minimum 12” bass size and a 12 bass creel limit was imposed with a March 15 to May 15 closed season for bass fishing. Spawning refuges and fingerling bass stocking were utilized. A resident hunting license cost \$10, an out-of-state license was \$25.

In 1927, the laws were rewritten designating commissioners from each congressional district and one at-large commissioner. Restocking programs, education programs, restricted seasons, tight bag limits and setting aside land under the “Florida Plan” for breeding grounds were helping restore fish and wildlife. However, the Great Depression created conflicts between recreational and commercial laws (for instance, bass harvest by recreational anglers was restricted, but not by commercial fishermen). As one example, Lake Okeechobee was declared to be a saltwater lake to prevent Commission regulations from being enforced.

The *Florida Conservator* was published as the first conservation publication by the state in 1929. Due to budget shortfalls, 200 Department employees were laid off—in other words all of the Department’s field personnel. The following year, 40 game wardens were hired by a reorganized State Game and Fresh Water Fish Commission. A Florida Game Farm was established at Raiford Prison and a fish hatchery at Winter Haven. An education program was authorized to issue press releases, publish a magazine and create statistical bulletins.

In 1931, the commercial take of 3.4 million pounds of bass lead to a 50% decline in harvest statewide, with organized sportfishing groups claiming Okeechobee haul seiners took as much as 10,000 pounds in a single set. Following two major hurricanes in 1926 and 1928 that hit South Florida and led to flooding around Lake Okeechobee, the U.S. Army Corps of Engineers commenced the monumental task of creating a dike around the perimeter of the lake, which is the second largest lake entirely within the U.S. (730 square miles). These initial efforts were completed in 1937 and include a series of flood control gates and drainage canals that transect southeast Florida. The Lake is one of the fish and wildlife “Mecca’s of Florida” but is also maintained by the Corps of

Engineers and South Florida Water Management District to protect against flooding, to prevent saltwater intrusion, to provide water for agricultural irrigation and drinking water supplies to large urban areas in South Florida.

The State Department of Game and Fresh Water Fish was dissolved in 1933. Its duties were assumed by State Board of Conservation, which became responsible for geology, wildlife, shellfish, saltwater and freshwater resources. The Board consisted of the Governor and his Cabinet. A deposed Commissioner decried the move saying “the sportsmen’s interest has been bartered for the personal or political gain” referring to Governor Sholtz’s move to take direct control of conservation.

In 1935, the Board of Conservation was split into two departments. Responsibility for wildlife and freshwater resources was given to a five-member appointed Commission known as the State Commission of Game and Fresh Water Fish. I.N. Kennedy was the first Executive Secretary. The State Conservation Department assumed responsibility for geology and shellfish. The Legislature continued to pass local laws pertaining to fish and wildlife. The Black Bass Act was passed prohibiting sale or commercial taking of bass.

From 1936-1940 the sportsmen complained about the complicated county laws governing the taking of fish and wildlife. Organized as the Florida Wildlife Federation they sought a modern conservation program to include restoration, management, harvest and wise use of



all natural resources. During this same time period, the U.S. Congress passes the Pittman-Robertson (PR) Act, which provides Federal Aid in Wildlife Restoration Program, creating an excise tax on hunting equipment, hand guns and ammunition which is returned to the states for conservation. As Florida did not have a strong game commission it was unable to accept these funds until 1941. From 1937 through 1941 the Board of Sanitation, over the objection of the Commission, ordered commercial deer hunts to reduce spread of tick carrying cattle fever.

In 1941, the Legislature proposed a constitutional amendment (previous efforts in 1937 and 1939 had failed), with the support of Governor Holland, establishing a Game and Fresh Water Fish Commission with five members appointed by the governor to five-year terms. Approval required a constitutional referendum that passed in 1942. The Legislature, however, retained the right to set license fees and exemptions but could no longer alter or eliminate the Commission. I.N. Kennedy (the first Executive Secretary of the State Commission of Game and Fresh Water Fish) was the first Executive Director and the first Commission meeting was held in January 1943. The agency consisted of the executive director, his assistant, a secretary and an accountant. Special county laws for fish and wildlife were repealed. An alligator conservation program was initiated.

The first technically trained biologists were hired in 1946. In addition, Divisions of Wildlife, Fisheries (freshwater), Law Enforcement and Fiscal were established. O.E. Frye was hired as the first wildlife biologist and later served as Executive Director. Jack Dequine was the first freshwater biologist and later the first Director of the Fish Management Division (freshwater). By the end of the year, there were 162 conservation officers. It became illegal to take commercially or sell freshwater game fish, thus initiating the recognition of

the value of recreational fishing opportunities. A bounty program on predators was established, which was later eliminated when it proved unnecessary.



A new Information-Education Division published Florida *Wildlife Magazine* for the first time in 1947 “to acquaint and educate the public about the many problems connected with the immense task of conserving a natural heritage for all future generations.” Staging wildlife exhibits and attending fairs was another of their tasks. Florida sponsored the World’s Fair that year. Commercial fishermen challenged

Game And Fresh Water Fish Commission ’s authority to prohibit sale of game fish, and the courts upheld its constitutional authority. The courts further supported agency authority by determining contrary Legislative acts to be to be unconstitutional. I.N. Kennedy resigned and Ben Morgan became the second Executive Director, telling his officers “politics and game wardening do not go together.”

Research was initiated in 1948 on closed seasons and stocking fingerling bass that led to elimination of closed seasons statewide in freshwater, and the realization that dumping fry or fingerling bass into lakes where predatory fish abounded was fruitless. Herbicide control for exotic hyacinths commenced. Also, an agreement with Robinson Land and Lumber Company in Levy County provided 110,000 acres of land for public hunting in return for the state fencing and patrolling of the area. This was the precursor of many such deals benefiting Florida hunters.

Ben Morgan died in 1949 and was succeeded by Coleman Newman. The agency had grown to 40 biologists/specialists, 228 officers and 23 administrative positions. The Legislature passed bills to lessen the authority of the Game And Fresh Water Fish Commission, but the Supreme Court again found them constitutionally invalid.

In 1950 the U.S. Congress passed the Dingell-Johnson bill creating the Federal Aid in Sportfish Restoration Program. Shortly thereafter, the Florida Legislature passed the required language guaranteeing that all monies from the sale of fishing and hunting licenses go to the appropriate agency exclusively for administration of fish and wildlife programs. These dollars remain a major supplement to Florida fishing license sales for funding conservation and restoration of fisheries. In 1950, only freshwater fisheries management benefited. Florida's population was 2.7 million.

Coleman Newman was replaced by Ben McLauchlin as Executive Director in 1951. He decentralized agency staff into five regional offices in order to be closer to the resource. These regions coincided with the five congressional districts of the day, with offices originally located in Panama City, Jacksonville, Williston, Lakeland and Lake Park.

In 1953 Ben McLauchlin was replaced by Charles Pace, an avid recreational angler and hunter. His initiative led to the first survey of Florida lakes and streams to determine the resource status. Rough fish removal is utilized in freshwater management to control shad, bowfin and gar. These programs were later eliminated in favor of habitat and regulation management to restore natural predator-prey balance. After only one year, Charles Pace was replaced by E.B. Jones as Executive Director.

The Florida Marine Research Institute began in 1955 as a small field station in St. Petersburg to study red tides. E.B. Jones was replaced by Bob Aldrich as the seventh Executive Director of the Commission in only 12 years. Mr. Aldrich was the first of the professional conservationists to serve as Executive Director having served since 1921 in federal, state and municipal conservation programs. Among his accomplishments during the next 10 years was initiation of a merit system for employees creating a dedicated, creative work force. Governor Collins assisted in the development of an objective Commission by insisting members serve as a statewide policy board, and not representatives from just their own regions.

In 1960, the citizens of Florida reaffirmed their desire to have a constitutionally mandated Game and Fresh Water Fish Commission to objectively and scientifically manage their resources, by a two-to-one margin. The Florida Wildlife Federation helped prevent Legislative takeover of the agency with a slogan of “Keep your fish and wildlife out of politics.”

In 1962, Florida Conservation Patrol uniformed personnel became known as “officers” rather than “agents.” The concept of “multiple use” began to be emphasized as a way to protect hunting and fishing opportunities as land is diverted from the open public sector to private uses. A phosphate spill in the Peace River by Virginia-Carolina Chemical Company killed thousands of fish and for the first time a company was made to pay restitution--\$20,000 for river restoration, and donation of a 10-acre tract that became the Christina Recreation Area.

In 1965, Bob Aldrich was succeeded by Dr. Earle Frye, Jr. as Executive Director. Dr. Frye brought 19 years of experience as a conservation biologist to the position, and continued the trend of professional scientific management. The Chairman of the Commission, W.B. Copeland at the time stated

“Hunting, fishing, boating and other associated outdoor activities are big business in Florida. These forms of recreation must be managed as a business, and the Game and Fresh Water Fish Commission serves as a board of directors to determine that the business of hunting and fishing is managed for the mutual benefit of all concerned.”

The Board of Conservation, which had overseen shell fish, became the Florida Department of Natural Resources in 1968. The Game and Fresh Water Fish Commission was placed in the Department of Natural Resources. A difference of opinion ensued as to whether the Game and Fresh Water Fish Commission was placed within Department of Natural Resources for purposes of enhanced coordination and cooperation or if Department of Natural Resources was to assume administration over Game and Fresh Water Fish Commission and the Commissioners of the Game and Fresh Water Fish Commission would only set fishing and hunting rules. An agreement was reached whereby Game and Fresh Water Fish Commission managed its own budgets, programs, plans and administration as well as setting rules. The Florida Marine Laboratory (now the Florida Marine Research Institute) was placed in the Bureau of Marine Science and Technology in the Division of Marine Resources, which was also part of Department of Natural Resources .

A hunter safety program was initiated in 1971. The next year the first endangered species lists published, including 14 birds, five mammals, two reptiles/amphibians and one fish. And one year later in 1973, the Legislature for the first time appropriated general revenue dollars to the Game and Fresh Water Fish Commission to supplement fishing and hunting license fees and Federal Aid dollars. Rationale included the recognition that “stewardship of our wildlife resources” is the “responsibility of every Florida citizen.” Therefore, and since Game and Fresh Water Fish Commission programs are

“beneficial to the state as a whole as well as the hunter and fisherman,” it is appropriate to use general fund appropriations.

In 1974, a constitutional amendment reaffirmed the independent stature of the Commission, and the existing Divisions remained intact. The first Endangered Species Technical Advisory Committee was established.

In 1977, the Game and Fresh Water Fish Commission became an independent Department no longer affiliated with the Department of Natural Resources . The Legislature, four years after Congress approved the Federal Endangered Species Act, created the state Endangered Species Act. The alligator was downgraded to threatened from endangered. Colonel Robert Brantly assumed the role of Executive Director upon Dr. Earle Frye’s retirement.

The Marine Fisheries Commission had been established in 1983 by the Legislature as a citizen board to oversee rulemaking. Field research, to form the basis of the rules, was dependent on cooperation with the Department of Natural Resources. The shellfish program attained Bureau rank along with the Bureau of Marine Resources Regulation and Development. The marine lab then became the Bureau of Marine Research.

In 1984, Ms. Louise Humphrey was the first confirmed female Commissioner. Also, the first non-game wildlife program was initiated. The Marine Lab became the Florida Marine Research Institute in 1988 based on an initiative of the Department of Natural Resources Secretary Tom Gardner.

The first saltwater fishing license was sold in 1990. This not only generated revenue directly to Department of Natural Resources for marine fisheries work and education, but also

substantially increased the amount of Federal Aid monies provided to the State.

In 1993, the Departments of Natural Resources and Environmental Regulation merged into one new entity, the Department of Environmental Protection (DEP). The Florida Marine Research Institute remained with the Department of Environmental Protection and Ken Haddad was appointed the new Chief. Conservation groups wanted marine fisheries to be moved to the Game and Fresh Water Fish Commission in order to gain constitutional status, but it did not happen. Dr. Allan Egbert became the Executive Director of Game and Fresh Water Fish Commission upon the retirement of Col. Brantly.

A constitutional amendment was passed in 1994 to ban net fishing as a result of the Marine Fisheries Commission's inability to reach consensus on a science-based harvest management plan. The MFC had developed, with input from Department of Natural Resources scientists, a series of reasonable science-based conservation proposals intended to allow use of the resource by all parties concerned while ensuring sustainability of the fishery resource, but each proposal was struck down by one side or the other ultimately leading to deadlock. This ultimately was another reason for the public push to include all fish and wildlife conservation within one science-based constitutional agency.



In 1998, a constitutional amendment was passed overwhelmingly by Florida voters which created the Florida Fish and Wildlife Conservation Commission (FWC). This constitutional amendment was part of the package proposed by the

Constitution Revision Commission. The Wildlife Federation of Florida and “Florida Sportsman” magazine were instrumental in creating the grass roots support that saw the amendment through to fruition. Because of this constitutional amendment, the Game and Fresh Water Fish Commission, Marine Fisheries Commission, and parts of the Department of Environmental Protection came together as the new FWC on July 1, 1999. New regions were created to better reflect marine zones.

In 2005, the *Florida Wildlife* magazine was re-established with a charge to become more self-sufficient, stay focused on traditional hunting and fishing topics and be sold at magazine stores. In 2006 the agency conducted a series of public summits for freshwater and saltwater anglers, hunters and other outdoor recreationists to help plan future efforts.

Florida has more than 8,400 miles of coastline and an incredible variety of habitats, which makes it a truly unique in the variety and productivity of its natural resources. In 2007 Florida’s magnificent resources supported the state’s economy by generating more than \$31 billion in revenue. Its world-renowned beaches, spectacular variety of fish and wildlife, diverse habitats and navigable waters attract visitors and businesses alike. The economic prosperity, quality of life for Floridians, and the satisfaction of its many visitors are all dependent on a healthy environment.

Management Structure

The Division of Marine Fisheries Management within the Fish and Wildlife Conservation Commission has two sections: Marine Fisheries Management and the Marine Fisheries Services. The Marine Fisheries Management section oversees and compiles data and management plans, and solicits information from the public. This section also is responsible

for monitoring the artificial reef program. The Marine Fisheries Services section works as a liaison between the marine fishing community and the Fish and Wildlife Conservation Commission and promotes responsible recreational and commercial fishing activities, it also works to resolve issues related to proposed regulations, commercial license applications and wholesale-dealer compliance, operates a trap-retrieval program and comments on environmental projects. In 2007, the Division of Marine Fisheries Management had a budget of almost \$6.2 million.

The Fish and Wildlife Conservation Commission's seven Commissioners are appointed by the Governor and confirmed by the Florida Senate to five-year terms. The Commissioners' duty is to exercise the "...regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life and shall also exercise regulatory and executive powers of the state with respect to marine life, except that all license fees and penalties for violating regulations shall be as provided by law." Ken Haddad was named the Executive Director of the FWC in 2001, and Florida's population now exceeds 15 million. The Legislature eliminated the *Florida Wildlife* magazine in 2003.

There are currently six divisions operating under the Fish and Wildlife Commission - the Fish and Wildlife Research Institute, Freshwater Fisheries Management, Habitat & Species Conservation, Hunting and Game Management, Law Enforcement and Marine Fisheries Management.

Organization Chart
Florida Fish and Wildlife Conservation Commission



Funding

The Fish and Wildlife Conservation Commission has established many collaborative partnerships with other government, academic, non-profit and private fish and wildlife management and research institutions and enforcement entities. Their programs are funded diversely from user fees, such as hunting and fishing licenses, fines, specialty license plates, donations, contracts, grants, fuel and documentary stamp taxes, and state general revenue, and they are organized to provide the most effective conservation and protection of Florida's precious natural resources. The FWC has an annual budget of more than \$320 million, which supports 1,946 full-time employees. Florida's budget can be seen at <http://peoplesbudget.state.fl.us/>.



HAWAII

Management Structure

The Board of Land and Natural Resources consists of six members who are appointed by the Governor with advice and consent of the State Senate and the Chairperson who is the Executive of the Department. There are two members appointed “at large” within the State, and one member each is appointed from the Land Districts of Hawaii, Maui, Oahu, and Kauai. The normal term of office of a member is four years, and no member may serve for more than two consecutive terms, or for more than eight consecutive years. The Board serves without pay but is entitled to reimbursement for necessary expenses while attending meetings and in discharging their duties.

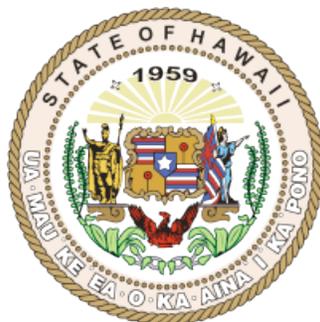


The Chairperson of the Board of Land and Natural Resources is appointed by the Governor from among the members of the Board and serves as a full-time, salaried Executive Officer of the Land and Natural Resources. In this capacity, his/her responsibilities include directing and coordinating the major program activities and functions of the staff and operating units of the Department.

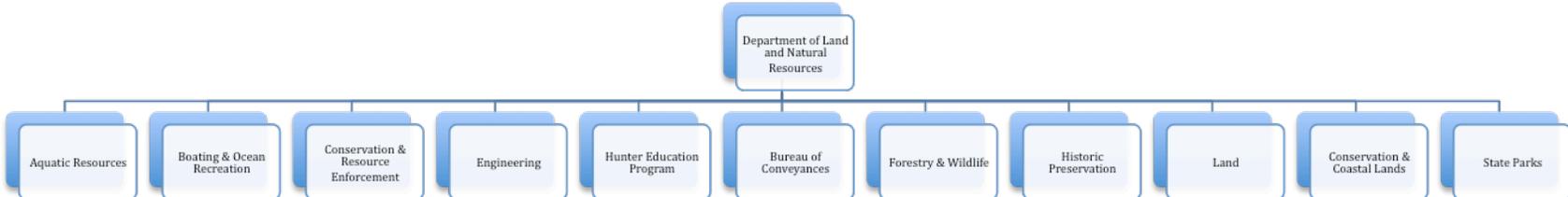
The Board holds regular scheduled meetings at the Department offices in Honolulu, Oahu, and also at regular intervals in each of the other districts of the State. The Board also conducts public hearings in the districts for consideration of applications for commercial development or

use of lands within the Conservation Districts of the State and to promulgate Rules under the State Administrative procedures.

The Department of Land and Natural Resources carries out programs to manage and administer the public lands of the State and minerals thereon; water resources, and coastal areas of the State except commercial harbors; to manage and administer the forest, aquatic life, and wildlife resources of the State; to manage the forest reserves and State parks, including historic sites; to manage boating, ocean recreation and coastal areas programs; to enhance program effectiveness and efficiency by developing and enforcing environmental standards, codes, and regulations; and to provide a central repository of all instruments or conveyances. Although these responsibilities and functions are carried out through the combined efforts of four Staff Offices and eight operation divisions, the Department's overall policy guidance and administrative control are provided by the Executive Board of Land and Natural Resources and its Chairperson. The fish, wildlife management and enforcement activities of the Department are administered by the Division of Aquatic Resources, Division of Forestry and Wildlife, and Division of Conservation and Resources Enforcement, respectively.



Organization Chart Department of Land and Natural Resources



OREGON

History

On May 11, 1792 Captain Robert Gray sailed across Columbia bar on a trading expedition for fur, salmon, deer and elk meat. Bartering was at the rate of one nail for two salmon, two spikes for one beaver hide, and a small piece of copper for a sea otter hide. He named the river after his ship, the *Columbia Rediviva*.

Prior to that time it was know as the Oregon, an Indian name meaning “River of the West.”



The journals of the Lewis and Clark Expedition (1805-06) reveal that salmon and steelhead in the Snake and Upper Columbia Rivers were more impressive than any other wildlife. They grew so tired of eating salmon that they purchased dogs from the Nez Perce Indians to vary their diet. There was not much mention of deer and elk until they reached Astoria where they lived for five months on a solitary diet of elk meat.

When Oregon became a territory in 1848, Section 12 of the Territorial Constitution declared that rivers and streams supporting salmon should not be dammed or otherwise obstructed unless fish passage was provided. By 1866, the first cannery was built by the Hume Brothers on the Columbia at Eagle Cliff, Washington which packed 4,000 cases with a value of \$64,000.

In 1872 Oregon passed its first game laws which provided for a closed season on deer from February 1 through June 1, prohibited taking deer or elk for hides and antlers, closed the season for certain waterfowl from April to July, protected

upland game birds during spring months, prohibited the use of explosives or poisons in taking fish, and required fish ways over dams. However, the Legislature adjourned without appropriating money or assigning anyone responsibility for enforcing these laws.



It appears the first state Fish Commission was created in 1878 but it apparently was not recognized legally until 1887 when the Legislature established a three man

State Board of Fish Commissioners with a \$1,000 budget to enforce fish and game laws and operate a hatchery for two years. The Board leased a hatchery at the mouth of Clear Creek on the Clackamas River in April for one dollar from the Oregon and Washington Fish Propagation Company. The first season resulted in 15 million eggs being taken and 1.3 million fry being released. Lacking funds for the second season, the Board turned the operation over to the U. S. Fish Commission.

In 1893, the first combined fish and game administration in the state's history was created when the Legislature appointed Hollister McGuire as the State Game and Fish Protector. McGuire proved to be progressive, initiating the first fish marking program in 1895, by clipping the adipose fin on 5,000 Clackamas hatchery salmon of which 32 returned. He also enforced several new game laws, including a limit of 20 game birds which could be sold during the season.

In 1898, fish and game programs were split by the action of a special session of the Legislature which abolished the Fish and Game Protector Position and created a Board of Fish

Commissioners consisting of the Governor, Secretary of State and a Fish Commissioner with Hollister McGuire named to that position. Shortly thereafter McGuire drowned on the Umpqua River while in search of a hatchery site but not before submitting a report on his activities to the Governor. In that 1897-1898 report McGuire outlined some concerns which reflected his ability and grasp of the problems which were developing. He was troubled by the lack of protection for salmon, particularly on the upper Columbia and Snake, and recommended several actions to be taken by the Legislature.

The special Legislative Session in 1898 responded to many of those concerns by passing a salmon law which included, among other things, the following provisions:

- A. Licensed industry to support hatcheries.
- B. Prohibited fishing on spawning tributaries to the Columbia.
- C. Authorized the Fish Commissioner to remove fish passage barriers.
- D. Divided the state into six fishing districts with all fines and license fees to be spent on hatchery programs in the district where collected.
- E. Provided for enforcement through gear registration.
- F. Required screening of irrigation ditches.
- G. Prohibited planting of fish not indigenous to the state.
- H. Delegated to the Commissioner the authority to close streams stocked with fish.
- I. Established a reporting system for canneries, dealers, and others.
- J. Required an annual report system for canneries, dealers, and others.

- K. Authorized the Commissioner to appoint a deputy in each county to enforce fish laws and to be paid from one half of all fines collected.
- L. Authorized the Board of Fish Commissioners to purchase and build fish hatcheries and audit all claims in connection with fisheries department.

Hollister McGuire had not forgotten his responsibilities for wildlife as his report included a section on the Mongolian pheasant and the care of these birds in captivity. A measure of the importance of this is that 10,000 birds were marketed in Portland from October 15 to November 15, 1896. One other law passed at the special session prohibited elk hunting until 1910, a closure which was later extended.

In 1899, game again received consideration when the Legislature created the Game Board with a position of Game and Forestry Warden to which L.B.W. Quimby was appointed. A budget of \$2,000 was approved for the biennium with \$1,500 allotted for Quimby's salary and \$500 for deputy wardens. New laws were passed, including a closed season on beaver, a 5-deer bag limit, and a no limit duck season from September 1 to January 1. Quimby wanted to spend \$500 of his budget for printing copies of the fish and game laws but was refused permission so he printed 5,000 copies at his own expense. He was also concerned about increased pressure and commented that there were 20 fishermen in Oregon where there was one 10 years ago. A commercial fishing license was required for the first time.

In 1901, the first bag limit for trout of 125 per day and the first duck limit of 50 per day was passed. A \$10 non-resident license fee was imposed. In 1905, a State Game Fund was established and a resident hunting license fee of \$1 with the selling of game prohibited.

In 1909, the Legislature appropriated \$1,000 for sea lion control on the Columbia River (an issue which persists today). A total of 288 seals and 670 sea lions were killed the first year. According to the report of H.C. McAllister, Master Fish Warden, the reaction of many fishermen was to blame control programs for poor fishing. The rationale was that seal and sea lions normally drive salmon to stay outside longer and disperse to other streams.



Fish and game activities were merged for the second time with the new organization being known as the State Board of Fish and Game Commissioners. The three members were appointed by the Governor with power to protect and propagate fish and game and expend game and hatchery funds. William L. Finely was appointed the first game warden and one of his initial actions was to audit the funds of the merged organization. That audit disclosed \$28,000 in the Game Fund, \$14,000 in the Game Fish Hatchery Fund. However, outstanding bills of \$11,000 left little to function on. The Legislature established refuges totaling one and half million acres.

The Legislature in 1915 abolished the Board of Fish and Game Commissioners and created the Fish and Game Commission. Governor Withycombe served as chairman of the three member group while R.E. Clanton was Master Fish Warden and Carl Shoemaker served as State Game Warden.

Another reorganization occurred in 1920, when the Board of Fish and Game Commission was abolished at a special session of the Legislature and replaced by a three member Fish Commission and a five member Game Commission. That

organization remained in effect pretty much without change until the 1975, although Commission members were later appointed by the Governor rather than the Legislature. The major operational change involved divorcing all commercial activities from sport interests.

In 1931 fish and game law enforcement was transferred to the Oregon State Police. The first class of fish and wildlife students graduated from Oregon State in 1938. That same year the Fish Commission established a Department of Research.

When, in 1951, Phil Schneider was appointed as the State Game Director. Fishing and hunting license sales totaled \$400,000; the Game Commission operated on \$5,000,000 biennial budget; commercial fishing licenses totaled \$7,026, with only 91 being issued for trolling; and the biennial budget totaled \$2,000,000.



In 1956, troll license sales nearly doubled from the 486 issued in 1955 to 866 in 1956. The Water Resources Section was organized in the Fish Commission. Governor Holmes appointed a new Commission, and John Veatch ended 25 years of service as Chairman. Commercial fishing in coastal rivers was ended by initiative petition.

The Russian trawl fleet appeared off the Oregon coast in 1966. The Game Code was re-codified by the Legislature in 1973. The Game Commission was renamed the Wildlife Commission.

Merger of the Fish and Game Commissions occurred on July 1, 1975. At the time of merger, the Department of Fish and Wildlife employed approximately 750 people, operated 31 hatcheries and four rearing ponds, raised 3.6 million fish yearly, operated one game farm with an annual capacity of 20,000 pheasants, owned and managed 22 wildlife areas encompassing approximately 140,000 acres, controlled 82 fish management areas totaling 6,000 acres, accommodated 766,000 anglers and 390,000 hunters who enjoyed 10 million days of recreation annually and spent \$190,000,000 in the process, issued 5,570 licenses to commercial fishermen who harvested \$102,000,000 worth of fish and shellfish products annually, and operated on a biennial budget of \$40,000,000 of which 50 percent was provided from user fees, 33 percent by the federal government, and 17 percent from the State General Fund.

Limited entry began in 1980 for Oregon's commercial offshore fisheries. For the first time salmon trollers, groundfish, and shrimp trawlers had to procure permits to land their catches in Oregon and had to maintain evidence of fishing activity each year to keep these permits active. Congress passed the Northwest Power Planning Act and management of fish and wildlife resources became an equal partner with power generation, irrigation and flood control in the Columbia Basin. The Act set up the Northwest Power Planning Council for administration, which provided funding for fish and wildlife mitigation.

In 1985 an angling license was required for all species, not just game fish. The salmon-steelhead tag changed from a yearly 20-fish limit to a separate fee for each unit of ten fish. A new separate tag was created for sturgeon.

Governor Neil Goldshmidt lent his support in 1988 to a Department legislative proposal to launch a major effort to

restore aging hatcheries, improve natural fish production and increase angling access. The Legislature passed the Fish Restoration and Enhancement Act, which placed a \$2 surcharge on sport fishing licenses and increased the commercial salmon permit and poundage fees to fund the program. The fee increases were expected to raise more than \$4 million dollars. The first major hatchery restoration project was a Cedar Creek Hatchery in Tillamook County.

1990 started as a big year of transition for fish and wildlife management and state government in general. In November, the voters approved a tax limitation measure forcing heavy general fund budget cuts. Governor Barbara Roberts started a process to review state government operations and seek alternative methods of organizing natural resource agencies, and developing different funding approaches for agency programs. Without new funding sources to offset losses to Measure 5 cuts, state agencies faced a 25 percent cut from base budgets in the 1993-95 biennium. This year was one that focused heavily on species and agency planning. A budget note in the 1991 agency budget also called on the department to develop a strategic plan for future fish and wildlife management by 1993.

The State of Oregon currently is in the process of establishing a limited system of marine reserves along its coast as part of an overall strategy to manage its marine waters and submerged lands using an ecosystem-based approach. Governor Ted Kulongoski issued Executive Order 08-07 on March 26, 2008, directing state agencies to work with the Oregon Ocean Policy Advisory Council (OPAC) to site marine reserves through a comprehensive, collaborative process. OPAC membership is representative of



coastal community interests, state agencies, conservation interests and the general public.

Oregon is part of the West Coast Governor's Agreement calling for implementation of the US Commission on Ocean Policy and the Pew Oceans Commission. It recognizes the importance of managing the ocean on an ecosystem basis which in many cases exceed state and national boundaries.

Management Structure

The current Fish and Wildlife Commission was formed on July 1, 1975, when the formerly separate Fish and Wildlife Commissions were merged. The Oregon Fish and Wildlife Commission consists of seven members appointed by the Governor for staggered four-year terms and must be confirmed by the State Senate. One Commissioner must be from each congressional district, with at least one from east of the Cascades and one from the west of the Cascades. Qualifications for Commission membership exclude anyone holding office in a sport or commercial fishing organization or having interest in a commercial fish processing company.

The Commission appoints the Director of the Department of Fish and Wildlife for a term of four years. The law merging the commissions also established the department's fish and wildlife divisions with the remainder of the organization to be determined by the Director. John McKean was appointed as the first Director. Commissioners formulate general state programs and policies concerning management and conservation of fish and wildlife resources and establish seasons, methods and bag limits for recreational and commercial take.

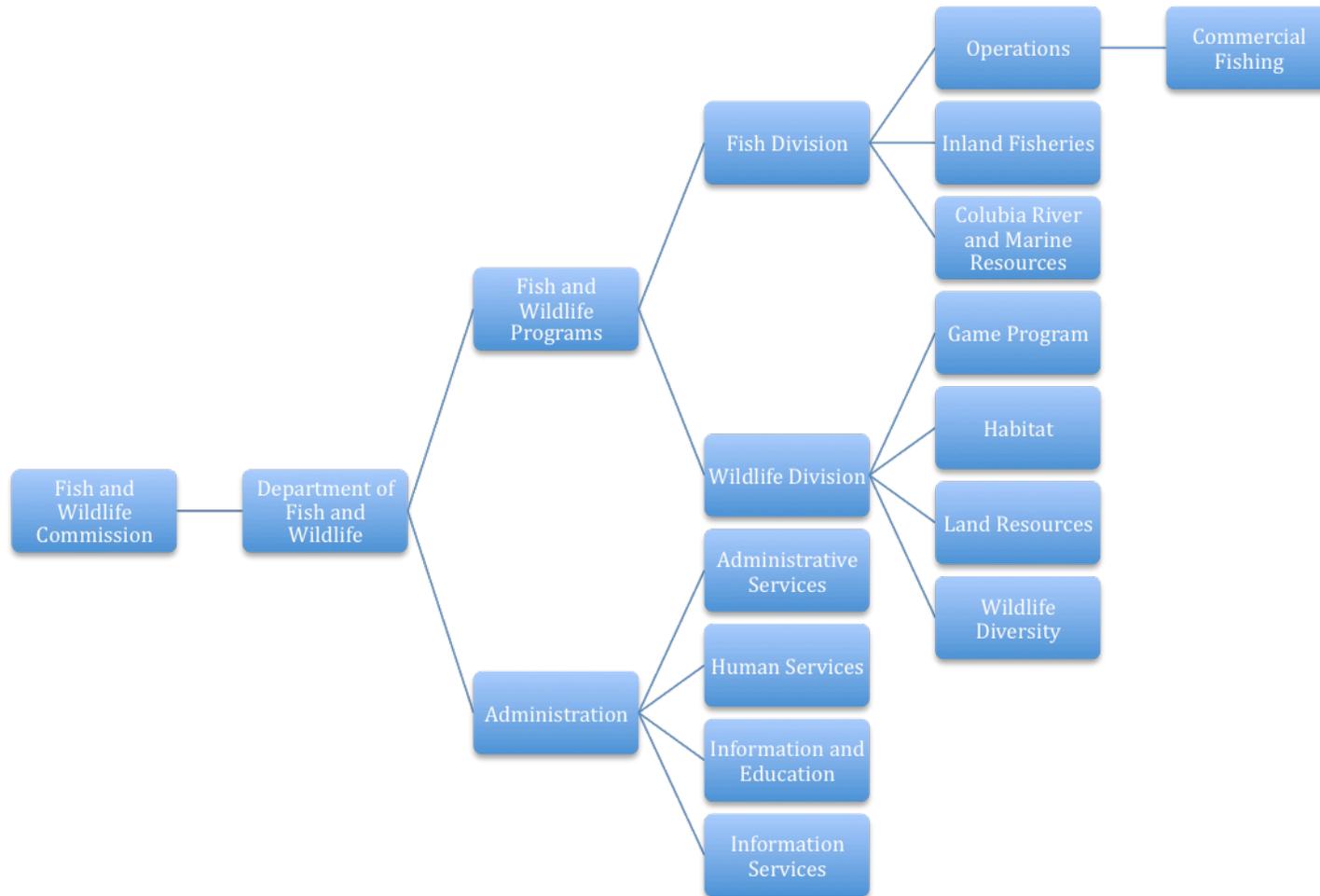
The Director oversees the agency's operations and administration. There are two Deputy Directors who oversee

the Department's day-to-day activities. The Deputy in charge of fish and wildlife programs oversees the program activities of the Fish and Wildlife divisions and the four regions. The Deputy in charge of administration oversees Administrative Services, Human Resources, Information and Education, and Information Services. The department has a statewide staff of approximately 1,000 permanent employees and operates under ORS chapters 496 through 513.

Within the ODFW is the Marine Resources Program (MRP) that is based in Newport with field offices in Astoria, Charleston and Brookings. MRP Staff are responsible for the monitoring, sampling, research and management of both the commercial and recreational marine fisheries. MRP's goal is to increase the quality and quantity of stock assessments and biological information collected through improved at-sea and dockside sampling programs and through carefully designed research projects.

Enforcement of the fish and wildlife regulations was transferred to the Oregon State Police in 1931. The members of the Fish and Wildlife Division are assigned statewide with specific duties and responsibilities to ensure compliance with natural resource laws. The Oregon Department of Fish and Wildlife funds approximately 50% of the positions with Oregon Lottery funds, general funds, Oregon State Marine Board funds, federal funds and service contracts also contributing. It should be noted that while the primary duties of this division is to enforce natural resource laws, its officers may also enforce any other laws of the state, and non-division officers may enforce natural resource laws.

Organization Chart Oregon Department of Fish and Wildlife



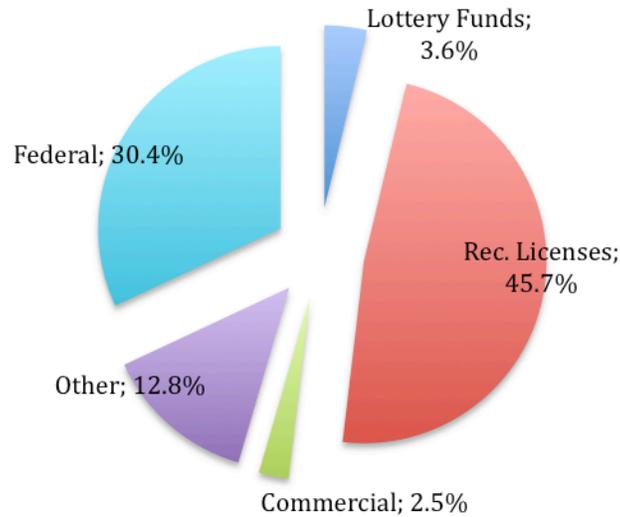
Appendix - Oregon

Funding

The Oregon Department of Fish and Wildlife's revenues come from four major fund types: (1) General Fund, (2) Lottery Funds, (3) Other Funds and (4) Federal Funds. The "Other Funds" source is derived from several sources. The two largest sources are revenues from sales of hunting, fishing and occupational licenses and tags; and indirect or overhead charges in compliance with federal approved standards. There are a number of additional sources that provide smaller amounts of funding, such as: agreements with nonfederal agencies or entities, commercial fishing industry fees, bird hunter stamps, transfers from the Oregon Watershed Enhancement Board, a portion of hydropower licensing and operating fees, interest on wildlife fund balances, state income tax refund check off contributions, donations, fines and forfeitures from game law violators, and a few other miscellaneous categories.

Revenues for the 2007-2009 Legislatively Adopted Budget came 5.7% from the General Fund (\$15.50 million), 4.4% from the Lottery Fund (\$11.76 million), 53.6% from Other Funds (\$146.55 million), and 36.3% from Federal Funds (\$99.43 million).

2009-2011 Governor's Budget



Projected revenues for the department in the 2009-11 Governor's Budget total \$307.62 million. Of that, 5.02% is projected to come from General Funds (\$15.43 million), 3.57% from the Lottery Fund (\$10.99 million), 30.36% from Federal Funds (\$93.39 million) and 61.05% from Other Funds (\$187.81 million). The largest contributor to Other Funds is \$140.57 in hunter and angler licenses (45.7% of the total budget) with commercial fees adding another \$7.73 million (2.5% of the total budget).³³

³³ Details found at: www.dfw.state.or.us/agency/budget/ on August 18, 2009.



Appendix - Oregon

WASHINGTON

History

Prior to 1933 Washington State's fish and wildlife were under county jurisdiction, with each county establishing its own regulations, issuing fishing and hunting licenses, and providing game wardens to oversee harvest and police regulations. This understandably led to inconsistent regulations and enforcement between counties. Political special interests often influenced decisions at the expense of the public at large. In 1932, Initiative 62 (sponsored by the Washington State Conservation Association) was passed by the voters which established the Washington State Department of Game.



The Department of Game was organized based upon a model that had evolved in other states composed of a Director, the agency, and a six-member Commission. The Commission was comprised of six registered voters, three from the eastern and three from western Washington, no two from the same county, appointed by the Governor for staggered six-year terms. Candidates for Game Commissioner had to have a general knowledge of the habits and distribution of wildlife and could not hold another elective or appointive office. The Commission was charged with hiring the Director; classifying wildlife, establishing priorities and direction of the Department; adopting fishing, hunting, and trapping regulations; and approving real estate transactions.

The duties and authorities of the Commission remained relatively static from 1933 into the 1980's. As the population density of Washington increased through the middle decades of the 1900's, and the department's duties expanded to meet the broader needs of wildlife, it became impossible to fund the department through the traditional dedicated fund made up of license fees and excise taxes on sporting goods. The department made a plea to constituency groups in 1980 to help find a solution to the funding crisis. A number of citizen groups joined in the Coalition for Washington's Fish and Wildlife. This group authored and filed Initiative 90 in 1985, which called for a 1/8 percent increase in sales taxes to go strictly to the needs of fish and wildlife, two-thirds going to the Department of Game. These funds would have nearly doubled the funding for the Department, enabling it to address the broader needs of all species in the face of the impacts of development on Washington's wildlife habitat. Initiative 90 was validated with the collection of over 211,000 signatures. It went to the 1986 Legislature which had the choice of passing it into law or forwarding it to the ballot in the November 1986 election with or without an alternative version. The Legislature chose to take no action, so Initiative 90 was on the ballot that fall. The Initiative failed to pass and the department's fiscal problems continued.

Facing major cutbacks in staff and programs, the Commission and Director worked with the 1987 Legislature to devise a bill which would begin infusing General Fund revenue into the department. A compromise was struck in House Bill 758. The Director would become a Governor appointee with recommendations from the Commission on the necessary qualifications, skills, and experience. In return for this change the department was to receive \$8 million in the 1987-1989 Biennium budget, or about a 15 percent increase in its budget from the General Fund with the understanding that this percentage would increase in succeeding years to meet the expanding scientific, habitat, and enforcement needs of an

urbanizing state. Under House Bill 758, duties of the Commission, other than hiring the Director, remained relatively constant. Policy and goal-setting duties were also further clarified.

During the period between 1987 and 1993, the Commission fulfilled its traditional duties as described above. It also attempted to work with the public and the Department to develop a Department that broadened its responsiveness from the traditional license buyers to all those who had any interest and concern for fish and wildlife. After a year of public workshops, interviews, and analysis, the Commission's Wildlife Action Agenda was completed. It was presented to the Legislature and the public in October 1988. This report stated a vision: "Our state's wildlife is a resource for all of Washington's citizens and visitors. This resource must be encouraged to flourish and prosper in quality habitats throughout the state. The state of our wildlife is a sentinel, a warning to us of the condition of our environment. Its value must become pervasive so everyone will come to appreciate its importance to our quality of life." It went on to state, "To achieve this vision, Washington wildlife must be:

- Healthy, secure, and accessible for a diverse range of recreational activities;
- Elevated to a higher level of importance in land use decisions; and
- Supported financially at the basic level by all of the citizens of the state."

The issues of habitat, education, wildlife management, recreation, and funding were addressed in some detail with numerous desired action items spelled out.

In 1993, the Legislature considered House Bill 2055, which would merge the existing departments of Wildlife and Fisheries into the Department of Fish and Wildlife. Citizen testimony during hearings on House Bill 2055 was overwhelming in

support of a strong citizen commission having a policy role with regulatory authority. This legislation was passed and became effective on January 1, 1994.

Under the merger bill, the Commission's role was held constant. However, the Commission was instructed to evaluate its role in the merged Department and make recommendations to the Governor and Legislature concerning what changes would be appropriate. In addition, the Legislative Budget Committee was also charged with doing an independent report. Both reports were due on December 1, 1994. In short, the Commission viewed this merger as desirable in terms of providing better overall management of the various ecosystems and of all fish and wildlife resources. It recognized, however, that this merger brought with it tremendous challenges to not only the Commission, but to personnel for both agencies. The Commission was also convinced that it should continue to act as a buffer between politics and fish and wildlife management to provide a stabilizing factor in balancing the social and biological issues affecting decisions concerning the fish and wildlife resources. It was convinced that this system provided a good opportunity for all citizens to be heard while regulatory and policy decisions were made in an open forum. The Commission indicated that this process, although sometimes more cumbersome, results in better policy, better regulations, more fairness, and most of all, better long-term security for the state's fish and wildlife resources.

House Bill 2055 had outlined that this new agency would be responsible for the preservation, protection, perpetuation, and management of the fish and wildlife resources of the State. Fish included salmon, marine fish, shellfish, and inland fish resources. Wildlife was defined as "all species of the animal kingdom which exist in a wild state," including those species classified by the Department as game species, furbearing animals, predatory birds, protected wildlife, and endangered

wildlife. Doing this would involve habitat protection, steps to foster natural and artificial production, law enforcement, public education, and allocating resources among competitive users.

Department goals included conserving the fish and wildlife resources of the State in a manner that does not impair the resource, while maximizing commercial and recreational opportunities. In a manner consistent with this goal, the Department would seek to maintain the economic well-being and stability of Washington's fishing industry. As a result of Federal Court decisions, the Department also ensures that treaty Indian tribes catch up to 50 percent of the harvestable salmon and shellfish in their usual and accustomed fishing areas.

Another significant change occurred in 1995 with the passage of Referendum 45. The vote of the people transferred control of the Department from the Governor to the Commission.

Historically, the Department had focused primarily on providing hunting and fishing opportunities. Beginning with the Boldt Decision in the early 1970's, the scope of activities involving the Department has expanded dramatically. Prior to the contraction of the national and state economies, there was a trend with respect to the dependence of the Department on the State wildlife Account to support its stewardship efforts.

Today, as with all states, many of the fish and wildlife resource management activities supported by the Department do not involve hunting or fishing opportunities, yet State Wildlife Account spending has increased to support many of these activities. This has been especially true over the several years due to a deteriorating economy forcing the Legislature to reduce State General Fund spending to stay within available revenue. The Legislature did not eliminate entire activities supported by the State General Fund but substituted state Wildlife Account funding to keep many non-hunting and fishing activities going.

This trend does beg the question of whether a major dedicated department fund source should be used to support activities beyond the traditional core hunting and fishing activities.

Another societal change that impacts the sale of hunting and fishing licenses is the number of other recreational choices available. Going to the movies, sporting events or other non-hunting or fishing outdoor activities can be a higher priority. The Department attempts to recruit new hunters and fishers through youth programs and non-traditional groups such as women and the disabled. Wildlife viewing is one of the recreational choices and participation is growing. Wildlife viewing participants do not generate revenue in any significant way to support watchable wildlife activities provided by the Department.



As the human population continues to grow fish and wildlife continue to be displaced as their habitats continue to shrink. Informed decisions about how to accommodate this growth are extremely important if enough water is preserved for people and fish, as well as wildlife. Loss of habitat due to human development increases interactions between humans and animals. Public safety has become a larger issue, as more bear and mountain lion interactions occur. Depredation to agricultural crops by wildlife is also an increasing issue facing fish and wildlife agencies.

Correspondingly, however, is the increasing interest people have in wildlife viewing. Somehow, land use decisions that are conducive to protecting, perpetuating and conserving fish and wildlife populations into the future must be made to balance the demands of human growth and the habitat needs of fish and

wildlife. The challenge before the Department and the citizens of the state is how to achieve the needed balance between these competing needs. The aforementioned challenges place significant demands on a Department, but the complexity doesn't stop there.

Washington has a natural environment that can sustain both human growth and fish and wildlife habitat, if urban development can be managed wisely. It is recognized that the funding structure supporting the Department needs to be changed to more accurately reflect the work that is being done by the Department for the citizens of the state. As a matter of financial policy, hunters and fishers should not be expected to provide for more than their fair share of funding to support Department activities. The general public enjoys the natural environment and bears some responsibility to support Departmental activities that are not directly related to hunting and fishing.

Management and Structure

The Commission consists of nine citizens appointed by the Governor and confirmed by the Senate serving six-year terms. Three Commissioners must be from east of the Cascades, three from the west side and three are appointed at large. No two Commissioners may reside in the same county.

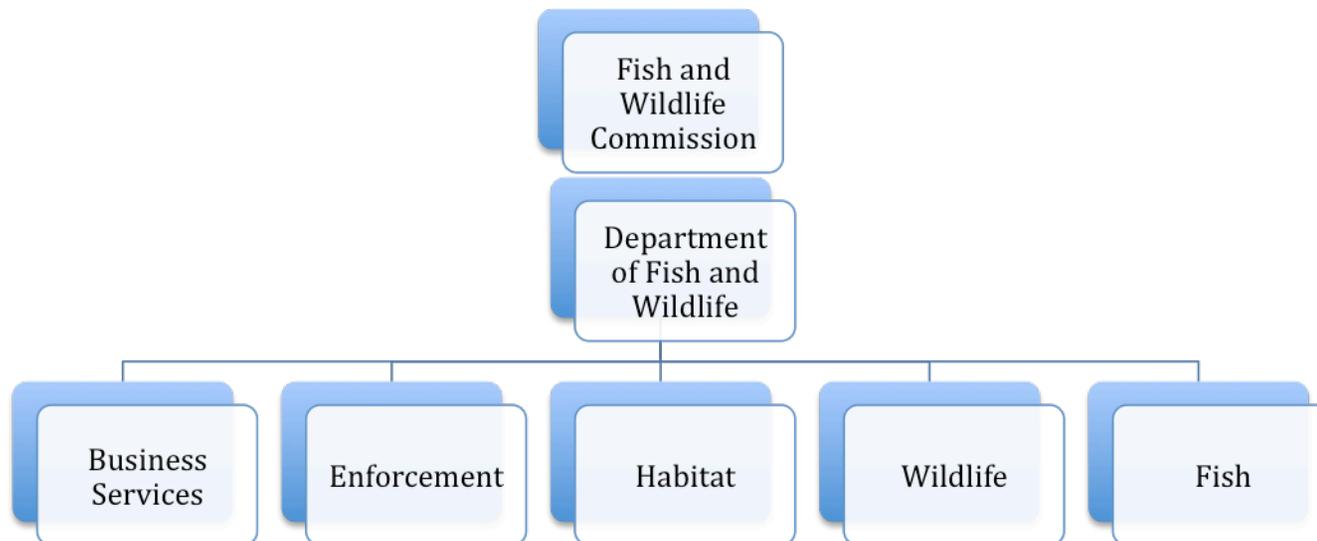
The Commission's primary role is to establish policy and direction for fish and wildlife species and their habitats in Washington and to monitor the Department's implementation of the goals, policies and objectives established by the Commission. The Commission also classifies wildlife and establishes the basic rules and regulations governing the time, place, manner, and methods used to harvest or enjoy fish and wildlife. **The Commission also appoints the Director of the**

Fish and Wildlife Department and approves its operating and capital budgets submitted to the Governor and Legislature.

State law requires the Commission to establish policies that preserve, protect and perpetuate wildlife, fish, shellfish, as well as fish and wildlife habitat. Fishing, hunting, and recreational opportunities must be maximized and compatible with healthy and diverse fish and wildlife populations.

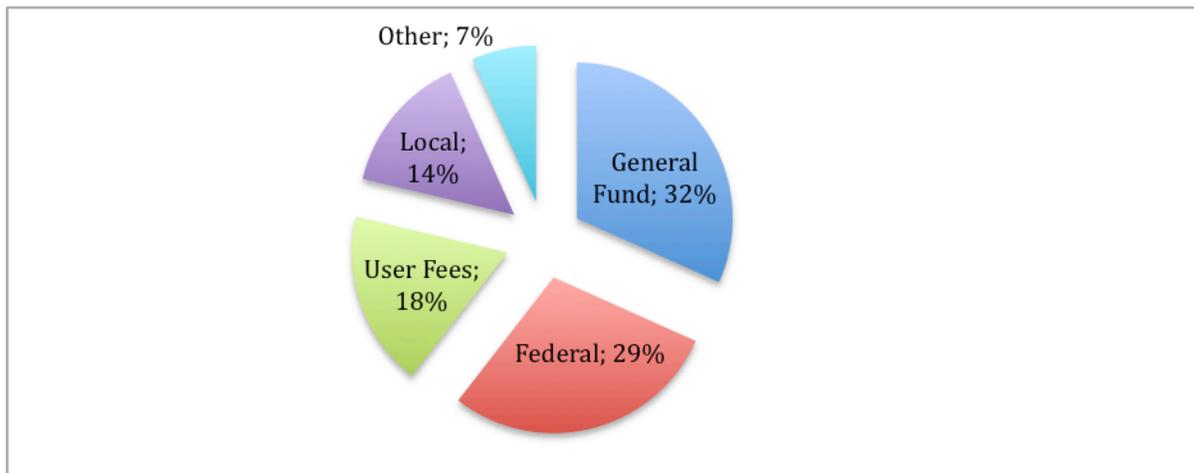
The Department consists of five programs headed by Assistant Directors who report to the Director and Deputy Director. These programs are: Business Services, Enforcement, Habitat, Wildlife, and Fish. The Department's Intergovernmental Resource Management Division coordinates fish and wildlife needs and values with other governmental entities. These include counties, states, Native American Tribes, and foreign countries. In addition, the Department is charged with maintaining the economic well-being and stability of the fishing industry. To do this, it must promote orderly fisheries and enhance recreational and commercial fishing.

Organization Chart Washington Fish and Wildlife Department



Funding

The Department's 2003-05 Biennial Budget was approximately \$282.1 million. Fishing and hunting license sales and other user fees deposited in the Wildlife Fund supports slightly more than 20.9 percent of the operating budget. The State's General Fund supports approximately 29.4 percent of the Department's budget. The balance comes from other dedicated state funds, federal and local funds. Federal and local funds are designed to mitigate the loss of fish and wildlife habitat. Approximately two-thirds of the funding is dedicated to specific uses either by statute or as provisos in the Budget Appropriations Act.



The Biennium 2005-2007 budget for the Department was \$322.1 million. Of that amount, \$90.2 million or 28% came from the General Fund, \$83.8 million or 26% from Federal sources, \$66.6 million or 21% from the Wildlife Fund (Hunting and Fishing licenses primarily), \$46.9 million or 14% from local government (mitigation funds, etc.) and \$34.6 million or 11% from other sources.

In order to conserve fish and wildlife for the future, the Department is working to ensure that Washington is a model for ecosystem management. In order to accomplish this, stable funding is needed, and the hunters and fishers in the state should not be expected to subsidize the broader stewardship activities currently provided by the Department. Hikers, bird watchers, boaters, cross country skiers, and anyone else who enjoys the natural resources have the moral responsibility to share in the cost of maintaining and managing the natural environment.



COMMISSION GOVERNANCE

Throughout history, there have been no easy answers as to how best meet the challenge of fish and wildlife stewardship. The Commission style of governance was expressly developed to:

- Avoid the undue intrusion of politics into agency management;
- Ensure citizen participation in establishing policy for agencies;
- Provide an open and transparent forum for rulemaking;
- Provide recreational opportunities by mandating stewardship for the resource; and
- Ensure ethical and prudent operation of the agency.

The Commission format was developed expressly to manage fish and wildlife in trust for the public and to allow public participation and leadership in fish and wildlife management. Commissioners should be respected members of the public able to speak for the broad public interest.

In the early 1930's, a committee of the International Association of Game, Fish and Conservation Commissioners developed the "Model Game Law", which outlined a system for a commission that provided for plenty of power. The model gave the commission power over policy, budget, adoption of regulations, and selection of an administrator who would be free to carry out the policies and programs of the commission³⁴ (Gabrielson 1960).

A commission, because of its structure, can filter out biases such as political motivations, short term thinking, and special interests from the decision-making process. This allows a commissioner to add balance across all wildlife concerns and public needs; therefore, acting in the best interest of all the public and the resource, favoring no particular group, interest, or geographical area. It gives all citizens a chance to stand up and be heard and

³⁴ I. Gabrielson, (1960, January). The Best Way to Manage Fish and Game. *Happy Hunting Grounds*.

acts as an advocate for what is right for the long-term future of the wildlife resource and the agency. The result is government at its best.

Regardless of the level of authority, the public and the resource benefit most when commissions are one part of a strategic partnership between the Commission, the Governor, the wildlife agency, and stakeholders. For the commission system to work, each partner must play its role well, and have respect for the roles of others:

Whatever the actual structure, the issue of operating in an increasingly complex and turbulent environment faces all commissions. Examples of these forces are as follows:

- Constituencies are changing, splintering, and growing increasingly diverse and contentious. Never before have this many people been so interested in wildlife.
- It is increasingly difficult to determine public expectations as public demographics and values continue to change.
- Public dissatisfaction with government in general is increasing.
- The list of significant global issues continues to grow (i.e., loss of biodiversity, extinction of species, deforestation, acid rain and global warming).
- There are an increasing number of human dimension issues such as: human population growth, the impact of human development on species and habitats, and increased wildlife and human conflicts.
- There are limited financial resources available to meet public demands and expectations.
- There are limited natural resources available to meet public demands and expectations.
- There is an increasing complexity in blending public needs and biological needs in decision-making.

A commission's ability to respond to the many forces in this environment can dramatically impact, for better or worse, the resources, stakeholders, and the agency it works with. In order to operate effectively in this environment, the commission must assume its leadership and stewardship role.

According to the American Heritage Dictionary (1992), to **lead** is “to show the way by going in advance” and to **govern** is “to make and administer the public policy and affairs of or exercise sovereign authority.” **Leadership** is providing direction via *vision* and *influence*, and governance is setting direction via *decision authority*. The commission is given the ability to provide direction through decision-making authority as outlined in its legal mandate. However, the commission and its strategic partners must also provide leadership to the agency; so, there is a willingness by the stakeholders and agency staff to strive toward a compelling vision.

Governance provides the structure that permits the commission to delegate policy and allocate resources—money and staff. But, leadership paves the way to the organized work required to achieve the vision or mission of the strategic partnership. Leadership provides the vision, the values, the “what are we heading toward” that evokes from others the desire to make it happen. As leader, commissioners need to establish an attitude of empowerment that allows others to make decisions and commitments, set priorities, take conscious risks, and take action with some mistakes. While a commission has an affirmative duty to assume leadership and stewardship, it must also be given the tools to do so, whether it is the power to appoint the agency director, approve or review the agency budget, a means to “advise” the legislature on issues of import, or a direct line to the governor's office.

To properly serve in its stewardship role, commissions must craft policies and the missions or visions that incorporate stewardship into the day-to-day activities of the agency. These policies need to

define ownership of the wildlife resource, articulate the commission's accountability to stakeholders, explain the long-term nature of the stewardship role, and ensure that the agency acts in the interest of *all* the stakeholders.

Although the commission's specific powers and duties are outlined in the state statute, they can often be confusing and incorrectly interpreted or interpreted differently by each commissioner. If there is confusion over what the commission is responsible for, it can be perceived as a group of busy, ill-informed, meddling outsiders who rubber-stamp agency decisions rather than represent stakeholders.³⁵ In addition, as a result of poor interpretation of responsibilities, commissioners might spend time doing tasks that are better accomplished by the appropriate party. Some activities that fall into this category include:

- Spending time on issues that should be handled by staff.
- Dealing with short term crises to the detriment of looking to the future.
- Reacting to issues and proposals rather than proactively setting an agenda.
- Reviewing, rehashing, and redoing staff activities.

To prevent these mistakes, the commission's role should focus on governance, not management. Although the distinction between governance and management is not absolute, certain responsibilities can be identified which will lead the commission to operate in its primary domain of governance. To do this, commissioners can begin by asking themselves:

- What do we need to do to *focus* our concentration primarily on governance?
- What are the *important* things for the commission to do?
- What can the commission do that no one else can do?

³⁵ Edwin C. Thomas, "Roles and Responsibilities of County Councils." Center for Governance (1955).

- What is central to the mission?

In other words, **what adds the greatest value?** Although answering this question may not be easy, few would disagree that commissions have *only* limited time and must use it to its greatest value. They do not have the time nor the ability to control the agency's every action, circumstance, goal, and decision. Even if there was the time, it is a poor use of a professional, well-trained staff. Instead, commissions should govern by policy, delegate authority to implement policy to the agency, and then monitor policies. This can add the greatest value. Although these activities are often more time consuming than working on management, long lasting results are accomplished.

Policies are general rules of principle that provide guidance to agency staff in reaching decisions with respect to their programs and responsibilities. Governing by policy means that the vast majority of a commission's decisions relate to creating or revising policy. To be effective, the commission must not function solely as a rubber-stamp for agency policy proposals, but must also identify policies which address critical agency issues including issues brought to it by the public.

Policies determine how an agency will conduct its activities by *guiding* the agency rather than *running* its day-to-day operations. In other words, policies establish *direction* and *leadership*; they do not provide for implementation. Policies describe desired outcomes and address broad issues such as:

- Targets for wildlife populations, diversity of wildlife species, habitat preservation, public wildlife education, and goals for recreational opportunities;
- The allocation of agency resources;
- Limitations on staff behaviors (elaborating on what is ethical and prudent);
- Standards for evaluating the director's performance;
- Standards for monitoring agency performance;

- Public involvement processes;
- Measures of agency, commission, and director accountability; and
- Standards for the commission's own performance.

Values, goals, vision, and mission are all policy statements. Once direction is established through policy, the agency focuses on the implementation while the commission shifts to a monitoring role to ensure policy desired results are achieved.

Many commissions struggle to define a balance between *policy* and *management*. Lacking a clear understanding of its role, the commission might deal with staff-level matters and operations. Such involvement can be perceived by the agency as interference and a breach of trust. It may also reduce effectiveness.³⁶ Even with a clear understanding of the policy role, commissions commonly put aside policy issues in favor of focusing on day-to-day management. The latter is easier to understand and provides an immediate sense of accomplishment. Policy leadership takes time and effort, and the consequences of decisions are seldom evident in the short-term. However, if policies are properly formulated and implemented, they can have numerous benefits³⁷ including:

1. Policies are a vehicle for articulating values and principles to the entire agency and the public.
2. Policies focus on the fundamentals.
3. Policies do not require that the commission have technical expertise.
4. Policies result in vision and inspiration.
5. Staff work is focused because preparation for commission consideration requires the staff to pare down issues to simple and clear policy options and potential consequences.

³⁶ Thomas.

³⁷ John Carver, Boards that Make a Difference: A New Design for Leadership in Nonprofit and Public Organizations, Jossey-Bass, San Francisco, 1990.

6. Policies are seamless in that they combine the viewpoints of a variety of interested or affected parties into one statement.
7. Policies are relatively permanent. They can resolve a whole class of issues that would otherwise return again and again for commission action.

While commissioners may understand that they should focus on policy setting, they may find it difficult to identify policy setting activities, distinguish policies from regulations and processes, and know when to make an ad hoc decision. Also, commissioners may be unclear as to what exactly their responsibility is in the policy arena. Is it to set broad policy, determine regulations, delve into operations, or act in an advisory capacity? Thus, it is critical that each commission has a clear understanding of its role as outlined by legal mandate. Misunderstanding this role can result in the failure of the commission to fulfill its legal mandate.

**Recommendations on Structure and Funding for State
Fish and Wildlife Agencies**
**Jim Martin, Conservation Director, Berkley Conservation
Institute**
June 4, 2009

Based on 40 years in the fish and wildlife management business, primarily at the state agency level, I have come to the following conclusions relative to state agency structure, function and funding levels:

1. There should be one state agency per state relative to fish and wildlife management, protection and restoration. There should not be separate agencies for sport vs. commercial management, fish vs. wildlife, or freshwater vs. marine. Separate agencies are a prescription for disorganization, wasted resources and competing agendas in the natural resource field.
2. There should be no additional “add-on” responsibilities to a state fish and wildlife agency mission. This includes boating regulation, parks, forestry or oil spills. Add-on missions, which are fundamentally different than management of fish and wildlife simply complicate the structure and funding of fish and wildlife agencies and detract from focus on the central mission.
3. Enforcement can be within the agency (wardens) or accomplished by a separate division of the state police. However, the enforcement should be highly trained and compensated at the general level of a state trooper. Enforcement should be more than just cops...they should also be communicators very similar to extension agents.

4. The agency director must be hired/fired by the Fish and Wildlife Commission. He must be accountable to the Commission at the core. His staff must be the Commission's staff as well. Separate administrations, budgets and staff are a prescription for divided allegiance within the agency, wasted resources and distrust.
5. The Fish and Wildlife Commission should be citizens who have a proven track record of interest and expertise in fish and wildlife, including an interest in hunting, fishing, and/or wildlife-related recreation. The Commission should be a collection of the most recognized conservationist sportsmen/women in the state. They should not be appointed in recognition of their background in agriculture, forestry, environmental advocacy or political affiliation. They should simply be wildlife enthusiasts first and foremost. The Commission should serve their entire term of office unless removed for cause. Their terms of office should be staggered to ensure that a new Governor/Legislature cannot change the make up of the Commission suddenly, for political reasons. Commissioners should be appointed by the Governor, confirmed by the Senate, and no Commissioner should serve until confirmed.
6. The Governor and Legislature should influence fish and wildlife policy through the establishment of overarching statutes relating to mission/goals and through the establishment of the budget. The Governor and Legislature should have no role in day to day management decisions or the establishment of regulations relating to hunting or fishing. The agency budget should be developed by the agency staff, approved by the Commission for recommendation to the

Governor, finalized by the Governor in a Governor's recommended budget and approved/modified by the Legislature.

7. The agency budget should have three major parts: Sportsmen's services/commercial fishing services, General education, habitat protection and wildlife diversity. Consulting on fish and wildlife habitat development for other government agencies.
8. Each of these parts should have different funding bases: Sportsmen's services should be funded by fish and wildlife license sales and excise taxes on sporting goods. Commercial fishing management should be funded by commercial fees, deposited in a dedicated fund. Fishing fees should fund fishing management, hunting fees should fund hunting management, and commercial fees should fund management of commercial fisheries (the concept of parity). All three funds should pay a proportionate portion of administration.

General education, habitat protection and wildlife diversity (including threatened and endangered species work) benefits the general public and should be funded by general fund. General fund should pay a proportionate portion of administration.

Fish and Wildlife consulting with other agencies should be paid by these agencies on contract to the Fish and Wildlife Department. Costs to consult on development projects should be passed on to the proponents of the development projects as part of their fee structure and/or be supported by general fund. Consulting funds should pay a proportionate portion of administration.

Each of these portions of the budget may have varying proportions of federal and state funds.

The Commission, Governor and Legislature should decide the level of work in each of these areas depending on the priority to the people of the state, and the available funding levels.

- 9 The agency name should highlight Fish and Wildlife, not game. A name focusing on Game is outdated and sends the wrong message to the general public, which is the primary constituency for the agency, not just the hunters and fishermen.

The most important short term issue is the independence of the agency from political manipulation through the Governor's or Legislature's power to hire/fire the agency director and/or Commission. The director must work for the commission and the commission must serve full, staggered terms to be removed only for cause.

The most important long term issue is the funding structure. The North American model, where conservation is funded by fish and wildlife fees/license/excise taxes is broken. Continuing this model beyond paying for sportsmen's service will guarantee a demoralized/ineffective agency, loss in wildlife health/diversity and hunting and fishing that is out priced for the average citizen within 25 years....and most importantly a funding base for conservation that will collapse from it's own weight and narrow base.

WORKS CITED

Alaska Department of Fish and Game. 15 July 2009
<<http://www.adfg.state.ak.us>>.

Barnevik, Percy and Rosabeth Moss Kantor. Global Strategies: Insight from the World's Leading Thinkers. Boston: Harvard Business School Publishing, 1994.

California Department of Fish & Game. 15 July 2009
<<http://www.dfg.ca.gov>>.

California Fish and Game Commission. 15 July 2009
<<http://www.fgc.ca.gov>>.

California Natural Resources Agency. 15 July 2009
<<http://resources.ca.gov>>.

California State Auditor. Department of Fish and Game: The Preservation Fund Comprises a Greater Share of Department Spending Due to Reduction of Other Revenues. Sacramento: Bureau of State Audits, 2005.

Carver, John. Boards that Make a Difference: A New Design for Leadership in Nonprofit and Public Organizations. San Francisco: Jossey-Bass, 1990.

Department of Fish and Game Statistics. 15 July 2009
<<http://www.dfg.ca.gov/licensing/statistics/statistics.html>>.

Department of Fish and Game Statistics. 15 July 2009
<<http://www.dfg.ca.gov/licensing/statistics/statistics.html>>.

Fiscal Year 2009-10 Budget Fact Book. 15 July 2009
<<http://www.dfg.ca.gov/budget/09-10/09-10/BudgetFactBook.pdf>>.

Florida Fish & Wildlife Conservation Commission. 15 July 2009
<<http://myfwc.com>>.

Gabrielson, Ira. "The Best Way to Manage Fish and Game."
Happy Hunting Grounds (1960).

Gail A. Montgomery and Hayes, Robert L. Commission
Guidebook: Understanding the Fish and Wildlife Commission's
Role in Strategic Partnerships with the Agency, the Director,
and Stakeholders. Ft. Collins: Management Assistance Team,
US Fish and Wildlife Service, 1997.

Gladwell, Malcolm. Tipping Point, How Little Things Can Make
a Difference. Little, Brown & Company, 2002.

Little Hoover Commission. "Report on California's Fish and
Game Commission and Department of Fish and Game."
Commission on California State Government Organization &
Economy, 1990.

Oregon Department of Fish and Wildlife. 15 July 2009
<<http://www.dfw.state.or.us>>.

Peters, Tom. The Pursuit of Wow!: Every Person's Guide to
Topsy-Turvy Times. New York: Vintage Books, 1994.

Sportfishing Licenses by License Year. 15 July 2009
<[http://www.dfg.ca.gov/licensing/pdffiles/sf_items_1990.
pdf](http://www.dfg.ca.gov/licensing/pdffiles/sf_items_1990.pdf)>.

State of Hawaii, Department of Land & Natural Resources. 15
July 2009 <<http://hawaii.gov/dlnr>>.

Thomas, Edwin C. "Roles and Responsibilities of County
Council." Center for Governance (1995).

U S Census Bureau. State & County Quick Facts. 8 July 2009
<<http://quickfacts.census.gov/qfd/states/06000.html>>.

U S Fish and Wildlife Service. 15 July 2009
<www.fws.gov/offices/statelinks.html>.

Washington Department of Fish and Wildlife. 15 July 2009
<<http://wdwf.wa.gov/>>.

