

California Fish and Wildlife Strategic Vision Project
Regulatory and Permitting Working Group Revised Issues Framework
Revised September 20, 2011

1) Statutory changes

- a) Recommendations to California Law Revision Commission to clean up California Fish and Game Code (FGC)
- b) Take regional and local considerations into account
- c) Fully protected species issue (SB 618 addresses for Natural Communities Conservation Plans, if governor signs, allows take for any fully protected species in an NCCP)
- d) State version of FESA 4(d) rule
- e) California Fish and Game Commission (F&GC) do listings?
- f) Bird nests (FGC 3503, etc.)
- g) Consistency determinations and 1600 permits
- h) Arbitration process for California Endangered Species Act (CESA, similar to Section 1602 of Lake and Streambed Alteration Agreements)

2) Rulemakings – assign priorities and consider process changes /clarifications (i.e. timing, coordination)

- a) List of potential priorities (i.e. adaptive management definition in Marine Life Protection Act)
- b) Restructure California Department of Fish and Game (DFG) based on consumptive and non-consumptive uses

3) Encourage formal partnerships through statute (e.g. state agency partnership via advanced mitigation program)

- a) Cultural shift toward working with landowners and building relationships
- b) Improve collaboration and partnerships between agencies and private entities
- c) Need partners with an open mind
- d) Improved partnerships with other government agencies –more efficient with reduced funds and resources
- e) How to remove barriers to working with the university systems

4) Consider and recommend which unfunded/underfunded mandates should be funded as priority programs and which should be eliminated or suspended

- a) Consistent priorities in regulation and permitting
- b) SBX 1-2 Renewable Energy Resources Act – unfunded mandate

5) Identify and recommend opportunities for more efficient permit processes

- a) Enhanced coordination within DFG and F&GC
- b) Enhanced coordination with other state and federal agencies (i.e. the integrated resource management white paper)
- c) Increased communication and efficiency with local and regional entities

- d) Better alignment between permitting decisions and expertise
 - e) DFG staff should be available for early coordination and pre-project planning
 - f) Avoid informal policies – may lead to measures unsupported by law or regulation (i.e., informal policy on setbacks from levees)
 - g) Recognize difference between temporary and permanent impacts (mitigation should be different)
 - h) Remove barriers to restoration – how? Currently must cross same hurdles for restoration projects as a development project
 - i) Seeking predictability, ability to use programmatic agreements
- 6) Enforcement – address enforceability of statutes and regulations (e.g. is an unenforceable law a good law?)**
- a) Sufficient statutory and regulatory penalties and incentives
 - b) Fully protected species issue
 - c) Decrease the “hollow” laws that will actually be enforced
 - d) Consistency in enforcement – ability to both prosecute violators and enforce laws
- 7) Science as it relates to supporting management and compensatory mitigation decisions**
- a) Internal enforcement that mitigation decisions be founded in science with a reasonable expectation of success
 - b) Increased opportunities for DFG biologists to further their education
 - c) Increased opportunity for DFG staff to publish, either internally or externally
 - d) Education of the general public on state resources and issues
 - e) Continued strong resource conservation and management
 - f) Proactive restoration efforts
 - g) Need more effective managers with good communication skills and scientific knowledge
 - h) Better conservation outcomes through improved communication between F&GC and DFG
- 8) Recommendations for creating user-friendly regulations using current technology (i.e. permit tracking; permit posting)**
- a) Actionable solutions
 - b) Proactive approach with current regulations
 - c) Improved process and general public understanding of process
 - d) Make it easy to work with the permitting process
 - e) Provide certainty and streamline the permitting process
- 9) Implementation/interpretation of statutes and regulations – transparency, consistency and accountability**
- a) Customer service training for permit staff
 - b) CESA training for staff to avoid inconsistent interpretation

- c) Improved management skills
- d) Need staff and managers with an open mind and willingness to solve problems
- e) Need 21st century DFG with increased trust of the public and regulated entities
- f) Consistency determinations for CESA (if meet federal listing process, perhaps make easier to meet state process) and 1600 permits
- g) Clarity, procedures, costs, expectations, effectiveness and protectiveness