

Memorandum 2012-41

Fish and Game Law (Background)

In 2010, the California legislature passed Assembly Bill 2376 (Huffman) (2010 Cal. Stat. ch. 424), requiring the Secretary of the Natural Resources Agency to convene a committee to develop and submit a “strategic vision” for the Fish and Game Commission (hereafter “FGC”) and the Department of Fish and Game (hereafter “DFG”). The strategic vision report was to be submitted to the Governor and the Legislature by July 1, 2012. The Strategic Vision was required to address, among other things, improving and enhancing the capacity and effectiveness of FGC and DFG in fulfilling their public trust responsibilities for protecting and managing the state’s fish and wildlife resources.

One of the recommendations made in that process was that the Fish and Game Code be reviewed and cleaned up. It was suggested that the Law Revision Commission might assist with that effort. *California Fish & Wildlife Strategic Vision, Recommendations for Enhancing the State’s Fish and Wildlife Management Agencies*, A13 (April 2012) [hereafter *Strategic Vision*].

That suggestion prompted a request from Senator Fran Pavley and Assembly Member Jared Huffman (the chairs of the Senate Natural Resources and Water Committee and the Assembly Water, Parks, and Wildlife Committee) that the Commission conduct a comprehensive review of the Fish and Game Code. See Memorandum 2012-5, pp. 22-23.

The Commission indicated its willingness to conduct such a study, but noted that it lacked the authority to do so. It decided to request the necessary authority in the next legislative resolution of Commission authority. See Minutes (Feb. 2012), p. 4. That authority was granted by ACR 98 (Wagner) (2012 Cal. Stat. res. ch. 108), which provided in relevant part:

[The] Legislature approves for study by the California Law Revision Commission the new topic listed below:

Whether the Fish and Game Code and related statutory law should be revised to improve its organization, clarify its meaning, resolve inconsistencies, eliminate unnecessary or obsolete provisions, standardize terminology, clarify program authority and

funding sources, and make other minor improvements, without making any significant substantive change to the effect of the law[.]

The goal of this memorandum is to provide general background for the Commission’s study of the Fish and Game Code. It will describe:

- (1) The organization and function of FGC and DFG.
- (2) The strategic vision process and findings.
- (3) The potential scope and character of the Law Revision Commission’s work in this study.

The following materials are attached as an Exhibit to this memorandum:

	<i>Exhibit p.</i>
• Fish and Game Code Table of Contents	1
• <i>California Fish & Wildlife Strategic Vision, Recommendations for Enhancing the State’s Fish and Wildlife Management Agencies</i> (April 2012)	5

Except as otherwise indicated, all statutory references in this memorandum are to the Fish and Game Code.

ORGANIZATION AND FUNCTION OF THE FISH AND GAME COMMISSION
AND THE DEPARTMENT OF FISH AND GAME

Historical Overview

The Fish and Game Commission was created by the California Constitution in 1870. Cal. Const. art. 4, § 20.

Initially, the Commission was called the Board of Fish Commissioners. In 1878 its authority was expanded to include game as well as fish. Outdoor California, *Department of Fish and Game celebrates 130 years of serving California* (Nov. - Dec. 1999) available at <http://www.dfg.ca.gov/publications/history.html>. The Board of Fish Commissioners was the first wildlife conservation agency in the country, and engaged in fish conservation activities such as importation of fish species and appointing wardens to patrol fish resources. *Id.* At around the turn of the century, the FGC was given its current name, and was granted greater authority by the legislature. *Id.*

The state was for a time divided into districts, with each Commissioner responsible for the management of one district. *Id.* In 1926, the FGC decided that it should discontinue the separate management of each district, instead working as a single body with authority to set general statewide policies. *Id.*

In 1927, a new entity was created within the Department of Natural Resources — the Division of Fish and Game. That entity took over the management duties of the FGC, subject to FGC policy oversight. *Id.*

In 1933, a separate Fish and Game Code was created by the legislature, drawing most of its provisions from the Penal Code. *Id.*

A constitutional amendment in 1945 gave FGC responsibility for regulating sport fishing and hunting. *Id.*

In 1951, the Division was given its current name, the Department of Fish and Game, as part of a Reorganization Act. *Id.* The following year DFG's organizational structure was revamped, creating five regional offices. *Id.*

While DFG has always been a hunting and fishing agency, its purview has expanded over the years to incorporate some conservation and biodiversity programs. *Id.*

Fish and Game Commission

The FGC is part of the Natural Resources Agency. Section 101. It is comprised of five members, who are appointed by the Governor, with the consent of the Senate. Cal. Const. art. 4, § 20(b). Commissioners serve for staggered six-year terms. *Id.* There are currently no statutory qualifications for appointment to FGC. However, recently enacted legislation “encourages” the Governor and the Senate Committee on Rules to consider specified criteria when appointing members to the FGC or confirming those appointments. See Section 101.5(b); 2012 Cal. Stat. ch. 592, § 1. The bill also requires the adoption of a code of conduct for FGC members. See Section 107; 2012 Cal. Stat. ch. 592, § 4.

Commissioners do not receive a salary (beyond per diem and expenses for attending meetings). Section 103(a). They are supported by a staff of eight. Department of Fish and Game, *Budget Fact Book* 11 (2012). In 2012-13, FGC's annual budget is \$1,414,000. *Id.*

The FGC must hold no fewer than ten regular meetings per calendar year, and meeting locations are to be accessible to the public. Section 206.

The FGC has been delegated authority to regulate the taking or possession of birds, mammals, fish, amphibians, and reptiles to the extent and in the manner prescribed in the Fish and Game Code. Section 200. The FGC shall do so by adopting administrative regulations. Section 202. In some emergency situations, FGC regulations can supersede the statutory provisions of the Fish and Game

Code. See Section 219. However, the regulatory authority conferred by Section 200 is also subject to some specific statutory limitations. See, e.g., Section 204.

The FGC must also formulate general policies for the conduct of the DFG. Section 703(a).

In addition, the new legislation discussed above now requires FGC to adopt regulations governing its own “business practices and processes,” by July 1, 2013. See Section 108; 2012 Cal. Stat. ch. 592, § 5.

Department of Fish and Game

The fish and wildlife resources of California are held in trust for the people of the state by and through the DFG. Section 711.7(a).

The DFG is part of the Natural Resources Agency. It is headed by a director who is appointed by the Governor. Sections 700, 701.

In general, the Fish and Game Code is to be administered and enforced through regulations adopted by the DFG. Section 702. However, DFG may *not* adopt regulations where the code *requires* FGC to do so (or otherwise limits DFG’s rulemaking power). *Id.*

The director of DFG shall be guided by the policies formulated by the FGC, and shall be responsible to the FGC for the administration of DFG in accordance with those policies. Section 703(a).

At this time, DFG employs 2,849 staff members in various programs and administrative positions, and has a budget of \$436,010,000 (this includes the staff and budget of FGC as a separate line item). Department of Fish and Game, *Budget Fact Book 11* (2012).

Overall Structure of Fish and Game Code

As the attached chapter-level table of contents indicates, the Fish and Game Code is primarily concerned with regulating hunting and fishing (including both sport and commercial fishing), but also includes some provisions on species and habitat protection. See Exhibit p. 1.

Based on an initial and cursory analysis, it appears that the content of the Fish and Game Code can be broken down into four main subject areas:

- Organization, Powers, and Responsibilities of FGC and DFG
- Taking of Fish and Game Species
- Wildlife and Habitat Conservation and Protection
- State-Tribal Agreements

Each of those topics is summarized briefly below.

Organization, Powers, and Duties of FGC and DFG

A number of provisions govern the existence, organization, powers, duties, and funding of the FGC and DFG. These provisions include rules governing the enforcement of the requirements of the Fish and Game Code and sanctions for violations of those requirements.

Taking of Fish and Game

The FGC and DFG were originally created to oversee the take of fish and game species, and to ensure that stocks were sufficient to allow for continuing take. Numerous provisions of the Fish and Game Code specifically address those general responsibilities, by regulating the take, possession, importation, transportation, and sheltering of various types of plants, animals, and fish, both live and dead. Most of those provisions apply to fishers and hunters, both commercial and recreational, and describe what types of activities are permissible or impermissible. The code also regulates specific methods of take, including nets, traps, fishing lines, and other appliances.

Wildlife and Habitat Conservation and Protection

The Fish and Game Code also addresses habitat enhancement, conservation of natural areas, and fisheries restoration. These provisions address fish, birds, and mammals separately, and are further subdivided to address particular types of animals. The code also addresses refuges and reserves for various fish and animal species. These provisions demonstrate the evolving mission of the FGC and DFG, beyond just regulating hunting and fishing.

State-Tribal Agreements

Finally, the code provides for state-tribal agreements regarding “Indian fishing” generally, and “Indian fishing on the Klamath River” in particular.

THE STRATEGIC VISION PROJECT

History of Prior Initiatives

There have been numerous prior initiatives to improve the organization, priorities, resources, and effectiveness of FGC and DFG. The background information for the strategic vision report summarizes 15 such efforts, dating

back to 1958. See *California Fish and Wildlife Strategic Vision Project, Background Information to Accompany the California Fish and Wildlife Strategic Vision*, 11, 43-54 (April 23, 2012) (hereafter *Background Information*).

The latest “strategic visioning” process required by AB 2376 is intended to take all of the prior studies into consideration, along with any new issues that have been identified since. See Assembly Committee on Appropriations Analysis of AB 2376 (April 28, 2010), p. 2.

AB 2376 (Huffman)

Assembly Bill 2376 (Huffman) required the Natural Resources Agency to convene a cabinet-level committee to develop a California Fish and Wildlife Strategic Vision for FGC and DFG, to be submitted to the Governor and the Legislature. The Strategic Vision was to address improving and enhancing the capacity and effectiveness of FGC and DFG in fulfilling their public trust responsibilities for protecting and managing the state’s fish and wildlife. Specific issues to be addressed in the Strategic Vision include all of the following:

(1) Improving and enhancing capacity of the department and the commission to fulfill their public trust responsibilities to protect and manage the state’s fish and wildlife for their ecological values and for the use and benefit of the people of the state.

(2) Comprehensive biodiversity management, including conservation planning and monitoring.

(3) Sustainable ecosystem functions, including terrestrial, freshwater, and marine habitat.

(4) Opportunities for sustainable recreational and commercial harvest of fish and wildlife.

(5) Permitting, regulatory, and enforcement functions.

(6) Science capacity and academic relationships, including strategies to protect and enhance the independence and integrity of the science that forms the basis for department and commission policies and decisions.

(7) Education, communication, and relations with the public, landowners, nonprofit entities, and land management agencies.

(8) Reforms necessary to take on the challenges of the 21st century, including, but not necessarily limited to:

(A) Climate change and adaptation.

(B) Meeting California’s future renewable energy needs while protecting sensitive habitat.

(C) The restoration of the state’s native fish species.

(D) Implementing and updating the state’s Wildlife Action Plan.

(9) The development and deployment of technology to meet the department’s mission, including data modeling, collection, and online reporting.

(10) Budget and fiscal development, accounting, and management.

(11) Coordination among state agencies.

(12) Recommendations for institutional or governance changes, including clarification of the roles of the commission and the department.

(13) Strategies for identifying stable funding options to fulfill the mission of the department while reducing dependency on the General Fund.

(14) Other recommendations deemed desirable by the committee.

Gov't Code § 12805.3(c).

Participants

The legislation that created the Strategic Vision process also specified the participants that were to be involved in the Project. As discussed below, the participants were organized into three groups: the Executive Committee, Blue Ribbon Citizens Commission, and Stakeholder Advisory Group.

Executive Committee

The Secretary of the Natural Resources Agency was required to convene an "Executive Committee" comprised of the following members: the Secretary of the Natural Resources Agency, the Director of Fish and Game, the president of the Fish and Game Commission, the chair of the State Energy Resources Conservation and Development Commission, a representative of the University of California, and representatives of the United States Fish and Wildlife Service and the National Marine Fisheries Service (if they chose to participate). Gov't Code § 12805.3(a).

The role of the Executive Committee was to develop the strategic vision for the FGC and DFG, incorporating the various requirements laid out in the statute and working with the Blue Ribbon Citizens Commission and Stakeholder Advisory Group.

Blue Ribbon Citizens Commission

The Governor or the executive committee was required to appoint a "Blue Ribbon Citizens Commission" (hereafter "BRCC") to assist in the strategic visioning process. Gov't Code § 12805.3(g).

The BRCC was comprised of:

- Carol Baker (former Senior Policy Consultant/Deputy Budget Director, State Assembly Speaker’s Office)
- Professor Richard Frank (Director of the California Environmental Law and Policy Center at UC Davis School of Law)
- David M. Graber (Chief Scientist, Pacific West Region, National Park Service)
- Dennis Hollingsworth (former State Senator and Assembly Member)
- Skyli McAfee (Executive Director, California Ocean Science Trust)
- Pedro Nava (former State Assembly Member)
- Mary Salas (former State Assembly Member)

California Fish & Wildlife Strategic Vision, Blue Ribbon Citizens Commission Members, (Sept. 7, 2012), available at http://www.vision.ca.gov/citizen_commission.html.

The BRCC worked independently as well as directly with the Stakeholder Advisory Group to develop findings and recommendations for the strategic vision. *Background Information*, at 3. The BRCC reviewed and provided input on draft work products from the Stakeholder Advisory Group and assisted the Executive Committee to achieve the various stages of document development and public meeting milestones. *Id.*

Stakeholder Advisory Group

The strategic visioning statute also requires the Governor or the committee to appoint a stakeholder advisory group (hereafter “SAG”), which was to be broadly constructed to represent a diverse range of interests affected by state policies that govern fish and wildlife. Gov’t Code § 12805.3(g). This group was to include persons representing fishing and hunting interests, nonprofit conservation organizations, nonconsumptive recreational users, landowners, scientific and educational interest, and other interests or entities dedicated to habitat conservation and protection of public trust resources. *Id.* To form the SAG, interested parties were asked to submit an application designed to capture desired characteristics for the overall group and for individuals. See *Background Information* at 4.

The SAG worked directly with the BRCC to provide advice, support, and recommendations to the Committee for the strategic vision. *Id.* at 5. SAG members considered and identified issues and problems concerning the subject areas, and offered potential recommendations about how these issues and problems could be addressed. *Id.*

PRODUCTS OF STRATEGIC VISION PROJECT

A final draft of the *Strategic Vision* was approved in April 2012. See Exhibit p. 5. In addition, the strategic visioning process produced two related reports: *California Fish and Wildlife Strategic Vision: Barriers to Implementation Report* (April 20, 2012) (hereafter “*Barriers to Implementation*”) and *Background Information to Accompany the California Fish and Wildlife Strategic Vision* (April 23, 2012). All of those documents are available at <http://www.vision.ca.gov>.

Strategic Vision: Recommendations for Enhancing the State’s Fish and Wildlife Management Agencies

The *Strategic Vision* report addresses four broad subjects:

- (1) Core values.
- (2) Foundational strategies.
- (3) Overarching goals and objectives.
- (4) Recommendations for helping achieve the goals and objectives.

Strategic Vision at 3.

The “core values” identified in the report include stewardship, integrity, excellence, teamwork and partnerships, and innovation. *Id.* at 9. These values were selected to provide an anchor or reference point for all things that happen within the organizations. *Id.*

The “foundational strategies” suggest that FGC and DFG should:

- (1) Engage in clear and compelling communication, education, and outreach, both internally and externally.
- (2) Be committed to formal and informal partnership and collaboration.
- (3) Use “ecosystem-based” management informed by credible science.
- (4) Engage in broadly-informed and transparent decision-making.
- (5) Engage in effective integrated resource management.

Id. at 11.

The “overarching goals” identified in the *Strategic Vision* include building strong relationships with other agencies and the public, delivering high quality programs that are valued by the public, and maintaining effective and efficient operations. *Id.* at 13, 15.

The remainder of the *Strategic Vision* report consists of numerous specific recommendations, which are grouped by reference to the goals and objectives to

which they relate. *Id.* at 17-24. The document's appendices explain in greater detail how these goals and objectives might be achieved. *Id.* at A1-A24. The *Strategic Vision* also identifies further recommendations that were made by the BRCC and SAG, but were not ultimately approved by the executive committee. *Id.* at B1-B5.

Barriers to Implementation Report

The purpose of the *Barriers to Implementation* report was to identify past barriers to implementing changes and determine whether such barriers have been experienced by other, similar organizations. Interviews were conducted with nineteen key former and current state officials, and twenty-two individuals contributed to a supplementary online survey. The goal of these interviews and surveys was to provide insight into how effective FGC and DFG have been in the past in implementing recommendations for improvement, and to identify barriers that have constrained or prohibited implementation of such recommendations in the past. Common themes identified in that report included:

- (1) **Expanded DFG Mission.** The expanded role of DFG has led to an expansion of its constituencies (from fishers and hunters to also include conservationists). DFG has not evolved quickly enough to meet the expectations of its expanded constituencies, leading to mistrust of both FGC and DFG.
- (2) **Political Landscape.** The DFG is not a priority in state government and has little political power to advance its own agenda.
- (3) **DFG Leadership.** There is a lack of personnel consistency and a high turnover rate of directors, making it difficult to address long-term issues. This results in a narrow focus on short-term problems. There is also a perception of diffuse authority, and policies are not consistently implemented across regions. Furthermore, there is at least the perception that DFG does not work well with other agencies.
- (4) **Priorities.** DFG must deal with legislative mandates, judicial directives, and other mission-critical discretionary issues. However, it is constrained by its limited budget as well as its competing constituencies, which make it difficult to set policy.
- (5) **Funding.** The duties imposed on DFG in the Fish and Game Code exceed its resources. Legislative mandates and programs are created without providing funding, and the budget structure of DFG is complicated by diffuse funding sources and dedicated funds.

- (6) **Organizational Issues.** Barriers to implementation may also involve organizational issues such as a conservative agency culture, a burdensome permitting process, inadequate law enforcement, inadequate staff training, and the outsourcing of scientific research.
- (7) **Fish and Game Commission.** The FGC is comprised of part-time Commissioners, who are not required to have any particular specialties. FGC relies on DFG to provide research and analysis. Furthermore, FGC has limited authority over DFG and some of FGC's policies are contrary to state law. Finally, there is a lack of communication between FGC and DFG.
- (8) **Legislative Relationships.** Presently, DFG does not have a strong relationship with the Legislature. There is no direct contact between Legislators and DFG staff, and there is no single, large stakeholder to lobby on behalf of DFG. Furthermore, some believe that DFG exaggerates its funding needs, leading to mistrust between DFG and the Legislature.
- (9) **Communication and Stakeholder Public Relations.** Some have the perception that DFG is not an effective communicator, both internally and externally, and that it generally suffers from a negative image.
- (10) **Reorganization.** Previous attempts at reorganization have addressed the symptoms of these issues, but rarely the underlying problems.

Barriers to Implementation at 7-15.

Background Information

As one might expect, the *Background Information* report provides background support for the findings and recommendations in the *Strategic Vision* report. For example, it includes a summary of the strategic visioning process, a summary of the public comments received during the strategic visioning process, and summaries of selected historical documents from prior agency performance review processes.

CALIFORNIA LAW REVISION COMMISSION INVOLVEMENT

The following recommendation, which was made in the *Strategic Vision* report, was the impetus for the Commission's study:

Statutes and Regulations Recommendation #1: Review the California Fish and Game Code and Title 14 of the California Code of Regulations to identify and make recommendations to: (1) resolve inconsistencies; (2) eliminate redundancies; (3)

eliminate unused and outdated code sections; (4) consolidate sections creating parallel systems and processes; and (5) restructure codes to group similar statutes and regulations.

Description: The California Fish and Game Code and Title 14 of the California Code of Regulations both need to be reviewed to reduce redundancy and improve consistency and clarity. The director of DFG should create a work group to review the DFG/F&GC portions of Title 14 of the California Code of Regulations and the California Fish and Game Code.

At the outset of this process and periodically throughout, the work group would meet with stakeholders to ascertain their opinions and suggestions for “clean-up” of the Fish and Game Code and Title 14 pursuant to this recommendation amending, repealing, consolidating, and simplifying the codes. The work group would also consult, where appropriate, with representatives of state and federal agencies with parallel or overlapping jurisdiction. The work group would work with the California Law Revision Commission (CLRC) to inform its efforts and determine the best approach to clean-up the Fish and Game Code pursuant to this recommendation.

Finally this recommendation only addresses review of existing code and regulations. Because this recommendation is limited to clean-up of the code and regulations, and does not address the prioritization, consolidation or elimination of mandates, whether funded, underfunded, or unfunded, it may be necessary to create a future complementary process to address the tougher issues of substantively reforming the codes and regulations.

Implementation steps include:

- Make legislative request to the California Law Revision Commission to review and recommend, in cooperation with the work group, “clean-up” of the Fish and Game Code.
- Establish a work group made up of DFG staff, which will work with stakeholders.
- Obtain priorities for regulatory and statutory review from stakeholders.
- Review California Fish and Game Code.
- Review Title 14 of California Code of Regulations.

Strategic Vision at A13 (emphasis in original).

That recommendation was the basis for the language in ACR 98 (Wagner), which authorizes the Commission to study:

Whether the Fish and Game Code and related statutory law should be revised to improve its organization, clarify its meaning,

resolve inconsistencies, eliminate unnecessary or obsolete provisions, standardize terminology, clarify program authority and funding sources, and make other minor improvements, without making any significant substantive change to the effect of the law[.]

Before making any recommendations on how the Commission should approach this study, the staff would like to make two observations:

- **The Commission has no authority to review or make recommendations relating to administrative regulations.** Therefore, the Commission's study cannot encompass the regulations adopted by FGC and DFG. The staff has explained that limitation to the strategic visioning executive committee.
- **The Commission's work on the Fish and Game Code will necessarily be limited to clean-up work.** The Commission does not have the authority or the subject matter expertise necessary to recommend substantive programmatic reforms. Moreover, the authority conferred by ACR 98 (Wagner) expressly precludes "making any significant substantive change to the effect of the law."

With that in mind, the staff provisionally recommends that the study proceed as follows:

First the staff will make contact with and begin coordinating with the working group that DFG is going to create to assist with this study. It will be helpful to hear their thoughts about how best to approach this large and complex matter.

Second, the Commission should spend a fair amount of time familiarizing itself with the content of the Fish and Game Code. A full understanding of the subject matter addressed by the code is a necessary prerequisite to any comprehensive clean-up work.

That said, if the working group identifies particularly acute problems that could be addressed in isolation, it might be possible to accelerate certain parts of the clean-up work in order to address those issues more quickly.

Beyond that, the staff believes it would be premature to make any detailed plans for the conduct of this study. We simply don't know enough about the subject matter yet.

Is the general approach outlined above acceptable as a starting point?

Respectfully submitted,

Lynn Kirshbaum
Law Student Extern

Brian Hebert
Executive Director

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CALIFORNIA FISH & WILDLIFE
Strategic Vision

RECOMMENDATIONS *for*

ENHANCING THE STATE'S FISH *and*

WILDLIFE MANAGEMENT AGENCIES



EX 6



CALIFORNIA FISH & WILDLIFE
Strategic Vision

RECOMMENDATIONS *for*

ENHANCING THE STATE'S FISH *and*

WILDLIFE MANAGEMENT AGENCIES

“Determine that the thing can and shall be done and then we shall find the way.”

— Abraham Lincoln



EX 8

Introduction to the Strategic Vision

The California Fish and Wildlife Strategic Vision (CFWSV) for the California Department of Fish and Game (DFG) and the California Fish and Game Commission (F&GC) is intended to assist the dedicated current and future leaders and staff of these important organizations with visionary and cohesive guidance. This strategic vision begins with existing vision and mission statements, and then suggests:

- core values,
- foundational strategies,
- overarching goals and objectives, and
- recommendations for helping achieve the goals and objectives.

A clear mission and vision are an important start, though they are not enough. Truly improving and enhancing the capacity and effectiveness of these organizations requires a systemic characterization of who DFG and F&GC are, what they will consistently seek to achieve, and, ultimately, how they will seek to achieve their missions, visions and goals. This document presents guidance from the CFWSV Executive Committee to support this approach, based on input from the CFWSV Blue Ribbon Citizen Commission (BRCC) and members of the CFWSV Stakeholder Advisory Group (SAG); collectively, members of these groups participated in over 50 meetings between June 2011 and April 2012. DFG and F&GC staff also participated in the meetings, providing valuable feedback, clarifications and input.

The BRCC and SAG members reviewed the existing vision and mission statements and discussed potential modifications to those statements; in general, the mission and vision statements were not viewed as fatally flawed, but rather in need of updating. The BRCC and SAG members recognize that DFG and F&GC might have different missions but that the overall vision for both entities should be shared, or at least very complementary. There is also recognition of the importance of internal support by DFG and F&GC employees for any potential changes to their mission and vision statements. Any changes to the visions and missions of DFG and F&GC will be addressed by those organizations. The current vision and mission statements are provided here for context.



“Cherish these natural wonders,
cherish the natural resources,
cherish the history and romance as a sacred heritage,
for your children and your children’s children.”

— Theodore Roosevelt

EX 10

California Fish and Game Commission **Current Mission and Vision**

Mission

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

Vision

The vision of the California Fish & Game Commission, in partnership with the Department of Fish and Game and the public, is to assure California has sustainable fish and wildlife resources.

“Conservation is a state of harmony between men and land.”

— Aldo Leopold



EX 12

California Department of Fish and Game **Current Mission and Vision**

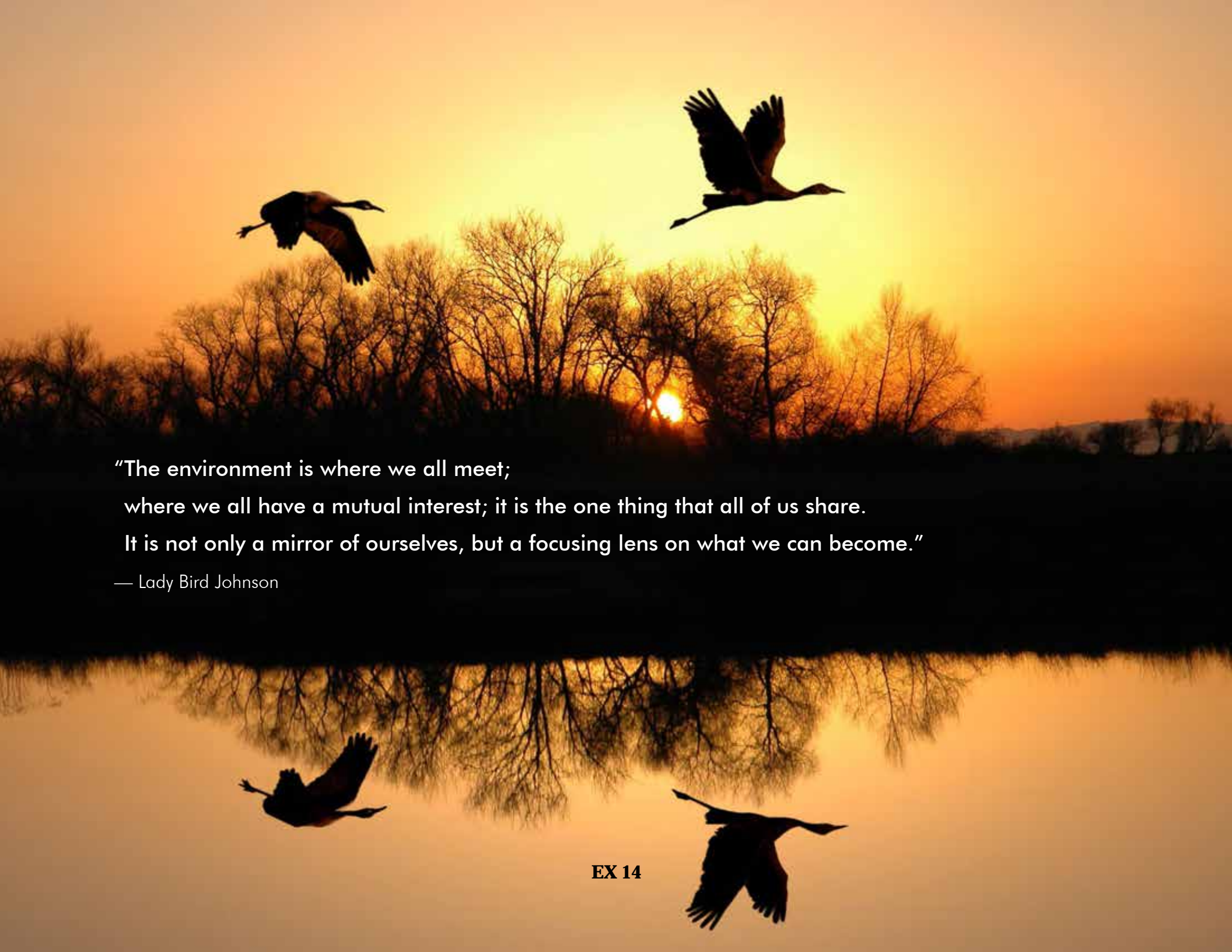
Mission

The mission of the California 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.

Vision

We seek to create a California Department of Fish and Game that:

- acts to anticipate the future,
- approaches management of our wildlife resources on an ecosystem basis,
- bases its resource management decisions on sound biological information and a clear understanding of the desires of the public,
- is based on teamwork and an open and honest internal communication,
- empowers its employees to make most of the "how" decisions,
- is committed to extensive external communication and education programs, and
- creates and promotes partnerships; coalitions of agencies, groups, or individuals; and any other collaborative efforts to meet the needs and management of wildlife resources.



“The environment is where we all meet;
where we all have a mutual interest; it is the one thing that all of us share.
It is not only a mirror of ourselves, but a focusing lens on what we can become.”

— Lady Bird Johnson

Suggested Statements of Core Values

During discussions about the future vision of DFG and F&GC, certain recurring values were directly and indirectly suggested; these core values represent the highest priorities of how people within DFG and F&GC should carry out their responsibilities. Values are the core ideology of the organization and how it and its employees will conduct themselves; when combined with the vision and mission, they create a framework in which decisions are made. Core values underpin policies, objectives, strategies, and procedures because they provide an anchor or reference point for all things that happen within the organization. It is suggested that these values be considered core by DFG and F&GC:

Stewardship: Consistent with their missions, DFG/F&GC are responsible for holding the state’s fish and wildlife resources in trust for the public, respecting that these resources have intrinsic value and are essential to the well-being of all California’s citizens.

Integrity: DFG/F&GC hold themselves to the highest ethical and professional standards, pledging to fulfill their duties and deliver on their commitments.

Excellence: DFG/F&GC pursue quality, proactively assessing their performance and striving to continuously improve programs, services, and work products, as well as the efficiency and cost-effectiveness with which these are delivered. They employ credible¹ science in their evaluations of programs and policies.

Teamwork and Partnerships²: DFG/F&GC pursue productive relationships through communication, collaboration, understanding, trust and respect, and engaging employees, other organizations and the public at all levels of the organizations.

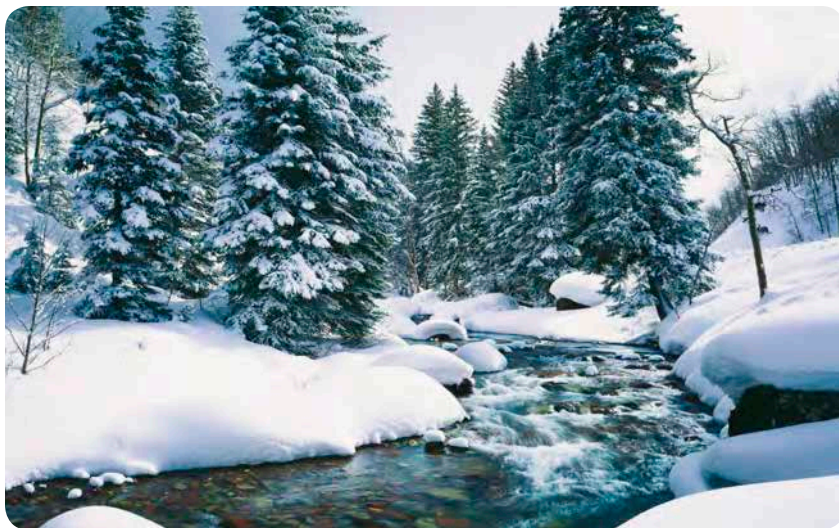
Innovation: DFG/F&GC encourage creativity as they proactively meet challenges, promoting a culture of finding solutions.

¹ “Credible” is used here to also represent “best-available science” also known as “best scientific information available” (BSIA), which according to the National Research Council should not be overly prescriptive due to the dynamic nature of science, but should include the evaluation principles of relevance, inclusiveness, objectivity, transparency, timeliness, verification, validation, and peer review of information as appropriate.

² In this context, the term “partnerships” is a general concept rather than solely relationships based on a formal legal agreement. Rather, a partnership is a mutually beneficial arrangement that leverages resources to achieve shared goals between the partners, based on mutual respect and genuine appreciation of each partners’ contribution. Partnerships are intended to include all forms of collaboration, both formal and informal.

“You’ve got to think about big things while you’re doing small things, so that all the small things go in the right direction.”

— Alvin Toffler



EX 16

Suggested Statements of Foundational Strategies

During discussions in the strategic vision process, a number of themes began to emerge. While these “themes” were common among multiple discussions, only five stood out as fundamental to the practices or strategies that DFG and F&GC leadership and staff should use in their work. These five “foundational strategies” represent the fundamental ways in which the public should experience DFG and F&GC efforts to meet their missions.

DFG/F&GC engage in clear and compelling communication, education and outreach, both internally and externally. In all aspects of their work they exchange ideas and information to achieve common understanding or to create new or improved awareness with their colleagues, partners and the public.

DFG/F&GC are committed to formal and informal partnerships and collaboration. In all aspects of their work they will seek to utilize both formal and informal partnerships and collaboration that allows them to provide consistent, unified and optimized delivery of products and services.

DFG/F&GC use “ecosystem-based” management³ informed by credible science. When scientific or technological information is considered in decisions, the information should be subject to well-established scientific protocols, including peer review where appropriate.

DFG/F&GC engage in broadly-informed and transparent decision-making. In all aspects of their work they engage in transparent decision-making procedures and outcomes that inspire public confidence. When decisions rely on scientific or technical findings or conclusions, that information should be made available during public decision-making processes.

DFG/F&GC engage in effective integrated resource management (IRM)⁴ processes. Where appropriate, they support and participate in multi-agency collaboratives that will effectively promote IRM.

³ Ecosystem-based management is an environmental management approach that recognizes the full array of interactions within an ecosystem, including humans, rather than considering single issues, species, or ecosystem services in isolation (Christensen et al. 1996, McLeod et al. 2005).

⁴ For these purposes IRM is defined as “A planning and decision making process that coordinates resource use so that the long-term sustainable benefits are optimized and conflicts among users are minimized. IRM brings together all resource groups rather than each working in isolation to balance the economic, environmental, and social requirements of society.” [Nova Scotia, Canada, Department of Natural Resources, from California Natural Resources Agency, “The Future of Natural Resource Management”, December 2010].

“Efforts and courage are not enough without
purpose and direction.”

— John F. Kennedy



Suggested Statements of Overarching Goals and Objectives

An overarching goal defines what DFG and F&GC will achieve as they pursue their missions, while an objective is a smaller, more specific goal that helps achieve each overarching goal. Goals and objectives will periodically conflict and, at times, DFG and F&GC will have to weigh the costs and benefits of pursuing one goal or objective over another. In this manner, goals are different from foundational strategies, which represent the consistent manner in which DFG and F&GC are suggested to do their work. Four overarching goals are suggested as part of this strategic vision, each with a number of objectives.

Goal 1: Strong Relationships with Other Agencies, Governments, Organizations and the Public

DFG/F&GC will build strong relationships with other agencies and governments (federal, state, local and tribal), other organizations and the public, and specifically will:

1. Increase stewardship awareness and participation by the public
2. Proactively engage other agencies, government, organizations and stakeholders as partners and collaborators
3. Understand stakeholder challenges and expectations
4. Provide excellent customer service
5. Embrace and support diversity among stakeholders and the public
6. Share data, processes, tools, knowledge, expertise and information
7. Engage in timely and transparent decision-making
8. Exhibit fiscal transparency and accountability
9. Find collaborative, place-based solutions

Goal 2: Highly Valued Programs and Quality Services

DFG/F&GC will deliver programs that are valued by the public and services of the highest quality, and specifically will:

1. Protect, manage, enhance and restore wildlife resources
2. Help achieve and maintain healthy ecosystems
3. Promote and support public outdoor recreation, hunting and fishing
4. Provide consistent and unified delivery of quality services and products
5. Practice adaptive management
6. Pursue local, regional and statewide recognition of successes
7. Engage in broadly-informed and transparent decision-making

“A goal without a plan is just a wish.”

— Antoine de Saint-Exupéry



EX 20

Suggested Statements of Overarching Goals and Objectives (continued)

Goal 3: An Effective Organization

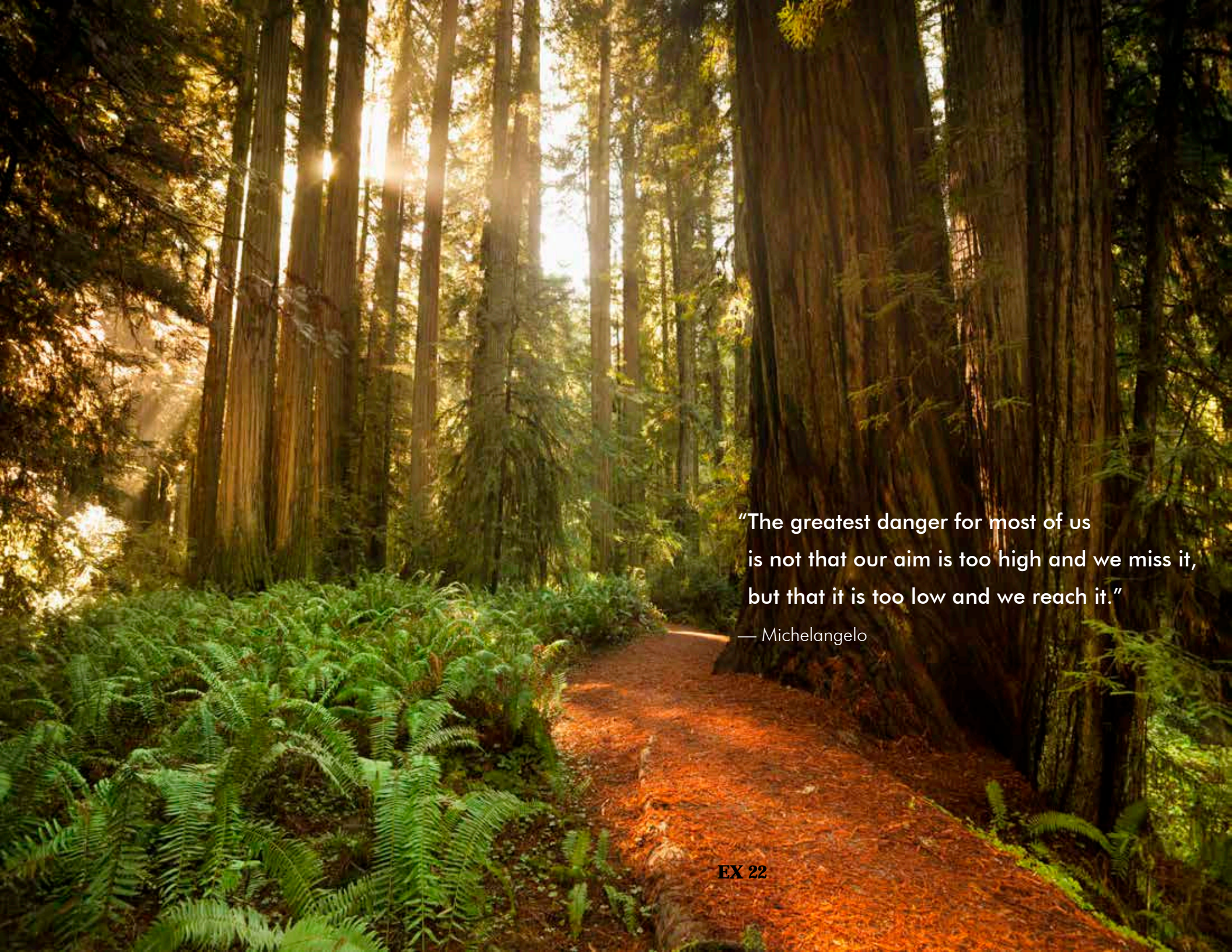
DFG/F&GC will achieve outcomes consistent with their missions, and specifically will:

1. Coordinate resource planning, policies, practices, processes and regulations with other agencies and organizations and statewide within DFG
2. Encourage and support strong internal, external and interagency communications and collaboration
3. Develop, align and inform clear fish and wildlife statutes, regulations and governance
4. Define and support success
5. Encourage creative problem solving and foresight into emerging challenges and issues
6. Develop knowledgeable, capable and experienced employees and commissioners
7. Demonstrate credibility
8. Delegate authority commensurate with responsibilities
9. Embrace and support diversity in employees

Goal 4: An Efficient Organization

DFG/F&GC will efficiently utilize their resources, and specifically will:

1. Align internal governance practices, processes and structures
2. Develop simple, clear and consistent governance and permitting practices and processes
3. Manage capacity/resources
4. Maximize services while minimizing costs
5. Develop and implement equitable funding mechanisms that ensure funding is directed to program priorities to the maximum extent possible



"The greatest danger for most of us
is not that our aim is too high and we miss it,
but that it is too low and we reach it."

— Michelangelo

Recommendations to Help Achieve the Goals and Objectives of the Strategic Vision

The recommendations presented in the following table (and Appendix A) were adopted by the CFWSV Executive Committee in April and February 2012 to accompany this strategic vision.

Topic	Appendix Page No.	Recommendation	Goals and Objectives to be Achieved ⁵
Foundational Strategy: Commit to Formal and Informal Collaboration and Partnerships	A2-A3	DFG should create an internal culture that supports partnerships, encourages collaboration, and promotes cooperation.	
	A2-A3	DFG and F&GC should create, foster and actively participate in effective partnerships/collaborations with and among other agencies and stakeholders to achieve shared goals.	
	A2-A3	Following the CFWSV Project, a stakeholder group should continue as an advisory body to DFG and F&GC.	
	A3	Where appropriate, engage in meaningful consultation and collaboration with tribal officials of California Native American Tribes in decision-making processes that affect tribal lands, cultural resources and/or issues of mutual concern.	

⁵ Some recommendations do not have goals and objectives identified, in which case that entry will be blank in the table.

Recommendations to Help Achieve the Goals and Objectives of the Strategic Vision (continued)

Topic	Appendix Page No.	Recommendation	Goals and Objectives to be Achieved ⁵
Foundational Strategy: Engage in broadly-informed and transparent decision-making.	A4	DFG and F&GC will be transparent about their functions, programs and activities.	
Foundational Strategy: Where appropriate, engage in effective Integrated Resource Management (IRM) processes.	A4-A6	Support and participate in multi-agency collaboratives that will effectively promote IRM among state and federal natural resource permitting and planning agencies, and/or multi-agency/user natural resource stakeholder groups.	<p>Strong Relationships with Other Agencies, Organizations and the Public: Proactively engage other agencies, organizations and stakeholders as partners and collaborators; Find collaborative, place-based solutions (Goal 1, Objectives 2 and 9).</p> <p>Highly Valued Programs and Quality Services: Help achieve and maintain healthy ecosystems (Goal 2, Objective 2).</p> <p>An Effective Organization: Coordinate resource planning, policies, practices, processes and regulations with other agencies and organizations and statewide within DFG (Goal 3, Objective 1).</p>
Mandates, Efficiencies and Funding	A7	Require open and transparent accounting within DFG to build public confidence in how funds are managed.	An Efficient Organization: Manage capacity/resources (Goal 4, Objective 3).

Recommendations to Help Achieve the Goals and Objectives of the Strategic Vision (continued)

Topic	Appendix Page No.	Recommendation	Goals and Objectives to be Achieved ⁵
Mandates, Efficiencies and Funding (continued)	A7-A8	As part of its strategic planning effort, DFG will evaluate and implement program efficiencies.	<p>An Effective Organization: Coordinate resource planning, policies, practices, processes and regulations with other agencies and organizations and statewide within DFG (Goal 3, Objective 1).</p> <p>An Efficient Organization: Manage capacity/resources; Maximize services while minimizing costs (Goal 4, Objectives 3 and 4).</p>
	A8	Pursue a high-level task force that reviews and makes recommendations regarding F&GC and DFG funding and efficiencies.	<p>Highly Valued Programs and Quality Services: Help achieve and maintain healthy ecosystems; Provide consistent and unified delivery of quality services and products; Practice adaptive management; Engage in broadly-informed and transparent decision-making (Goal 2, Objectives 2, 4, 5 and 7).</p> <p>An Efficient Organization: Maximize services while minimizing costs (Goal 4, Objective 5).</p>
	A8-A9	Pursue a high-level task force that reviews and makes recommendations regarding F&GC and DFG mandates.	
	A9	In the future, when the legislature enacts legislation, it identifies a specific means by which the new mandate can be paid for.	An Effective Organization: Manage capacity/resources (Goal 4, Objective 3).
Defining Success	A10	Develop performance metrics to define success, tie performance to DFG's and F&GC's mission statements, and match DFG's and F&GC's goals with funding (priorities).	

Recommendations to Help Achieve the Goals and Objectives of the Strategic Vision (continued)

Topic	Appendix Page No.	Recommendation	Goals and Objectives to be Achieved ⁵
Science	A11	Decisions made by managers and policy-makers are informed by credible science in fully transparent processes.	<p>Strong Relationships with Other Agencies, Organizations and the Public: Share data, processes, tools, knowledge, expertise and information (Goal 1, Objectives 6).</p> <p>Highly Valued Programs and Quality Services: Engage in broadly informed and transparent decision-making (Goal 2, Objective 7).</p>
	A11-A12	Focus on building DFG capacity to address the complex role that science must necessarily play in adaptive management, including the use of knowledgeable science integrators.	<p>Strong Relationships with Other Agencies, Organizations and the Public: Proactively engage other agencies, organizations and stakeholders as partners and collaborators; Share data, processes, tools, knowledge, expertise and information (Goal 1, Objectives 2 and 6).</p> <p>Highly Valued Programs and Quality Services: Help achieve and maintain healthy ecosystems; Practice adaptive management (Goal 2, Objectives 2 and 5).</p> <p>An Effective Organization: Demonstrate credibility (Goal 3, Objective 7).</p> <p>An Efficient Organization: Maximize services while minimizing costs (Goal 4, Objective 4).</p>

Recommendations to Help Achieve the Goals and Objectives of the Strategic Vision (continued)

Topic	Appendix Page No.	Recommendation	Goals and Objectives to be Achieved ⁵
Statutes and Regulations	A13-A14	Review the California Fish and Game Code and Title 14 of the California Code of Regulations to identify and make recommendations to: (1) resolve inconsistencies; (2) eliminate redundancies; (3) eliminate unused and outdated code sections; (4) consolidate sections creating parallel systems and processes; and (5) restructure codes to group similar statutes and regulations.	<p>An Effective Organization: Coordinate resource planning, policies, practices, processes and regulations with other agencies and organizations and statewide within DFG (Goal 3, Objective 1).</p> <p>An Effective Organization: Develop, align and inform clear fish and wildlife statutes, regulations and governance (Goal 3, Objective 3).</p>
	A14	All DFG policies are in writing and employees are trained in the proper implementation of policies.	<p>Highly Valued Programs and Quality Services: Engage in broadly-informed and transparent decision-making (Goal 2, Objective 7).</p> <p>An Efficient Organization: Develop simple, clear and consistent governance and permitting practices and processes (Goal 4, Objective 2).</p>
	A14-A15	Seek statutory changes to the fully protected species statutes to allow the incidental take of fully protected species under specified circumstances related to certain management activities as defined by DFG.	<p>An Effective Organization: Develop, align and inform clear fish and wildlife statutes, regulations and governance (Goal 3, Objective 3)</p> <p>An Efficient Organization: Develop simple, clear and consistent governance and permitting practices and processes (Goal 4, Objective 2).</p>

Recommendations to Help Achieve the Goals and Objectives of the Strategic Vision (continued)

Topic	Appendix Page No.	Recommendation	Goals and Objectives to be Achieved ⁵
Statutes and Regulations (continued)	A15	Evaluate potential statutory changes to the California Endangered Species Act (CESA) to improve the permitting process consistent with existing protections: Uniformity in permitting process, efficiency in permitting, consistency in the application of CESA standards, and opportunity for applicants to appeal DFG decisions.	<p>Highly Valued Programs and Quality Services: Provide consistent and unified delivery of quality services and products (Goal 2, Objective 4).</p> <p>An Effective Organization: Develop, align and inform clear fish and wildlife statutes, regulations and governance (Goal 3, Objective 3).</p> <p>An Efficient Organization: Develop simple, clear and consistent governance and permitting practices and processes (Goal 4, Objective 2).</p>
	A16	Establish an inter-agency coordination process to ensure consistency and efficiency in the review of multiple permits, such as CESA incidental take permit applications, streambed alteration agreements, and other appropriate permits and agreements.	<p>An Effective Organization: Coordinate resource planning, policies, practices, processes and regulations with other agencies and organizations and statewide within DFG. (Goal 3, Objective 1).</p> <p>An Efficient Organization: Develop simple, clear and consistent governance and permitting practices and processes (Goal 4, Objective 2).</p>
	A16-A17	Make the application review and permit preparation process more consistent and transparent to applicants.	
Permitting	A17-A18	Remove permitting barriers to “small-scale” restoration and other appropriate projects.	<p>Highly Valued Programs and Quality Services: Help achieve and maintain healthy ecosystems (Goal 2, Objective 2).</p> <p>An Effective Organization: Coordinate resource planning, policies, practices, processes and regulations with other agencies and organizations and statewide within DFG (Goal 3, Objective 1).</p>

Recommendations to Help Achieve the Goals and Objectives of the Strategic Vision (continued)

Topic	Appendix Page No.	Recommendation	Goals and Objectives to be Achieved ⁵
Permitting (continued)	A18	Develop a set of criteria and implementation guidelines for “beneficial” projects.	
	A19-A20	As part of a broader improvement to the permitting process, assist applicants with pre-project planning in advance of submitting a permit application (e.g. state incidental take permits and streambed alteration agreements).	An Efficient Organization: Align internal governance practices, processes and structures; Develop simple, clear and consistent governance and permitting practices and processes (Goal 4, Objectives 1 and 2).
Enforcement	A20-A21	Ensure successful recruitment and retention of California fish and game wardens.	Highly Valued Programs and Quality Services: Protect and manage, enhance and restore wildlife resources (Goal 2, Objective 1).
	A21-A22	Establish a state wildlife crimes prosecutorial task force (including DFG, California Attorney General’s Office, California District Attorneys’ Association, U.S. Attorney General’s Office, etc.) to identify new approaches to shared or specialized adjudication of environmental/wildlife crimes.	
	A22	Seek statutory changes to create effective deterrents to illegal take.	

Recommendations to Help Achieve the Goals and Objectives of the Strategic Vision (continued)

Topic	Appendix Page No.	Recommendation	Goals and Objectives to be Achieved ⁵
California Fish and Game Commission	A23	Create greater stakeholder input and exchange, and a better understanding of issues by F&GC members and all involved prior to formal F&GC hearings by expanding the use of committees and holding issue-specific public workshops.	<p>Strong Relationships with Other Agencies, Organizations and the Public: Proactively engage other agencies, organizations and stakeholders as partners and collaborators; Understand stakeholder challenges and expectations; Share data, processes, tools, knowledge, expertise and information (Goal 1, Objectives 2, 3 and 6).</p> <p>An Effective Organization: Encourage and support strong internal, external and interagency communications and collaboration; Encourage creative problem solving and foresight into emerging challenges and issues; Develop knowledgeable, capable and experienced employees and commissioners; Demonstrate credibility (Goal 3, Objectives 2, 5, 6 and 7).</p>
Reporting	A24	Request a report from DFG and F&GC to the California State Legislature and governor by June 1, 2013 to identify progress in implementing recommendations within the strategic vision. Recommend that the chairs of those legislative committees with jurisdiction over fish and wildlife hold a joint hearing following the release of the report.	

““Every great work, every great accomplishment, has been brought into manifestation through holding to the vision, and often just before the big achievement, comes apparent failure and discouragement.”

— Florence Scovel Shinn



EX 31

“When one tugs at a single thing in nature, he finds it attached to the rest of the world.”

— John Muir



EX 32

Appendix A: Recommendations to Accompany the Interim Strategic Vision

Recommendations to accompany the strategic vision fall under nine categories:

- foundational strategies
- mandates, efficiencies and funding
- defining success
- science
- statutes and regulations
- permitting
- enforcement
- California Fish and Game Commission
- reporting

Recommendations within each category include different types and amounts of supporting information, such as a general description, potential implementing actions, and ties to the goals and objectives of the strategic vision.

Foundational Strategies Recommendations

Foundational Strategy #1: Engage in clear and compelling communication, education and outreach, both internally and externally.

This foundational strategy does not have a specific recommendation, though implementation actions include:

- Develop a communications plan (internal, external and identify high-level branding and recognition strategies to enhance recognition of DFG by the general public).
- Designate a communications person in each region. Not only would this person be responsible for generating media stories and answering media calls, but he/she would also be an “expert” of sorts in the region and know all about projects, programs, etc. This person would communicate regularly with headquarters.
- Enhance education and outreach. Develop an outreach and education plan that includes using partnerships.
- Improve community relations with the help of organizations such as the Natural Resource Volunteer Program to educate the public on issues such as Keep Me Wild, Conservation Education, marine protected area boundaries, enforcement information, regulation clarification, etc.

Foundational Strategy #2: Commit to Formal and Informal Collaboration and Partnerships

Throughout discussions during the strategic vision process, there was a consistent emphasis on the value of partnerships and collaboration; these concepts are included in the strategic vision as a proposed core value, as a foundational strategy, and under goals 1 and 3. DFG would significantly benefit from improving both its internal culture of collaboration and external forms of collaboration with a wide range of partners.

A partnership is defined as a mutually beneficial arrangement (whether formal or informal) that leverages DFG resources to achieve shared goals between the partners. Partnerships should be based on mutual respect and genuine appreciation of each partner’s contribution. DFG staff members have noted that partnerships require staff time and resources, that labor contracts may preclude the use of ‘volunteer’ labor in some instances, and that insurance and liability issues may create further barriers to some types of partnerships. Nonetheless, improved collaboration and increased use of partnerships is critical to the long-term success of DFG.

Collaboration and Partnerships Recommendation #1: DFG should create an internal culture that supports partnerships, encourages collaboration, and promotes cooperation.

Collaboration and Partnerships Recommendation #2: DFG and F&GC should create, foster and actively participate in effective partnerships/collaborations with and among other agencies and stakeholders to achieve shared goals.

Collaboration and Partnerships Recommendation #3: Following the CFWSV Project, a stakeholder group should continue as an advisory body to DFG and F&GC.

Description: Membership of a stakeholder advisory body would potentially include existing SAG members and others with an interest in DFG and F&GC activities. The purpose of the group would be to:

- facilitate enhanced communication among DFG, F&GC and the diverse stakeholder community;
- provide guidance and recommendations on issues of mutual interest and importance, including the DFG strategic planning effort; and
- serve as an advocate for DFG and F&GC to the California State Legislature and other decision-making bodies.

The group could meet once or twice a year to discuss issues of importance, and to be convened as needed to present and discuss information on critical issues.

Collaboration and Partnerships Recommendation #4: Where appropriate, engage in meaningful consultation and collaboration with tribal officials of California Native American Tribes in decision-making processes that affect tribal lands, cultural resources and/or issues of mutual concern.

Description: Tribes are unique from other government agencies or organizations due to their status as dependent sovereign nations. Many tribes rely on what is commonly referred to as traditional or cultural resources that the United States is obligated to protect and maintain; these resources may include but are not limited to fish, water, burial sites, specific plants and ceremonial sites (historic and contemporary).

A well-crafted tribal consultation process would enable DFG to 1) identify tribes whose traditional and/or cultural resources would be impacted by a given action, 2) work with the affected tribe(s) to mitigate or avoid impacts to those traditional and/or cultural resources, and 3) better understand how local ecosystems work and the consequences and impacts of a particular action.

Foundational Strategy #3: Use “ecosystem-based” management⁵ informed by credible⁶ science.

This foundational strategy does not have a specific recommendation, though implementation actions include:

- DFG and F&GC use ecosystem-based management to inform resource management decisions. Examples include: Manage ecosystems as a whole rather than as individual species; when dealing with endangered species take into account the effect on other species.

Foundational Strategy #4: Engage in Broadly-Informed and Transparent Decision-Making

Decision-Making Recommendation #1: DFG and F&GC will be transparent about their functions, programs and activities.

Implementation actions include:

- Identify the science and information used throughout the decision-making process (and communicate that information used to inform those decisions).
- DFG and F&GC provide timely public access to data collected or used by DFG and F&GC.

Foundational Strategy #5: Where Appropriate, Engage in Effective Integrated Resource Management (IRM) Processes

IRM recognizes that no one agency (including DFG or F&GC) has sufficient responsibility, authority, expertise or resources to ensure natural resource stewardship throughout California. Current processes fall short and result in inefficient or unsatisfactory results. Multi-agency collaboratives, whether formally established or ad hoc “task forces”, have structural and functional characteristics that make them more effective in furthering the mandates and missions of each participating agency and employing integrated resource management in achieving natural resource stewardship. Some of the selected characteristics include the following:

⁵ Ecosystem-based management is an environmental management approach that recognizes the full array of interactions within an ecosystem, including humans, rather than considering single issues, species, or ecosystem services in isolation (Christensen et al. 1996, McLeod et al. 2005).

⁶ “Credible” is used here to also represent “best-available science” also known as “best scientific information available” (BSIA), which according to the National Research Council should not be overly prescriptive due to the dynamic nature of science, but should include the evaluation principles of relevance, inclusiveness, objectivity, transparency, timeliness, verification, validation, and peer review of information as appropriate.

-
- a clear statement of purpose and development of short- and long-term goals and objectives, action plan and specific strategies, ongoing evaluation of work and attainment of goals, and continual review of progress and new opportunities
 - a shared recognition of the benefits accrued through joint action(s), especially when faced with limits on individual organizational resources
 - sufficient alignment, information sharing, and mutual understanding of core values, resource planning, policies, and regulations of the collaborating agencies
 - clear, strong and sustained political support and direction from leadership at the federal, state, and local levels (e.g., executive orders that articulate policy direction largely common to all participating agencies and/or legislation)
 - agreements, such as memoranda of understanding or agreements reflecting policy direction that clearly describe mutually agreed on commitments, roles and responsibilities, dispute resolution, objectives, and statements of mutual support and collaboration
 - a stable cadre of professionals from each agency that is dedicated to multi-agency collaboratives, which receives sustained and adequate support, even in the face of budget cycles and leadership changes, to achieve objectives stated in multi-agency agreements such as MOU/MOAs
 - a “targeted” or focused resource or use sector (e.g., wildlands, agriculture, water, oil and mineral development, urban growth, transportation, energy) that is geographically focused (e.g., ecoregion, coastal areas, Central Valley, Sacramento-San Joaquin Delta, urban areas, desert region) in which the collaborating agencies engage
 - a designated lead agency while shared leadership is maintained, an executive committee, and interagency/inter-disciplinary structure that helps collaboratives move forward toward attainment of group goals
 - internally aligned agency hierarchical structures, including policy/leadership, management and planning, and technical levels, with clear demarcations of roles and responsibilities
 - sufficiently frequent meetings of agency representatives at various levels to provide forums for identifying problems and barriers, monitoring progress, and documenting success

Integrated Resource Management Recommendation #1: Support and participate in multi-agency collaboratives that will effectively promote IRM among state and federal natural resource permitting and planning agencies, and/or multi-agency/user natural resource stakeholder groups.

Description: The benefits of IRM include increased coordination with all levels of governments and agencies (federal, tribal, state, local), stakeholder groups, private landowners, and others; increased effectiveness through leveraging of existing networks, relationships, and multi-agency venues; improved sharing of data, information, tools and science among governments and agencies; better alignment of planning, policies and regulations across governments and agencies; and coordinated and streamlined permitting to increase regulatory certainty.

IRM opportunities that were presented during CFWSV meetings and discussions, but were not deliberated upon, include:

- a leadership role on the steering committee for the National Fish, Wildlife and Plants Climate Adaption Plan;
- participation on the Invasive Species Council of California;
- a leadership role in Western Association of Fish and Wildlife Agencies (WAFWA) committees;
- participation on the California Department of Water Resources' Water Plan State Agency Steering Committee for preparing California Water Plan Updates; and
- participation in the Renewable Energy Policy Group established by the Office of the Secretary of the Interior, the California Governor's Office and the California Natural Resources Agency as well as under its aegis, the Renewable Energy Action Team, comprised of the U.S. Fish and Wildlife Service, U.S. Bureau of Land Management, California Energy Commission, DFG and California Natural Resources Agency, among others.

Ties to Strategic Vision: Goal 1 (Strong Relationships with Other Agencies, Organizations and the Public), Objectives 2 (Proactively engage other agencies, organizations and stakeholders as partners and collaborators) and 9 (Find collaborative, place-based solutions); Goal 2 (Highly Valued Programs and Quality Services), Objective 2 (Help achieve and maintain healthy ecosystems); Goal 3 (An Effective Organization), Objective 1 (Coordinate resource planning, policies, practices, processes and regulations with other agencies and organizations and statewide within DFG).

Mandates, Funding and Efficiencies Recommendations

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

Mandates, Efficiencies and Funding Recommendation #1: Require open and transparent accounting within DFG to build public confidence in how funds are managed.

Description: As noted in the Treanor Report (page 26-27), the California State Legislature realizes that DFG has been underfunded for at least the last three decades. (See Fish and Game Code Sections 710, 710.5, 710.7). Fish and Game Code Section 711 states “It is the intent of the legislature to ensure adequate funding from appropriate sources for the department.” Unfortunately, while there appears to be near universal recognition that DFG and F&GC do not have the resources they need, increasing funding is politically challenging. There is a need to both review the adequacy and appropriateness of existing funding streams and broaden the base of funding for DFG to include additional funding sources from all who benefit from DFG’s programs.

Specific funding streams each have their own limitations: general funds can vary from year-to-year, bonds are also variable and can only be spent on capital costs, and fees are typically constrained to very specific uses and can result in very high administrative costs. DFG staff identified the burden of administering multiple, highly specialized accounts and noted that it would be preferable to consolidate fees into relatively fewer accounts with more flexibility in terms of how monies can be spent. Public support for continued (or increased) DFG funding depends on both transparent accounting and the sense that funds are being used efficiently. It is important that the stable funding and efficiencies recommendations work in concert and be advanced together.

Ties to Strategic Vision: Goal 4 (An Efficient Organization), Objective 3 (Manage capacity/resources).

Mandates, Efficiencies and Funding Recommendation #2: As part of its strategic planning effort, DFG will evaluate and implement program efficiencies.

Description: DFG’s broad mandates have, at times, prevented it from reviewing programs with the intent of improving efficiencies. It is necessary to review DFG’s programs to improve efficiencies. Such an analysis should include identification of DFG/F&GC capabilities given current resources, including staff and funding. These efficiencies could be found both through internal changes and through improved coordination with other agencies and departments.

Implementation actions include:

- Create workgroup of DFG/F&GC staff and stakeholders to evaluate program efficiencies.
- Implement new, innovative ways to improve program efficiencies.
- Work with other state and federal agencies to investigate coordination of programs to improve program efficiencies.

Ties to Strategic Vision: Goal 3 (An Effective Organization), Objective 1 (Coordinate resource planning, policies, practices, processes and regulations with other agencies and organizations and statewide within DFG); Goal 4 (An Efficient Organization), Objective 3 (Manage capacity/resources) and Objective 4 (Maximize services while minimizing costs).

Mandates, Efficiencies and Funding Recommendation #3: Pursue a high-level task force that reviews and makes recommendations regarding F&GC and DFG funding and efficiencies.

Description: See description for Mandates, Efficiencies and Funding Recommendation #4.

Mandates, Efficiencies and Funding Recommendation#4: Pursue a high-level task force that reviews and makes recommendations regarding F&GC and DFG mandates.

Description (for mandates, efficiencies and funding recommendations #3 and #4): While sufficient time was not available to address the issues surrounding mandates, efficiencies and funding in the strategic visioning process, their evaluation is critical to successfully implementing the California Fish and Wildlife Strategic Vision. There is widespread agreement that the interrelated issues of mandates, operating efficiencies and funding are the most in need of change and reform, but the current, time-limited process and strategic vision-level expectations were not conducive to delving into “the weeds” of what really needs to be accomplished in these areas. Thus, rather than be

silent and leave the biggest “elephant in the room” without resolution, it is recommended that a future process be established that can take the necessary time to focus on these extremely important issues.

The funding and efficiencies task force recommended here must include experts on public finance, and include a focus on special funds in particular. As was noted in a February 27, 2012 letter from three former secretaries for resources and a former president of F&GC:

“The proliferation of special funds creates significant administrative burdens and limits the effective use of available resources. (See, for example, Legislative Analyst’s Office: A Review of the Department of Fish and Game (1991). There are now approximately 40 special funds imposing significant limitations on the Department’s ability to manage its fiscal resources. Many of these funds are single-focus programs often contrary to sound, state of the art, ecosystem based management practices.

“To remedy these problems, the number of special funds must be substantially reduced through elimination of particular accounts or consolidation of accounts. In this way, for example, special funds meant for management of game species and hunting and fishing programs could be consolidated into one fund, thereby protecting the integrity of the funds, affording a measure of flexibility, and achieving substantial administrative efficiencies.”

Ties to Strategic Vision: Goal 2 (Highly Valued Programs and Quality Services), Objective 2 (Help achieve and maintain healthy ecosystems), Objective 4 (Provide consistent and unified delivery of quality services and products), Objective 5 (Practice adaptive management) and Objective 7 (Engage in broadly-informed and transparent decision-making); Goal 4 (An Efficient Organization), Objective 5 (Maximize services while minimizing costs).

Mandates, Efficiencies and Funding Recommendation #5: In the future, when the California State Legislature enacts legislation, it identifies a specific means by which the new mandate can be paid for.

Description: This recommendation is needed to help reinforce the importance of providing sufficient resources for new mandates in order to support effective implementation.

Ties to Strategic Vision: Goal 4 (An Effective Organization), Objective 3 (Manage capacity/resources).

Defining Success Recommendation

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

Description: Measuring success is not just a matter of staff development, such as job descriptions, work plans and performance evaluations, although staff development is important for enabling employees to have a sense of purpose and to ensure that the employees are pursuing departmental goals, not individual goals.

In the big picture, defining how to measure success by developing high quality performance measures that are relevant, specific, consistent and timely will enable DFG to provide information that will assist in determining the extent to which DFG's many statutory responsibilities are being fulfilled and what resources it is using to do so.

From the Legislative Analyst's Office report dated July 21, 2011 - *Department of Fish and Game: Budget and Policy Overview* (page 10)
"Planning and Evaluation of DFG's Activities"

"The Issue: The department issued a strategic plan in 1995 and has issued updates periodically. The plan identifies goals and strategies to meet those goals, but the plan's impact on the activities of the department is unclear. In addition, prior LAO analyses have identified a lack of evaluation of the effectiveness of those strategies and of the department's activities generally. The department has historically had difficulty providing information to the Legislature on the workload it is accomplishing, making it difficult to determine the extent to which the department's many statutory responsibilities are being fulfilled and what resources it is using to do so."

From the Legislative Analyst's Office report dated September 14, 2011 - *Fish and Wildlife Agency Structures and Best Practices: A Study of Florida, Texas, Washington and New York* (page 10)

"Program Evaluation Requires High-Quality Performance Measures"

"Criteria for high quality performance measures are relevance, specific, consistency and timeliness. Identifying measures that are unambiguous and relevant to the desired outcomes can be particularly challenging for fish and wildlife agencies... Current performance measures do not often meet the criteria that they be relevant and specific. Using multiple measures to track a single objective can mitigate the negative effects of poor measures."

Science Recommendations

Science Recommendation #1: Decisions made by managers and policy-makers are informed by credible science in fully transparent processes.

Implementation actions include:

- Managers and policy-makers use science that employs the standard protocols of the profession (peer review, publication, science review panel, etc.).
- Decision-making incorporates adaptive management to the extent possible (i.e., outcomes are tracked and new knowledge permits course corrections).
- Where the body of credible science informing the topic is in disagreement or is incomplete, those uncertainties or differences of opinion are identified, and an explanation is provided for the science selected.
- Scientific professionals in DFG are held to and protected by a DFG Science Quality Assurance and Integrity Policy.

Ties to Strategic Vision: Goal 1 (Strong Relationships with Other Agencies, Organizations and the Public), Objective 6 (Share data, processes, tools, knowledge, expertise and information); Goal 2 (Highly Valued Programs and Quality Services), Objective 7 (Engage in broadly-informed and transparent decision-making).

Science Recommendation #2: Focus on building DFG capacity to address the complex role that science must necessarily play in adaptive management, including the use of knowledgeable science integrators.

Description: As natural resource issues expand in their complexity and consequence, so too does the landscape of scientific inquiry with direct relevance to those issues. To manage resources in this context goes beyond creating new data — the effective use of science in policy and management brings with it the unique and challenging task of accessing, interpreting, and intelligently using science from a vast range of disciplinary perspectives, including science necessarily generated externally from the organization.

Therefore, DFG should focus on building this capacity to address -- with both care and agility -- the complex role that science must necessarily play in adaptive management. A more sophisticated approach to the role that science plays in adaptive management will lead to (1) better resource management outcomes, (2) an increase in the public trust in DFG, and (3) a stronger relationship and accountability with the academic community.

To assemble the full range of relevant scientific expertise within DFG would be impractical, duplicative and expensive. *More than narrow disciplinary expertise, DFG will need experienced and knowledgeable **science integrators**, professionals who can synthesize the knowledge of others produced around the world, who can seize abstract ideas and make them accessible to managers for application.* California in particular is home to a world-class, thriving scientific community in its University of California and California State University systems, among others. DFG needs to build internal expertise in a way that mobilizes that considerable investment and capacity. DFG staff must become expert in the challenge of delineating a constructive role for science in a transparent, legitimate, and credible process, a process that guarantees robustness and integrity from ‘data-to-decision.’ Further, DFG must engage in outreach and dialogue that encourages the scientific community to address salient, timely management issues, while at the same time becoming more responsive and open to new ideas and emerging tools that could improve practice within DFG. Both scientists and managers must become more adaptive, and more interactive, seeking long-term science partnerships that promote mutual understanding and trust.

Ties to Strategic Vision: Goal 1 (Strong Relationships with Other Agencies, Organizations and the Public), Objective 2 (Proactively engage other agencies, organizations and stakeholders as partners and collaborators) and Objective 6 (Share data, processes, tools, knowledge, expertise and information); Goal 2 (Highly Valued Programs and Quality Services), Objective 2 (Help achieve and maintain healthy ecosystems) and Objective 5 (Practice adaptive management); Goal 3 (An Effective Organization), Objective 7 (Demonstrate credibility); Goal 4 (An Efficient Organization), Objective 4 (Maximize services while minimizing costs).

Statutes and Regulations Recommendations

Statutes and Regulations Recommendation #1: Review the California Fish and Game Code and Title 14 of the California Code of Regulations to identify and make recommendations to: (1) resolve inconsistencies; (2) eliminate redundancies; (3) eliminate unused and outdated code sections; (4) consolidate sections creating parallel systems and processes; and (5) restructure codes to group similar statutes and regulations.

Description: The California Fish and Game Code and Title 14 of the California Code of Regulations both need to be reviewed to reduce redundancy and improve consistency and clarity. The director of DFG should create a work group to review the DFG/F&GC portions of Title 14 of the California Code of Regulations and the California Fish and Game Code.

At the outset of this process and periodically throughout, the work group would meet with stakeholders to ascertain their opinions and suggestions for “clean-up” of the Fish and Game Code and Title 14 pursuant to this recommendation amending, repealing, consolidating, and simplifying the codes. The work group would also consult, where appropriate, with representatives of state and federal agencies with parallel or overlapping jurisdiction. The work group would work with the California Law Revision Commission (CLRC) to inform its efforts and determine the best approach to clean-up the Fish and Game Code pursuant to this recommendation.

Finally this recommendation only addresses review of existing code and regulations. Because this recommendation is limited to clean-up of the code and regulations, and does not address the prioritization, consolidation or elimination of mandates, whether funded, underfunded, or unfunded, it may be necessary to create a future complementary process to address the tougher issues of substantively reforming the codes and regulations.

Implementation steps include:

- Make legislative request to the California Law Revision Commission to review and recommend, in cooperation with the work group, “clean-up” of the Fish and Game Code.
- Establish a work group made up of DFG staff, which will work with stakeholders.
- Obtain priorities for regulatory and statutory review from stakeholders.
- Review California Fish and Game Code.
- Review Title 14 of California Code of Regulations.

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Ties to Strategic Vision: Goal 3 (An Effective Organization), Objective 1 (Coordinate resource planning, policies, practices, processes and regulations with other agencies and organizations and statewide within DFG); Goal 3 (An Effective Organization), Objective 3 (Develop, align and inform clear fish and wildlife statutes, regulations and governance).

Statutes and Regulations Recommendation #2: All DFG policies are in writing and employees are trained in the proper implementation of policies.

Description: Currently there seems to be significant differences between regions on permitting standards. There are also instances of policies changing seemingly overnight when employees change. This is concerning to stakeholders and diminishes trust in DFG and its decisions. Ensuring all policies are in writing will improve transparency and improve the permitting process by allowing regulated entities to understand what will be asked of them when they apply for a permit.

Implementation actions include:

- Identify all unwritten policies.
- Formalize all policies in writing.
- Make written policies accessible to the public, including posting to the Internet and allowing for public comment during policy development.

Ties to Strategic Vision: Goal 2 (Highly Valued Programs and Quality Services), Objective 7 (Engage in broadly-informed and transparent decision-making); Goal 4 (An Efficient Organization), Objective 2 (Develop simple, clear and consistent governance and permitting practices and processes).

Statutes and Regulations Recommendation #3: Seek statutory changes to the fully protected species statutes to allow the incidental take of fully protected species under specified circumstances related to certain management activities as defined by DFG.

Description: The fully protected species statute is outdated and needs addressing. Until the statutory change made in 2011, there was no way to allow for take of fully protected species. This caused challenges for projects throughout California and deterred habitat improvement projects that could benefit fully protected species because of the risk of take during the restoration project. While some would support abolishing the fully protected species statutes completely, broader support could be gained by moving species needing protection to CESA and eliminating it for those that don't warrant protection.

Ties to Strategic Vision: Goal 3 (An Effective Organization), Objective 3 (Develop, align and inform clear fish and wildlife statutes, regulations and governance); Goal 4 (An Efficient Organization), Objective 2 (Develop simple, clear and consistent governance and permitting practices and processes).

Statutes and Regulations Recommendation #4: Evaluate potential statutory changes to the California Endangered Species Act (CESA) to improve the permitting process consistent with existing protections: Uniformity in permitting process, efficiency in permitting, consistency in the application of CESA standards, and opportunity for applicants to appeal DFG decisions.

Implementation actions include:

- Convene a task force of CESA experts (those who deal with CESA on a daily basis) to advise and inform implementation of the recommendation.
- Provide the ability for DFG to allow incidental take for threatened species through regulations (as opposed to individual permits), similar to federal 4(d) rule and incidental take for candidates.
- Pursue amendments to Title 14 of the California Code of Regulations and DFG policy to ensure consistency of application of standards and encourage consultation for permits issued under CESA.

Ties to Strategic Vision: Goal 2 (Highly Valued Programs and Quality Services), Objective 4 (Provide consistent and unified delivery of quality services and products); Goal 3 (An Effective Organization), Objective 3 (Develop, align and inform clear fish and wildlife statutes, regulations and governance); Goal 4 (An Efficient Organization), Objective 2 (Develop simple, clear and consistent governance and permitting practices and processes).

Permitting Recommendations

Permitting Recommendation #1: Establish an inter-agency coordination process to ensure consistency and efficiency in the review of multiple permits, such as CESA incidental take permit applications, streambed alteration agreements, and other appropriate permits and agreements.

Implementation actions include:

- Use or create where necessary joint state, federal, and local review teams that bring all the permitting agencies to the table at the same time to review a proposed project and any associated permit applications.
- Develop mechanisms that encourage the formation and use of such joint review teams that either offer incentives or require agencies to come to the table, including legislation if appropriate.

Ties to Strategic Vision: Goal 3 (An Effective Organization), Objective 1 (Coordinate resource planning, policies, practices, processes and regulations with other agencies and organizations and statewide within DFG); Goal 4 (An Efficient Organization), Objective 2 (Develop simple, clear and consistent governance and permitting practices and processes).

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

Description: Review of permit applications and preparation of permits such as state incidental take permits and streambed alteration agreements (for DFG) consumes the time of the agency project lead, leaving little time for advanced coordination. In addition, applicants find it difficult to plan projects that meet the needs of all permitting agencies (state, federal and local) given that staff from different agencies often give conflicting requirements, in part due to differences between the various applicable laws. Improving the coordination between the various permitting agencies, allowing the applicant to engage with all of the permitting agencies simultaneously, and making the permit requirements more transparent to the permittee would realize great efficiency. One model of a multi-agency review group that has proven successful is dredging permits in the San Francisco Bay where permit applications are reviewed by all permitting agencies at one time through the Dredged Materials Management Office. There is a perception that DFG staff handles the permitting process inconsistently; having a training program in place would aid in consistency and would give applicants more confidence in staff determinations.

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Constraints: Agencies are often unwilling or unable to come to the table, and setting up a joint review process may take several years and may require formal encouragement. The state is not able to force the federal agencies to participate and may not be able to force local agencies to participate in a joint review process. Instituting and maintaining an online tracking system would require funding, staffing and time. Ongoing training requires staff time and some expense. Established timelines under statute may limit ability to convene joint review teams.

Implementation actions include:

- Have DFG develop and maintain an online permit tracking system so that applicants are able to follow their DFG permit through the review process.
- Provide CESA and permit issuance training for DFG staff to ensure consistent review of permits.

Ties to Strategic Vision: Goal 3 (An Effective Organization), Objective 1 (Coordinate resource planning, policies, practices, processes and regulations with other agencies and organizations and statewide within DFG); Goal 4 (An Efficient Organization), Objective 2 (Develop simple, clear and consistent governance and permitting practices and processes).

Permitting Recommendation #3: Remove permitting barriers to “small-scale” restoration and other appropriate projects.

Description: Proponents of small scale restoration projects often have difficulty in obtaining the necessary permits despite the environmental benefits associated with such projects; this is due in part to the timelines and expense of the CEQA process and associated document preparation. While there is an existing categorical exemption (CE) under CEQA for small-scale (<5 acres) restoration projects, a CE cannot be used if there is a potential for significant environmental impacts, including but not limited to potential impacts to special status species. Since issuing a streambed alteration agreement pursuant to Fish and Game Code Section 1600 et seq. is a discretionary action under CEQA, a CEQA analysis and associated document preparation either by DFG as a lead agency or as a responsible agency is necessary. There is currently not a Programmatic Streambed Alteration Agreement under Fish and Game Code Section 1600 et seq., and master streambed alteration agreements are cost prohibitive to entities like resource conservation districts who often are trying to obtain programmatic type permits to facilitate small landowner restoration projects on private property.

Discussion: The fee for programmatic agreements needs to be low and DFG needs to keep its costs low on these agreements. The costs of the programmatic agreements should not be passed onto other users. There is currently a categorical exclusion under CEQA for small-scale habitat improvement projects. However the exclusion is not useable in areas in or near the habitat of listed species. Many of these improvement projects are designed to improve habitat for listed species rendering the categorical exclusion useless. The statutory exemption would need to include a much wider range of improvement projects to make it worthwhile. There are other projects permitted by DFG where discussion would be valuable regarding agreement on other targeted statutory CEQA exemptions.

Constraints: Legislative process and associated timelines. There may be environmental group opposition to such an approach because of the inability to participate in the environmental review (CEQA) process.

Implementation actions include:

- Create a statutory exemption under the California Environmental Quality Act (CEQA) for small-scale restoration projects.
- Create a Programmatic Streambed Alteration Agreement and associated process under Fish and Game Code Section 1600 et seq.
- Create an affordable fee structure for restoration projects pursuant to Fish and Game Code Section 1600 et seq.
- Investigate other projects where a targeted CEQA exemption would be valuable.

Ties to Strategic Vision: Goal 2 (Highly Valued Programs and Quality Services), Objective 2 (Help achieve and maintain healthy ecosystems); Goal 3 (An Effective Organization), Objective 1 (Coordinate resource planning, policies, practices, processes and regulations with other agencies and organizations and statewide within DFG).

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

Description: DFG projects on DFG properties are often restoration, habitat enhancement, maintaining or protecting species or habitat and can fall under a general descriptor of “beneficial projects.” Beneficial projects are also often proposed by private landowners in conjunction with grants received, and where not part of a compensation or mitigation effort, should be considered differently than a project that is impacting a species or habitat and causing a loss or a take. Methods, timing of projects, best management practices and a post-project greater value should be considered during the permitting stage of the project.

Implementation action includes:

- DFG to work with the California Coastal Commission on those projects in the California Coastal Zone that meet criteria for beneficial project so that permitting timelines and permit conditions are not so onerous that the projects cannot be accomplished.

Permitting Recommendation #5: As part of a broader improvement to the permitting process, assist applicants with pre-project planning in advance of submitting a permit application (e.g. state incidental take permits and streambed alteration agreements).

Description: Efficiencies are captured when DFG and project proponents communicate about projects often and well in advance of preparing and submitting a permit application (e.g. state incidental take permits and streambed alteration agreements). During such early consultations, DFG staff is able to visit proposed project sites and clearly communicate project features necessary to meet statutory requirements and permit issuance criteria; project proponents are better able to submit successful applications. Both DFG and applicants spend less time and resources during application preparation, submittal and review, and during the permit preparation process.

Constraints: At current staffing levels DFG staff does not have adequate time to spend with project proponents engaging in such proactive and desirable actions. This is because of the statutory time limits for permit review; available staff must focus on permit issuance to satisfy permitting deadlines as opposed to pre-project planning. In addition, for state incidental take permits issued to satisfy the California Endangered Species Act (CESA), there is insufficient funding of staff for review or issuance of these permits (with the exception of some renewable energy projects); the number of staff funded by General Fund (GF) or Environmental License Plate Fund (ELPF) have dwindled due to past cuts. These GF and ELPF funded positions have multiple responsibilities and time for the above potential actions is limited. Additional staffing and/or alternate allocation of staff time are needed to realize the strategic goals of better communication, efficiency, collaboration, and transparent decision making.

Implementation actions include:

- DFG staff holds regular workshops for members of the public to inform project planning and permit applications.
- Dedicate staff time for pre-project planning.
- DFG permitting staff holds “office hours” to allow dedicated time to interface with project proponents.
- Create a user-friendly manual and or on-line information that helps guide project applicants through the planning and permitting process including information on when best to engage with DFG staff.
- Update and maintain appropriate DFG contact information on the DFG website.

Ties to Strategic Vision: Goal 4 (An Efficient Organization), Objective 1 (Align internal governance practices, processes and structures) and Objective 2 (Develop simple, clear and consistent governance and permitting practices and processes).

Enforcement Recommendations

Overarching desired outcome: Effective Enforcement

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

Description: The current pay structure for game wardens is significantly lower than that of other California law enforcement agencies of similar size. This discrepancy is further exacerbated by the fact that DFG’s sworn officers are required to have a college education and have greater level of independent responsibility in completing their duties. An example of this discrepancy is illustrated by the fact that the DFG chief of enforcement, who has responsibility for managing almost 400 sworn officers annually earns less than a first-line supervisor (sergeant) in the California Highway Patrol (CHP); to further illustrate, an assistant chief at DFG earns less than a rank and file traffic officer with CHP.

Justification for pay parity and benefits include but are not limited to:

- Allow for more commutative recruitment of highly qualified applicants.
- Attract and recruit highly qualified law enforcement professionals for employment.
- Retain highly qualified and trained officers.
- Minimize the migration and improve retention of officers leaving high cost living areas.
- Allow new officers who gain experience in high cost coastal areas dealing with complicated marine regulations to remain in the area and provide for consistent and knowledgeable service to the public.
- Improve and enhance the recruitment of a diversified workforce.
- Minimize the need for secondary employment of existing officers.
- Improve and enhance interest in upward mobility of highly qualified personnel.
- Motivate enforcement personnel to maintain and improve their educational skills and abilities for the benefit of DFG.

Implementation actions include:

- Move California fish and game wardens into a peace officer only labor union.
- Develop equitable pay and benefit formulas.

Ties to Strategic Vision: Goal 2 (Highly Valued Programs and Quality Services), Objective 1 (Protect and manage, enhance and restore wildlife resources).

Enforcement Recommendation #2: Establish a state wildlife crimes prosecutorial task force (including DFG, California Attorney General's Office, California District Attorneys' Association, U.S. Attorney General's Office, etc.) to identify new approaches to shared or specialized adjudication of environmental/wildlife crimes.

Description: There is a tremendous disparity across California in the adjudication of environmental/wildlife crimes, with some jurisdictions either incapable (due to workload or lack of familiarity with the codes) or unwilling to process California Fish and Game Code violations to the level desired by Californians. The California District Attorneys Association's circuit prosecutor project functions to support district attorneys

(DA) in a number of counties for such crimes, but its staff is limited both by the short supply of prosecutors and by the necessity for invitation by a DA. The task force would be convened to review and evaluate the existing situation and to propose and implement improvements in prosecutions. The task force should include public participation and targeted outreach.

Ties to Strategic Vision: Goal 2 (Highly Valued Programs and Quality Services), Objective 1 (Protect and manage, enhance and restore wildlife resources).

Enforcement Recommendation #3: Seek statutory changes to create effective deterrents to illegal take.

Description: Current criminal penalties are not sufficient to deter illegal wildlife crimes, particularly when the resource has a high commercial value. In many cases, the illegal take penalty is far less expensive than a legal means to take a species. Some traffic fines are more expensive than fines for bear poaching. While a felony statute is the priority, given the California State Legislature’s past resistance to creating new crimes leading to state prison, other ideas are included here to create additional deterrents and to assure our laws and their enforcement are improved to allow for adequate protection of the resources. A serious wildlife poacher would rather pay a fine than lose his or her privilege to hunt or a prized firearm.

The option of diversion is practiced in many counties. When a prosecutor sends a person caught violating wildlife laws to diversion, they pay a small fee to the DA’s office, pay a nominal fee to take an ethics course (like “traffic school”) and avoid a conviction for a wildlife crime. The violation therefore does not count toward a possible loss of privileges if caught in subsequent years.

Some ideas discussed as ways to deter illegal take include:

- establish egregious and illegal commercialization cases as felony statutes;
- increase penalties for certain misdemeanors up to and include lifetime privilege revocation;
- include California Fish and Game Code violations in criminal histories; and
- limit diversion to once per 18 months per violator.

Ties to Strategic Vision: Goal 2 (Highly Valued Programs and Quality Services), Objective 1 (Protect and manage, enhance and restore wildlife resources).

California Fish and Game Commission Recommendation

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

California Fish and Game Commission Recommendation #1: Create greater stakeholder input and exchange, and a better understanding of issues by F&GC members and all involved prior to formal F&GC hearings by expanding the use of committees and holding issue-specific public workshops.

Description: The five volunteer members of the F&GC are expected to make complex public policy decisions on numerous and diverse issues at their meetings that occur only once per month. Because so much must be accomplished in such a short time at these meetings, there is limited opportunity for stakeholders and the public to be heard, and the potential for constructive interaction between F&GC members and the public is severely constrained.

Currently, two committees at F&GC have proven successful—marine resources, which is focused on marine issues and is mandated by law, and Al Taucher Preserving Hunting and Fishing Opportunities, which was created administratively by F&GC to address the concerns of hunters and fishermen. Each of these committees has one or two assigned F&GC members, allowing them to build a better understanding and expertise in the area of the committee. In addition, stakeholders are appeased by participating in a process where all can be heard outside of a formal public hearing where time is compressed. These outcomes also could be accomplished with focused, issue-specific public workshops on controversial issues that are coming before F&GC if an ongoing committee process is infeasible or unnecessary.

Ties to Strategic Vision: Goal 1 (Strong Relationships with Other Agencies, Organizations and the Public), Objectives 2 (Proactively engage other agencies, organizations and stakeholders as partners and collaborators), Objective 3 (Understand stakeholder challenges and expectations), and Objective 6 (Share data, processes, tools, knowledge, expertise and information); Goal 3 (An Effective Organization), Objective 2 (Encourage and support strong internal, external and interagency communications and collaboration), Objective 5 (Encourage creative problem solving and foresight into emerging challenges and issues), Objective 6 (Develop knowledgeable, capable and experienced employees and commissioners) and Objective 7 (Demonstrate credibility).

Reporting Recommendation

Reporting Recommendation #1: Request a report from DFG and F&GC to the California State Legislature and governor by June 1, 2013 to identify progress in implementing recommendations within the strategic vision. Recommend that the chairs of those legislative committees with jurisdiction over fish and wildlife hold a joint hearing following the release of the report.

Description: This recommendation helps to ensure continued communication with participants in the strategic visioning process and shows the California State Legislature, governor and members of the public how the recommendations of the strategic vision are being implemented.



Appendix B: Additional California Fish and Game Commission Recommendations Presented to the Executive Committee

Several additional recommendations regarding F&GC were forwarded by the CFWSV Blue Ribbon Citizen Commission (BRCC) and/or the CFWSV Stakeholder Advisory Group (SAG) to the CFWSV Executive Committee for consideration. These recommendations include changing the name of F&GC, increasing the number of F&GC members, and calling for F&GC members to meet specific requirements for appointment. While these recommendations are presented here as a record of what was suggested by the BRCC and SAG, they are not included in the strategic vision.

California Fish and Game Commission Recommendation #1: The titles of both the California Department of Fish and Game (DFG) and the California Fish and Game Commission (F&GC) should be changed to the California Department of Fish and Wildlife and the California Fish and Wildlife Commission, respectively, in a manner that minimizes cost.

Description: The BRCC reiterates its previous recommendation that a name change to DFG and F&GC is necessary to more accurately reflect the scope of both entities' jurisdiction in the 21st century.

Ties to Strategic Vision: Goal 1 (Strong Relationships with Other Agencies, Organizations and the Public), Objective 1 (Increase stewardship awareness and participation by the public); Goal 3 (An Effective Organization), Objective 2 (Encourage and support strong internal, external and interagency communications and collaboration).

California Fish and Game Commission Recommendation #2: Keep the name of the California Fish and Game Commission consistent with any changes made to the name of DFG; the SAG's preference is the "fish and wildlife" nomenclature.

Description: The SAG recognizes that there is existing legislation in the works to change the name of DFG and is not offering a position on that name change; however, consistent with the recommendation to maintain the current powers and authorities of F&GC, any name change to DFG should be mirrored in the F&GC name.

Ties to Strategic Vision: Goal 1 (Strong Relationships with Other Agencies, Organizations and the Public), Objective 1 (Increase stewardship awareness and participation by the public); Goal 3 (An Effective Organization), Objective 2 (Encourage and support strong internal, external and interagency communications and collaboration).

California Fish and Game Commission Recommendation #3: Increase the number of California Fish and Game Commission members from five to seven.

Description: Supported by both the BRCC and SAG members, this recommendation is proposed to address existing and future workload for the F&GC members, including committee responsibilities. Implementing this recommendation also increases the ability to meet the need to reflect the diversity of the people of California.

Ties to Strategic Vision: Goal 1 (Strong Relationships with Other Agencies, Organizations and the Public), Objective 7 (Engage in timely and transparent decision-making); Goal 2 (Highly Valued Programs and Quality Services), Objective 7 (Engage in broadly-informed and transparent decision-making).

California Fish and Game Commission Recommendation #4: Drawing upon the successful experience of other state agencies whose decision-makers are required to reflect diverse and specific areas of expertise, the BRCC recommends making statutory changes to require that individual commissioners reflect particular, diverse professional qualifications, be reflective of California's diverse population, and provide balanced representation.

Description: The California State Constitution decrees the existence of FG&C, its size (five members), terms (six years), and appointment authority (governor with California State Senate approval). [See California State Constitution, Article 4(b) below.] The California State Constitution and state law are silent, however, regarding the qualifications of the appointed members; currently, the five members of F&GC are required by law to have no particular professional backgrounds or qualifications.

The scope and responsibilities of F&GC have significantly expanded over the years as the size and diversity of California's population has grown. The five volunteer F&GC members are expected to make complex public policy and biological decisions on behalf of all Californians based on volumes of often very technical information. The BRCC members believe that creating a new statute to help guide the governor's

selection of appointees and the senate’s confirmation process could enhance commission membership and result in decisions that improve the public’s and California State Legislature’s confidence.

The State Water Resources Control Board and the California Energy Commission are examples of other boards and commissions with specific requirements that have to be met for appointments; the BRCC recommends that a similar approach be taken for F&GC appointments. The goal is to create some balance of representation as well as provide some depth of understanding of issues being addressed (“wise and efficient decision-making”). Appointees need to be qualified for the role that they will be asked to play and provide balanced representation.

F&GC members should represent a broad perspective of Californians. Having no criteria at all for F&GC members is unacceptable. We need a commission that more accurately reflects the values and perspectives of the people of California.

Ties to Strategic Vision: Goal 1 (Strong Relationships with Other Agencies, Organizations and the Public), Objective 5 (Embrace and support diversity among stakeholders and the public); Goal 3 (An Effective Organization), Objective 6 (Develop knowledgeable, capable and experienced employees and commissioners) and Objective 7 (Demonstrate credibility).

California Fish and Game Commission Recommendation #5: [SAG members deliberated the merits of requiring that individual commissioners reflect particular qualifications and decided against that approach in favor of the following]: Amend California Fish and Game Code Section 101 et seq. to require the governor when making appointments and California State Senate when confirming said appointments to consider these criteria for potential members to the California Fish and Game Commission:

- A. The degree to which the appointee will enhance the diversity of background and geographic representation of the Commission.
- B. The appointee’s demonstrated interest and background in wildlife and natural resources.
- C. The appointee’s previous experience in public policy decision making.
- D. Potential conflicts of interest of the appointee with subject matter under the jurisdiction of the F&CG.
- E. A commitment by the appointee to both prepare for and attend meetings and subcommittee meetings of the F&GC.
- F. The diversity of knowledge of natural resource issues and related scientific disciplines, including wildlife-dependent recreational activities, whether consumptive or non-consumptive.

EX 59

Description: The California State Constitution decrees the existence of FG&C, its size (five members), terms (six years), and appointment authority (governor with California State Senate approval). [See California State Constitution, Article 4(b) below.] The California State Constitution and state law are silent, however, regarding the qualifications of the appointed members. The scope and responsibilities of F&GC have significantly expanded over the years as the size and diversity of California's population has grown.

The five volunteer F&GC members are expected to make complex public policy and biological decisions on behalf of all Californians based on volumes of often very technical information. Although SAG members considered creating a defined set of qualifications including education, expertise, geographic origin, and experience, they determined that such a prescriptive approach would require a constitutional amendment and could stifle the governor's ability to find qualified people for appointment to the designated positions. However, creating a new statute to help guide the governor's selection of appointees and the senate's confirmation process could enhance commission membership and result in decisions that improve the public's and California State Legislature's confidence. A Little Hoover Commission report [1990] specifically noted this lack in that there was "no clear publicly understood criteria for selection and appointment of Fish and Game Commissioners."

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

FISH AND GAME CODE Section 101 et seq. address items affecting the commission that are not constitutional, such as: It is in the Resources Agency; it shall elect one member as president and one as vice president; its members shall be paid per diem compensation; it shall form a marine resources subcommittee, etc.

New statutory language that suggests what the governor and Senate Rules Committee should "consider" when making and confirming appointments would reside appropriately in this area of law as guidance for the future appointment of F&GC members. The new language requires consideration but does not require that the criteria be used.

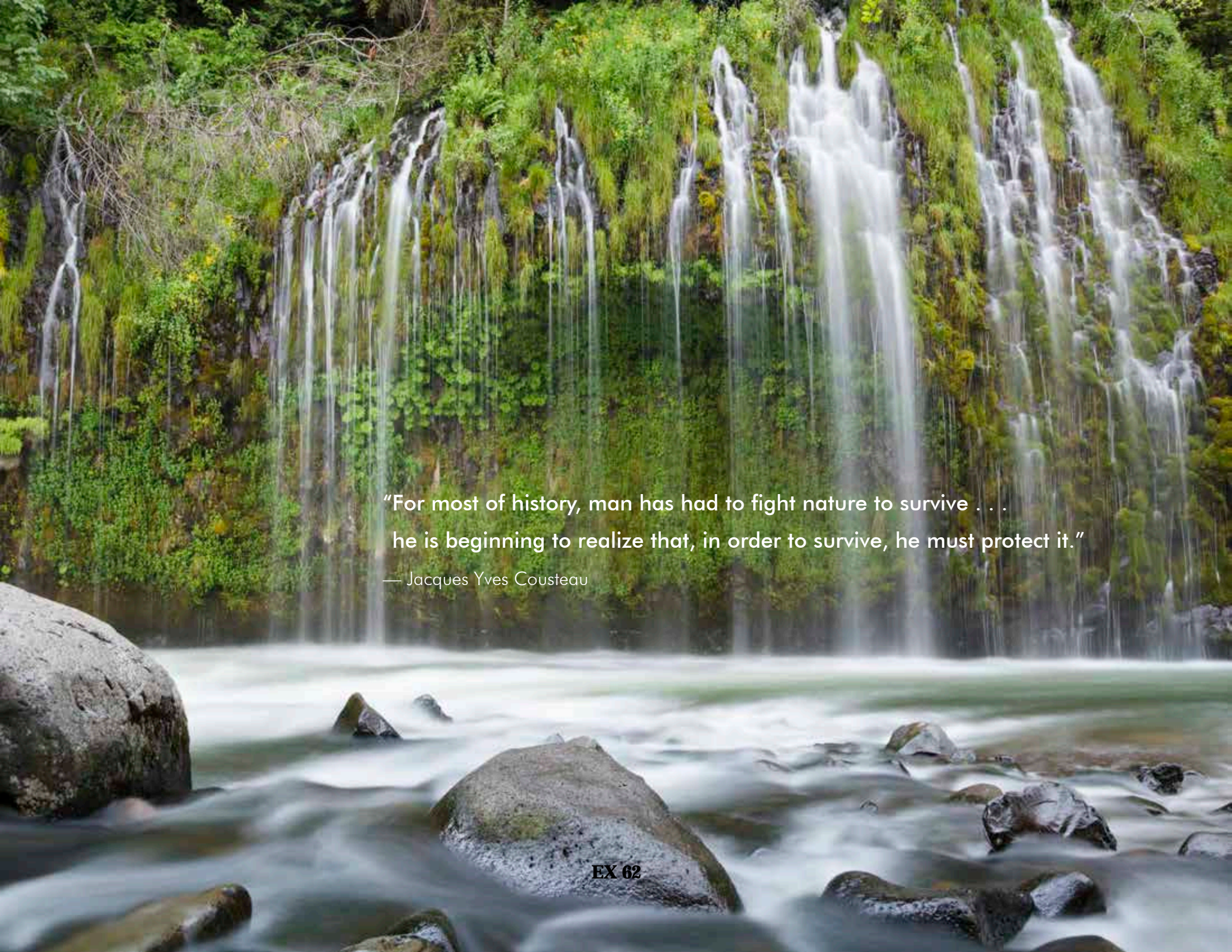
Ties to Strategic Vision: Goal 1 (Strong Relationships with Other Agencies, Organizations and the Public), Objective 5 (Embrace and support diversity among stakeholders and the public); Goal 3 (An Effective Organization), Objective 6 (Develop knowledgeable, capable and experienced employees and commissioners) and Objective 7 (Demonstrate credibility).

California Fish and Game Commission Recommendation #6: No change to the powers and duties of the DFG and F&GC.

Description: SAG members deliberated the merits of realigning the power and duties of the F&GC and determined that a citizen's commission with today's powers and duties is preferable to changing those powers and duties at this time. Implementing the F&GC committee/workshop process recommended in the strategic vision (see California Fish and Game Commission Recommendation #1, page A23) will allow for greater public input during the deliberative process and enhance informed decision-making by F&GC. At a time when SAG members are recommending improved transparency and improved management of all wildlife and habitats, it seems questionable to recommend narrowing the management oversight of F&GC.



EX 61

A long-exposure photograph of a waterfall cascading down a lush, green, moss-covered cliff. The water is blurred into a soft, white mist as it falls. In the foreground, a river flows over large, dark, wet boulders, also blurred to create a sense of motion. The overall scene is vibrant and natural.

“For most of history, man has had to fight nature to survive . . .
he is beginning to realize that, in order to survive, he must protect it.”

— Jacques Yves Cousteau



CALIFORNIA FISH & WILDLIFE
Strategic Vision

Recommendations for Enhancing the State's
Fish and Wildlife Management Agencies

California Fish and Wildlife Strategic Vision Project

Sacramento, CA