

California Fish and Wildlife Strategic Vision Project
Text of the Interim Strategic Vision with
Suggested Modifications Supported by Members of the SAG
March 29, 2012

This document contains the text of the Interim California Fish and Wildlife Strategic Vision (CFWSV) published in February 2012, with additional suggested changes that were discussed and supported by members of the CFWSV Stakeholder Advisory Group (SAG) during a March 28, 2012 meeting. The 20 SAG members in attendance on March 28 represented a variety of interests: Agriculture and ranching, business and industry, commercial fishing, hunting, local government, marine resources, non-consumptive recreation, nonprofit conservation, private land ownership, sport fishing, labor, state government, and tribal government. Most participants were present for the entire meeting.

Suggested additional text is in underlined text (like this) while suggested deletions are in strikethrough text (~~like this~~). Footnotes are used to describe the rationale for suggested changes.

Introduction to the Interim Strategic Vision

The California Fish and Wildlife Strategic Vision (CFWSV) Interim Strategic Vision 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.¹

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 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).

The BRCC and SAG have reviewed the existing vision and mission statements and held preliminary discussions regarding 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 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

¹ CFWSV Project staff suggested this additional text to help orient the reader to the structure of the strategic vision.

statements. Any changes to the visions and missions of DFG and F&GC will be addressed by those organizations.²

The current vision and mission statements are provided here for context.

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

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.

Forward these to DFG as part of the strategic planning efforts.

² CFWSV Project staff suggested this text modification to update the language to reflect the current status of visions and missions discussions.

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;
- creates and promotes partnerships; coalitions of agencies, groups, or individuals; and any other collaborative efforts to meet the needs and management of wildlife resources.

Suggested Statements of Core Values

During discussions about the future vision of DFG and F&GC, certain values were directly and indirectly suggested; these core values represent the highest priorities of how people within the organizations 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 credible³ science in their evaluations of programs and policies.

³ “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.

Teamwork and Partnerships⁴: DFG/F&GC pursue productive relationships through communication, collaboration, understanding, trust and respect, 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.

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 four stood out as fundamental to ~~everything~~ DFG and F&GC ~~might do in the future~~; these themes represent the practices or strategies that leadership and staff should use in their work. ~~In other words, t~~ These four “foundational strategies” ~~generally apply to almost everything DFG and F&GC expect to achieve and~~ represent the fundamental ways in which the public should experience DFG and F&GC efforts to meet their missions.

1. **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.
2. **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.
3. **DFG/F&GC use “ecosystem-based” management⁵ 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.
4. **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.

⁴ 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.

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).

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 interim 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), other⁶ organizations and the public, and specifically will:

1. Increase stewardship awareness and participation by the public
2. Proactively engage other agencies, governments, 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 and 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

⁶ CFWSV Project staff suggested this language based on a recommendation from the public and subsequent additional changes suggested by SAG members.

5. Practice adaptive management
6. Pursue local, regional and statewide recognition of successes
7. Engage in broadly-informed and transparent decision-making

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

Recommendations to Accompany the Interim Strategic Vision

Recommendations to accompany the interim strategic vision fall under seven general categories: (1) foundational strategies, (2) science, (3) California Fish and Game Commission, (4) defining success, (5) statutes and regulations, (6) permitting, and (7) enforcement.⁷

Foundational Strategy Recommendations

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

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 they will also be an “expert” of sorts in the region and know all about projects, programs, etc. This person will 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 Partnerships⁸

Description and definition: Throughout SAG and BRCC discussions during the strategic vision process, there has been 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 ~~common theme~~ 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.

⁷ CFWSV Project staff suggested this additional text to help orient the reader to the document structure.

⁸ 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.

The SAG defines 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 partners' contribution. -DFG staff members have noted that partnerships require staff time and resources, 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, ~~the SAG believes that~~ improved collaboration and increased use of partnerships is critical to the long-term success of DFG.⁹

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: Engage in effective integrated resource management (IRM) processes.

Description: Current processes fall short and result in inefficient or unsatisfactory results. The intent of this action is for DFG and F&GC to support and participate in "targeted" multi-agency collaboratives that will effectively promote IRM among state and federal natural resource permitting, and action agencies and/or multi-agency/user natural resource stakeholder groups to achieve: Improved sharing of data, information, tools and science among agencies; better alignment of planning, policies and regulations across agencies; coordinated and streamlined permitting; regulatory certainty; increased coordination with all levels of government agencies (federal, tribal, state, local), stakeholder groups, private landowners, and others; and increased effectiveness through leveraging of existing networks, relationships, and multi-agency venues.

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:

- 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.

⁹ Proposed text changes in this paragraph suggested by CFWSV Project staff.

- 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.

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

- a leadership role on the steering committee for the National Fish, Wildlife and Plants Climate Adaption Plan,
- participate in the Invasive Species Council of California,¹⁰
- a leadership role in Western Association of Fish and Wildlife Agencies (WAFWA) committees,
- participation on the 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 Governor’s Office and the California Natural Resources Agency as well as under its aegis, the Renewable Energy Action Team, comprised of USFWS, BLM, CEC, DFG and the California Natural Resources Agency, among others.

¹⁰ Underlined text suggested for insertion by California Invasive Plant Council; March 15 suggestion is to include the recommended change.

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)

Foundational Strategy #3: Use “ecosystem-based” management¹¹ informed by credible¹² science.

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 an 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

Recommendation: 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

Science Recommendation

Science Recommendation: 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.).

¹¹ 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).

¹² “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.

- 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)

Fish and Game Commission Recommendations

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

Fish and Game Commission Recommendation: 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 (sub)committees¹³ 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 (sub)committees has one or two assigned F&GC members, allowing them to build a better understanding and expertise in the area of the (sub)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 (sub)committee process is infeasible or unnecessary.

¹³ Proposed text changes in this paragraph suggested by CFWSV Project staff.

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), 3 (Understand stakeholder challenges and expectations), 6 (Share data, processes, tools, knowledge, expertise and information) and 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); Goal 3 (An Effective Organization), objectives 2 (Encourage and support strong internal, external and interagency communications and collaboration), 5 (Encourage creative problem solving and foresight into emerging challenges and issues), 6 (Develop knowledgeable, capable and experienced employees and commissioners) and 7 (Demonstrate credibility) *(need to reduce to more specific goals and objectives to be achieved)*

Defining Success Recommendation

Defining Success Recommendation: 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

"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

“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.”

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.

Description¹⁴: 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 ~~consist of a representative each from the DFG Legislative Office, the DFG Office of General Counsel, and the DFG Law Enforcement Division, as well as several (4-6) individuals from different programs within DFG (e.g., wildlife, fisheries, marine, habitat conservation, etc.)~~ to review the DFG/F&GC portions of Title 14 of the California Code of Regulations and, ~~subsequently,~~ 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. ~~For particularly complicated or controversial areas, it may be useful to establish ad hoc groups comprised of both DFG staff and stakeholders to work through possible revisions.~~ The work group would also consult, ~~with and utilize other DFG staff as needed and,~~ where appropriate, with representatives of state and federal agencies with parallel or overlapping jurisdiction. ~~to identify opportunities to coordinate different statutory schemes.~~

The work group would work with the ~~ultimately prepare a proposed plan for revising the codes.~~ Although the subject matter expertise of DFG staff and stakeholders would be critical at the earlier phases, ~~it is advisable to consult the~~ California Law Revision Commission (CLRC) to inform its efforts

¹⁴ Proposed text changes in the description and implementation steps of this recommendation are intended by SAG members to incorporate the current status of discussions with the California Law Review Commission.

~~early in the process to ensure the approach followed is appropriately structured to facilitate a large scale code revision. At a minimum, once the plan is prepared and approved by DFG management the work group would consult and work with CLRC to and determine the best approach to clean-up the Fish and Game Code pursuant to this recommendation. and to draft the actual code revision to follow.~~

Finally this recommendation only addresses review of existing code and regulations. ~~and code. Further discussion is necessary to improve the regulatory development process for DFG/F&GC and stakeholders. In addition, b~~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. ~~and Title 14.~~
- Establish a work group made up of DFG staff and stakeholders.
- Obtain priorities for regulatory and statutory review from stakeholders.
- ~~• Review Title 14 of California Code of Regulations.~~
- Review California Fish and Game Code.
- Review Title 14 of California Code of Regulations

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)

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/use of such joint review teams that either offers incentives or requires 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 (note that portions of this text may apply to both 2a and 2b; may ultimately need to be split)¹⁵: 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

¹⁵ Proposed text changes in this paragraph and the next were suggested by CFWSV Project staff to remove extraneous internal notes and clarify a multi-agency review example.

program in place would aid in consistency and would give applicants more confidence in staff determinations.

~~Constraints (note that portions of this text may apply to both 2a and 2b; may need to be split):~~
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 statutes and regulations discussion participants suggested that the description include new language: “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.” Participants also suggested the possibility of merging the two descriptions. Additional~~

~~description language from the former (Jan. 18, 2012) Potential Statutes and Regulations Recommendation #6:~~¹⁶

“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); possibly 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 actions include:

¹⁶ Proposed text changes in this paragraph are suggested by CFWSV Project staff to remove extraneous internal notes.

- DFG to work with the California Coastal Commission on those projects in the 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, ~~provide adequate resources to DFG for assisting~~¹⁷ 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.

¹⁷ Proposed text changes in this recommendation suggested by CFWSV Project staff to be consistent with other recommendations where references to the need for potentially new resources (funding, staff) were removed before adoption by the CFWSV Executive Committee in February 2012.

- 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); Goal 4 (An Efficient Organization), 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 or greater in 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 patrol, who has responsibility for the management of 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 earns less than a rank and file traffic officer with the CHP.

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

- To allow for more commutative recruitment of highly qualified applicants.
- To attract and recruit highly qualified law enforcement professionals for employment.
- Maintain retention of 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 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 FGC violations to the level desired by Californians. The CDAA'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 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 to lose his or her privilege to hunt or to lose their 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 FGC violations in criminal histories; and,
- limit diversion to once per eighteen 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)