

CALIFORNIA FISH AND WILDLIFE
STRATEGIC VISION PROJECT

COMMENTS AND SUBMISSIONS FOR REVIEW

Through March 28, 2012

Jim Clark
Walnut Creek, CA 94598

March 27, 2012

California Fish and Wildlife Strategic Vision Project
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: California Fish and Wildlife Strategic Vision Project. *Interim Strategic Vision: Recommendations for the California Department of Fish and Game ("DFG") and the California Fish and Game Commission ("F&GC"). February 16, 2012 ("the February Interim Vision")*

Ladies and Gentlemen:

I write to provide comments on the Strategic Vision Project. I am of the considered belief that the project is on the brink of failing in its task to prepare DFG and the F&GC in their capacity to deal with the challenges of the 21st century and the strategic issues of today.

With the words below, I hope to rally some members of the Stakeholders Advisory Group, the Blue Ribbon Citizen Commission and/or the Executive Committee to step forward as leaders. These leaders must step outside of the political machinery and call for the Vision Project to delay submission of recommendations until the two most serious threats to the success of DFG and F&GC have been addressed.

The two most serious threats to DFG and F&GC are the fact that DFG and F&GC are not required to advocate for their own science, position and mission and, as a result, their abuse by the politically motivated. These are critical for success and straight-forward to address.

Abuse by the Politically Motivated:

During just recent weeks, consider these political activities:

(1) California Senator Ted Lieu has introduced SB 1221 which would expressly prohibit the use of dogs to pursue any bear or bobcat.

(2) California Assemblymembers John Perez and Ben Hueso have announced their intent to introduce legislation which would "improve the standards and practices of the California Fish and Game Commission." (This despite the fact that the Vision Project is in progress.)

Ted Lieu is an attorney with a degree in computer science. John Perez is a union organizer with no college degree. Ben Hueso is a small business owner with a degree in sociology.

As written, after months of effort, the Vision project will turn over the future of DFG and F&GC to people with these credentials, these motivations and this lack of knowledge or interest in wildlife, habitat and other natural resources. These people and their special interest (ideology based, non-science based) supporters will operate

outside of DFG, F&GC, their science and their missions as long as it works for them. That IS the biggest 21st century issue faced by DFG and F&GC and it is not addressed in the Interim Vision.

The potential remedies are numerous, effective and not complex. Will some leaders in the project please consider insisting that the process be held until concepts like the following are considered?:

(1) Encourage the Governor and Legislature to require the DF&G and Commission to advocate for their missions. The DFG and F&GC should be required to speak out objectively, but aggressively for or against all current or proposed legislation which involves its mission, citing objective, scientific information wherever possible and overtly rebutting claims with which they disagree.

Early in the Project, there was discussion of lack of sufficient understanding on the part of the public about DFG. Consider the example of SB1221: Well funded and coordinated advocates will give the public the impression that DFG was asleep at the switch allowing cruel and unnecessary methods of take. Of course, this is not the case: the species involved benefit from the gender/age selection enabled and by the numbers taken within a specific time frame. An engaged, active and vocal DFG and F&GC advocating for their mission will protect credibility and make clear the careful thought and standards behind current laws, even if the laws change.

(2) Encourage the Governor and the legislature to expand DFG staff (including adequate funding) to include specialist legal staff to BOTH defend DFG and F&GC actions from litigation and to proactively press litigation against incompatible entities impeding the mission. Also add legislative liaison staff to DFG to work with the legislature advising which proposals the DFG and F&GC will and will not support. Require that the DF&G legislative liaison advise the legislature (and related committees) of the DFG position on new legislation (and the reasoning for that position) before any votes.

(3) The advocate voice of DFG envisioned in (1) and (2) above must be insulated from influence and whim. To do so, appointment of the Director of DFG should be removed from the political arena. Accordingly, recommend to the Governor and the Legislature that guideline qualifications be established for this position (which, among several other specifications should, I believe, favor promotion from within and secondarily favor those with appropriate relevant experience in other agencies or organizations) and that, rigidly within those guidelines, a committee of the highest ranking positions within DFG appoint the Director without input from the Governor or Legislature.

(4) To the greatest extent possible, remove the appointment of all members of the F&GC from the political arena. The current CA system has recently seen blatant politics in the appointment of commissioners who are promptly removed when they do not vote in-line with the governor's political (non-scientific) expectations and in the harassment of sitting commissioners. If the F&GC can not be insulated from the political, recommend that the Governor and the Legislature remove any authority F&GC has to direct DFG policy or activity. Instead, have the F&GC rise only to the level of being able to make recommendations which DFG addresses as it would proposed legislation. Have F&GC serve as the coordinator of interest group input and suggested considerations of long term vision. But let the DFG retain the power to operate within a politically insulated foundation of science and mission.

(5) Recommend to the Governor and the Legislature that they eliminate the long time frame between nomination and confirmation of a DF&G Commissioner. Commissioners should not serve until they are confirmed. This will eliminate the period when commissioners are most subject to political influence and whim.

(6) Finally, recommend to the Governor and the Legislature that, if the F&GC the influence of the F&GC is not reduced as recommended in (4) above, the Commissions be required to produce for public review the rationale behind their votes. Both "majority" and "dissenting" positions should be required to document their understanding of the issue, risks, alternatives, peer-reviewed, best available science and other considerations that were the basis for their vote.

These comments are submitted in the spirit of respectful appreciation for the effort to-date of all members of the Project and are intended to help make those efforts effective.

Thank you for the opportunity to comment and for your time and effort in considering these thoughts and those of all interested parties.

Yours sincerely,

Jim Clark

From: Merit McCrea

Sent: Tuesday, March 27, 2012 7:39 PM

To: Strategic Vision; Bob Bertelli; Bruce Steel; jcarlson@calwaterfowl.org

Subject: comment on name change proposal

Firstly, I'd like to comment that I respect the legacy that both the Department and Commission have built. I like the respect the name conjures by their past deeds. These are institutions to be proud of. Old names are shed when tarnished, and these are not! The Department's legacy is an admirable and historical one that stretches back to the days of Jack London and the "Fish Patrol" rustling oyster pirates on the San Francisco Bay. I like the Department's current Mission Statement and think it amply covers the myriad responsibilities that the Department and Commission now have.

My following comment is thus inspired, but practical considerations surrounding a potential name-change are what prompted me to go to the effort to write.

My salient comment is this:

Changing the name of the Department and Commission is a lot of work, as in time and money, additional confusion in the field, and confusion regarding the application of law. If the name of the Department and/or Commission changes, then every instance in regulation where their name is mentioned will have to be amended. This re-editing would be a monumental task. Name changing is the kind of thing that creates loopholes in laws that were previously water-tight. This is especially the case regarding those regulations that California may have little authority to change, and yet reference either the Department or Commission by name. These might be federal regulations or those of other states. Each of those agreements, collaborative MOUs, etc. that we share with federal agencies or other states are signed by the Department, or Commissioners, are they not? It goes far beyond every warden's badge and uniform, every letterhead, signage on facilities and properties thruout the state, decals on every vehicle, the Departments publications and so forth. Every place where regulation says that the "Department of Fish and Game...shall be notified..." or "...shall be submitted to the Department of Fish and Game..." is one more place where the text of Title 14 will have to be noticed and changed. If it's missed, some cheater is off the hook, potentially after a lot of work and risk on the part of a warden and it teaches a DA somewhere not to bother prosecuting resource violations.

Keep the name and use the money saved to pay our wardens enough so that we aren't continually loosing them to municipal PDs, CHP, and DOJ.

It's tough enough for a warden to explain to the other parent of their children that today he or she was out in the sticks an hour's rough travel from backup, looking for bad actors by confronting armed men who carry their weapons locked and loaded. What's more is that the nature of first contact is such that the officer is usually compelled to initiate by casually approaching them and asking how their day is going. Put yourself in that officer's shoes and imagine yourself explaining to your wife or husband why you do this and bring home a fraction of the salary other peace officers do.

Perhaps the Department could use the money to bring our fisheries science in line with the laws that require it. Current stock and state of resource assessments are more important that a name change aren't they?

I have a difficult time casting a scenario where the benefits of a F&G name-change outweigh the costs. Colorado has has a DOW, we have a DFG, a name writ large in our history, law and literature.

Merit McCrea

DIVISION OF FISH AND GAME OF CALIFORNIA

BUREAU OF MARINE FISHERIES

FISH BULLETIN No. 55

Report on Returns of Drift Bottles
Released off Southern California,
1937

By
RICHARD B. TIBBY
California State Fisheries Laboratory
Division of Fish and Game



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