

**California Fish and Wildlife Strategic Vision Project**  
**Notes from the March 9, 2012 Workshop on the**  
**California Fish and Game Commission**  
*March 12, 2012*

This document contains notes from the March 9, 2012 workshop where participants discussed potential recommendations for the final strategic vision related to the name, role, or membership of the California Fish & Game Commission (F&GC). The notes in this document do not reflect the evolving and sometimes meandering nature of the discussion; some notes that appear early in the document may have, in fact, been discussed later in the workshop and vice versa.

The potential recommendations in this document were presented in a document prepared specifically for the workshop unless otherwise identified. Suggested additional text identified during the workshop is in underlined text (like this) while suggested deletions are in strikethrough text ~~(like this)~~.

These potential recommendations will be discussed on March 15, 2012 during meetings of the California Fish and Wildlife Strategic Vision (CFWSV) Blue Ribbon Citizen Commission and CFWSV Stakeholder Advisory Group.

## **Potential Recommendations**

***1. Realignment of the Powers and Duties of the California Department of Fish and Game (DFG) and F&GC: The authority of F&GC should prospectively be focused on the setting of hunting and fishing seasons, bag and catch limits, and related functions. Other regulatory and land management responsibilities, including the administration of and listing decisions under the California Endangered Species Act, oversight of California's marine protected areas, and administration of the Oil Spill Prevention Act, should be centralized in DFG.***

Originally, the mission of both DFG and F&GC was to implement, administer and enforce the state's laws governing hunting and fishing. In more recent years, the mission of both entities has expanded dramatically, to include many other functions. The respective powers and duties of DFG and F&GC should be modified to reflect this modern reality, and to allocate between the two current legal responsibilities in a manner that is effective and efficient.

**Workshop notes:** April Wakeman walked through the authority language in her table. Can choose to limit to hunting and fishing, it's perfect the way it is, or expand authority (i.e., fee-setting where it has been incomplete delegation to date). Comment that limiting the authority of F&GC authority to hunting and fishing is contrary to an ecosystem focus; also, who will oversee what is done by DFG and where does appeal authority of F&GC go then? Are there other states that follow this model? There are other states that split the baby differently, but not sure of specifics. Some have pointed to the federal system as an example (i.e., U.S. Fish and Wildlife Service does not have a commission overseeing its work). More access to decision-making is being requested right now, so perhaps the existing system, as imperfect as it may be, may be best for ensuring greater public access to decision-making.

The problem with an appointed commission is inherently a political one, where members do not necessarily have expertise on the issues being addressed. Politics will be a reality whether in a commission or a department. In a department there will be less transparency and sunshine on decisions. More equal standing of stakeholders with the commission right now. Perhaps need greater expertise of F&GC members; work to resolve expertise issue as well as increase access to F&GC members. Increase opportunities for better and more constructive dialogue among the various interests (three minutes at the podium just doesn't cut it). Checks and balances are already in place. Suggest perhaps that changes to the process is more effective; don't think the structure is necessarily broken. Perhaps more commissioners familiar with the ecological sciences? F&GC does not have a good record with respect to its CESA process; relying almost entirely on information/science from DFG. Allowing more outside science for decision-making would be helpful.

Seems like we are heading in the direction of not suggesting significant changes to F&GC authority/duties. Prefer to discuss qualifications and numbers of F&GC members. If the "right" people are picked, then the members will do the necessary homework for the job. Greater transparency will help address concerns raised in this process; already having difficulty obtaining information from DFG, so putting more responsibility/decision-making in the hands of DFG will not address that problem.

Suggest dropping recommendation #1; one SAG member and one BRCC member believe this recommendation deserves more consideration, but will not prevent the group from moving forward. *Participants otherwise agreed that recommendation #1 should not move forward for consideration in the final strategic vision.*

Suggest that the SAG and BRCC make a statement that essentially says, we don't agree with the concept of recommendation #1. Also, we considered a professional commission, but don't think that is the appropriate solution.

*Suggested language for BRCC and/or SAG statement: "The SAG 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 it at this time. The committee/workshop process recommended in the interim strategic vision will allow for greater public input during the deliberative process and enhance informed decision-making by F&GC."*

**2. Name Change Recommendation:** ~~The BRCC recommends that~~ Make the **titlename** of the California Fish and Game Commission **be changed to consistent with any changes made to the name of DFG** more accurately reflect the scope of its jurisdiction in the 21<sup>st</sup> Century; the SAG's strong preference is the "fish and wildlife" nomenclature.

**Workshop notes:** Support from the participants for changing the name of F&GC if there is a change to DFG's name. Changing the name of F&GC may require a constitutional amendment; there may also be a way to "map" the F&GC name change through statute (i.e., The California Fish and Game Commission shall also be known as X).

**3. F&GC Member Qualifications Recommendation:** ~~Increase the number of California Fish and Game Commission members from five to seven. 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 statutory changes that expand the F&GC from five to seven members, and require that individual commissioners reflect particular, diverse professional qualifications. Currently, the five members of F&GC are required by law to have no particular professional backgrounds or qualifications.~~

Suggested descriptive text: 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.

**Workshop notes:** Paid F&GC members or not? If paying F&GC members, are we not duplicating the DFG staff? The unpaid and time-consuming aspects of the job make it difficult to find members willing and able to serve; as a result, they do not represent the people of California. If you want top-line scientists, you have to pay them; hopefully we have that within DFG, which can then bring the good science and recommendations forward, with input from the public. "Citizen" commission preference? Sometimes F&GC reflects itself as a "good old boy" body. Who can afford to be a member? Independently wealthy or retired. Need 20-25% of their time to attend meetings, review materials, etc. Just by paying the members you do not solve the problem; we have professional boards in California where it is a "perk" to be appointed (i.e., term-out legislators) and members are paid even when they do not show up for meetings. Opinion was shared that F&GC appointments are/were highly sought after. Example of hardship given of former F&GC member Bob Hattoy; great commissioner, but personal hardship for him to participate since he did not have personal financial resources like some other members. Selection process for members is critical; concern raised that F&GC members do not reflect the people of California.

Suggestion made that F&GC would benefit from a staff analysis similar to the bill analyses conducted for the legislature. Rather than paying members to read every document front to back, add a couple of staff who focus on distilling the information for the various issues/topics.

Just Wednesday at F&GC meeting in Riverside, a discussion was held about expanding the F&GC committee structure – F&GC added a finance committee. F&GC members expressed concerns about the ability to have sufficient members attend various committee meetings. Possible to add diversity to F&GC if add two more members. Also makes more members available for attending committee meetings. Helps address quorum issue. Little Hoover Commission said over 20 years ago that F&GC did not have enough members to do the work being asked to do. Recognize that this recommendation will require a constitutional amendment. Have addressed the diversity and qualifications issues with recommendation #4, below.

Suggestion that a science committee to advise F&GC is preferable to a science committee made up of F&GC members. Science is just one aspect of what may be debated and discussed in F&GC forum.

**4. F&GC Member Qualifications Recommendation:** The SAG 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 ~~Request that~~ **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 outdoor recreation and related scientific disciplines(outdoor recreation is intended to include both consumptive and non-consumptive activities)**

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 is 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. Creating a defined set of qualifications including education, expertise, and experience to help guide the Governor's selection of members and the senate's confirmation process may elevate the discussion and result in decisions that improve the public's and 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."

Ties to Strategic Vision: Goal 1, Objective 5; Goal 3, objectives 6 and 7

**Workshop notes:** Maybe make recommendation #4 a suggestion for legislation. Amend California Fish and Game Code to include specific criteria for appointments to F&GC. Suggestion that “Request that the Governor...” be changed to “The governor shall...” Caution that if this actually goes to the legislature, it may start out with our collective suggestions, but ultimately it may look quite different. Trying to avoid patronage appointments. Suggest sending the recommendation back to the executive committee again, but also send a letter to the governor and senate to make sure recommendation sees the light of day? Suggestion was made that this list of criteria is not going to change the way appointments are made nor the types of people appointed; support this list, but don’t see it being effective. There is no magic formula for creating the kind of commission we seek, but this puts a spotlight on the issue; support putting this forward and don’t think we should hold this to any higher standard than putting a spotlight on the issue.

This goes as far back as the Little Hoover Commission recommendation that the California State Senate needs some criteria against which to measure candidates put forward by the governor. While not binding, the confirmation hearing is an opportunity to evaluate candidates against criteria and whether a particular appointment will, individually or collectively with other appointments, fail to meet the collective body desired. Intent with this recommendation is long-term and simply writing a letter only addresses this administration, not later administrations.

Suggested language for recommendation #4 in tracked changes above.

Huffman bill (AB 2402) identifies a science advisory panel. Workshop participants will work together via email over next few days to potentially develop a recommendation for consideration on March 15.

Any additional recommendations? Who appoints DFG director, F&GC budget and DFG budget review process, etc.? None at this time.

Public comment: Appreciate openness of process and ability to review materials and stay up to speed on what you are doing. Great job. When you are finished, willing to write an article on what has been recommended (speaker is a writer).