

Executive Summary

The concept was simple when it was first written into the California Constitution: Policies governing the state's fish, game and wildlife habitat are the responsibility of the Fish and Game Commission.

But in a world where ever-mounting growth pressures on land, water and air compete with heightened awareness of the fragile nature of California's diverse ecology, the issue of wildlife management is growing increasingly complex.

The Little Hoover Commission has reviewed the performance of the Fish and Game Commission and the agency that carries out its policies, the Department of Fish and Game, within the context of their broad mandate to protect California's natural resources. The key focus of the study is the capability and performance of both the Commission and the Department in meeting these increasingly complex demands.

By law, the general charge of the Fish and Game Commission is to formulate policies for the conduct of the Department of Fish and Game. The Commission carries out its activities, which include at a minimum eight public meetings a year, on a budget of \$429,000 (FY 1989-90) and with a staff of two professionals and five clerical workers. The Department, with 1,568 personnel years, has a budget of \$118.9 million (FY 1989-90).

Within the purview of the Commission and the Department are:

- * Preserving, protecting and managing California's fish, game and native plants, without respect to their economic value.
- * Conserving California's wildlife and wildlife habitat.
- * Acquiring land, water and water rights to ensure game and fish propagation.
- * Acquiring land, water and water rights to ensure ecological preserves.
- * Conserving and protecting aquatic resources.
- * Identifying, inventorying, supporting and managing special programs for endangered and/or rare species.
- * Monitoring all dams of water containing fish.

With these far-flung responsibilities, it is not surprising that intense scrutiny and frequent controversy are no strangers to the two entities. However, based upon contact from the Legislature, the general public and private organizations, the Little Hoover Commission became concerned about the widespread perception that the Fish and Game Commission and the Department of Fish and Game have isolated themselves from the major groups concerned with the preservation of fish, game and habitat, while at the same time frequently straining relations with other government agencies, sporting groups and developers.

After a 10-month investigation, two public hearings, numerous meetings with the widest possible variety of constituent groups and in-depth interviews with Department and Commission officials, the Little Hoover Commission is issuing the following findings:

A. Composition of the Commission: There are no clear or publicly understood criteria for selection and appointment of Fish and Game Commissioners. The Fish and Game Commission's mandate and related activities have grown far beyond the time when the good intentions and honest opinions of five sportspersons could be relied on to mold the state's natural resources policies. To give the Commission the external (i.e., outside of the Department of Fish and Game) expertise that it needs, as well as badly needed credibility with all competing constituencies, the Commission needs to be stocked with broad-based representation, including biologists, environmentalists, developers, ranchers and sportspersons.

B. Commission Viability: The Commission has not, and as presently structured, cannot adequately exercise its statutory authority over the Department of Fish and Game. The Commission's independent, constitutionally authorized structure places it outside the Executive Branch, thereby undercutting the ability of the Commission to exercise administrative control over the Department's implementation of policy. Without a unity of perspective and a unity of operation, the Commission has little authority over the Department and no formal relationship with the Resource Agency, which houses the Department.

C. Commission Operations and Decisions: The Commission has difficulty meeting its mandate because of external pressures and factors outside of its control. The Commission increasingly is incapable of withstanding the pressures upon it both to protect natural resources and to allow hunters and fishermen their traditional access to fish and game. This is particularly true in cases where scientific evidence is either sparse or non-existent, or where scientific revelations develop more quickly than the Commission can adjust.

D. Departmental Negotiations With Related Agencies: The Department of Fish and Game has exercised inappropriate bargaining tactics with respect to habitat mitigation. There is compelling evidence that the Department, either through lack of cohesiveness or by intent, has reneged on and/or demanded changes in what affected agencies were led to believe were completed mitigation negotiations. This has slowed the progress of projects with little or no justifiable cause and has led to the Department's reputation as a bad-faith bargainer.

E. Departmental Acquisition and Stewardship of Land: The Department has been unsystematic and inconsistent in its acquisition and maintenance of State refuge lands. There are charges (and in some cases, evidence) that the Department has not notified surrounding landowners about its intent to purchase land, has bought unsuitable lands or lands at inflated prices, and has failed to maintain the lands once purchased because of the separation by budget years of acquisition funds and maintenance funds.

F. Departmental Internal Administrative Capacities: The Department has no comprehensive management information system. This lack has made it difficult, if not impossible, for the Department to provide, upon request, information to the Legislature and other entities, to properly track its funding and taxing mechanisms, and to adequately monitor fish and game species counts, hunting and fishing takes and illegal depredation of wildlife.

G. Departmental Internal Allocation of Resources: The Department is not capable of appropriately allocating resources. The Department cannot provide the required level of monitoring, enforcement and timely expertise and research consistent with the requirements of its mandate. The lack of enough resources leads to policy decisions that must be made based on incomplete or dated information.

H. Departmental Oversight and Authority Over Fish and Game Regional Administrators: The Department does not have adequate oversight and authority over Fish and Game Regional administrators. There exists within the Department of Fish and Games' field operations a lack of consistency with respect to Regional enforcement practices and regulations. This inconsistency makes it difficult for those who interact with the Department on a statewide basis, as well as blocking the implementation of a cohesive, top-to-bottom, statewide policy.

Flowing from the above findings, the Little Hoover Commission is making the following recommendations for corrective actions:

1. Composition of the Commission: With the assistance and advice of the Legislature, the Governor's Office and representatives of appropriate State control agencies, the Resources Agency should convene a special task force to develop criteria for membership on the Fish and Game Commission. Once agreed upon, these criteria should be placed in law.

2. Commission's Viability: The Commission should become part of a formal Resource Agency Oversight Task Force, composed of one executive member from each of the major resource-related commissions and departments within the agency. Chaired by the Resources Agency Secretary, this task force would serve to unify policy and practice with respect to all significant aspects of California's fish and game, water and habitat-related issues, while forging a closer relationship between the constitutionally independent Fish and Game Commission and the Executive Branch.

3. Commission's Operations and Decisions: The Resources Agency, Legislature and the Governor's Office should assess the Commission's future performance in light of its recent stated rededication to fulfilling its mandate. The Commission should concentrate on effectively monitoring the Department of Fish and Game, responding to public input and making full use of scientific analysis before deciding issues before it, and working in a committed fashion with the new Resource Agency Oversight Task Force.

4. Departmental Negotiations With Related Agencies: The Department of Fish and Game should create a separate staff unit, to provide timely and consistent identification of issues and practices related to mitigation actions involving external agencies.

5. Departmental Acquisition and Stewardship of Refuge Lands: There are three recommendations for action:

A. State acquisition of property should be made dependent on public notice of the intent to purchase the land, as well as specific notification of surrounding property owners.

B. The Department should require at least two appraisals of land value, including the residual value to the current owner of any rights not included in the property sale.

C. Legislative and Executive branch budgetary policies should be modified to provide for a direct tie between land acquisition funds and maintenance funds in the year the land is purchased.

6. Departmental Internal Administrative Capacities: There are three recommendations for action:

A. The Department's management and fiscal information needs should be analyzed (either by the state Office of Information Technology or an independent analyst) and a plan formulated to improve the department's management information system.

B. The Resource Agency should reconcile expenditures to dedicated fund sources for FY 1990-91 and report to the Legislature on the results and on the future viability of the present system of dedicated fund sources.

C. The Department should be directed to set up empirically defined, consistent systems for measuring legal and illegal taking of game and fish by both sporting and commercial agents.

7. Departmental Allocation of Resources: The Resource Agency should push for greater resources for the Department, especially in the Department's Environmental Services Division, and should promote better relationships between its own commissions and departments.

8. Departmental Oversight and Authority Over Fish and Game Regional Administrators: The Department should tighten its control over the Regional operations and continue its recent commitment to systematic training of field staff.

The Little Hoover Commission believes that implementation of the above recommendations would give both the Fish and Game Commission and the Department of Fish and Game the improved capability to cope with the demands of safeguarding California's natural resources in a time of explosive growth and development, while at the same time improving the credibility of both entities with the diverse and competing constituencies they now face.