

California Fish and Wildlife Strategic Vision Project
Regulatory and Permitting Working Group Issues Framework
Revised November 3, 2011

Table 1: Revised Regulatory and Permitting Working Group Issues Framework							
ISSUE	PROBLEM(S)	GOAL(S) Preceded by RP #)	EXAMPLE(S) OF WAYS TO ACHIEVE GOAL	TIE(S) TO DFG STRATEGIC INITIATIVES	IMPLEMEN- TATION SCALE CRITERIA	TIME SCALE CRITERIA	FINANCIAL SCALE CRITERIA
<p>California Endangered Species Act (CESA)</p> <p><u>[Moved Goal 5 to Common Themes Table 3, IRM]</u></p> <p><u>[Moved Goal 6 to Common Themes Table 2, Broadly-Informed and Transparent Decision-making]</u></p>	<p>Problems managing/mitigating for species.</p> <p>Inconsistency in determining listing which often leads to costly and time-intensive litigation</p>	<p>5. CESA to provide stable and increasing populations of wildlife in a way that is coordinated with other state and federal statutes allowing for some flexibility.</p> <p>6. Apply CESA permitting process in a consistent manner</p>	<ul style="list-style-type: none"> — Work jointly with USFWS/NOAA to improve issuance of permits under ESA/CESA. Goal 6 (admin, short, low cost) — Work jointly with USFWS/NOAA to coordinate and partner on enhancement/recovery activities for listed species. Goal 5 (admin, short, low-mid cost) — Coordinate federal and state mitigation policies and permitting (start with admin — may be all levels; mid; high) Goal 6 (admin, short, low-mid) — Use consistent applications of science and be transparent in the determination of listing a species and the areas of potential habitat Mitigation needs to have a positive outcome. (admin; immediate and ongoing;) Goal 6 [Should move to Science WG. Understand need for science to drive mitigation in a permit, but good to keep focused on direct permitting issues.] — Consider providing a mechanism for incidental take for fully protected species (stat; mid; high) [Not sure this one fits here] [As a mechanism to create this clarity and consistency, coordinate with local and tribal governments, and other governmental agencies.] <u>[Moved to Common Themes Table 6, Laws and Regulations]</u> — Review the fully protected species statute with CESA listing process and consider which species should be taken off the list or moved to CESA (stat and reg; mid) [Not sure this one fits here — regulatory and 	Initiatives 2, 5, 7			

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			<p>permitting instead? [As a mechanism to create this clarity and consistency, coordinate with local and tribal governments, and other governmental agencies.] <u>[Moved to Common Themes Table 6, Laws and Regulations]</u></p> <ul style="list-style-type: none"> — Having species mitigated in a consistent way between CESA and FESA (admin initially; stat after; mid) Goal 6 — Actions should be taken toward recovery of endangered species (admin; short mid; high) Goal 5 				
<p>Structure <u>[Move to Governance and Mission WG?]</u> <u>Moved goal 7 to Common Themes Table 7: Defining and Supporting Success</u></p>	<p>Organization of DFG often leads to unnecessary overlap of funds, employees, permitting and work load</p>	<p>8. Ensure DFG staff and processes are easily accessible for the public <u>Moved Goal 8 to Common Themes Table 5, Staff Development]</u></p>	<ul style="list-style-type: none"> — Determine organizational goals and priorities (create work plans that have specific timeframes related to goals in individual projects, programs and divisions) — Restructure based on consumptive and non consumptive use [Do we really want to reorganize based on consumptive and non consumptive use?] — Wildlife and Ecological Services branches should communicate more thoroughly [Not sure any of these examples achieve the described goals] 	<p>Initiatives 2, 3</p>			
<p>Permitting <u>[In the short term develop a list of all permits issued by DFG and permits issued by other</u></p>	<p>Difficulties related to acquiring and implementing permits. Permitting processes are onerous, costly, sometimes inefficient and take far too long</p>	<p>9. Ensure the general public is provided with a permitting process which is transparent 10. Ensure the general public is provided with a permitting process which is consistent 11. Ensure the general public is provided with a permitting process</p>	<ul style="list-style-type: none"> — Improve consistency of permitting by project type and between regions and offices, while recognizing local differences (admin; immed and ongoing) Goal 10 — Improve efficiency of obtaining a science collection permit by considering an overhaul of the current process (admin; short) Goal 11 (maybe 9, 10 and 12 too?) — Increase accessibility (provide online tools as well as 	<p>Initiatives 2, 5</p>			

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agencies/ organizations that necessitate coordination with DFG]		<p>which is efficient</p> <p>12. Ensure the general public is provided with a permitting process which is accessible</p> <p>which is accessible</p>	<p>staff readily available to answer questions) of permit process (admin; short-mid; high) Goal 12</p> <p>— Remove barriers to restoration related to permits— see <i>Barriers of Restoration Report, Resources Agency 2003</i>. Review criteria for categorical CEQA exemption for small-scale restoration projects and explore NEPA criteria. (mostly admin/some stat; high) Fisheries Restoration Program is an example to use for other programs to follow Goals 11 and 12 (admin, short, low)</p> <p>— Have DFG staff available for pre-project planning on a timely basis (provide online tools as well as staff readily available to answer questions) (admin; short; high cost in the short term, potential savings long term) Goal 12</p> <ul style="list-style-type: none"> ○ Improve key regulatory programs, incl. but not limited to: ○ NCCP: changes to improve implementation timelines and local participation. ○ streambed alteration permitting ○ Timber Harvest Review process, clarity on who pays for DFG review ○ Others? <p>— Dept to provide a clear list of what the applicants need to provide during permit process (admin; short; medium-cost) Goals 9, 10, 11 and 12</p> <p>— Prohibit informal policies unsupported by law or regulation Goals 9 and 10</p> <p>— Increase permitting coordination with U.S. Fish and Wildlife Service (USFWS) and other state and federal</p>				

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			agencies—Goals 10 and 11 —Allow for arbitration or mediation over permit standards (Draft Permit stage— before final) Goal 11 — Increase coordination with local and tribal governments, and other governmental agencies. [Does this fit better in partnership/collaboration?] [In the issuance of permits? Is this to assist with using “other science” such as traditional ecological knowledge from Native Americans? OR, do we want to coordinate with other agencies in issuance of permits so we provide some consistency (e.g., Section 404 permits—COE), Although a permit not issued there is also Fish and Wildlife Coordination Act (federal project related to water development) etc?]Coordinate with USFWS on the development of avian protection plans (this was brought up by PGE)				
Regulatory (Some Sustainable Financing WG issues)	<p>Several DFG regulatory programs that are key to achieve CA’s ecological as well as economic objectives lack a necessary level of support, funding, and/or emphasis within DFG</p> <p>Statute and regulation language are not always consistent</p> <p>Current regulations lack consistency, transparency and accountability</p>	<p>20. Identify and Improve key regulatory programs that provide broad public and private benefits.</p> <p>Examples:</p> <ul style="list-style-type: none"> — NCCP — streambed alteration permitting — landowner incentive programs (safe harbor, etc.) — Timber harvest plan review process <p>21. Create a clear understanding of the regulations and associated statutes to ensure they are consistent for</p>	<ul style="list-style-type: none"> — Analyze opportunities for adjusting regulatory fee structures for increased sustainability of key regulatory programs Goal 20 (admin/stat, mid, low) — Prioritize DFG investments of staff time and fungible dollars in key programs Goal 20 — Identify necessary reforms to state laws that would facilitate greater public and private use of the programs [Suggest this be moved to the statutory issue] — Identify gaps and overlaps in regulatory processes Goal 20 — Prohibit informal policies unsupported by law or regulation Goal 21 — Regulations are the implementation of the statute— 				

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		all to interpret	<p>the language used to describe the regulation needs to be clear and concise (Example: pest control)- Goal 21</p> <ul style="list-style-type: none"> Look for opportunities to utilize technology to enhance regulatory programs and reduce costs (Example: electronic monitoring of permitted activities to ensure goals are achieved)- Goal 20 				
<p>Tools—Permits <i>[Moved from NRS-WG]</i></p> <p><i>[Moved to Common Themes Table 7, Defining and Supporting Success]</i></p>	Permits are cumbersome, expensive and time consuming and need to be streamlined for natural resource programs.	<p>Develop smart permitting system (e.g., the system should know the difference between a highway project and a restoration project).</p> <p>[This is a specific example. The goal should be something along the lines of “reform the permitting system to make it more responsive to DFG’s major substantive goals and legal requirements.” Specific examples could be:</p> <ul style="list-style-type: none"> Develop or procure smart permitting software that does x, y, and z Streamline the scientific collection permitting process to provide for x, y, and z] 	Streamline scientific collection permitting process (Isn’t this already being considered? Is it duplicative)				
<p>Tools—Permits <i>[Moved from NRS-WG]</i> <i>[Moved to</i></p>	— Fully protected species status makes it nearly impossible to do conservation projects for fully protected or	Coordinate permitting regulations with other agencies					

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Common Themes Table 6, Laws and Regulations	<p>other protected species</p> <ul style="list-style-type: none"> - [Is the problem that “fully protected status for many species can make it difficult to prioritize when developing conservation plans or conducting conservation projects?” Or is the problem that “fully protected status for many species can introduce to conflicting demands or requirements on the same places and people.”] - Insufficient staffing to process permits 						