

## Item 3600-001-0001 Department of Fish and Game

### 2. Interim Reporting on Select Key Activities.

*On or before January 10, 2007, Department shall provide a report to the Legislature (including budget and fiscal committees from both houses) on the budgeted activities for 2006-07 and 2007-08 the following program areas: (1) **Department's enforcement program**, (2) Marine Division, (3) land management and operations, (4) California Environmental Quality Act (CEQA) and Section 1600 program activities, and (5) conservation planning activities. For each of these activities, the department shall include a description of the program, an estimate of the budgeted resources dedicated to the program in 2006-07 and 2007-08, and a discussion of the key, measurable objectives of the programs for 2006-07 and 2007-08.*

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#### DEPARTMENT RESPONSE:

**FY 2006-07 -- Enforcement Program**

#### PROGRAM DESCRIPTION

The Enforcement Program is a significant part of the foundation and primary mission of the Department. Biology combined with enforcement of the regulations promulgated to manage the State's resources is identified through the Public Trust Doctrine as the responsibility of the Department. Game Wardens have transitioned from primarily supporting the hunting and angling communities to fully realizing obligations to all constituents. Habitat protection, human-wildlife conflict, exotic animal permitting, pollution and spill response/investigation, threatened and endangered species protection, illegal commercialization of native wildlife, homeland security, and public safety are just a fraction of the responsibilities facing Wardens today.

Over the years, mandates have increased the Law Enforcement Division's (Enforcement) scope of responsibility. Every new regulation, either state or federal, mandating the protection of wildlife and habitat resources or the provision of recreational and commercial opportunities impacts Enforcement's workload. Development projects that impact threatened or endangered species and streambeds all require compliance checks, and violations require in-depth and time consumptive investigations by Enforcement staff. Pollution events and water quality issues occur at

alarming rates in state waters, and Wardens are the primary investigators for both inland (off-highway) and ocean spills. Many of these mandates are unfunded, which coupled with the increased pressure from the state's growing population and Warden staffing levels, have affected Enforcement's ability to limit the impact to resources.

Currently, there are a total of 361 sworn positions. Of this total, 254 are Warden positions and 39 of these positions are currently vacant. Governor Schwarzenegger has directed that no law enforcement positions be eliminated, and Enforcement has not suffered any further reductions since he took office.

Director L. Ryan Broddrick initiated a reorganization that involved reconfiguring the reporting structure to allow positions in the field (reference Attachment A for a map reflecting the geographic distribution of the Straight-line Deployment Plan) and transitioning the enforcement program to the Law Enforcement Division. With this transition, the Chief of Patrol serves as a Deputy Director, thus straight-lining this position's reporting structure directly to the Department's Executive Office.

These steps, while not the complete solution for adequately addressing the needs of the environment and the expectations of the constituents, have resulted in greater flexibility in deploying Wardens and equipment in the field to protect fish and wildlife resources, and allow Enforcement to operate more strategically and in coordination with the other departmental programs. The budget augmentations authorized by the Governor and the Legislature will further enable Enforcement to more effectively and efficiently serve the resources.

## BUDGETED RESOURCES

Changes in the Department's fund sources that require fund shifts can have a dramatic impact on Enforcement's activities. For 2006-07, the shift in Enforcement's budget allocation reflects a significant increase in funding from the General Fund as follows:

FUND	2005-06	2006-07
General Fund	13.093%	47%
FGPF Non-dedicated <sup>1</sup>	76.681%	42.688%
ELPF	10.226%	9.367%

This shift allows for more flexibility in performing the full scope of duties required of Enforcement staff in preserving and protecting the state's resources.

Enforcement's 2006-07 fiscal year budget including reimbursements, agreements and one-time augmentations is \$48.9 million. This is an increase of approximately \$4.0 million over the 2005-06 budget, which is in part attributed to the recent bargaining unit contract signing and associated increases in supervisors' and managers' pay

<sup>1</sup> Fish and Game Preservation Fund (FGPF) Non-dedicated (Fund 0200.01)

schedules. Approximately \$2.0 million dollars are one-time funds utilized for equipment purchases and to provide overtime for directed enforcement activities.

Reimbursements and agreements with federal, state and municipal partners represent approximately \$15.0 million. Reimbursement work includes marine protection outside of state waters, MPAs and National Marine Sanctuary enforcement, the Delta Bay Enhanced Enforcement Program (DBEEP) and Hunter Education.

Funding of \$900,000 from the one-time non-game species General Fund augmentation will aid Enforcement in the purchase and maintenance of critical equipment that will benefit all species and habitat. This will include equipment for the Department's Forensic Lab and Enforcement's patrol operations; aircraft procurement and maintenance for aerial support of non-game surveys, watershed observations, habitat destruction or manipulation; and pollution investigations. These funds will also help develop and deliver educational training for District Attorneys on the critical importance and nuances of wildlife and habitat law enforcement and regulation support.

Enforcement will utilize \$250,000 of the \$10.0 million augmentation for the Klamath watershed to purchase equipment and conduct additional directed enforcement details along the Klamath.

Enforcement will also receive \$250,000 of the \$10.0 million allocated for the Salmon and Steelhead Recovery project to purchase equipment and provide overtime opportunities to patrol the waters associated with general salmon and steelhead recovery projects.

Authority to spend \$5,000 of Cal-Tip funds generated by fines and penalties associated with fish and game violations was approved in the Governor's Budget and will be utilized to fund overtime, thus allowing officers to respond to citizen reports of on-going violations. In previous years, there was no funding for the necessary overtime to respond to these reports, which resulted in only one out of every three Cal-Tip reports receiving a timely response.

The Governor continues to place emphasis on ocean protection and Enforcement is the primary law enforcement agency responsible for protection of California's marine resources. FY 2006-07 budget augmentations from the Halibut Trawl and Marine Life Protection Areas (MLPA) program will allow for nine new enforcement positions (\$730,000). Of these positions, one, at the level of Captain, was recently filled, to assist with the scoping and implementation of ongoing MLPA efforts. The other eight Warden positions will be filled in December 2008, when the approximate 16-24 month recruitment, background clearance and peace officer training process can be completed. The funds for these positions will be used to support enforcement field operations for the MLPA until that time.

## **KEY MEASURABLE OBJECTIVES**

### ***Patrol***

The additional resources allocated for FY 2006-07 will allow for increased patrols by field Wardens that have been hampered by fiscal restrictions on overtime. Wardens working the newly authorized overtime have already contacted close to 250,000 more people this year than in 2005 and have noticed an increase in the violation rate: through September 2006, an increase of approximately 1,500 violations in comparison to the same time last year (Reference Attachment B for a summary of 2006 violations.) This increase is indicative of an increased Warden presence to enforce Fish and Game laws, not of a rise in noncompliance.

Additional patrols made possible by authorized overtime and funds for travel, will focus on Departmental lands to address unauthorized off road vehicle use, illegal camps and other unauthorized activities.

### ***Poaching Details***

Limited resources in FY 2005-06 restricted Enforcement activities to 40-hour workweeks with no overtime, and provided little opportunity for travel to implement directed enforcement details. As a result and during this time period, checkpoints, a primary enforcement method, were significantly limited. With funding from budget augmentations and the ability to utilize shifted funds, Enforcement is now able to increase the number of checkpoints, including marine checkpoints, which help identify poaching of resources already heavily impacted and stressed. Additional checkpoints for Chronic Wasting Disease (CWD), a devastating disease that affects deer and elk herds, are expected to help address the 90% non-compliance by hunters returning from out-of-state hunts with restricted deer and elk parts that was reported this last year. Within just the first three months of FY 2006-07, twice the number of checkpoints had been conducted by Enforcement targeting deer and CWD, abalone/marine species, and Lake Davis Northern Pike compliance.

The additional funding will also be used to increase decoy operations (deer and elk decoys set up to catch poachers taking game out-of-season, in closed areas and after hours), direct enforcement details (multiple Game Wardens are directed to a specific area for targeted resource enforcement) and overtime opportunities for these efforts. Thus far, 18 decoy and directed enforcement operations have been conducted, and overtime (10 hours per month) allocated to increase Warden field presence. Over 800 citations have been issued during these enforcement details and thousands of citizens contacted.

### ***Equipment Purchase***

Enforcement will utilize augmented funds to purchase necessary equipment that they have not been able to obtain using only its established budget resources. A total of 130 aging and operationally inefficient vehicles have been or are being replaced, and approximately 300 computers have been upgraded. Field equipment purchases, such as all-terrain vehicles, digital cameras and recorders, a 22' jet boat, night vision equipment and Global Positioning Systems (GPS) for the marking and locating of areas

of interest and investigations/evidence, have already and will continue to increase efficiency in patrols. These efficiencies are expected to occur beyond FY 2006-07 and FY 2007-08.

The Forensic Lab will utilize approximately \$250,000 to purchase equipment and pay overtime to lab staff. The new equipment will enhance the Lab's current forensic capabilities, including establishing genetic markers on various species, such as abalone, mountain lion, bear and sturgeon. Lab cases will be processed more quickly and effectively with the new equipment, and with the ability of the scientists to work overtime that will also be funded by the augmentations.

Air Services will utilize approximately \$250,000 for maintenance of existing aircraft, as well as towards the purchase of a new Vulcan Air high-winged aircraft. This will ensure the safety and efficiency of the existing fleet, and increase the number and timeliness of surveying operations. The Law Enforcement Division and Department Attorneys will utilize \$50,000 to create and conduct statewide training conferences for District Attorney's on the critical importance and nuances of wildlife and habitat law enforcement, prosecution and regulation support.

### ***Hunter Education***

Hunter Education is an important Enforcement function as this training helps reduce the frequency of accidents involving the use of firearms and archery gear while hunting; increases the understanding and support of wildlife management principles and related regulations and laws; improves the hunter's public image by emphasizing responsibilities and sportsmanship in the field; and allows Wardens to further their traditional role in Community-Oriented Policing.

In California, the continuing trend of hunters going out-of-state to hunt is a constant challenge. There were 22,560 students who received Hunter Education this past year, and projections indicate that figure will raise to 23,000 this year. There has been a lower percentage of juveniles who take this required hunting safety training, which highlights a shift in demographics. As in other states, Hunter Education, and hunting in general, has to compete with other year-round activities for youth. To help ensure future hunting-related revenues that support Department hunting and management programs, steps will be taken over the next two years to make Hunter Education more accessible and convenient.

The additional funding provided will make possible course expansion that will take the average 10-hour classroom course and make it more accessible by allowing for a four-hour internet/home study class of the "text book" sections. Enforcement has also instituted an Advanced Hunter Education course to take hunters a step beyond the basic instruction course. Topics include: Land Navigation, Turkey Hunting Exposition, Wild Pig Clinics, Big Game Clinics, Upland Game Hunting Clinics, and Waterfowl Hunting and Dog Handling Clinics.

Projected Hunter Education training numbers for FY 2006-07 and FY 2007-08 include:

<b>TOTAL NUMBER OF PERSONS TRAINED</b> (Includes those who passed or failed)	23,000
TOTAL NUMBER VOLUNTEERS PARTICIPATING	875
TOTAL NUMERS OF VOLUNTEER HOURS	21,000
TOTAL NUMBER OF HUNTER EDUCATION CLASSES	2,300
TOTAL NUMBER OF FATAL HUNTING RELATED ACCIDENTS	2
TOTAL NUMBER OR NON-FATAL HUNTING RELATED ACCIDENTS	21
TOTAL NUMBER HUNTING RELATED ACCIDENTS	23
ESTIMATED PUBLIC EVENTS ATTEND BY HUNTER EDUCATION STAFF**	200
ESTIMATED NUMBER INDIVIDUALS EXPOSED TO HUNTER EDUCATION*	240,000

\* ~30 events a year per four (4) Department Enforcement District = ~120 events statewide X Average event attendance of 2,000 individuals = Estimated Hunter Education exposure each year of 240,000.

\*\* Hunter Education Staff includes Full time staff of seven and volunteer staff of approximately 850

\*\* Number of public events attended does not include number of classes taught entered above

### ***Campaign Against Marijuana Propagation***

Increased marijuana cultivation on public lands has inserted Wardens into the Campaign Against Marijuana Propagation (CAMP) mission over the last two years. Marijuana grows negatively impact the environment and water quality: poisons, fertilizers and debris are in each area; wildlife is shot and killed, trapped and poisoned; and water is diverted from streams that support all types of wild and plant life, and humans. The water becomes contaminated with diesel and poisons and is either absorbed by the soil at the site of the grow or becomes run-off into waterways, further affecting the ecosystem for many years into the future.

In addition to the increased patrols of public lands, three Wardens, selected by their peers in law enforcement for their expertise in the woods, are on the CAMP Task Force for the three-month growing season during FY 2006-07. Enforcement's participation in CAMP Pilot projects is beneficial but very time intensive, and will be evaluated after the FY 2006-07 grow season for participation into FY 2007-08.

### ***K-9 Program***

Enforcement will develop and implement a K-9 program that will allow Wardens to use specially-trained canines for patrol purposes. In addition to receiving the same basic training as canines in other law enforcement agencies, canines in Enforcement's

program will also be trained in both protection and detection teams with an emphasis on wildlife and habitat. These trained “officers” will provide immeasurable assistance to Wardens in wilderness, urban and marine environments.

### ***Training***

All Enforcement staff will complete the required SIMS/NIMS training in the current year for response to critical incidents. Wardens are an essential asset in disaster response because of their expertise on the water and in the woods. Wardens have proven their importance in these events during recent natural disasters in Texas, Louisiana and Florida. California Wardens play the same role for our state and work directly with the Governor’s Office of Emergency Services and the Department of Homeland Security. Funding for this training is possible through a grant provided through the Department of Homeland Security.

### ***Regulations***

Enforcement has recently acquired an active role in the rule making process to assist in the revisions and “clean-up” of the Fish and Game Code. In joining the Department’s existing regulations review team, Enforcement will help achieve biological goals by ensuring proposed statutes are enforceable. Enforcement’s expanded role in this process will result in broader consideration of resource conservation and protection matters, and more comprehensive and understandable regulations for the benefit of our constituents.