

Third Supplement to Memorandum 2022-30

Fish and Game Law: Narrow Reorganization in Place (Additional Discussion)

The Commission¹ has received another letter expressing concern about any further work to improve the organization of the Fish and Game Code. The letter, which is attached, was sent on behalf of the following organizations:

Bolsa Chica Land Trust
California Fish and Game Warden's Supervisors and Managers Association
California Fish and Game Wardens Association
California Native Plant Society
California Rifle and Pistol Association
Defenders of Wildlife
Mountain Lion Foundation
Santa Barbara Zoo
Sierra Foothills Audubon Society
Sierra Forest Legacy
Trust for Public Land

Respectfully submitted,

Brian Hebert
Executive Director

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.



May 4, 2022

Mr. Rick Simpson, Chairman
California Law Revision Commission
c/o UC Davis School of Law
400 Mrak Hall Drive
Davis, CA 95616

Dear Mr. Simpson,

On the behalf of the undersigned organizations, we are writing to express concern regarding the ongoing effort by the California Law Revision Commission (CLRC) to reorganize the Fish and Game Code. Many of our organizations participated in the California Department of Fish and Wildlife (CDFW) Strategic Vision process and have followed the actions of the CLRC. We appreciate the considerable efforts by the CLRC to review and identify improvements in the organization and clarity of the Fish and Game Code. Your efforts have resulted in valuable reports on CDFW's mandates and funding and two Code clean up bills (AB 1527 and AB 1473).

We understand that a team of CDFW attorneys is currently working with CLRC staff to develop legislation for further code provisions based on a 1,300-page Tentative Recommendation from the CLRC. It is likely that this effort will result in proposed legislation that will make hundreds of additional changes to the Fish and Game Code. And, if this legislation is enacted, it will require thousands of subsequent amendments to regulations. We think that this effort should bring the Fish and Game Code reorganization efforts to a close.

After a decade of work on reorganizing the Fish and Game Code, the time has come to refocus the efforts of CDFW onto mission-specific tasks, including implementing the state's goal to conserve 30% of its lands and waters by 2030; addressing significant natural resource threats such as drought, fire, sea level rise and invasive species; reducing conflicts between humans and wildlife; enforcing anti-poaching and anti-pollution laws and regulations; and managing the hundreds of declining species in addition to the myriad of fish and game species for commercial and recreational purposes.

The Service Based Budget effort has illustrated starkly that it is critical for CDFW to focus its limited time and efforts on fulfilling its mission. Despite recent budget augmentations, CDFW continues to struggle to meet its program goals, particularly biodiversity conservation, land management, and permitting. We do not believe that it is a prudent use of CDFW staff time to focus on continuing to reorganize the Fish and Game Code.

Further, we are not convinced that further reorganization of the code will produce the intended outcomes – less confusion and more efficiency. We believe that for CDFW’s law enforcement officers, the revisions to the Code may be counterproductive because it will result in officers in the field spending extra time looking for code sections to determine whether an offense was committed, issue citations or educate the public. This kind of delay is not efficient and could be dangerous for officers.

For all the above reasons, we do not support further reorganization of the Code and have encouraged CDFW to redirect its effort toward our state’s fish and wildlife and the habitats they depend on. Again, we thank the CLRC for its important work.

Sincerely,

Kimberly A. Kolpin
Executive Director
Bolsa Chica Land Trust

Pamela Flick
California Program Director
Defenders of Wildlife

Danny Stevenson
President
California Fish & Game Warden’s Supervisors
and Managers Association

Frederick Hull
Director of Advocacy
Mountain Lion Foundation

Nick Buckler
President
California Fish and Game Wardens Association

Richard Block
President & CEO
Santa Barbara Zoo

Nick Jensen
Conservation Program Director
California Native Plant Society

Don Rivenes
Conservation Chair
Sierra Foothills Audubon Society

Roy M. Griffith Jr.
Legislative Director
California Rifle and Pistol Association

Susan Britting
Executive Director
Sierra Forest Legacy

Rico Mastrodonato
Legislative and Policy Director
Trust for Public Land

cc: Mr. Brian Hebert, Executive Director, California Law Review Commission
Angela Pontes, Deputy Legislative Secretary, Office of Governor Newsom
Senator Richard Roth, Member, California Law Revision Commission
Assemblymember Ash Kalra, Member, California Law Revision Commission