



State of Washington
Legislative Budget Committee

FISH AND WILDLIFE COMMISSION

Report 95-5

FEBRUARY 15, 1995

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Established by Chapter 44.28 RCW, the Legislative Budget Committee (LBC) provides oversight of state funded programs and activities. As a joint, bipartisan legislative committee, membership consists of eight senators and eight representatives equally divided between the two major political parties.

Under the direction of the Legislative Auditor, committee staff conduct performance audits, program evaluations, sunset reviews, and other types of policy studies. Study reports typically focus on the efficiency and effectiveness of agency operations, impact of state programs, and compliance with legislative intent. As appropriate, recommendations to correct identified problem areas are included.

Reporting directly to the legislature, the LBC generally meets on a monthly basis during the interim between legislative sessions.



State of Washington
Legislative Budget Committee

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FISH AND WILDLIFE COMMISSION

Summary

In 1993 the legislature merged the departments of fisheries and wildlife into one agency and directed the Legislative Budget Committee to study the role of the Fish and Wildlife Commission. This report discusses three key issues the legislature should examine when it considers options for governing the department. They are: broadening public representation, strengthening accountability, and improving management coordination of fish and wildlife issues.

The report presents five options for governing the department and discusses how each option addresses these key issues. Depending on the relative importance the legislature places on each of the three key issues, the report identifies changes the legislature should consider making if it decides to implement a particular option.

BACKGROUND

In 1993 the legislature passed and the governor signed ESHB 2055, merging these two departments thereby creating the third largest state natural resource agency in Washington, the Department of Fish and Wildlife. This merger placed the responsibility for managing game fish, wildlife, commercial or food fish, and shellfish in one agency.

ESHB 2055 renamed the Wildlife Commission, the Fish and Wildlife Commission. However, the commission's current authority to set department policy and regulations for game fish and wildlife was not extended over commercial or food fish and shellfish, the responsibilities of the former Department of Fisheries.

Overview

Commission
authority
not
extended
during
merger

ESHB 2055 requires the Fish and Wildlife Commission to “review its area of responsibility in the consolidated agency and submit recommendations by December 1, 1994, to the governor and the appropriate standing committees on any necessary changes in its statutory authority.”

REPORT SCOPE

ESHB 2055 directed the Legislative Budget Committee to “study the role of the Fish and Wildlife Commission, and prepare a report on recommended changes to the governor and the appropriate standing committees of the legislature by December 1, 1994.”

The report is based on our evaluation of research done in other states; fish and wildlife management trends; the newly merged Department of Fish and Wildlife’s strategy for managing fish, wildlife, and their habitat; and the legislature’s purpose for reorganizing the department in 1987 and 1993. We also examined the activities of the commission by reviewing their meeting records and reports and attending public hearings and workshops. The report discusses why we did not conduct a full performance audit.

Not a full
performance
audit

SUMMARY OF FINDINGS AND CONCLUSIONS

Three factors thwart the commission from fully complying with its legislative mandate of obtaining broad public representation. First, the commission has two mandated roles that are difficult to perform concurrently. Second, commission members are appointed based predominantly on game fish and wildlife knowledge, although the department activities are much broader. Lastly, the commission does not have authority over the entire department. This is because of the divided governance structure within the department.

Commission
thwarted
from fully
complying

We found that in addition to the divided department management structure, there is a need for improved coordination on a broader level in fish and wildlife policy development and management. More coordination is needed because of the complexity and breadth of the issues.

THE OPTIONS

The five governance or role options discussed in this report represent fundamentally different, rather than all possible, choices for the legislature. These options are not mutually exclusive; their features can be separated and combined in different ways.

We cannot determine which option is the most effective form of governance, because future effectiveness depends on a number of factors that are difficult to objectively evaluate, including the performance of the people who govern and manage. Chapter 4 includes tables that compare how each option addresses the three key issues and the changes the legislature should consider if it decides to implement a particular option. The five options are:

- Option 1:** A commission with complete authority over the entire department, as recommended by the commission.
- Option 2:** A commission with policy development and coordination responsibilities for the entire department.
- Option 3:** A commission with an advisory and coordination role for the entire department.
- Option 4:** A commission with management authority for a specific activity within the department.
- Option 5:** No commission.

COMMISSION RESPONSE

The commission and OFM's responses are in Appendix 2. The LBC auditors' response to the commission's comments is also contained in Appendix 2.

ACKNOWLEDGMENTS

The report was written by Theophilus Yu, Project Consultant, and Debbie Evick of the LBC staff, with the supervision of Cheryle A. Broom, Legislative Auditor.

**Fundamentally
different
options
presented**

We wish to thank the Fish and Wildlife Commissioners and their staff, the Director of the Department of Fish and Wildlife and department staff, and the numerous groups and individuals that have an interest in fish and wildlife for their assistance with this report.

Cheryle A. Broom
Legislative Auditor

On February 15, 1995, this report was approved by the Legislative Budget Committee and its distribution authorized.

Representative Jean Silver
Chair

BACKGROUND

Chapter One

Prior to 1993, the Wildlife Commission and the Department of Wildlife were responsible for preserving, protecting, and perpetuating game fish and wildlife, and the Department of Fisheries had responsibility for preserving, protecting, perpetuating, and managing food fish¹ and shellfish. In 1993 the legislature passed and the governor signed ESHB 2055, merging these two departments thereby creating the third largest state natural resource agency in Washington, the Department of Fish and Wildlife.

ESHB 2055 renamed the Wildlife Commission the Fish and Wildlife Commission, and gave the commission the new responsibility to review the performance of the department in implementing game fish and wildlife policies when meeting annually with the governor (RCW 77.04.055). However, the commission's authority was not extended over the responsibilities of the former Department of Fisheries (commercial or food fish and shellfish).

ESHB 2055 requires the Fish and Wildlife Commission to "review its area of responsibility in the consolidated agency and submit recommendations by December 1, 1994, to the governor and the appropriate standing committees on any necessary changes in its statutory authority."

¹Food fish are defined as "those species of the classes osteichthyes, agnatha, and chondrichthyes that shall not be fished for except as authorized by rule of the director" (RCW 75). Game fish are "those species of the class osteichthyes that shall not be fished for except as authorized by rule of the commission" (RCW 77). Osteichthyes fish are fish that are commonly found in fresh water, thus under the commissions authority. However, some osteichthyes (freshwater) fish are also considered food fish, and thus are under the director's authority.

Overview

The commisison directed to report on its responsibilities

This is followed by direction to the Legislative Budget Committee to "study the role of the Fish and Wildlife Commission, and prepare a report on recommended changes to the governor and the appropriate standing committees of the legislature by December 1, 1994."

HOW WE DID THIS STUDY

This report is based on our evaluation of research done in other states; fish and wildlife management trends; the newly merged Department of Fish and Wildlife's strategy for managing fish, wildlife, and their habitat; and the legislature's purpose for reorganizing the department in 1987 and 1993. We also examined the activities of the commission by reviewing their meeting records and reports, and attending public hearings and workshops. Appendix 1 includes the study's scope and objectives. While we addressed each objective, the report contains no recommendations on the role of the commission. (See discussion in Chapter 2 on why we developed policy options.)

Policy
options
developed

ORGANIZATION

RCW 77.04.020 states that the Washington State Department of Fish and Wildlife consists of the commission and the director. The commission consists of nine members appointed by the governor for a six year term. Commission members are required by law to: "have general knowledge of the habits and distribution of game fish and wildlife. . . ." (RCW 77.04.040).

Three commissioners must live west of the Cascade Mountains and three commissioners must live east of the Cascade Mountains. Three members are appointed "at-large," and no two members may reside in the same county. (RCW 77.04.030).

EXPENDITURES

Fish and Wildlife commissioners receive no salary, however, they are entitled to travel expenses and up to \$100 for each day they meet (compensation must be in accordance with RCW 43.03.250). The commission's estimated operating expenditures for the 1993-95 biennium are \$432,514 or .2 percent of the department's \$208,651,000 operating budget.

Volunteer
citizen
commission

ACTIVITIES

The Fish and Wildlife Commission holds public meetings (hearings and workshops) throughout the state, and telephone conferences where it establishes regulations that control the "time, place, and manner" for recreational harvest of game fish and wildlife. The commission determines which wildlife and game fish species should be managed by the department. This includes designating species as protected (threatened or endangered). In addition, it sets department goals, policies, and objectives for game fish and wildlife in public forums where citizens can participate.

In the 1991-93 biennium, the commission held 51 meetings. As required by statute, the commission publishes an annual report on "... the condition of recreational hunting and fishing opportunities and wildlife and wildlife resources in the state, and on the progress of the department in meeting goals and objectives set by the commission." The commission is statutorily required to solicit public input in the preparation of this annual analysis (RCW 77.04.111).

The commission sponsors symposiums on fish and wildlife issues such as steelhead and ecosystem management. According to the commissioners, they also spend a significant amount of time preparing for hearings, answering questions from the public, and participating in a variety of meetings to educate the public on a broad range of fish, wildlife, and habitat issues. Since commissioners are not salaried employees, much of this is done on their own time and at their own expense.

HOW THE ROLE OF THE COMMISSION HAS CHANGED

1932: Why the Game Commission was Created

In 1932 the voters passed Initiative 62, creating the Washington State Department of Game and the Game Commission. This centralized in the state what was previously a county-by-county system for establishing hunting and fishing regulations and enforcing game laws.²

²See Appendix 3 for a timeline that summarizes these changes.

Sets game
fish and
hunting
regulations

Belief that protection needed from political influence

The six member Game Commission had the responsibility to appoint the department director; classify wildlife as game; adopt hunting, fishing, and trapping regulations; set department priorities; and approve real estate transactions.

At the time the game commission was created, the records showed there was a widely held belief that a commission was needed to protect the department, fish, and wildlife from political influence, i.e., primarily from the governor. This belief continues for some today. For example, the Fish and Wildlife Commission's November 1994 report states "(t)he current Commissioners believe in the role of the Commission, acting as a buffer between politics and wildlife management."

1987: Accountability for Department Operations Transferred From the Commission to the Governor

In 1987, the legislature and governor approved legislation that gave the governor the authority to appoint the director, making the governor accountable for most department operations, not the commission. The new commission kept the responsibility to set department policies, goals, and objectives, and set regulations (e.g., the time, place, and manner for taking game fish and wildlife).

Ensure a high level of public involvement

The legislation also stated that one of its intentions was "to ensure a high level of public involvement in the decision making process." Based on our review of legislative documents and our field interviews, we believe the legislature's intent was that the department and the commission should expand the range of interests that it represents; that is to reach out to groups and individuals beyond just hunting and fishing interests and to broaden its public representation. These changes shifted the commission's role away from overseeing the department to an increased emphasis on representing the general public's interests in game fish and wildlife matters.

The following year (1988) the commission wrote: "the Wildlife Commission recognizes that it must balance the diverse needs of these user groups . . . the Commission will champion these opportunities for everyone. Consumptive users have long been involved in the activities of the Commission; the nonconsumptive user is now being encouraged to participate . . ."³

³Wildlife action agenda, A Report to the Legislature and the Citizens from the Washington Wildlife Commission, October 1988.

In recognition of these changes, the department's name was changed from the Game Department to the Department of Wildlife, and the Game Commission to the Wildlife Commission to emphasize the department's expanding focus from managing game (animals and fish suitable for hunting and fishing) to managing all wildlife.

1993: The Legislature did not Expand the Commission's Authority Over the Responsibilities of the Former Department of Fisheries

In 1993, the legislature passed and the governor signed ESHB 2055, merging the Department of Fisheries and the Department of Wildlife into the Department of Fish and Wildlife. ESHB 2055 also renamed the Wildlife Commission the Fish and Wildlife Commission.

Part of the legislature's stated intent for this merger was to improve accountability by consolidating fish and wildlife management into one agency. The legislation stated that the merger will, "provide all fishers, hunters, and observers of fish and wildlife with a single source of consistent goals, policies, and procedures."

The legislature gave the commission the new responsibility to review the performance of the department in implementing game fish and wildlife policies only, but it did not extend the authority the commission has to set policies, goals and objectives, and regulations for game fish and wildlife over commercial or food fish and shellfish. The direction given to the commission and the department in 1987 to broaden public representation was not changed.

As Exhibit 1 states, the merger created a divided governance structure wherein the commission essentially sets policies, goals, and objectives, and regulations for only part of the department.

Departments
merge

Divided
governance

Exhibit 1

Commission Sets Policies, Goals, Objectives and Regulations for Part of the Fish and Wildlife Department

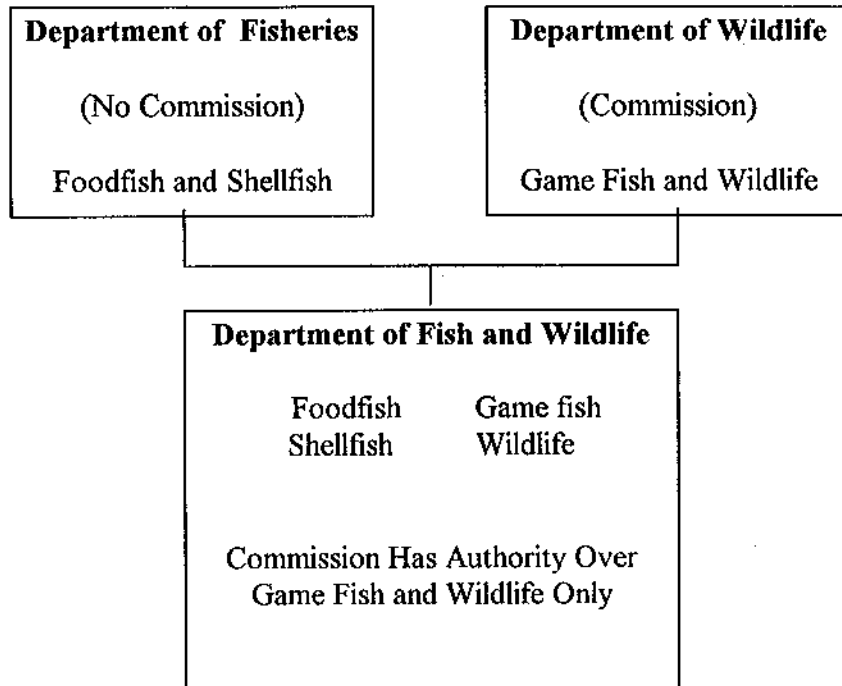


Exhibit 2 on the following page summarizes the major responsibilities of the Fish and Wildlife Commission by type of authority.

THE COMMISSION'S REPORT

As noted earlier, ESHB 2055 requires the Fish and Wildlife Commission to "review its area of responsibility in the consolidated agency and submit recommendations by December 1, 1994, to the governor and the appropriate standing committees on any necessary changes in its statutory authority." The Fish and Wildlife Commission released its report on November 17, 1994, with the recommendation that the commission be given complete oversight authority over the entire department. The commission's recommendation is discussed in Chapter 2.

Commission recommends complete authority

Exhibit 2

Major Authority of the Fish and Wildlife Commission

Appoints Department Director	Sets Department Policy	Approves Department Budget	Reviews Department Operations	Sets Regulations	Approves Agreements
No Appointed by governor	Yes, in part For game fish and wildlife only	No Authority specifically stated in statute.	Yes Reviews and reports on the department's progress in meeting game fish and wildlife goals and objectives. Effective July 1, 1994, reviews performance of department in implementing game fish and wildlife policies.	Yes Time, place, and manner for taking game fish and wildlife. Classifies game fish and wildlife; designates species as threatened or endangered.	Yes Approves purchase or lease of real property (land, buildings, waters).

COMMISSIONS IN OTHER STATES

We reviewed information from all 50 states regarding their fish and wildlife management governance models. This review revealed that the other states used numerous types of governance models and a variety of organizational structures for their fish and wildlife management.⁴

We found 11 states that had no commission. Among these states, some had directors appointed by the governor, whereas others had an elected official heading the department. Of the 39 states that had a fish and wildlife commission, we compared the commission's role and responsibilities with that of Washington's commission. Appendix 4 provides some of the details of this comparison.

Eleven states with no commission

⁴*State Wildlife Laws Handbook*, Ruth S. Musgrave and Mary Anne Stein, Center for Wildlife Law at the Institute of Public Law, University of New Mexico, 1993, and telephone interviews with state fish and wildlife officials. However, we did not review the statutes pertaining to fish and wildlife commissions in all states.

This comparison revealed that the fish and wildlife commissions that exist in 39 states play a wide range of different roles. These roles range from broad policy setting only to essentially complete management authority over game fish and wildlife in the state.

Variations in agency structures

Of all the 50 states, we found that ten states, including Washington State, had merged fish and wildlife agency structures that included both game fish and wildlife along with commercial fishing. The remaining states had various other structures, e.g., 11 had fish and game agencies, and 22 had fish and wildlife divisions within one natural resource agency. The remaining seven states had various organizational structures ranging from agencies that included fish, game, and parks to no agency specifically designated for fish and wildlife management.

Variations in the roles

We also conducted a more detailed review of Oregon, Alaska, and California, which showed that among these states there was also variation in the role played by these commissions/boards. For example, Alaska's Department of Fish and Game has two boards, one for all fish (game, recreational, shell, and commercial), and one for game. The major responsibilities of the boards are to pass time, place, and manner regulations and to conserve and develop fish and wildlife resources.

It is also interesting to note that Oregon's commission has the same authority that Washington's commission presently has for setting regulations. In addition, Oregon's commission has the authority to set regulations for shellfish, salmon, and saltwater fish (bottom fish) up to three miles from the shore. According to Oregon officials, in practice, Oregon's Fish and Wildlife Commission adopts the regulations set by the Pacific Fishery Management Council for ocean fishing within the three mile limit.⁵

We found no commissions that exercise the extent of authority that the Washington State Fish and Wildlife Commission is recommending for itself.

⁵The Pacific Fishery Management Council includes WA, OR, ID, and CA. This council is one of eight councils across the nation which were established by the Federal Magnuson Fishery Conservation and Management Act (FCMA) in 1976. Among other things, these councils develop fishery management plans, regulations regarding the size, limits, bag limits, quotas, restriction on net mesh size, and seasons for marine fishing beyond three miles from the shore.

POLICY OPTIONS AND KEY ISSUES

Chapter Two

Because of the nature of this study, we developed five policy options for the legislature to consider. These options range from the Fish and Wildlife Commission's recommendation to significantly expand its authority to eliminating the commission. This chapter also explains these options and three key issues that the legislature should examine when it considers options for governing the Fish and Wildlife Department.

WHY WE DEVELOPED POLICY OPTIONS

We developed policy options instead of conducting a performance audit, because the latter requires a sufficient number of efficiency and effectiveness measures to reach a conclusion on the performance of a program or organization. We did not find such measures for auditing a fish and wildlife commission.

Specifically, we found:

1. **There are no standard models of an effective commission.**

Our research did not identify any typical models that were accepted as the standard for an effective commission. Nor did we find any fish and wildlife commissions that had been evaluated for effectiveness.

2. **We found no measures of efficiency and effectiveness.**

Our research did not reveal any commonly accepted standards for measuring the efficiency and effectiveness of governing bodies like citizen commissions.

Overview

No
measures
for
efficiency
and
effectiveness

3. There are no analytical tools for determining what form of governance is most effective.

Depends on many factors

We did not find any analytical tools that would allow us to determine what form of governance would be the most effective. Whether or not a particular form of governance is best depends on many factors, including the performance of the people who govern and manage. It also depends on individual judgments about the preferred way of governing.

Finally, it would have been difficult to develop independent, acceptable measures of efficiency and effectiveness while the commission and the department are going through a period of significant transition.

Developed a range of options

As a result, we were not able to evaluate the effectiveness of the Washington State Fish and Wildlife Commission and make a recommendation on its future role. Therefore, we developed a range of options and identified key issues that could affect the role the legislature may wish to give a commission or alternative ways to govern the department. We analyzed the impact each option would have on the key issues and our findings. Based on this analysis, we suggest statutory changes the legislature should consider if it chooses a particular option.

These options represent fundamentally different, rather than all possible, choices for the legislature. They show that the legislature has a broad range of choices from abolishing the commission to significantly reshaping its role, all depending on the goals and priorities of the legislature. Because of the difficulty the commission currently has in fulfilling its existing legislative mandates discussed in Chapter 3, we do not include the current commission governance structure as an option.

Finally, these options are not mutually exclusive; they can be separated and combined in different ways. For example, the current Fish and Wildlife Commission has both a department policy-making and regulation-setting role. We have separated those responsibilities and placed them in the different options presented below.

THE FIVE OPTIONS

- Option 1:** A commission with complete authority over the entire department, as recommended by the commission.
- Option 2:** A commission with policy development and coordination responsibilities for the entire department.
- Option 3:** A commission with an advisory and coordination role for the entire department.
- Option 4:** A commission with management authority for a specific activity within the department.
- Option 5:** No commission.

THE COMMISSION'S RECOMMENDATION

The commission recommends that the legislature give the commission complete authority over the entire department based on its conclusion that a commission is the best way to govern the Department of Fish and Wildlife.¹ This is a significant expansion of the commission's current authority.² Specifically, the commission recommends that it should:

- Approve regulations for all species, adding food fish and shellfish to their current authority over wildlife and game fish;
- Represent all user groups, e.g., adding commercial users;
- Approve all department agreements, adding tribal, interstate, and international agreements;

**Complete
authority**

¹*Washington Fish and Wildlife Commission, Responsibilities in the Merged Department,* Washington State Fish and Wildlife Commission, November 1994.

²The commission's current authority is discussed in Chapter 1, page 5.

- Approve the department's budget;
- Select its own staff;
- Approve all department rules and regulations; and
- Appoint the Director of the Department of Fish and Wildlife.

The commission recommends expansion of its authority because it believes:

1. These authorities would provide the commission the ability to achieve the commission's full potential to benefit habitat, fish, and wildlife, and all the citizens of the state.
2. These additional authorities would also allow for greater responsiveness and accountability from the commission to the public.
3. With these additional authorities, the commission can provide the leadership and stability to maintain consistent policies that are based on what is best for habitat, fish, and wildlife, and not based on political considerations.

The commission's report does not address *how* it will be able to perform these expanded activities with the limited time that citizen commissioners have, and over a department that is twice the size of the former Department of Wildlife. In addition, the report does not discuss how the current commission can effectively represent groups that do not agree with their recommendation.

Commercial fishing groups oppose

Commercial fishing groups have stated that they oppose extending the commission's regulatory authority over commercial fishing, as long as the commission does not have members who are very knowledgeable about the commercial fishing industry.

The tribes have stated that a commission should have an advisory role that is focused on the department's overall goals and objectives. In addition, they believe an advisory commission could provide a good channel between the director and parties involved in natural resource management. The tribes believe the governor should continue to select the director, and that the director should be held accountable for implementing resource co-management.

See Appendix 5 for copies of letters that state both the commercial fishing and the tribal positions, as well as letters from persons and organizations that support the commission's recommendations.

THE KEY ISSUES

We have identified three key issues the legislature should examine when it considers options for governing the department. They are public representation, accountability, and management coordination. We have defined these terms based on our understanding of legislative intent, current statutes, and generally accepted government auditing standards.³

We recognize that there are other definitions of these terms. Our purpose was not to create all-encompassing definitions, but to provide a way to understand the key issues discussed in this report.

Finally, these key issues highlight the existing governance structure, created by statute and historical practice, that thwarts the commission's ability to reach out to groups and individuals beyond just hunting and fishing interests in order to broaden its public representation.

1. Legislative mandate to broaden *public representation*.

Broadening public representation means:

Involving hunting, fishing, and other individuals and groups that have an interest in game fish and wildlife issues in commission activities. This includes groups and individuals that have not historically been involved with the commission such as farmers, developers, observers of wildlife, environmentalists, and commercial fishing interests.

Public representation also means ensuring a high level of public involvement in the decision-making process, and

Issues for
considering
options

Some
groups not
involved

³Government Auditing Standards, United States General Accounting Office, Comptroller General of the United States, 1994 Revision.

providing effective communication between the commission, the governor, the legislature, and the public.⁴

2. Strengthening *accountability* to the legislature and the governor.

The two definitions for strengthening accountability emphasized in this report are:⁵

Executive accountability means the accountability of the governor to the legislature. This encompasses the idea that the legislature clearly knows who is ultimately responsible in the executive branch for an activity and its results.

Management accountability means the accountability of the department to the governor. This encompasses the idea that the governor clearly knows who is ultimately responsible for the department activities and results.

Both definitions require clear lines of authority to an identifiable decision-maker.

3. Improving *management coordination* of fish and wildlife issues.

Improving management coordination means:

Finding ways to coordinate activities in order to avoid duplication and ensure that organizational goals are being met efficiently. This need increases the more fragmented an organization is, the more organizations there are that are involved, and the more complex and interrelated the issues are.

⁴According to the Fish and Wildlife Commission, public representation could also mean having a commission act as a "buffer" between fish and wildlife interest and politics. See *Washington Fish and Wildlife Commission, Responsibilities in the Merged Department*, Washington Fish and Wildlife Commission, 1994.

⁵There is some overlap between these key issues. For example, some interpretations of accountability include accountability to the public; i.e., visibility of department activities and public access to provide input and affect decision-making. Our discussion on public representation includes the idea of accountability to the public. Also, inherent in our discussion regarding management coordination, is an accountability component, i.e., improved coordination should strengthen accountability.

Clear lines of authority needed for accountability

KEY ISSUES THAT AFFECT A ROLE FOR A FISH AND WILDLIFE COMMISSION

Chapter Three

Three factors thwart the commission from fully complying with its legislative mandate of obtaining broad public representation.¹ First, the commission has two mandated roles that are difficult to perform concurrently. Second, commission members are appointed based predominantly on game fish and wildlife knowledge, although the department activities are much broader. Lastly, the commission does not have authority over the entire department and the responsibility to represent all its constituents. This is because of the divided governance structure within the department.²

We found that in addition to the divided department governance structure, there is a need for improved coordination on a broader level in fish and wildlife policy development and management. More coordination is needed because of the complexity and breadth of the issues.

Based on the legislative mandates and management coordination issues, this chapter explains why the following three key issues should be considered when the legislature evaluates options for governing the department.

1. Legislative mandate to broaden public representation.

¹As defined in Chapter 2, broadening public representation includes: involving groups and individuals in commission activities that have an interest in fish and wildlife issues, but have not historically been involved with the commission.

²The department's divided governance structure is explained in Chapter 1.

Overview

Three key issues

2. Strengthening accountability to the legislature and the governor.
3. Improving management coordination of fish and wildlife issues.

Chapter 4 discusses how each option addresses the three key issues and identifies changes the legislature should consider making if it decides to implement a particular option.

COMMISSION PRACTICES AND STATUTORY PROVISIONS THWART BROAD PUBLIC REPRESENTATION

Two Roles: Public Representation vs. Setting Regulations

**Focuses
mainly on
setting
detailed
regulations**

The commission currently has both a broad public representation role and a specific regulation-setting role for game fish³ and wildlife. Our review found that although the commission has acknowledged this need⁴ and has taken limited steps to broaden public representation, its focus has mainly been on setting the detailed hunting and game fishing regulations.⁵ These regulations involve establishing the time, place, and manner (when, where, and how) for hunting and game fishing.

We observed that the commission's role in setting regulations has apparently occurred at the expense of its other role to ensure broad public representation. Our review of the commission's meeting records showed that the issues that came before the commission more often than any other were setting detailed hunting and fishing regulations. As a result, the vast majority of the persons that attended commission meetings were associated with hunting and fishing organizations. Appendix 6 provides a chart summarizing the results of our record review.

³Game fish does not include recreational fishing for saltwater fish, nor does it include commercial fishing, shellfish, and other invertebrates.

⁴See Chapter 1, discussion on the commission's 1988 Wildlife Action Agenda.

⁵See commission report for a description of their activities.

Although the commission does control its own workload, we understand the difficulty a part-time, voluntary-citizen commission could have in performing both roles. We believe that if the legislature decides to retain a fish and wildlife commission, the extent to which it can fulfill both a broad public representation role concurrently with a detailed regulation-setting role should be addressed.

Difficult to
perform
both roles

Moreover, in considering governance options, if the legislature wishes to continue the commission and ensure it broadens public representation, changes in statutory authority are necessary. This is particularly important in considering the commission's recommendation (Option 1) which would further expand its authority. That expansion would, in turn, require further broadening of public representation; i.e., to include commercial fishing and tribal interests.

Public Representation vs. Commission Membership Requirements

To a lesser degree, the existing statutory requirements for commission membership also thwarts the present commission's ability to meet the legislative intent of representing a broader public.

Chapter 77.04.040 RCW states that the commission consists of nine members appointed by the governor who "shall have general knowledge of the habits and distribution of game fish and wildlife" In an attempt to assist the commission in representing a broader public, the legislature added that when making appointments to the commission, "the governor shall seek to maintain a balance reflecting all aspects of game fish and wildlife."

Based on comments we received from commission members as well as our review of other documents, only one of the nine members that are presently serving on the commission does *not* have a hunting and fishing background. Having the members appointed based on their knowledge of game fish and wildlife appears reasonable given the historical duties of the commission before the departments were merged. However, as the legislature addresses what role a commission could have in the merged department, commission membership requirements are a consideration.

It is especially important for membership requirements to be addressed, if the legislature is considering options that include expanding the commission's authority over the entire department. As mentioned above, the entire department includes a much broader public beyond hunting and game fishing interests.

Public Representation vs. Current Governance Structure

The present governance structure also thwarts the commission from achieving broad public representation. As noted previously, the current governing structure within the DFW is divided as a result of the merger. Presently, the director of the department is responsible for state management of commercial fishing and managing resources with the tribes. The commission maintains their premerger role regarding game fish and wildlife. Thus, the commission's present statutory authority limits it from reaching out to some of the other interest groups that could be within its mandate to expand public representation.⁶

Limited
authority to
expand
representa-
tion

DEPARTMENT ACCOUNTABILITY IS REDUCED

As discussed in Chapter 1, in 1993 the legislature merged the Department of Fisheries and the Department of Wildlife creating the Department of Fish and Wildlife. Part of the legislative intent of this merger was to improve accountability by consolidating fish and wildlife management into one agency. The legislation stated that the merger will, "provide all fishers, hunters, and observers of fish and wildlife with a single source of consistent goals, policies, and procedures."

Split lines
of authority

The present department governing structure has split the lines of authority, due to both a director and a commission making decisions. This weakens accountability because both the commission and the director report to the governor.

⁶A related issues for the legislature's consideration is the feedback from some of the commercial fishing and tribal groups. This is described in Chapter 2.

NEED FOR IMPROVED COORDINATION

We found that in addition to the divided accountability for the department, there is a need for improved coordination on a broader level in fish and wildlife policy development and management. More coordination is needed because of the complexity and breadth of the issues.

Fish and Wildlife Management in a Complex and Fragmented System

According to the literature that we reviewed⁷ and information from environmental agency staff, fish and wildlife policy development and management is one of the most complex and fragmented areas of public administration. It is a complex system because of the number and breadth of the issues involved. The fragmentation occurs as a result of the number of different authorities (state, local, federal, international), interest groups, and individuals involved that can affect fish and wildlife populations. Appendix 8 provides details regarding federal- and state-level fragmented responsibilities.

Current Efforts to Improve Coordination

In response to the complex and fragmented system in which the state must attempt to manage fish and wildlife, government agencies are developing comprehensive approaches to managing natural resources, including fish and wildlife. Known by various names, such as integrated landscape management, ecosystem management, or ecosystem stewardship, these approaches represent attempts to change the focus from managing species-by-species to managing fish and wildlife as part of a system.

A comprehensive approach assumes a high degree of coordinated and integrated decision-making between the numerous interests involved. Appendix 9 provides details on the federal, state, and the Department of Fish and Wildlife's efforts to move toward this approach.

Efforts to
develop a
comprehen-
sive
approach

⁷See Appendix 7, which lists literature review sources.

Coordination needed

We did not evaluate whether a comprehensive approach was the most effective or efficient way to manage natural resources. However, given the existing complexity and fragmentation of fish and wildlife resource management, there appears to be a greater need for coordination and integration of decision-making.

ANALYSIS OF THE OPTIONS

Chapter Four

This chapter discusses how each option addresses the three key issues¹ and identifies changes the legislature should consider making if it decides to implement a particular option. Finally, the chapter discusses who would have the authority for major policy and management functions under each option.

These options represent fundamentally different, rather than all possible, choices for the legislature. These options are not mutually exclusive; their features can be separated and combined in different ways. For example, the current Fish and Wildlife Commission has both a department policy-making and regulation-setting role. For the purposes of this report, we have separated those responsibilities and placed them in different options.

We cannot determine which option is the most effective form of governance, because future effectiveness depends on a number of factors that are difficult to objectively evaluate, including the performance of the people who govern and manage. The legislature may prefer a particular option depending on the relative importance it places on each of the three key issues.² If the legislature decides to change the department's current governance structure, then a implementation plan should be developed to show the detailed steps that would be needed.

¹The three key issues are: 1) legislative mandate to broaden public representation; 2) strengthening accountability to the legislature and the governor; and 3) improving management coordination of fish and wildlife issues.

²There are analytical tools that can be used to compare and numerically rank qualitative factors such as the three key issues. These tools do not identify the "best" option. Instead, they involve applying subjectively-determined scores or weights in order to obtain an overall score. Developing and applying these tools was outside the scope of this study.

Overview

Future effectiveness depends on many factors

THE OPTIONS

As discussed in Chapter 2, the five options are:

- Option 1:** A commission with complete authority over the entire department, as recommended by the commission.
- Option 2:** A commission with policy development and coordination responsibilities for the entire department.
- Option 3:** A commission with an advisory and coordination role for the entire department.
- Option 4:** A commission with management authority for a specific activity within the department.
- Option 5:** No commission.

Exhibit 3 on the following page describes in further detail the authority a commission would have under each option. The options move from a broad role (Option 1) to a narrow role (Option 4), and finally no role (Option 5). The bottom of each column identifies the authority the commission would not have under each option.

How Each Option Compares to The Key Factors

Exhibit 4 compares, by option, the key issues with the commission's current authority to show how each option addresses the key issues.³ As discussed in Chapter 1, the Fish and Wildlife Commission currently has the authority to:

1. Set department policy, goals, and objectives for game fish and wildlife only;
2. Establish hunting and game fishing regulations;
3. Classify fish and wildlife;

³As a result of our findings, we do not include the existing commission governance structure as an option. See Chapter 2 for discussion.

Exhibit 3

I. Governance Options for The Fish and Wildlife Department*

Option 1	Option 2	Option 3	Option 4	Option 5
Commission with Complete Authority Over Entire Department**	Commission with Policy Development and Coordination Responsibilities for the Entire Department	Commission with Advisory and Coordination Role for the Entire Department	Commission with Management Authority for a Specific Activity Within the Department	No Commission
<ul style="list-style-type: none"> • Appoint the director • Approve the budget • Approve agreements • Adopt all regulations • Educate and inform other state agencies and the public on department policies and promote management coordination. 	<ul style="list-style-type: none"> • Develop and approve department policies, goals and objectives. • Solicit public input on policy issues. • Educate and inform other state agencies and the public on department policies and promote management coordination. 	<ul style="list-style-type: none"> • Solicit public input on department policy issues. • Advise department on policies, goals & objectives. • Educate and inform other state agencies and the public on department policies and promote management coordination 	<ul style="list-style-type: none"> • Solicit public input on time, place, and manner regulation setting only. • Set time, place and manner regulations for hunting and game fish only. • Educate and inform other state agencies and the public on hunting and game fishing issues only; limited role in management coordination. 	<ul style="list-style-type: none"> • Transfers all of the commission's authority to the director. • Governor and director would develop other ways to obtain public participation, to educate and inform the public and other state agencies and to promote management coordination.
<p>Does not include managing the day-to-day operations of the department.</p>	<p>Does not include option 1 authority of appointing the director, approving the budget, agreements, and adopting regulations.</p>	<p>Does not include option 1 authority of appointing the director, and approving the budget and agreements, nor does it include the option 2 authority of developing and approving policies.</p>	<p>Does not include option 1 authority of appointing the director, and approving the budget and agreements, nor does it include the option 2 authority of developing and approving policies. Also does not include the option 3 advisory responsibilities for entire department.</p>	<p>Does not include any of the authorities or responsibilities listed for the commission in options 1 through 4</p>

*The status quo is not included in the above options.

**The commission is recommending this option in their report to the governor and the legislature.

Exhibit 4

Comparing the Options and the Key Issues with the Commission's Current Authority

Option (See Exhibit 3)	Broadening Public Representation	Strengthening Accountability	Improving Coordination
1	May broaden public representation because the commission has the authority to represent the entire department on all issues.	May weaken management accountability because there is a commission between the governor and the director/department.	May improve coordination since the department is no longer divided between the commission and the director.
2	May broaden public representation in policy setting because the commission has the authority to set policy for the entire department.	May strengthen management accountability for policy setting since commission is responsible for setting policy for the entire department.	May improve policy coordination since the commission has the responsibility to set all department policies. However, the department is still divided between the commission (policy setting) and the director (all other functions).
3	May broaden public representation because the commission has the responsibility to solicit public input on any issue and advise the director.	Strengthens executive accountability because the legislature can hold the governor directly accountable for the department. Strengthens management accountability because the director reports directly to the governor.	May improve coordination since the department is no longer divided between the commission and the director.
4	May broaden public representation because the director has the authority to represent the entire department except for setting game fish and wildlife regulations.	May strengthen executive accountability since more of the department is controlled by the governor. But less so than Options 3 and 5 May strengthen management accountability since more of the department is controlled by the director who is appointed by the governor. But less so than Options 1, 3 and 5.	May improve coordination since more of the department is controlled by one authority, the director. But less so than options 1, 3, and 5.
5	May broaden public representation because the director has the authority to represent the entire department on all issues. Public representation may be reduced because citizen commission has been eliminated.	Strengthens executive accountability because the legislature can hold the governor directly accountable for the department. Strengthens management accountability because the director reports directly to the governor.	May improve coordination since the department is no longer divided between the commission and the director.

4. Review the department's progress in meeting the policies, goals, and objectives; and
5. Approve purchases or leases of real property (land, buildings, waters).

In Chapter 2, we noted that determining which option is the best form of governance depends on many factors that are difficult to objectively evaluate. As a result, it is difficult to predict which option will actually result in improvements over the current governance structure. For example, improving coordination of issues between multiple agencies and interests depends on how effectively a commission and/or a director fulfill this responsibility.

Option 1: A commission with complete authority over the entire department, as recommended by the commission.

Compared to the Fish and Wildlife Commission's current authority, a commission with essentially complete authority over the department may broaden public representation because the commission would have the authority to represent the entire department. Currently, the commission exercises some authority over game fish and wildlife only.

This option may weaken what we defined as management accountability,⁴ because there would be a commission between the governor and the director who is appointed by the commission. Management coordination⁵ may be improved since the department would not be divided between the commission and the governor appointed director.

⁴Management accountability means the accountability of the department to the governor. This encompasses the idea that the governor clearly knows who is ultimately responsible for the department's activities and results. This requires clear lines of authority to an identifiable decision-maker. See Chapter 2 for the discussion on accountability.

⁵Management coordination means finding ways to coordinate activities in order to avoid duplication and ensure that organizational goals are being met efficiently. This requires clear lines of authority to an identifiable decision-maker, or in the case of a commission, a single decision-making body. See Chapter 2 for the discussion on improving management coordination.

May broaden
public
representa-
tion...

...but weaken
accountability

As discussed in Chapter 3, we believe the legislature should address the extent to which the commission can fulfill both a broad public representation role concurrently with a detailed regulation-setting role. If the legislature wants the commission to retain both functions, or add new functions, it should consider changing commission membership requirements so the governor nominates commissioners that reflect the broad constituency of the department.

If the legislature significantly increases the commission's authority, such as adopting Option 1, this would place a fully empowered citizen commission between the department and the governor. As discussed in chapter 1, commissions were created to stand between the governor and the department, reducing executive accountability. There may be ways to improve a commission's accountability to the legislature and the governor, such as having the commission submit its own budget. If the legislature decides to significantly increase the commission's authority, these details should be addressed in an implementation plan.

Option 2: A commission with policy development and coordination responsibilities for the entire department.

May
broaden
public
representa-
tion...

Compared to the Fish and Wildlife Commission's current authority, a commission with policy development and coordination responsibilities may broaden public representation in policy setting because the commission would have the authority to set policy for the entire department. There may also be some strengthening of management accountability since the commission would be setting policy for the entire department, eliminating the current split between the commission and the director.

...but
department
functions
remain
divided

However, under this option, management coordination is still an issue because department functions would still be divided. Instead of the current organizational divisions, the new division would be between policy-setting (commission) and all other department functions (director).

Implementing Option 2 would require the legislature to expand the commission's policy, goal, and objective setting authority from just game fish and wildlife to the entire department (adding commercial or food fish and shellfish). In addition, the legislature should consider if it wants this type of commission to have the authority

to review the department's performance in achieving the policies, goals and objectives. The Fish and Wildlife Commission currently has this authority, but only for game fish and wildlife policies.

Option 3: A commission with an advisory and coordination role for the entire department.

Compared to the Fish and Wildlife Commission's current authority, a commission with an advisory and coordination role for the entire department may broaden public representation because the commission would have the responsibility to solicit public input. However, the success of an advisory commission also depends partly on the public's belief that an advisory commission could effectively communicate their concerns to the director.

Executive accountability⁶ is strengthened because the legislature could hold the governor directly accountable for the department. Management accountability is also strengthened because the director and the department would report directly to the governor.

Management coordination may improve since department functions would no longer be divided between the commission and the director. This would give the director the opportunity to manage the entire department.

If the legislature decides to create an advisory commission, then it should consider changing commission membership requirements so the governor nominates commissioners that reflect the broad constituency of the department.

Option 4: A commission with management authority for a specific activity within the department.

Compared to the Fish and Wildlife Commission's current authority, public representation may be broadened, since the responsibility for all functions except setting regulations would lie with the director. The commission would not have a major role in broadening public representation. So, public representation by the commission may be reduced.

⁶Executive accountability means the accountability of the governor to the legislature. This encompasses the idea that the legislature should clearly know who is ultimately responsible in the executive branch for an activity and its results. See Chapter 2 for the discussion on accountability.

May broaden public representation but depends on success of an advisory board

Strengthens accountability

May make
improve-
ments...

Executive accountability may be strengthened since more of the department would be controlled by the governor, but not as much as under Options 1, 3, and 5 where the director would report either to a commission or the governor and not both, as is the current situation.

...but not as
much as
other
options

Management accountability may also be strengthened since more of the department would be controlled by the director who would be appointed by the governor, but probably not as much as under Options 3 and 5 where a director would have all policy and management authority for the department.

Finally, management coordination may be improved since the director would control all department functions except for setting the regulations that fall under the commission's authority. Management coordination may be improved, but less so than under Options 1, 3, and 5 where either a commission or the governor/director would control the entire department.

If the legislature wishes to create a regulation setting commission, then it should consider clarifying current statutes so it is clear that the legislature intends for the commission to have a limited role in broadening public representation, as well as other broader statutory responsibilities, e.g., setting department policy.

Director
responsible
for
broadening
public
representa-
tion

Option 5: No commission.

Option 5 could result in broadened public representation since the director would have full responsibility to ensure this goal is met. However, public representation may be reduced because a citizen commission would have been eliminated.

This option would strengthen executive and management accountability because the director would report to the governor, removing one management layer. Management coordination may be improved since the department would no longer be divided between a commission and the director.

Strengthens
accountability

If the legislature abolished the commission it would then need to transfer the commission's current responsibilities to the director, find an alternative way to perform those responsibilities, or eliminate the responsibility.

Exhibit 5 summarizes the changes the legislature should consider if it decides to implement an option. If the legislature decides to change the department's current governance structure, then a detailed implementation plan should be developed to show the detailed steps that would be needed.

Exhibit 5
Changes for the Legislature to Consider

<p><i>Option 1:</i></p> <p>A commission with complete authority over the entire department, as recommended by the commission.</p>	<p>a) Change commission membership requirements to reflect the department's broad constituency.</p>
<p><i>Option 2:</i></p> <p>A commission with policy development and coordination responsibilities for the entire department.</p>	<p>a) Expand the commission's policy, goal, and objective setting authority over the entire department.</p> <p>b) Expand the commission's authority to review the department's performance in achieving the policies, goals, and objectives.</p>
<p><i>Option 3:</i></p> <p>A commission with an advisory and coordination role for the entire department.</p>	<p>Change commission membership requirements to reflect the department's broader constituency.</p>
<p><i>Option 4:</i></p> <p>A commission with management authority for a specific activity within the department.</p>	<p>Change commission membership requirements to reflect the task the commission has been given.</p>
<p><i>Option 5:</i></p> <p>No Commission.</p>	<p>Transfer the commission's current authority to the director.</p>

Changes that address the 3 key issues

Other changes also needed

NOTE: These are changes the legislature should consider that address the report's findings. See Chapter 3 for a discussion of the findings. Other changes would have to be made, but they are not addressed in this report.

Who Has the Authority for Major Policy and Management Functions

Exhibit 6 shows, by option, who (the legislature, governor, commission, or director) has the authority for major policy and management functions. The options move from essentially complete

authority for a commission (Option 1) to an advisory role (Option 3), then limited management authority (Option 4), and finally essentially complete authority for the governor and the appointed director (Option 5). As noted earlier, the commission recommends Option 1.

Exhibit 6

Authorities by Function for Each Governance Option \1

FUNCTION	Current Status	Option 1	Option 2	Option 3	Option 4	Option 5
		Full Authority (Commission Recommendation)	Policy Development and Coordination Role	Advisory and Coordination Role	Management Authority for Specific Areas	No Commission
Establish State Natural Resource Policy and Commissioner of Public Lands	Legislature (Governor)	Legislature (Governor)	Legislature (Governor)	Legislature (Governor)	Legislature (Governor)	Legislature (Governor)
Establish Fish and Wildlife Policy	Legislature (Governor)	Legislature (Governor)	Legislature (Governor)	Legislature (Governor)	Legislature (Governor)	Legislature (Governor)
Establish Department Policy	Commission/Governor	Commission (Governor)	Commission (Governor)	Governor/Director (Commission advises)	Governor/Director	Governor/Director
Appoint Department Director	Governor	Commission	Governor	Governor	Governor	Governor
Establish Regulations	Commission/Director	Commission	Director	Director	Commission/Director	Director
Approve Agreements	Commission/Governor \2	Commission	Governor/Director	Governor/Director	Governor/Director	Governor/Director
Approve Department Budget Proposal	Director	Commission	Director	Director/ (Commission advise)	Director	Director
Recommend Budget to Legislature	Governor	Governor	Governor	Governor	Governor	Governor

\1 See Exhibit 3 for a description of each option.

\2 The commission has authority to approve real estate transactions.
The governor approves other agreements.

SCOPE AND OBJECTIVES

Appendix 1

Scope

The law directs the new Fish and Wildlife Commission to “review its area of responsibility in the consolidated agency and submit recommendations by December 1, 1994, to the governor and the appropriate standing committees of the legislature on any necessary changes in its statutory authority.”

This is followed by direction to the Legislative Budget committee (LBC) to “study the role of the Fish and Wildlife Commission and prepare a report on recommended changes to the governor and the appropriate standing committees of the legislature by December 1, 1994.”

To fulfill the mandate given to the LBC, this study will address whether there continues to be a need for a commission. If there is a need, how should the commission’s responsibilities be changed to meet that need?

Objectives

1. Determine if there is a need for a commission.
2. Assuming there is a need for a commission, what could its role be?
3. Track and review the Fish and Wildlife Commission’s study on their future responsibilities.

¹As discussed in Chapter 2, we developed policy options and did not perform a full performance audit. Therefore, the report has no recommendations.

COMMISSION AND OFM'S RESPONSES

Appendix 2

- **Fish and Wildlife Commission**
- **Office of Financial Management**
- **Legislative Budget Committee Staff Comments**



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N, Olympia, WA 98501-1091 - (206) 902-2200; TDD (206) 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia, WA

January 30, 1995

Legislative Budget Committee
P. O. Box 40910
506 16th Avenue S.E.
Olympia, Washington 98501-2323

Attention: Representative Jean Silver, Chair

Dear Committee Chair and Members:

Please find enclosed my comments regarding the "Fish and Wildlife Commission, Proposed Final Report" dated January 31, 1995. These comments represent only a cursory review of the report but hopefully will be useful to you and the Legislative Budget Committee along with our report in understanding the Commission's position.

Let me acknowledge the openness of Cheryle Broom, Debbie Evick, and Theo Yu in keeping communications active with the Commission during development of our respective reports.

The report presents the notion that Commissioners do not represent a broad perspective regarding fish and wildlife. It states that our focus has been on setting detailed hunting and game fish rules at the expense of a broader public representation. I disagree with this view. The Commission admittedly spends many hours in setting fishing and hunting regulations. This is a specific assignment delegated to the Commission by the legislature and the people of Washington. We also believe this to be a crucial task not only from the standpoint of equitable opportunity, but also with regard to conservation. In spite of this, the Commission views habitat issues of the greatest importance of all issues. We spend many hours setting goals, policies, and objectives to deal with these issues. A great deal of public interaction is accomplished in the process. The Commission also deals with wildlife diversity, threatened and endangered species, real estate transactions, and funding issues on a regular basis. It was the Commission's actions that initiated public oversight of the Department of Wildlife's budget, which resulted in the detailed report by the Budget and Revenue Review Committee.

On page five the report indicates that the Commission was given the responsibility in 1993 to review the performance of the Department. I have been on the Commission since 1987. We have reviewed the Department's performance each year in response to the governing RCWs. This is not a new requirement since I have been a member.

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Legislative Budget Committee
January 30, 1995
Page 2

On page eight the last sentence indicates that no other state has the authorities that we are recommending for our Commission. Our understanding and our intention is that we are recommending precisely the role held by the Oregon Fish and Wildlife Commission. Idaho, Missouri, and many others are similar but many do not deal with ocean and commercial fisheries as Oregon and Washington do.

On page twelve the report states that the Commission's report does not address "how" it will be able to perform these expanded activities. I want to point out that the legislation required the Commission to submit recommendations on any necessary changes in its statutory authority, not how the Commission would deal with these changes. This comment deserves a comprehensive and detailed response which it is not going to get in this letter. I will simply say that the Commission's ability to accomplish its mandated goals has been getting more difficult each year since the director has reported directly to the Governor rather than through the Commission, to the Governor and the legislature. It is my view that with the recommended relationship (i.e., Commission's report dated November 1994), the director would have clear direction from Goals, Policies and Objectives (GPOs) jointly developed by the management and the Commission. These GPOs would be adopted, as they are now, in a public forum with extensive public input. The Commission would restrict its own involvement to policy, budget review, real estate, and regulatory issues, and delegate all necessary authority to the director to manage the operations of the Department, just as is done in Oregon.

In closing, I would like to point out that there are some very compelling reasons for having a Fish and Wildlife Commission with comprehensive authority. We think that these are thoroughly presented in our report which was delivered prior to the December 1 deadline set by the legislature in 1993. I would be pleased to discuss our views at any time should you wish further explanation of our recommendation. I intend to attend your hearing on Tuesday from 6:30-8:30 p.m. and would welcome the opportunity to provide additional comments.

Sincerely,



John C. McGlenn, Chairman
Washington Fish and Wildlife Commission

JCM:dpn

cc: Fish and Wildlife Commission



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LEGISLATIVE
BUDGET COMM

STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

Insurance Building, PO Box 43113 • Olympia, Washington 98504-3113 • (206) 753-5450

January 30, 1995

The Honorable Jean Silver
Chairperson
Legislative Budget Committee
P.O. Box 40910
Olympia, Washington 98504

Dear Representative Silver:

Thank you for the opportunity to comment on the Legislative Budget Committee's (LBC) proposed final report on the Fish and Wildlife Commission. We have reviewed the report and agree that the role of the Commission should be clarified to ensure clear lines of authority and accountability to the public, improved management coordination, and expanded public participation in decision making.

When the Departments of Fisheries and Wildlife were merged in 1993, the Legislature was guided by these criteria for reorganization. The merged department, headed by a director appointed by the Governor, reduced inefficiencies and duplication in the management of our fish and wildlife resources, resulted in substantial savings in administrative overhead, and maintained a clear line of administrative authority from the Governor to the Director.

The status of the Fish and Wildlife Commission was, however, left unresolved. The LBC staff report correctly identifies the unresolved status of the Commission as contributing to "split lines of authority" between the Director and the Commission, which "weakens accountability." In addition, the LBC report notes that the "commission's role in setting regulations has apparently occurred at the expense of its other role to ensure broad public representation." And finally, the report indicates that there is a need for "greater coordination and integration of decision-making" because of the jurisdictional complexities of fish and wildlife management.

We do not believe a commission with authority to appoint the director, set regulations, approve budgets, and negotiate and enter into treaties with other governments will improve accountability, citizen participation, and management coordination, all of which have been identified as problems with the current structure. Removing gubernatorial appointment authority frustrates direct accountability to the public through the electoral process. Citizens expect Governors to act decisively when problems arise in agencies. Without the power to appoint and

The Honorable Jean Silver

January 30, 1995

Letter -- page 2

dismiss chief administrative officers, the capacity to act is seriously diminished. Governors are left with the responsibility and expectation to manage agencies, but without the necessary authority.

Likewise, eliminating executive budget approval over an agency prevents Governors from effectively prioritizing competing demands for scarce dollars and acting quickly to reduce expenditures in times of budget shortfalls. Budget approval authority is critical to effective executive management. That authority should not be fragmented by assigning it to a part-time citizen commission.

The authority to adopt rules, establish policies necessary to implement laws, and negotiate and enter into agreements with other jurisdictions and governments are also critical to managing the state's fish and wildlife resources in these complex and changing times. In this state, intricate state, federal, and international relationships are necessary to carry out anadromous fish management, shellfish management, some marine fish management, and some wildlife management. In addition, our government-to-government alliance with Treaty Indian Tribes on natural resource management requires a coordinated and integrated natural resource policy. For the Department of Fish and Wildlife, these responsibilities should rest with the director, who is held accountable by the Governor. States must frequently speak with one voice in this complex environment and Governors are expected to play a leadership role. Without authority to resolve policy conflicts and coordinate decision making, a Governor's ability to act for the state is diminished.

Finally, a commission that is primarily involved in the details of regulations, like the current one, cannot adequately conduct the important citizen participation functions necessary to provide the department with policy advice.

Any change in the current role of the commission should, therefore, emphasize its role in soliciting public input on departmental policy issues, advising the Governor and the department on goals, policies, and objectives, and serving as an evaluative body for departmental operations.

Sincerely,



Ruta Fanning
Director

Auditors' Response to Agency Comments

1. Commission Comments

"The report presents the notion that the commissioners do not represent a broad perspective regarding fish and wildlife. It states that our focus has been on setting detailed hunting and game fish rules at the expense of a broader public representation. I disagree with this view."

LBC Staff Response

The LBC report recognizes that the commission addresses many issues regarding game fish, wildlife, and their habitat. However, our review of the commission's official meeting records and attendance sheets showed that setting detailed hunting and fishing regulations came before the commission more often than any other issue. (See the results of this analysis in Appendix 6.) As a result, the vast majority of the persons that attended commission meetings were associated with hunting and fishing organizations.

2. Commission Comments

"On page 5, the report indicates that the commission was given the responsibility in 1993 to review the performance of the department. This is not a new requirement since I have been a member."

LBC Staff Response

This was a comment in the background chapter of the report. There appears to be different interpretations regarding what is meant by "reporting on the progress of the department" vs. "reviewing the performance of the department."

Prior to the 1993 merger, the commission had the responsibility to report on the "progress of the department" (RCW 77.04.111). The merger bill (ESHB 2055), enacted in 1993, added the responsibility to review the department's performance. Specifically, RCW 77.04.55 states:

- (a) Review and prescribe basic goals and objectives related to those policies; and
- (b) Review the performance of the department in implementing game fish and wildlife policies.

3. Commission Comments

"On page 8, the last sentence indicates that no other state has the authorities that we are recommending for our commission." Our understanding and our intention is that we are recommending precisely the role held by the Oregon Fish and Wildlife Commission."

LBC Staff Response

The report states that "We found no commission that **exercises** the extent of authority that the Washington State Fish and Wildlife Commission is recommending for itself." (Emphasis added.)

There are commissions in other states that have authority similar to what the commission is recommending. In practice, however, many of the activities are delegated to the director or are superseded by processes set up by the federal government. For example, page 8 of the report explains that although Oregon's commission has the authority to set regulations for shellfish, salmon, and groundfish within its marine waters, it adopts the salmon and groundfish regulations set by the Pacific Fishery Management Council.

4. Commission Comments

"On page 12, the report states that the commission's report does not address "how" it will be able to perform these expanded activities. I want to point out that the legislation required the commission to submit recommendations on any necessary changes in its statutory authority, not how the commission would deal with these changes."

LBC Staff Response

The purpose of the statement is to let the reader know that the practical issue of how the commission will be able to perform these expanded activities was not addressed by the commission in its report. It would seem reasonable that, along with explaining why its authority should be expanded, the commission could provide the legislature with information on how its recommendation would be fulfilled. A significant expansion of the commission's authority would require a detailed implementation plan.

MAJOR EVENTS IN THE COMMISSION'S HISTORY

Appendix 3

Appendix 3

MAJOR EVENTS IN THE COMMISSION'S HISTORY

Date	Event	Impact or Status
1903	Department of Fisheries and Game is created	The new department included a system of county game commissions.
1933	Initiative 62 passes	Created a state department of game and a six member game commission.
1945	Legislation passes giving power to hire and fire the director to the governor	During the 1940s, there were many attempts to eliminate commissions, in general, under the argument of increased accountability.
1946	1945 action overturned through a referendum	Authority to appoint the department director was returned to the commission.
1987	Legislature passes ESSHB 758	The department role expanded from game fish and wildlife to all wildlife. The name of the game department changed to the Department of Wildlife. Fish and wildlife responsibility of all citizens. Ensure a high level of public involvement
1993	Merger Bill ESHB 2055	Merged the Departments of Fisheries and Wildlife to improve efficiency and effectiveness. The commission given the power to review the performance of the department in implementing game fish and wildlife policies (effective 7/1/94).

STATE COMPARISON SURVEY RESULTS

Appendix 4

Appendix 4 State Comparison Survey Results

State	Commission Y/N?	Agency Structure*	Appoint Director	Set Goals & Policies	Hunting and Fishing Reqs.?	Land Acquisition?	Budget Involvement ?
Alabama	n	3	n/a	n/a	n/a	n/a	n/a
Alaska	y	1	n/a	n	y	unk	n
Arizona	y	2	y	y	y	y	y
Arkansas	y	0	n/a	y	y	y	y
California	y	3	n	y	y	y	n
Colorado	y	3	y	y	y	y	y
Connecticut	n	3	n/a	n/a	n/a	n/a	n/a
Delaware	n	3	n/a	n/a	n/a	n/a	n/a
Florida	n	3	y	y	y	y	y
Georgia	y	4	n	y	y	n	n
Hawaii	y	3	1	y	n	n	n
Idaho	y	2	y	n	y	y	y
Illinois	n	3	n/a	n/a	n/a	n/a	n/a
Indiana	y	3	n	n	n	n	n
Iowa	y	3	n	y	y	y	y
Kansas	y	3	n	n	n	n	n
Kentucky	y	2	n	n	n	n	n
Louisiana	y	1	n	y	y	y	y
Maine	n	1	n/a	n/a	n/a	n/a	n/a
Maryland	n	3	n/a	n/a	n/a	n/a	n/a
Massachusetts	y	1	y	y	y	y	n
Michigan	y	3	y	y	y	y	n
Minnesota	n	3	n/a	n/a	n/a	n/a	n/a
Mississippi	y	1	n	y	y	y	y
Missouri	y	3	y	y	y	y	y
Montana	y	5	n	y	y	y	y
Nebraska	y	5	y	y	y	y	?
Nevada	y	2	n	y	y	?	n
New Hampshire	y	2	n	n	n	n	n
New Jersey	y	3	y	y	y	n	unk
New Mexico	y	2	y	y	y	y	y
New York	n	2	n/a	n/a	n/a	n/a	n/a
N. Carolina	y	3	unk	y	y	y	unk
N. Dakota	n	2	n/a	n/a	n/a	n/a	n/a
Ohio	y	3	n	n	y	n	n
Oklahoma	y	2	y	y	y	y	y
Oregon	y	1	y	y	y	y	y
Pennsylvania	y	0	y	y	y	y	y
Rhode Island	n	3	n/a	n/a	n/a	n/a	n/a
S. Carolina	y	1	y	y	n	n	y
S. Dakota	y	5	n	unk	y	y	y
Tennessee	y	2	y	y	y	n	y
Texas	y	5	y	y	n	y	y
Utah	y	3	n	y	y	unk	unk
Vermont	y	2	n	y	y	y	unk
Virginia	y	1	y	y	y	y	unk
Washington	Y	1	n	y	y	y	n
West Virginia	y	3	n	n	y	n	n
Wisconsin	n	3	n/a	n/a	n/a	n/a	n/a
Wyoming	y	1	n	y	y	y	y

Notes: * Type of Agency Structure:

1 = Merged Wildlife and Fish Department (commercial fishing included)

2 = Fish and Game Department (fish and wildlife)

3 = Fish and game division within a natural resource agency.

4 = Board/commission over more than one agency.

5 = Fish, game and parks

Information from: State Wildlife Laws Handbook, Ruth S. Musgrave and Anne Stein, Center for Wildlife Law at the Institute of Public Law, University of New Mexico, 1993, and telephone interviews with state fish and wildlife officials.

LETTERS FROM INTERESTED PARTIES

Appendix 5

- **Coalition of Washington Ocean Fishermen**
- **Northwest Indian Fisheries Commission**
- **Washington State Bowhunters**
- **Sample of a Letter from a Private Citizen**

Source: Copies of these letters were sent to the LBC staff.

RECEIVED

DEC 15 1994

LEGISLATIVE
BUDGET COMM

Coalition of Washington Ocean Fishermen
Administration: P.O. Box 1448 - Westport, WA 98595 - 206/268-0076
Governmental Relations: 5132 Donnelly Dr. SE, Olympia, WA 98501 - 206/456-1334

.....serving economic and legislative needs of ocean fishermen and coastal fishing communities.....

Officers

December 14, 1994

Bill Walsh, President
Ernie Summers, Vice-President
Correy Spooner, Secretary
Doug Fricke, Treasurer

Directors

Dennis Benn
Jim Blunt
Alan Hallingsworth
Bob Lake
Dick Sheldon
Jack Strong
Ray Toste
Bill Warte
Les Wiegardt

Comments on Fish and Wildlife Commission:

The Coalition of Washington Ocean Fishermen does not think it is a good policy to entrust the stewardship of Washington state commercial food and fish industry under a commission of citizens that are not knowledgeable of the industry. Unless the commission has member who are knowledgeable of the industry, we feel Option B, the status quo commission, is the best alternative under consideration.

Member Organizations

Coast Druggers Association

Columbia River Dungeness Crab Association

Fishermen's Marketing Association

Grays Harbor Gillnetters Association

Washington Dungeness Crab Fishermen's Association

Westport Charter Boat Association

Washington Trollers Association

Western Fishboat Owners

Willapa Bay Gillnetters Association

Willapa-Grays Harbor Oyster Growers Association

We feel that when we met with the commission at the Nordic Inn in Aberdeen, Washington that their knowledge of commercial fishing was not adequate. When we specifically asked the commissioners about the hake fishery, nobody on the commission knew what a hake was. Putting citizens who are not knowledgeable of the industry on the commission would be like sending a group of fishermen to judge how the apple farmers grow apples.

There needs to be a knowledgeable, separate commission to rule over the commercial fishery, or at least half of the commissioners need to be from the commercial industry. If not, it would be to our best interest to stay under the director and let the commissioners handle the sports interests and allow the commercial fishery to stay as it is!

Governmental Relations

Ed Owens
REACT Consulting Group

Safety Advisor

Forest "Woody" Mayer

When comparing the Fish and Wildlife Commission structure to the current Director structure, we feel the comprehensive commission envisioned in Option F is best only if there is a requirement that at least four commissioner positions be filled by people who are knowledgeable and experienced with regard to the commercial

harvest of food fish in and adjacent to the state of Wash-
ington. Under the present criteria, "members of the commission
are selected for their knowledge and interest in wildlife,
habitat and recreation." It becomes obvious that the commission
needs citizens who are familiar with food fish commercial
harvests and processing if they are to be entrusted with the
stewardship of Washington state's food fish resources.

Currently, "individuals with financial interest in consumptive
or non-consumptive use of game fish or wildlife are not eligible
for appointment." Let's face reality, everyone has biases,
whether it is conservation, recreational, or commercial.
The financial interest restriction should be eliminated.

If you have any questions or comments please feel free to
call or writh us at the above numbers.

Sincerely,

Bill Walsh

Bill Walsh
President
Coalition of Washington Ocean Fishermen



Northwest Indian Fisheries Commission

Phone (206) 438-1180
FAX #753-8659

6730 Martin Way E., Olympia, Washington 98506

Phone (206) 753-9010
FTS #434-9476

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DEC 22 1994

**LEGISLATIVE
BUDGET COMM**

November 14, 1994

Mr. John C. McGlen, Chairman
Washington Fish and Wildlife Commission
600 Capitol Way North
Olympia, Washington 99501-1091

Dear Mr. McGlen:

The Northwest Indian Fisheries Commission would like to offer the following comments on the proposed role of the Fish and Wildlife Commission within the structure of the new Washington Department of Fish and Wildlife. As I am sure you are aware, in past years the tribes have not always found the Game Commission to be a governing body with which they could work constructively, and one which did not readily embrace its responsibilities to recognize treaty fishing rights, even after federal court decisions affirmed those rights. We recognize that in recent years there have been changes in the individual make-up of the Commission and some transformation of the Commission and its roles following the change from WDG to WDW and now to WDFW. We have now begun to interact constructively in a number of areas. However, we continue to have reservations with a citizen's organization, such as the Fish and Wildlife Commission, possessing broad authorities over all major functions of the new agency.

The tribes think too broad a role for the Commission would result in a process that is far too unwieldy for the day-to-day fishery co-management decisions. In-season management literally may be down to "Friday afternoon decisions" that are best made by an empowered and accountable Fish and Wildlife Director. Furthermore, the complex area of state/tribal relations seems to be best handled through a centralized policy body under the Governor. It is difficult enough to deal with inconsistencies between the Governor's office, WDFW, and the Attorney General's office, without further complications. The Director must be held accountable for implementation of Treaty Rights upheld by the Federal Court. This task is difficult at best, but would become almost impossible if the Director must answer directly to a non-elected citizen's advisory group. The tribes clearly believe the Governor should continue to select the Director. We feel the confirmation process through the legislature is more than adequate to address public concerns.

Mr. John C. McGlen
Ltr
Pg 2

To follow our concerns above, we believe the role of the Commission should be limited to an advisory role concentrating on the overall goals and objectives for the department. Again, this role could include an oversight role for long-range planning, annual season plans, habitat objectives, budgets, and specific project guidance, i.e. implementation of HPAs. This role would not include appointment of the Director, in-season regulation processes, or day-to-day management of the department.

We also have concerns about the budget spent at the Commission, especially in light of hatchery closures, etc.

The above concerns do not, however, mean the tribes are opposed to a strong advisory role for the Commission. We do believe the Commission could provide a good communication link between the Director and the large number of interested parties involved in natural resource management.

Sincerely,



Bill Frank, Jr.
Chairman

cc: Governor Lowry
House and Senate Majority Leadership
House and Senate Minority Leadership
Robert Turner, Director, Washington Department of
Fish and Wildlife

h:wdfwcom.bw

(revised 11/29/94)

November 7, 1994



Val Ogden

Chairman, Legislative Budget Committee
P.O. Box 40698
Olympia, WA 98504-0698

Dear Val,

On behalf of the Washington State Bowhunters Association, I am writing you today concerning the Washington Wildlife Commission.

The Washington State Bowhunters Association is the largest single member hunting organization in the state. The WSBA activities include conservation programs that require a very close working relationship with the Wildlife Commission, Department of Fish and Wildlife, Department of Natural Resources and Bureau of Land Management. We dedicate our efforts to the tenet of scientific wildlife management.

Our membership is very supportive of the Commission. I personally think that the Wildlife Commission has a very good history of successfully managing our wildlife populations. We encourage the legislature to consider allocating authority to the Wildlife Commission to include the supervision of all Fish and Wildlife entrusted to the citizens of the State of Washington. Furthermore, it is essential that the Wildlife Commission have budget oversight authority. Originally, the Commission was responsible for selecting the director candidates, this responsibility should be restored.

In 1933 voters overwhelmingly supported Initiative 21, thus creating the Department of Game and the Game Commission. The outgrowth of the Department and the Commission, with the rising tide of commercial and political interests, have made crystal-clear the need for a Fish and Wildlife Commission with both the responsibility and authority to administer the stewardship responsibilities of our fish, wildlife and habitat resources.

Your guidance on this issue is important to our constituents. Thank you.

Jon M. Akers

A handwritten signature in black ink that reads "Jon M. Akers". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

President, Washington State Bowhunters Assoc.
10226 26th Ave SW
Seattle, WA 98146

09, November 1994

1928 Madison Street
Shelton, WA 98584
206-426-4389

The Honorable Val Ogden, Chairman
Legislative Budget Committee
PO Box 40698
Olympia, WA 98504-0698

Dear Representative Ogden

The new Fish and Wildlife Department must be controlled by the Fish and Wildlife Commission and not the governor. The current governor-appointed director system has only led to a distinct politicalization of the agency. The result has been inefficiency and poor morale amongst staffers with the ultimate loss to our fish and wildlife resources and the public.

The governor should be allowed to fill vacancies on the fish and wildlife commission. A commissioner's appointment should be life-long. The commission should be responsible for choosing the director and the director should come from a natural resource background or from within the current agency. The commission should control the agency's budget and set the direction of resource management.

Fish and wildlife cannot be managed on a political basis. We are currently facing huge losses of wildlife habitat to an ever-increasing urban population. Management must be centered on good science and sound management techniques.

Overall, the department contains dedicated natural resource professionals who take pride in their hard work and have a passion for fish and wildlife. Too often, they are hampered by politics, which has nothing to do with wildlife. The department is critically under funded and overstaffed with upper level managers and support personnel. We need more field staff and resource enforcement. Currently, the department has less enforcement officers than in the 1950's.

The commission is more open to public comment. When was the last time the public could address Director Turner at an open meeting?

An all-powerful commission would more successfully moderate the political issues facing natural resources provide broader insight to issues and make decisions through a democratic vote.

A revision of the current system is critically needed. Thank you for the opportunity to express my opinion.

Sincerely,

Matthew L. Nixon

ISSUES DISCUSSED MOST OFTEN DURING COMMISSION MEETINGS, WORKSHOPS, AND TELEPHONE CONFERENCES CALLS

Appendix 6

Year	Hunting Seasons (Time)	Fishing Seasons (Time)	Regulations for Fishing (Place & Manner)	Regulations for Hunting (Place & Manner)	Land Acquisition Approval	Endangered and Threatened Species
1989	4	2	4	3	4	1
1990	17	11	1	8	14	3
1991	13	11	4	3	14	0
1992	6	9	3	6	8	3
1993	5	9	8	5	8	2
1994	3	6	0	4	3	3
Total	48	48	20	29	41	10

Source: Prepared by LBC staff based on review of commission meeting minutes.

To a lesser degree, our review showed that the commission also discussed the development of policies, goals, and objectives for the department in these public meetings, workshops, and telephone conference calls. In 1993, policies, goals and objectives were discussed in two of the telephone conferences and one of the regular public meetings. Other issues discussed included such matters as environmental education, lake rehabilitation, and fishing contests.

REPORTS REVIEWED FOR THIS STUDY

Appendix 7

An Assessment of the Role of Boards and Commissions in the Executive Branch of Virginia, Joint Legislative Audit and Review Commission, 1984.

An Ecosystem Approach to Fish and Wildlife Conservation: An Approach to More Effectively Conserve the Nation's Biodiversity, U.S. Fish and Wildlife Service, 1994.

Annual Report: Washington Department of Wildlife, Washington: Department of Wildlife, 1993.

Annual Report: Washington Department of Wildlife, Washington: Department of Wildlife, 1986-87.

Annual Report: Washington Wildlife Commission, Washington Wildlife Commission, 1993.

Audit and Program Review, (Review of 14 Agencies), Joint Standing Committee on Audit and Program Review, Maine, 1993-94

Biennial Report: Washington Department of Fisheries, Washington: Department of Fisheries, 1991-93.

Clark, Tim W., and Stephen R. Kellert, Toward a Policy Paradigm of the Wildlife Sciences, Renewable Resources Journal, Volume 6, No. 1, 1988.

A Corrections Commission for the State of Washington, Battelle Law and Justice Study Center, 1980.

Report of the Joint Subcommittee Studying: The Effectiveness of the Management Structure of the Department of Game and Inland Fisheries, House Document No. 80, Commonwealth of Virginia, 1993.

Ecosystem Management, Additional Actions Needed to Adequately Test a Promising Approach, U.S. General Accounting Office, 1994.

Functions, Organization and Administration of the New Mexico Game and Fish Department with Recommendations for Improvements, A Report to the Commission and Director of the New Mexico Department of Game and Fish, Wildlife Management Institute, 1992.

Fowle, Suzanne, Fish for the Future, A Citizens' Guide to Federal Marine Fisheries Management, Center for Marine Conservation, 1993.

Grumbine, Edward R., What is Ecosystem Management?, Sierra Institute, UC Extension, Conservation Biology, Volume 8, No. 1, 1994.

Management Audit of Advisory Boards and Commissions, State of Illinois: Office of the Auditor General, 1986.

Management Effectiveness in State Fish and Wildlife Agencies, Management Series No. 9, Department of Fisheries and Wildlife Sciences, Virginia Polytechnic Institute and State University, 1993.

Department of Game and Inland Fisheries, Management Study, House Joint Resolution No. 191, Auditor of Public Accounts, Commonwealth of Virginia, 1993.

Mangun, William R., American Fish and Wildlife Policy: The Human Dimension, Southern Illinois University Press, 1992.

Budget Audit, Pennsylvania Game Commission, Pennsylvania: Legislative Budget and Finance Committee, 1991.

Performance Audit: Game and Fish Department and Commission, Report to the Arizona Legislature, Auditor General, 1991.

Performance Audit of the Marine Fisheries Commission, State of Florida: Office of the Auditor General, Department of Natural Resources, 1992.

Principles of Landscape Ecology and Conservation Biology: A Brief Overview and Applications to Eastside Forests, OSU Forest Science with Excerpts Form Chapter 22 of D.A. Perry. Forest Ecosystems, Johns Hopkins University Press, 1993.

Report of the Budget & Revenue Review Committee, Washington: Department of Wildlife, 1992.

Study of Boards, Commissions, and Like Entities, House Concurrent Resolution No. 1, Staff Study, State of Louisiana: Legislative Auditor, 1989.

Summary of Ecosystem Stewardship Planning, Organization of Wildlife, Bruce Hawkinson, U.S. Fish and Wildlife Service Federal Aid and the Minnesota Department of Natural Resources, 1994.

Washington Fish and Wildlife Commission, Responsibilities in the Merged Department, Washington Fish and Wildlife Commission, November 1994.

Wildlife Action Agenda, A Report to the Legislature and Citizens, Washington Wildlife Commission, 1988.

DISCUSSION ON FEDERAL AND STATE FRAGMENTATION

Appendix 8

Federal Level: Fragmented Responsibilities

Fish and wildlife management is fragmented as a result of involvement of many different entities. For example, in addition to the state's management responsibility over wildlife species within their boundaries, the U.S. Fish and Wildlife Service, the Bureau of Land Management, and other federal agencies also have specific responsibilities for wildlife.

Fisheries management is even more complex and fragmented due to the involvement of multiple federal and state agencies, tribal fishing rights affirmed by federal court decisions, and the regional fishery management councils¹ established by federal law. This complexity is compounded when one considers the number and depth of the issues involved. For example, commercial fishing decisions frequently involve consideration of international treaties, federal regulations, tribal rights, as well as considerations given to biological research and allocation decisions.

State Level: Fragmented Responsibilities

In addition to being fragmented between federal, tribal, and other interest groups, the activities of other state natural resource agencies also affect the state's fish and wildlife population and their habitats.

The Department of Fish and Wildlife (DFW) has the responsibility to preserve, protect, and perpetuate fish and wildlife. However, DFW is one of five major state agencies whose activities affect health and welfare of fish and wildlife. The table on the following page shows each of these five department with a brief summarized description of the management focus of each.

¹These fishery management councils consist of eight councils across the nation, established by the Federal Magnuson Fishery Conservation and Management Act (FCMA) in 1976. The Pacific Fishery Management Council includes Washington, Oregon, and California. Among other things, these councils develop fishery management plans and regulations regarding the size, limits, quotas, restrictions on net mesh size, and seasons for marine fishing.

Focus of Major Natural Resource Agencies

State Department	Summary of Focus
Agriculture	Supporting and promoting the sale and safe use of agricultural commodities.
Ecology	Controlling the pollution of air, water, and related land resources.
Fish and Wildlife	<p>Preserve, protect, and perpetuate game fish, wildlife, food fish, shellfish;</p> <p>Maximize game fish, hunting, and outdoor recreational opportunities; and</p> <p>Maintain the economic well-being and stability of the fishing industry.</p>
Parks and Recreation	Managing all state parks and parkways.
Natural Resources	Managing state-owned forest, aquatic, agricultural, and urban lands, and land resources (minerals, gas, oil, sand, and gravel).

EXAMPLES OF FEDERAL, STATE, AND DEPARTMENT LEVEL EFFORTS TO INCREASE COORDINATION

Appendix 9

Federal Agencies

Four of the major federal agencies: the National Park Service, the Bureau of Land Management, the Fish and Wildlife Service, and the Forest Service, are in the process of implementing comprehensive management approaches to managing natural resources, including fish and wildlife.¹ In addition, the President of the United States has established an interagency task force for the purpose of coordinating efforts between the federal agencies that are responsible for managing natural resources.

In August 1994, the General Accounting Office (GAO) reported on the efforts of the four federal agencies listed above to implement an ecosystem management approach. This report found that the implementation of an ecosystem management approach will require "unparalleled coordination" between federal agencies that have disparate missions and planning requirements. The report points out that these federal agencies will have to work with tribal, state, and local governments; the public; and the Congress to implement this approach.

Washington State

There have been some statewide efforts to move to a more comprehensive approach to resource management. For example, in 1993 the legislature established Watershed Coordinating Council's for the purpose of encouraging coordination and integration of watershed planning and implementation. The Departments of Fish and Wildlife, Natural Resources, Ecology, and Agriculture are involved in this effort.

Department of Fish and Wildlife

According to the Department of Fish and Wildlife and the commission, they are moving toward a comprehensive approach. The department has a pilot project called the Integrated Landscape Management (ILM) for the Lewis River watershed. This project includes a public participation effort that involves examining how to convert from a species-by-species management approach to a broader landscape approach for managing fish and wildlife.

¹These comprehensive approaches are called by various names, such as integrated landscape management, and ecosystem management or stewardship.