

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

3/14/16

2. Department

Department of Fish and Wildlife

3. Organizational Placement (Division/Branch/Office Name)

Law Enforcement Division

4. CEA Position Title

Assistant Deputy Director, Law Enforcement Division

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

The CEA position will serve as the Assistant Deputy Director (ADD), Law Enforcement Division (LED), and as LED's special advisor to the LED Deputy Director (DD) on legislative, regulatory, public relations and external affairs pertaining to the LED and its expanded mission. As key policy and public relations expert, the ADD will have extensive contact with a wide variety of individuals inside and outside of State government, and proactively engage interest groups and constituents to better inform them on law enforcement issues; and will be responsible for the development of department-wide policy, law, regulations, and educational programs as a result of legislative and regulatory actions to further the CDFW mission to protect and preserve California's fish, wildlife, and plant resources, and their habitat upon which they depend, for their ecological values and for their use and enjoyment by the public. The ADD will also be an integral member of the Director's Leadership Team, which is composed of the Department's executive level managers.

6. Reports to: (Class Title/Level)

Deputy Director, Law Enforcement Division

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

8. Organizational Level (Select one)

- 1st 2nd 3rd 4th 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

The ADD's primary objective is to monitor, evaluate, and direct the LED's statewide statutory, regulatory, public relations and external affairs programs to help DFW fulfill its obligation to protect and preserve California's fish, wildlife, and plant resources, and their habitats. The LED's operational and enforcement authority to protect California natural resources are achieved through federal/state laws and legislative and regulatory actions. The ADD will be responsible for: 1) evaluating existing statutory and regulatory authorities and providing expert consultation to the DD, LED, on department-wide law enforcement, homeland security, and environmental policies, and educational programs pertaining to general public safety/human wildlife conflict, and public education and outreach efforts associated with hunting, sport and commercial fishing, marine and aquaculture; 2) coordinating with the Department's Office of Legislative Affairs and the Fish and Game Commission in crafting and advancing of new LED-directed legislative and regulatory proposals to amend current statutory and regulatory authorities to achieve and align LED's mission with federal, state, local, environmental protection (species and habitat), and law enforcement practices; 3) proactively engaging interest groups and constituents to better inform them of law enforcement and environmental issues and reporting to a wide variety of individuals, inside and outside state government, on proposed regulatory and statutory changes and the potential impact on stakeholders and members of the public (contacts inside and outside of state government include, but are not limited to, state legislators, Governor's staff, other state agencies, county supervisors, city councils, boards and commissions, Tribal leaders, industry lobbyists and counterparts in federal agencies such as the U.S. Fish and Wildlife Service, National Marine Fisheries Service, Army Corps of Engineers, U.S. Forest Service, Bureau of Land Management, U.S. Coast Guard and the National Park Service); 4) promoting a collaborative approach amongst interest groups and constituents to resolve law enforcement and environmental issues by furthering mutual interests; 5) serving as the LED's representative on external audits, investigations, and legislative inquiries and coordinate responses with the Department's Office of the General Counsel and the Office of Legislative Affairs and institute recommendations from these actions as appropriate; 6) assisting the LED Deputy Director in setting the short-term and long-term direction and goals for workforce planning to ensure the needs of LED programs (Administrative Operations Unit, four statewide Enforcement Districts, the Office of Spill Prevention and Response enforcement staff, Marijuana Enforcement Team, Watershed Enforcement Team, Internal Affairs Unit, Marine Policy Unit, Professional Standards Unit, Hunter Education Program, K-9 Program, Hiring/Academy/Training Unit, Air Services Unit, the Delta-Bay Enhanced Enforcement Program and the Special Operations Unit) and employees needs are met, including performance consulting, supervisor/executive coaching, and leadership development; and 7) meeting with District Attorneys and other elected officials regarding the prosecution of wildlife violations throughout the State and advising the directorate on the political sensitivity of law enforcement statewide issues affecting CDFW.

Because these issues are specific to LED and now also cross over into other CDFW programs, this level of expertise and attention is needed to successfully implement LED's statewide enforcement authority. Accordingly, the ADD has authority to directly influence statewide policy affecting CDFW mission to manage and, in particular, protect California's natural resources.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The LED provides law enforcement, education and outreach of state and federal laws and regulations protecting all California's wildlife resources including their habitats. The CDFW LED enforcement effort directly supports every management program in CDFW by ensuring compliance with the laws enacted to protect the states wildlife resources. These laws, regulations, and educational programs developed and implemented by CDFW and enforced by the LED are essential and directly influence CDFW's mission and trustee responsibilities to manage California's diverse fish, wildlife, plant resources and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

Prior to 2004, the Fish and Wildlife Assistant Chiefs (AC) and their corresponding staff reported directly to the Regional Managers and the Office of Spill Prevention and Response (OSPR) Administrator. The seven (7) Regional Managers and the OSPR Administrator were responsible for supervising all law enforcement activities within their respective areas of jurisdiction. In 2004, the law enforcement function in the regions was transitioned to the LED. With this transition, the Conservation Education and Enforcement Branch was changed to the LED and the position of Chief, Conservation Education and Enforcement Branch, became the DD, LED. Consequently, the Chief of LED serves as DD reporting directly to the Department's Executive Office. The DD of the LED is leader to approximately 400 Fish and Wildlife Officers, 14 Administrative staff, three Wildlife Forensics Specialists and various temporary staff statewide. The straight-line organization plan has resulted in greater flexibility in deploying Fish and Wildlife Wardens and equipment in the field to protect fish and wildlife resources, and allow LED to operate more strategically in coordination with other departmental programs. Currently, the DD of the LED is at the CEA B level. California's fish and wildlife diversity and spectacular landscape has changed over the years and the change continues today. In addition, the rapid population growth has and will continue to place increasing pressures on the state's fish, wildlife, waterways and plant resources. Expanding population areas in California places natural resources at greater risk and public commitment to natural resources protection has increased creating a greater need for LED to revise and/or expand the CDFW law enforcement programs. A different approach to law enforcement activities is critical now, more than ever, as environmental laws have become more complex and concerns generated by stakeholders and members of the public have created additional responsibilities for the LED. There is tremendous interest by the public, the Legislature, and the media with respect to California's endangered species, habitat conservation, and biodiversity protection and conservation. These concerns and interest by the public, the Legislature, and the media require LED staff to more aggressively enforce and seek enactment of needed California laws, regulations, departmental policies and educational programs to preserve California's natural resources. The LED has transitioned from primarily supporting the hunting and angling communities to fully realizing obligations to all constituents (habitat protection, non-consumptive users, human-wildlife conflict, pollution and spill response/investigation, threatened and endangered species protection, illegal commercialization of native wildlife, homeland security and public safety). Additional responsibilities include: the creation of 119 new Marine Protected Areas (MPA's) along the 1100 miles of California coastline have created a significant new marine patrol mandate for LED; The LED has taken on a far more active role in dockside and offshore Federal Fisheries Enforcement; California is facing a dramatic shift in the way petroleum products are being transported into the state by rail from sites within the continental U.S. which may surpass marine transport within the next few years in California creating a new inland pollution threat to the state and the need for the LED to expand its oil spill prevention, preparedness, and response program statewide; the Watershed Enforcement Team was created to address the environmental impacts of illegal marijuana production in the state and the devastating impacts to the natural resources of the state created by water diversions, pollutants and poaching associated with the illegal grows; a large increase in the number of human-wildlife encounters throughout the state demanding greater responses by CDFW law enforcement personnel and LED coordination with Legislators and their staff, other CDFW staff, federal wildlife services staff, local law enforcement, stakeholders and the public; increased coordination and consultation with California Tribal groups; increased workload for LED dealing with invasive species; increased workload for LED dealing with drought related issues; the need to amend and/or pass new legislation and regulations and update and/or develop new departmental policies to protect natural resources while providing a safe environment for the public involved in hunting, fishing and other recreational activities; a large increase in the number of legislative bills which increase demand on the law enforcement workforce which has remained at the same workforce level as in the 1970's; increased demands from both consumptive and non-consumptive user groups for law enforcement responses to a wide array of activities which did not exist 10 years ago. Other local law enforcement agencies and local federal district rangers depend more and more upon CDFW law enforcement staff as backup for other than fish and wildlife issues requiring the enforcement of the Penal, Vehicle and Health and Safety codes (i.e., drug arrests, robberies in progress, high-risk felony stops). CDFW law enforcement staff is also required to participate with the military and other federal enforcement agencies regarding Homeland Security efforts; an increased coordination with divisions/regions/branches and entities inside and outside of state government regarding LED-directed legislative and regulatory proposals and departmental policies; and an increased demand by the Legislature, stakeholders, members of the public and the media for statistics relative to all activities conducted by the LED; increased external audits, investigations, and legislative inquiries requiring coordination of responses by LED with CDFW's Office of General Counsel, the Office of Legislative Affairs and appropriate division/region/branch.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

1. CDFW Policies: The ADD will be responsible for LED participation on Executive Policy Teams established by the Director to develop and implement the Director's statewide priority policies. These Policy Teams are made up of members of the Joint Leadership Team with representatives from appropriate CDFW functions including LED. The teams bring new policies or recommended changes to existing policies to the Executive Management Team for approval and implementation.

2. Department Policy affecting all functions with a nexus to LED: All Department field policies with a connection to LED will be under the direction of the ADD. An example of these policies would be the mountain lion, human wildlife conflicts, Tribal coordination, fish rescue, homeland security, and public safety policies and a wide variety of other policies related to field functions (habitat protection, pollution and spill response/investigation, threatened and endangered species protection, illegal commercialization of native wildlife, species and habitat take, hunting, sport and commercial fishing, marine and aquaculture) which must be coordinated between the LED, CDFW branches and regions throughout the state.

3. Watershed Enforcement Team (WET): The ADD will be responsible for policy development and implementation for the Watershed Enforcement Team (WET), which is a new mandate from the Governor establishing a team of CDFW enforcement, science, legal, and administrative staff to work cooperatively with other law enforcement staff and government agencies like the Water Quality Control Board on water and habitat issues relating to the illegal growing, habitat destruction and illegal water diversion associated with Marijuana. The ADD will work with LED managers and executive staff from other agencies on development and implementation of new statewide policies dealing with the response of multiple federal, state and local agencies on this emergent habitat destruction CDFW priority. The ADD will coordinate participation of appropriate staff from impacted or partnering agencies, and then take the lead on implementation of these policies with CDFW executive staff and LED managers.

4. Headquarters Administration and Operations: The ADD will manage the two Assistant Chief (AC) positions in Headquarters that oversee statewide administration of LED and statewide operations teams. The two HQ AC positions manage the statewide LED programs including Hiring Unit, Academy, Training, Professional Standards Unit, Air Services, Special Operations Unit, DBEEP, K-9, Watershed Enforcement Team, Marijuana Eradication Team, Hunter Education, and Legislative/Regulations Unit. These LED programs are based out of Headquarters and will continue to report directly to their AC, but the ADD will be working directly with the ACs on the executive level oversight and policy development and implementation of these statewide programs. These Headquarters ACs work directly with CDFW executive staff on coordination of administrative and operational issues impacting CDFW programs including LED.

5. LED Policy Manual: The LED Policy Manual provides statewide administrative and operational direction to Fish and Wildlife Officers in the LED. The ADD will be the principle policy maker for the LED. The ADD will coordinate LED policy input from LED managers, appropriate CDFW executive staff, HR, stakeholders and Unions in the process of development and implementation of new and amended LED policies. The policies are constantly being reviewed and scrutinized for accuracy and consistency with case law and environmental law where applicable. The ADD will be responsible for implementation of these policies to LED managers for consistent statewide training and use by LED staff. The ADD will be the principal policy maker and reviewer of this manual impacting administrative and field operations for LED.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The ADD, as part of CDFW Executive Management Team, will have regular interface with the Director, Deputy Directors, Regional Managers, LED Assistant Chiefs, Branch Chiefs, and other CDFW program managers. The LED's operational and enforcement authority is attained through legislative and regulatory actions that provide the directives to protect and preserve California's natural resources and public safety. The ADD will have regular involvement in the development and implementation of laws and regulations and CDFW and LED policies intended to protect and preserve California's fish, wildlife, waterways and plant resources.

As an advisor to the DD, LED, the ADD plays an important role of providing policy-level guidance and direction on all LED programs. Accordingly, the ADD will assist the DD, LED, in monitoring, evaluating, and directing the LED's statewide statutory, regulatory, public relations and external affairs programs.

The ADD is responsible for evaluating existing and proposed legislative and regulatory mandates and department-wide policies pertaining to public safety, homeland security, species and habitat take, and enforcement issues associated with hunting, fishing, sport and commercial fishing, marine and aquaculture. The ADD will provide expert advice on these issues to the DD, LED, and is responsible for developing and implementing LED-directed proposals statewide to ensure consistent application of laws, regulations, policies, and procedures in concert with the Fish and Game Commission and the goals of interested groups.

The ADD will have decision making authority over the the LED Assistant Chiefs of the LED. The ADD will advise and inform the DD, LED, of issues related to law enforcement and CDFW program coordination issues occurring throughout the state and ensure consistent application of statewide LED administration, operations and policy.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

As advisor to the LED DD, and member of the CDFW Executive Management Team and LED's upper management, the ADD has a significant role in policy development and implementation for CDFW and for the LED. The ADD is responsible for providing direct input to the Directorate and the LED DD on development and implementation of new CDFW and LED policies, and will provide oversight and policy guidance to LED and CDFW programs and functions that impact LED activities. The ADD is responsible for promoting uniform application of laws, regulations, departmental policies and educational programs statewide.

The ADD will work with the LED DD, Assistant Chiefs and other CDFW leadership team staff to develop or modify CDFW and LED policy as needed. The ADD will assure proper coordination with Human Resources (HR) and with Unions before implementing new policies that may require HR or Union approval. The ADD will direct statewide development and implementation of new or amended policies to assure consistent policy guidance is given to LED managers for field implementation. The ADD is responsible for reviewing recommendations pertaining to legislative bills and providing expert consultation to the LED DD regarding the implementation or amendment of new or current statutory and regulatory authorities and coordinates with the Department's Office of Legislative Affairs, Office of General Counsel and the Fish and Game Commission in the crafting and advancing of new LED-directed legislative and regulatory proposals. The ADD advises the LED DD on implementation of programs and policies on a wide variety of complex, highly controversial and sensitive issues concerning enforcement activities, education, public information, human wildlife conflict and public safety.