

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

June 4, 2019

2. Department

California Department of Fish and Wildlife

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

Executive

4. CEA Position Title

Cannabis Program Manager

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

This position will perform high level coordination and provide overall policy direction for the Department's cannabis activities statewide. The incumbent will ensure the implementation of cannabis activities are consistent with state policy objectives and will coordinate efforts with the California Department of Food and Agriculture, the State Water Resources Control Board, and other state agencies and stakeholders. The CEA will also represent the Department at meetings and advisory boards, include local, state, and national meetings.

6. Reports to: (Class Title/Level)

Chief Deputy Director/1st Level

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): As Program Manager, the CEA will have frequent contact with the Executive Management Team on all policy matters relating to the Department's cannabis activities.

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.

Under the direction of the Chief Deputy Director, the CEA, has the authority and responsibility to plan, organize, and coordinate the activities of the Cannabis Permitting, Restoration, Land Stewardship, and Enforcement Programs (Program); attends and gives briefings at meetings and advisory boards; represents the Department on committees, local, state and national meetings, and conferences on issues related to the cultivation of cannabis, including a broad range of environmental, legislative and natural resource management issues related to protecting the States natural resources and public trust; and may be called upon to act as the Chief Deputy Director, in his/her absence.

Functions include:

In accordance with Business and Professions Code 26060.1(b)(1) and (2) and Revenue and Taxation Code 34019 (f)(2), plan, develop, coordinate, and implement the Cannabis Permitting, Restoration and Enforcement Programs spanning the Law Enforcement Division, Regions, and Branches within the Department and their activities related to the regulation of cannabis cultivation to ensure the reduction of adverse impacts of cannabis cultivation to water quality, habitat and fish and wildlife throughout the state. Make independent decisions regarding Program operations by developing, evaluating, and implementing program goals, planning objectives, workforce planning and performance measures related to permitting, enforcement, and assessing and implementing restoration and environmental monitoring.

Advise the Chief Deputy Director, and Executive Team on program and policy matters; develop and provide direction on the implementation of administrative policies and procedures regarding cannabis permitting, restoration, lands stewardship, and enforcement programs. Resolve complex regulatory and enforcement issues in accordance with the provisions of laws and regulations applicable to the cannabis functions. Act as the Department's spokesperson on all issues that relate to the Cannabis Program in close coordination with the Law Enforcement Division; keeps current in the latest developments. Represents the State on these issues at federal, state, and local seminars and meetings pertaining to sensitive State and federal environmental regulations related to cannabis cultivation. Respond to emerging issues by routinely informing the administration and Program staff of policy implications and by recommending appropriate responses. Conduct oversight of and participate in the formulation, implementation, and administration of comprehensive communications and education programs to train Department staff and to educate and inform the public about the Department's regulatory role and statutory responsibilities related to cannabis cultivation.

In accordance with Fish and Game Code 12029 and Business and Professions Code 26069(c)(1), work with the State agencies and federal land management agencies, i.e. California Department of Food and Agriculture, State Water Resources Control Board, California regional water quality control boards, and the Department of Parks and Recreation, to develop Cannabis projects and programs to address environmental impacts of cannabis cultivation and coordinate when appropriate with cities and counties and their law enforcement agencies in enforcement efforts. Participate with other state agencies, county government officials and stakeholders in order to plan, develop and anticipate the needs of various collaborative programs.

Plan, allocate, and oversee the various Cannabis Program budget and revenue, setting reserves in coordination with the Budgets Branch and Chief Deputy Director in order to develop the strategic plan and long-term goals for the program. These will be incorporated into the various Divisions strategic plan and part of the Department's overall strategic plan.

Reviews proposed regulations, contracts, and human resource plans for appropriateness; reviews and provides input for legislative analyses, reports, and proposed regulations from the standpoint of adherence policy on proposed legislative direction. Incumbent coordinates input from Divisions, Branches and Regions, prepares statements and program related reports addressing cannabis cultivation impacts to fish and wildlife and represents the Department before the State Water Board or other decision-making bodies. Performs administrative functions associated with this position including contract management, managing Program budgets and evaluating Program needs. Performs fiscal administration duties including tracking allotments and expenditures. Prepares bill analyses, budget change concept papers and budget change proposals, proposes legislation and regulations. May be called upon to act as the Chief Deputy Director, in his/her absence.

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 mission of the California Department of Fish and Wildlife is to manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. The Department has a critical role in address environmental impacts from cannabis cultivation, which directly falls in line with the department's mission of managing California's diverse fish, wildlife, and plant resources.

Cannabis cultivation continues to have a devastating impact on water quality and supply, and on fish and wildlife and their habitats. Even with State licensing for cannabis, the vast majority of cultivation is still not permitted or licensed by the State. Fish and wildlife mortality and environmental damage has occurred from cannabis cultivation sites, and environmental effects may last several years after remediation. Water diversion and discharge has resulted in reduced instream flows needed for spawning, migration and rearing salmon and steelhead and riverine habitat. The Department has documented increased land conversions of endangered species habitat due to cultivation, and illegal cannabis cultivation has occurred on Department properties.

The Department has taken a lead role in assessing and attempting to remediate harm to fish and wildlife and their habitats from cannabis cultivation. In addition, the Department has a role in State licensing by the California Department of Food and Agriculture. Every applicant for a State cultivation license must either submit a lake or streambed alteration agreement or written verification that an agreement is not needed. Legislation legalizing cannabis in the State has also clearly defined a role for the Department in addressing environmental impacts from cannabis cultivation. The proposed Cannabis Program Manager will be responsible for implementing Department cannabis activities and providing overall policy direction, in close coordination with the Law Enforcement Division, for 170 Department staff throughout the State working on cannabis activities. This includes close coordination with the Department's executive staff to ensure consistency in program implementation.

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.

As the State implements the regulatory program for cannabis, the Department has continued to increase staff and activities to address environmental impacts from cannabis cultivation. The Department has continued to increase funding and positions to address cannabis workload throughout the State and has established new partnerships, including with the California Department of Food and Agriculture. In FY 2018-19, the Department had 101 positions throughout the State to work on cannabis activities. The FY 2019-20 Budget includes an additional 79 positions and funding to take on new workload related to cleanup, remediation, and restoration of watersheds impacted by cannabis cultivation. With this new allocation of positions, the Department will have 180 positions dedicated to work on cannabis activities throughout the State. The CEA classification is necessary to ensure appropriate oversight and consistency for Department cannabis activities, including representing the Department in high level meetings with local and State officials.

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.

The CEA will provide oversight and policy direction to staff working on cannabis activities throughout the State, including the development and implementation of the program per State policies, applicable laws and regulations, in addition to coordinating with other local and State agencies in the development of the Department's Cannabis Program.

Three examples include policy to:

- 1) As the regulatory program has been implemented, legislation has created additional licenses available to cannabis cultivators (e.g., temporary licenses) that requires the Department to adapt to ensure environmental impacts are addressed;
- 2) Development of permitting efficiencies to streamline issuance of a Department permit for applicants (e.g., General Agreement); and
- 3) Working with local and State agencies to collaborate on enforcement efforts to address environmental impacts.

Coordination with the Legislature, various local and State agencies, stakeholders, and the general public is needed to implement the Department's cannabis activities.

C. ROLE IN POLICY INFLUENCE (continued)

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

The Cannabis Program Manager will have regular involvement in developing department-wide policies to provide the best achievable environmental protection and help conserve, and protect fish and wildlife resources, and the habitats upon which they depend, in addition to providing the necessary oversight over the department during the implementation process of the policies and procedures developed by the CEA. The incumbent will be the Department's cannabis lead and will manage the Department's budget for the program.

The Cannabis Program Manager serves in an important role of providing policy-level direction on all department activities related to permitting and addressing environmental impacts from cannabis cultivation. Accordingly, the Program Manager's primary objective is to evaluate, plan, and direct the Department's cannabis efforts in close coordination with the Law Enforcement Division, followed by oversight of the implementation of the program.

The Cannabis Program Manager is responsible for evaluating existing statutory and regulatory authorities, providing expert consultation to the Chief Deputy Director on department-wide policies, and provide overall policy direction to Department staff implementing cannabis activities. The CEA evaluates the programs's fiscal needs, prepares budget proposals, and presents them to the Chief Deputy Director. This position will be the Department's authority in all legislative, regulatory, public and external affairs matters that involve the Department's specific and separate mission related to address environmental impacts from cannabis cultivation. These actions will involve regular and close communication and collaboration with the California Natural Resource Agency, California Department of Food and Agriculture, State Water Resources Control Board, and other local and State agencies.

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

The Cannabis Program Manager will develop and implement policy and regulatory efforts for the Department of Fish and Wildlife. This includes developing Department policies and procedures to ensure that the Department's Cannabis Program meets state-wide policy objectives. As the leader over the Department's Cannabis Program, the CEA will set priorities for permitting, enforcement, and cleanup activities and ensure programs are implemented, updated and managed, as well as identifying and developing any needed new policies in conjunction with the Department Executive Management. The CEA will identify and develop partnerships for implementation of the Department's cannabis activities and ensure appropriate coordination with local and State agencies. The Cannabis Program Manager requires regular coordination with the California Department of Food and Agriculture and the State Water Resources Control Board on regulatory and enforcement activities, including updates to the State Water Resources Control Board's Cannabis Policy.

This will also require the Cannabis Program Manager to interpret existing state policy as it relates to the Department's role in State licensing and oversee implementation of state-wide policy department-wide as necessary.