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From: "Norman MacLeod" <gaelwolf@waypt.com>
To: "various" <gaelwolf@waypt.com>
Sent: Sunday, September 27, 2009 9:12 AM
Subject: Reforming Washington's natural resource agencies - WDFW stakeholder message on natural resource reform
<http://wdfw.wa.gov/govt-reform.html>

Good morning and welcome to just one more thing to do . . .

Washington's natural resource agencies are in a reorganization process. They may tweak, or they may end up completely restructuring who they are and what they do. Regardless of the form of natural resource use you may be involved with, from planting your garden, to tending your lawn, to extracting resources from the landscape, to legislating, to litigating all of the above, this process is extremely important to you and to the people you work with and for.

Please start working this on your own and within your organization. We all have an open public comment period that ends on October 28. You can be certain that the environmental NGO community will be working this hard, and if you are part of the greater community that uses and enjoys private property, you need to be even more strongly engaged than ever.

As you go through the message below you will see many things. What you will not see is anything that mentions protecting private property rights. Unless you toot your horn, you can guess what that will mean at the end of this process.

It is time for those who have been sitting on the sidelines thanking the few who have been doing the heavy lifting for the landowner community to step up and roll the sleeves up. This is a tremendous opportunity, but the results will be favorable only if you work hard for your own interests and those of your children and grandchildren.

For those of you who are attorneys, or who are working with attorneys, please pay special attention to what the ideas are for reforming the hearings and appeals processes, and how enforcement operations may be realigned.

Everyone needs to dig into the following:

Coordinate Citizen Science—Under this idea, agencies and citizens would better collaborate to gather data. The state Recreation and Conservation Office (RCO) would be the lead agency in scoping, testing and implementing the citizen science project.

This is definitely a double-edged sword. Environmental NGOs have been doing their studies for decades . . . those of us who are resource-users, less so. This is a strong entry point for fully independent, rigorous peer review. It's also an entry point for science developed on behalf of landowners and their support groups. It's time to do this better than the environmental NGO community has in the past.

If you've ever had an issue with a regulatory agency, if you've ever felt their process or science was lacking in quality, now is your opportunity to do something constructive about it.

The quality of your ideas and suggestions is important. This is our chance to improve things in such a way that we get a fairer shake for landowners and rural residents. Let's

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do everything we can to get it right.



WDFW stakeholder message on natural resource reform

As you may be aware, Governor Chris Gregoire and state agencies are engaged in active reform discussions related to a variety of government services, including education, transportation, energy, health care, shared administrative services and natural resources.

This email is intended to ensure you are aware of natural resource management reform ideas and to encourage you to provide feedback on potential impacts to state fish and wildlife management.

Natural resource agencies were directed by the 2009 Legislature to identify opportunities to improve service delivery and reduce costs, and to submit these ideas to the Governor and the Office of Financial Management. After many work sessions over the last several months, the Governor's Natural Resources Subcabinet, including the Washington Department of Fish and Wildlife (WDFW), has released a document containing an array of ideas for reforming natural resource management.

The reform concepts are contained in a document, [Ideas to Improve Management of Washington's Natural Resources](#). The document and [A "Q&A" on the process and major idea areas](#) can be viewed on the Governor's [Natural Resources reform](#) website.

The natural resource reform concepts include four broad categories: Structural changes (various configurations of agency mergers); sharing services (data collection, GIS, etc.); streamlining permits; and consolidating quasi-judicial reviews.

Through Oct. 28, public comments are being taken on the reform concepts. You are encouraged to offer your views on the concepts and to add your ideas to the mix. Comments may be submitted electronically via a [survey page](#) on the Governor's web page.

Your feedback is critical to the evaluation of reform ideas to improve management of Washington's natural resource agencies. In responding, please keep in mind that comments and feedback information you provide are considered public information. If you have questions about the comment process, contact resource.reform@ofm.wa.gov.

To assist WDFW stakeholders in reviewing and commenting on the reform concepts, we have developed an overview that indicates where WDFW programs and activities would be placed under various reform scenarios. You'll find that overview below, immediately following this email message.

Citizen suggestions will be evaluated for how well they will:

1. Improve customer service;
2. Increase efficiencies by improving productivity or reducing costs;
3. Advance the state's commitment to:
 - o Protecting and restoring natural resources and the environment;
 - o Working collaboratively on natural resource issues with the state's tribal governments;
 - o Promoting sustainable commercial and recreational use of natural resources; and
 - o Protecting public health

Following the public review period, Governor Gregoire and Peter Goldmark, Commissioner of Public Lands, will review comments. From the concepts and public comments may emerge a number of possible legislative initiatives, executive orders, budget provisos and interagency agreements. The

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results are likely to shape the way that natural resources are managed for years to come.

This is a large set of issues and ideas, and a short time-frame for comment, but it is extremely important that your views be known. Thanks for your help in this important project.

If you would like to personally discuss the reform ideas as they relate to fish and wildlife management, please contact WDFW Deputy Director Joe Stohr. Joe may be reached via email at director@dfw.wa.gov.

Sincerely,
Phil Anderson
Director, Washington Department of Fish and Wildlife

Overview: Natural resource reform ideas and WDFW programs

Concepts in the "Ideas to Improve Management of Washington's Natural Resources" document would have significant effects on Washington Department of Fish and Wildlife (WDFW) organization and functions, with effects varying by option. This overview indicates where existing WDFW programs and activities would be placed under the various options.

Agency organization

The following ideas are outlined on pages 21-68 of the document as ways to reorganize natural resource agency structure:

1. **Two-Agency Model** – Would reorganize existing natural resource agencies into the following two new agencies:
 - a. Department of Environmental Regulation, which would manage environmental permits, land use, and other environmental issues. **WDFW's Hydraulic Project Approval (HPA) program would be placed here under this model.**
 - b. Department of Resource, Recreation, and Land Management, which would manage state lands and recreation. **WDFW's fishing and hunting management, including commercial fishery management, would be placed here under this model. Management of salmon recovery, wildlife areas and water-access sites, and financial assistance for fish-passage projects also would be placed here.**
2. **Three-Agency Model** – Would reorganize existing agencies into the following three new agencies:
 - a. Environmental Protection Agency, which would manage pollution impacts and land use.
 - b. Agriculture and Natural Resources Land Management Agency, which would manage state conservation and working lands (agriculture, logging, etc.) **Management of WDFW wildlife habitat lands would be placed here under this model.**
 - c. Recreation, Resources, and Ecosystem Conservation Agency, which would manage fish, wildlife and recreation; regulate hydraulic approvals; and address ecosystem-based management and recovery. **WDFW's work with tribal natural resource co-managers, species conservation, hatchery management, fishing and hunting season-setting, hydraulic project approvals (HPAs), and management of recreational wildlife areas and water-access sites would be placed here under this model.**
3. **Four-Agency Model** – Would keep the departments of Ecology, Agriculture, and Natural Resources remaining as they are and would create a new "Ecosystem Management and Recreation Agency."

WDFW would be merged with State Parks to form a new Ecosystem Management and Recreation agency, under this model. The Fish and Wildlife Commission and the Parks Commission would be combined into a single commission, or WDFW and Parks would be put under the authority of the Governor with a single advisory

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commission. Most current WDFW functions would be administered through this new, merged agency. (Except, as in the three-agency model, management of wildlife habitat lands would be placed in the Department of Natural Resources.)

4. **Five-Agency Model** –Would create five independent agencies and shift programs from current agencies to align related programs:
 - a. Environmental Protection Agency, which would manage pollution impacts and land use.
 - b. Agricultural Agency, which would support and promote agriculture.
 - c. Public Land Management Agency, which would manage state-owned lands. **WDFW wildlife lands (both habitat and recreation lands) and water-access sites would be placed here under this model.**
 - d. Resource and Ecosystem Conservation Agency, which would manage public resources (fish and wildlife), regulate natural resources activities, and address ecosystem-based management and recovery. **WDFW's work with tribal resource co-managers; species conservation; hunting and fishing season-setting; and hatchery management all would be placed here under this model. The Puget Sound Partnership and the Salmon Recovery office, Biodiversity Council and Invasive Species Council also would be placed here under this model.**
 - e. Environmental and Natural Resources Financial Assistance Agency, which would provide leadership and accountability for all natural resources and environmental grant and loan programs. **Natural resource grant and loan programs would be placed here under this model.**

Note: Under all of the above agency-reorganization models, WDFW and DNR law enforcement functions either would move to the Washington State Patrol or be constituted as a combined stand-alone agency. The enforcement reorganization concepts are detailed under the "Sharing Services and Functions" section below.

The remaining reorganization ideas would not require agency consolidation to be implemented.

5. **Unified State Vision** – This concept would create a unified vision for all natural resources agencies to better enable state government to focus scarce time and money on the most important things. Under this idea, agencies would create a unified vision, mission, goals and outcomes for natural-resource management through strategic planning. Agencies would identify a common set of environmental threats and would prioritize and synchronize management strategies, and then collaborate to achieve the goals.
6. **Re-align Regional Boundaries and Co-locate Regional Offices** – Under this idea agencies, over time, would combine and relocate their current regional offices into regional offices made up of multiple agency employees, supported by shared work centers. **WDFW's existing regional boundaries likely would change under this model.**
7. **Collaborative Ecosystem-based Management** – Under this idea, agencies would collaboratively establish goals and priorities in eco-regions, which are large geographic areas (such as Puget Sound), that have topographical and ecological characteristics that differentiate them from other eco-regions. This idea could use science and local planning and prioritization processes to better focus state efforts.
8. **Formalize Multi-Agency Collaboration**—Under this concept—known as "structured collaboration"—cross-agency teams and formal working relationships would be established among agencies. These cross-agency teams would have dedicated employees, budgets, and missions that focus on strategy, coordinated responses and shared responsibilities. **Multi-agency collaboration efforts could include current WDFW activities such as salmon recovery, watershed health, state-tribal resource co-management, permit streamlining and state land acquisition.**

Sharing Services and Functions

Ideas presented on pages 69-116 of the document address potential efficiencies that do not involve broad, multi-agency reorganization:

1. **Share Geographic Information System (GIS) technology** used to inventory, manage and map information about Washington's natural and human-built environment. This information is used to manage natural resources, protect Washington's environment, and ensure public safety. **WDFW's GIS work would be included in this effort.**
2. **Coordinate Citizen Science** –Under this idea, agencies and citizens would better

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collaborate to gather data. The state Recreation and Conservation Office (RCO) would be the lead agency in scoping, testing and implementing the citizen science project. **WDFW's citizen science efforts would be included in this coordinated approach.**

3. **Consolidate Natural Resources Law Enforcement** – Several ideas are presented on pages 86-97 of the document:
 - a. Reclassify all natural resource agency law enforcement officers to expand their authority to that of general police officers. **WDFW's Enforcement Program already is designated as a general authority law enforcement entity; this change would affect DNR officers.**
 - b. Combine law enforcement officers from the WDFW and DNR into an independent agency.
 - c. Create a Natural Resource Enforcement Bureau within the Washington State Patrol, staffed with enforcement officers from WDFW and DNR. **WDFW officers would become part of the Washington State Patrol under this option.**
4. **Consolidate Grants and Loans** – Two ideas are presented on pages 98-116 of the document:
 - a. Create a Natural Resources Financial Assistance Agency that would co-locate current grant and loan programs. This one agency would develop a web-based portal for customer access; standardize forms and reporting; and coordinate compliance of contractual obligations.
 - b. Create a Natural Resources Grants and Loans Council, which would create a centralized information portal and develop common forms, procedures, protocols, and performance measures. Under the council, grants and loans would remain in multiple agencies, but some of the current grant programs would be aligned along functional lines. **WDFW's grant programs, including the Aquatic Lands Enhancement Account (ALEA), Cooperative Endangered Species Conservation Fund, Fisheries Restoration and Irrigation Migration Act, Landowner Incentive Program, Partnerships for Pheasants, and Grants to Wildlife Rehabilitators, would be included in these concepts.**

Improving Environmental Protection, Permitting and Compliance

Concepts to improve environmental protection and permitting (on pages 117-146 of the document) include ideas to:

1. Update the Growth Management Act.
2. Expand pilot projects testing consolidated and coordinated permitting systems. **WDFW's Hydraulic Project Approval (HPA) program could be included in this effort.**
3. Grant agencies authority to do permit by rule and expand programmatic permits that create blanket requirements applicants must comply with in order to receive hydraulic project permits. **Under this concept WDFW could develop programmatic HPAs for DNR forest-practice activities on state trust lands, and for maintenance activities associated with water crossings, overwater structures and bank-protection structures.**
4. Consolidate regulation of dairy's manure waste from two agencies to one.
5. Target delivery of incentive-based programs for landowners—Under this idea, the state Conservation Commission would be the point of contact for incentive programs. Conservation districts would coordinate with state, federal, local and tribal agencies to provide a package of tailored incentives to a landowner. **WDFW would be added to the State Conservation Commission as a full member under this concept. WDFW current participates only as an observer.**
6. Implement Outcome-Based Environmental Management—Under this idea, the state would shift its emphasis for managing environmental resources from a single resource view to a view that attempts to achieve larger ecosystem objectives, such as restoration of endangered species and restoration of watershed processes. Under this concept, state agencies would aim to jointly administer natural-resource compliance monitoring and enforcement activities. **WDFW species and habitat monitoring and enforcement activities would be included in this concept.**

Streamlining quasi-judicial boards

Streamlining ideas, presented on pages 145-166 of the document, include concepts to:

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1. Move Environmental Cases to Boards with Environmental Expertise—This would move general hydraulic permit appeals, surface mining reclamation permit appeals and derelict vessel appeals from the Office of Administrative Hearings (OAH) to boards with environmental expertise. **General HPA appeals would be moved under this concept.**
2. Redesign Boards into a single Environmental and Land Use Adjudicatory Agency – Under this idea the functions performed under the Environmental Hearings Office and the Growth Management Hearings Boards would be merged into a single adjudicative agency containing two major quasi-judicial components: Appeals of natural resources and environmental regulatory matters, and land use related appeals. **The Hydraulic Appeals Board would be moved out of the Environmental Hearings Office and would become part of the Pollution Control Hearings Board under this concept.**
3. Growth Management Hearings Boards Efficiency and Structure.
4. Eliminate Duplicative Administrative Review for Certain Agency Decisions—This idea would eliminate the ability to request remission or mitigation of civil penalties from the Departments of Ecology and Natural Resources. Appeals of the civil penalty would go directly to the appropriate board. **WDFW administrative orders and rule-making would be included in this concept.**
5. Address Separate Appeals of Shoreline Master Programs—In this concept, all shoreline Master Program appeals would be referred to the Land Use Planning Appeals Board, which would consist of panels from members of the Growth Management Hearings Board and the Shoreline Hearings Board.

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