

STATE OF WASHINGTON DEPARTMENT OF FISH AND WILDLIFE POLICY DOCUMENT

May 10, 2007 – **DRAFT 3**

This document outlines the legal mandate for the Department and defines the role of the Commission and the Director as outlined in RCW 77. It is the role of the Commission, as a body, to develop/establish policy, and it is the Director's role and responsibility to implement policy through Department management. This document recognizes the absolute necessity for a strong partnership between the Director in developing and implementing policy. This partnership should be marked by trust, mutual respect, and cooperation. Department leadership is a shared responsibility. It is implicit in this document that there will be consultation between the Commission and the Director on all major issues affecting the Department

For purposes of this document, "Commission" means the Fish and Wildlife Commission; "Director" means the Director of Fish and Wildlife; and "Department" means the Fish and Wildlife Commission, the Director, and all employees.

Mandate (RCW 77.04.012)

"Wildlife, fish, and shellfish are the property of the state. The commission, director, and the department shall preserve, protect, perpetuate, and manage the wildlife and food fish, game fish, and shellfish in state waters and offshore waters.

"The department shall conserve the wildlife and food fish, game fish, and shellfish resources in a manner that does not impair the resource. In a manner consistent with this goal, the department shall seek to maintain the economic well-being and stability of the fishing industry in the state. The department shall promote orderly fisheries and shall enhance and improve recreational and commercial fishing in this state.

"The commission may authorize the taking of wildlife, food fish, game fish, and shellfish only at times or places, or in manners or quantities, as in the judgment of the commission does not impair the supply of these resources.

"The commission shall attempt to maximize the public recreational game fishing and hunting opportunities of all citizens, including juvenile, disabled, and senior citizens.

"Recognizing that the management of our state wildlife, food fish, game fish, and shellfish resources depends heavily on the assistance of volunteers, the department shall work cooperatively with volunteer groups and individuals to achieve the goals of this title to the greatest extent possible.

"Nothing in this title shall be construed to infringe on the right of a private property owner to control the owner's private property."

Role of the Commission

The Commission sets policy for the Department of Fish and Wildlife and is an access point for constituents interested in policies affecting Washington's fish and wildlife resources. The Commission is authorized by Referendum 45 and RCW 77 to establish policies to preserve, protect, and perpetuate fish and wildlife; set broad goals and objectives; appoint the Director; approve the Department budget and monitor implementation; enter into agreements with other agencies and governments; and adopt rules regulating all fishing, hunting and other uses of the state's fish and wildlife.

The Commission is responsible for:

1. Establishing policies, goals, and objectives to guide the Department's management of Washington's fish, wildlife, and habitat resources. Key specific responsibilities include:
 - a. establishing the basic policy and guidelines to preserve, protect, and perpetuate the resource as reflected and implemented through Department actions (e.g., species/ecosystem recovery plans, fish, shellfish, and wildlife management plans, land management plans, collaboration with private land managers, and other policy initiatives);
 - b. establishing guidelines and policies for allocating use of fish and wildlife resources and Department lands;
 - c. setting the time, place, and manner of fishing, hunting, and trapping for all species in Washington, whether food fish, game fish, shellfish, hunting, recreational or commercial seasons;
 - d. submitting the annual status report on the state's fish and wildlife resources to the Legislature and Governor; and
 - e. determining the management status of species as provided by statute.
2. Adopting goals and objectives to guide Department management:
 - a. ensuring the Department is managed in a manner that meets ethical, legal and sound business standards and is responsive to the public, the employees, and the resource; and
 - b. establishing and monitoring performance expectations for the Department through the Director.
3. Appointing, supervising, and evaluating the performance of the Director.

4. Approving the Department's biennial budget before submittal to the Governor and the Legislature.
5. Appointing, supervising, and evaluating the performance of Commission staff.
6. Establishing and maintaining a cooperative management relationship with Indian tribes by:
 - a. maintaining state/tribal communications on a government-to-government basis;
 - b. recognizing standards and procedures for state/tribal resource management established in various court orders and state/tribal management plans;
 - c. *[meeting basic resource stewardship policies/guidelines and federally mandated treaty Indian allocations requirements through management planning and negotiation responsibilities delegated to the Director.]* ← rewrite?
7. Cooperating with other governments and agencies to implement Commission policies.
8. Approving Department request legislation for submittal to the Governor.
9. Informing the Governor and the Legislature about resource management issues, thus gaining their support for legislation that benefits fish, wildlife, and habitat and the Department's ability to protect, restore, and enhance it.
10. Authorizing acquisitions, land exchanges, and sale of Department lands; and approving leases and rentals of Department lands, new land use exchange agreements, and conveyance of less than fee interests in Department lands.

Role of the Director

The Director is the chief executive officer for the Department and directs the Department's day-to-day operations as authorized by the Commission. The Director's role recognizes the strong partnership the position maintains with the Commission in developing policy as well as responsibility for Department leadership.

The Director shall implement the Department's goals, policies and objectives by: developing internal operating policies; making delegated resource management decisions; effectively organizing, appointing and managing Department staff; maintaining accountability and sound management of the Department's resource and business functions; representing the Department with other governments; developing programs and agreements with other agencies and private land owners, and exercising specific authorities delegated by the Commission and generally outlined as follows.

The Director is responsible for:

1. Implementing policies adopted by the Commission.
2. Providing the Commission completed staff work and necessary public involvement support to assist informed decision-making by the Commission.
3. Directing day-to-day business of the Department including:
 - a. appointing Department employees;
 - b. expending funds consistent with budget policies established by the Commission and according to OFM business and accounting standards;
 - c. overseeing the Department's programmatic functions and delegating authority as necessary for effective, efficient, accountable and responsive Department management;
 - d. developing and implementing specific internal operational policies and procedures;
 - e. administering collection and proper disposition of license and other revenue;
 - f. revoking or denying and reinstating or reissuing commercial and recreational licenses;
 - g. developing programs jointly with other agencies and governments, and private landowners;
 - h. managing and maintaining the Department's real property;
 - i. signing correspondence, memorandums of agreement, emergency purchases, contracts, grants, and agreements as necessary to operate the Department;
 - j. directing the sale of state resources as provided in statute including oysters from state oyster reserves and surplus salmon eggs/carcasses;
 - k. developing and implementing procedures and rules for entering cooperative agreements after consultation with the Commission; and
 - l. preparing the annual report to the Governor and the Legislature for submittal by the Commission.
4. Setting the time, place and manner of taking fish, shellfish, and wildlife and regulating the possession, disposal, landing, and sale of food fish and shellfish in emergency situations as defined in RCW 34.05.350, including rapidly changing in-season commercial and recreational fisheries and hunts where the actions must be taken with limited available time.

5. Determining and setting Department structure and organization to most effectively and efficiently achieve the Department 's goals, policies and objectives.
6. Developing budgets for approval by the Commission and submitting approved budgets to the Governor and the Legislature.
7. Representing the Department on councils and boards.
8. Representing the Department and negotiating management agreements with Tribal Governments consistent with federal court mandates.
9. Representing the Department with the Governor and the Legislature and in other state, national and international forums.
10. Monitoring and reporting on the status of the state's fish, wildlife and habitat resources.
11. Monitor performance of employees with measurable goals and objectives and ensure professional, ethical standards are being met within the Department.
12. Developing and implementing an effective public communication and outreach program.

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Jerry Gutzwiler, Chair
Washington Fish and Wildlife Commission