

County of Lassen
ADMINISTRATIVE SERVICES



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County Administrative Officer
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March 28, 2024

TO: Board of Supervisors
Agenda Date: April 9, 2024

FROM: Richard Egan, County Administrative Officer Nancy Cardenas, Auditor-Controller-Treasurer-Tax Collector

RE: Fund 118 Fish and Game

RECOMMENDATION: Approve reallocation of funds from General Fund to Fund 118 Fish and Game.

PRIOR BOARD ACTION: On March 6, 2024, the California Department of Fish and Wildlife sent a guidance letter to the county regarding the approval process for expenditure of fish and game funds by county governments (See attached).

DISCUSSION: The expenditure of non-General Fund revenue from County Fund 118 Fish and Game is subject to review and approval of the Board of Supervisors to ensure compliance with California Fish and Game Code Section 13103 (see attached letter). In review of prior expenditures, the County Fish and Game Commission requested an expenditure in the amount of \$500 be paid as a donation to the Lassen Grizzly Claybreakers. The Auditor approved and paid the expenditure in Fiscal Year 2021-2022. While the approved expenditure is consistent with the County's Fish and Game Commission Bylaws (expending funds for educational and youth activities related to fish and wildlife), the expenditure is not consistent with State law and guidance. Additionally, there is not a record of the Board of Supervisors reviewing and approving such request, either as part of the County's budget approval process or as a special request from the Commission to the Board of Supervisors.

To be especially careful about compliance with state law and guidance under the microscope of the California Department of Fish and Game, it is recommended that the Board reallocate funds from the General Fund to Fund 118. The Auditor-Controller-Treasurer-Tax Collector's office has put internal controls in place to adhere to state law for expenditures of funds from Fund 118.

FISCAL IMPACT: \$500 from the General Fund.

ALTERNATIVE: N/A

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Choose Civility



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 6, 2024

Richard Egan
County Administrative Officer
Lassen County
221 South Roop St
Susanville, CA 96130

SUBJECT: CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE PROPAGATION FUND APPROVAL PROCESS FOR COUNTY GOVERNMENTS

Dear Richard Egan:

The California Department of Fish and Wildlife (CDFW) seeks to clarify the process for approving use of Propagation Funds (PF) by County governments. Per Fish and Game Code (FGC) §§ 12009 (b)(2) and 13003, one-half of all fines and forfeitures imposed or collected in any court for violations of the FGC, CDFW regulations, or any other law providing the protection or preservation of birds, mammals, fish, reptiles, or amphibian, shall be deposited with the county treasurer of the county in which the court is situated.

FGC § 13100 requires PF revenue to be expended for the protection, conservation, propagation, and preservation of fish and wildlife, under the direction of the county board of supervisors. Proposed expenditures from a county fish and wildlife PF shall be reviewed first at a regular meeting of the county board of supervisors, or its designated county fish and game commission, to ensure compliance with FGC § 13103.

FGC § 13103 defines fourteen allowable uses of the PF, five of which require CDFW approval or certification (FGC Section 13103 (d)(h)(i)(l) and (n)). The fourteen PF allowable expenditure categories follow, with the five PF expenditure categories requiring CDFW approval or certification noted in italics:

- (a) Public education relating to the scientific principles of fish and wildlife conservation, consisting of supervised formal instruction carried out pursuant to a planned curriculum and aids to education such as literature, audio and video recordings, training models, and nature study facilities.

Conserving California's Wildlife Since 1870

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- (b) Temporary emergency treatment and care of injured or orphaned wildlife.
- (c) Temporary treatment and care of wildlife confiscated by CDFW as evidence.
- (d) Breeding, raising, purchasing, or releasing fish or wildlife that are to be released upon approval of CDFW pursuant to Sections 6400 and 6401 onto land or into waters of local, state, or federal agencies or onto land or into waters open to the public.
- (e) Improvement of fish and wildlife habitat, including, but not limited to, construction of fish screens, weirs, and ladders; drainage or other watershed improvements; gravel and rock removal or placement; construction of irrigation and water distribution systems; earthwork and grading; fencing; planting trees and other vegetation management; and removal of barriers to the migration of fish and wildlife.
- (f) Construction, maintenance, and operation of public hatchery facilities.
- (g) Purchase and maintain materials, supplies, or equipment for either the CDFW's ownership and use or CDFW's use in the normal performance of CDFW's responsibilities.
- (h) Predator control actions for the benefit of fish or wildlife following certification in writing by CDFW that the proposed actions will significantly benefit a particular wildlife species.
- (i) Scientific fish and wildlife research conducted by institutions of higher learning, qualified researchers, or governmental agencies, if approved by CDFW.
- (j) Reasonable administrative costs, excluding the costs of audits required by Section 13104, for secretarial service, travel, and postage by the county fish and wildlife commission when authorized by the county board of supervisors. For purposes of this subdivision, "reasonable cost" means an amount that does not exceed 15 percent of the average amount received by the fund during the previous three-year period, or ten thousand dollars (\$10,000) annually, whichever is greater, excluding any funds carried over from a previous fiscal year.
- (k) Contributions to a secret witness program for the purpose of facilitating enforcement of this code and regulations adopted pursuant to this code.
- (l) Costs incurred by the district attorney or city attorney in investigating and prosecuting civil and criminal actions for violations of this code, as approved by CDFW.

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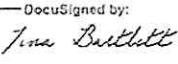
- (m) Costs incurred by a county counsel in investigating and prosecuting an action for civil penalties, injunctive relief, or civil penalties and injunctive relief pursuant to Section 5650.1 resulting from unlicensed cannabis cultivation.
- (n) Other expenditures, approved by CDFW, for the purpose of protecting, conserving, propagating, and preserving fish and wildlife.

The PF approval process for counties is outlined below:

1. The County should send an email request to the Region at ASKRegion1@wildlife.ca.gov for PF approval.
2. The email request should contain the following information.
 - a. The appropriate PF expense category.
 - b. The amount of PF monies to be used.
 - c. A short description of the proposed use of the PF monies.
 - d. A timeline of implementation for the proposed project for approval.
 - e. Any other pertinent information the County deems necessary for approval.
3. CDFW will review the request and provide a written response within 30 days from the date the request was received.

CDFW appreciates the County's use of the PF to support our shared mission to preserve and protect fish and wildlife resources for their intrinsic value and for recreational use by the public. If you should have any further questions regarding the PF approval process or about the PF in general, please contact 530-225-2300.

Sincerely,

DocuSigned by:

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Tina Bartlett, Regional Manager
Northern Region

Attachment: Northern Region Map

Ec: Erica Manes
 Northern Enforcement District