

**INTERIM REPORT OF THE
JOINT LEGISLATIVE AUDIT
AND REVIEW COMMISSION**

**FEASIBILITY OF CONSOLIDATING
VIRGINIA'S WILDLIFE AND
MARINE RESOURCE AGENCIES**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



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Preface

The Virginia Marine Resources Commission (VMRC) and Department of Game and Inland Fisheries (DGIF) are responsible for managing the biological resources and associated habitats of the Commonwealth. VMRC is responsible for overseeing saltwater species, while DGIF is responsible for overseeing all wildlife and freshwater fish.

Passed during the 1995 Session of the Virginia General Assembly, Item 15E of the Appropriations Act requests the Joint Legislative Audit and Review Commission (JLARC) to review the mission, organizational structure, and operations of VMRC and DGIF. The review is to determine the feasibility of consolidating any of the services of these or related agencies or of consolidating both agencies into a new wildlife and fisheries agency. Issues to be examined in the review address areas of overlap in the functions of the two agencies or related agencies, consequences of any identified overlap, options for alleviating problems, and the potential impact of those options.

This interim report provides an overview of the history of VMRC and DGIF, their respective missions and organizational structures, and funding and staffing resources. In addition, the report identifies how other coastal states have organized their wildlife and marine resource activities. JLARC's study approach is also identified. A final report with findings and recommendations is expected in the summer of 1996.

On behalf of JLARC staff, I would like to express our appreciation for the cooperation and assistance provided by the Virginia Marine Resources Commission and Department of Game and Inland Fisheries in the preparation of this interim report.



Philip A. Leone
Director

December 27, 1995

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Interim Report: Feasibility of Consolidating Virginia's Wildlife and Marine Resource Agencies

Article XI of the Constitution of Virginia states, "To the end that the people have clean air, pure water, and the use and enjoyment . . . of adequate public lands, waters, and other natural resources, it shall be the policy of the Commonwealth to conserve, develop, and utilize [those resources]." Pursuant to these objectives, the Commonwealth has created a number of agencies to oversee the development and conservation of its natural resources, including its wildlife and fisheries resources. Two State agencies are responsible for management of the biological resources and their associated habitats: the Department of Game and Inland Fisheries (DGIF) and the Virginia Marine Resources Commission (VMRC).

Item 15E of the Appropriations Act requests JLARC to review whether there is a need for these two agencies to exist independently of each other. The study mandate raises the notion that there may be a potential to combine DGIF and VMRC, or certain functions of these or related agencies, to achieve greater operational efficiency.

This interim report provides background information on the roles and responsibilities of DGIF and VMRC. Specifically, it discusses the history of the agencies, previous studies on the possible consolidation of these agencies, their respective missions and organizational structures, and funding and staffing resources. The report also identifies how other coastal states have organized their wildlife and fisheries activities. A final report will be provided to the 1997 General Assembly Session.

WILDLIFE AND MARINE RESOURCE MANAGEMENT IN VIRGINIA

Virginia enjoys a long history of wildlife and fisheries conservation. VMRC has its origins in the Virginia Fish Commission, which was created before the turn of the century. DGIF, initially overseen by the Fish Commissioner, was created in the early 1900s. Over the years, each agency has grown in responsibility, providing regulatory protection to many different areas of the environment.

During the last few decades, the issue of consolidating the two agencies has been raised numerous times. While numerous studies have been conducted of both DGIF and VMRC, only two studies devoted appreciable attention to the issue of possible consolidation: the Hopkins Commission 1975 report *Management of Virginia State Government*, and the 1994 *Blue Ribbon Strike Force Report*. These two studies reached different conclusions. The first initially recommended that DGIF and VMRC be consolidated. The second concluded that these two agencies should remain independent.

History of Virginia's Wildlife and Fisheries Agencies

The Virginia Marine Resources Commission and the Department of Game and Inland Fisheries have been actively involved in the management of Virginia's marine resources and wildlife for several decades. Exhibit 1 (pages 4 and 5) displays a historical timeline for each agency, indicating major events which occurred over the history of these agencies.

Creation of the Virginia Marine Resources Commission (VMRC). The VMRC has its origin in the creation of two agencies, the Virginia Oyster Navy and the Virginia Fish Commission. The Oyster Navy was a waterborne police force established in 1864 to minimize conflicts between those working on the water at that time. Displaced and unemployed as a result of the Civil War, many people had turned to the water to make their living. The Oyster Navy enforced order among these watermen and respect for the boundaries of private and public oyster beds.

In contrast to the Oyster Navy, the Virginia Fish Commission was originally an advisory body. Established in 1875, the three-member Commission was responsible for assessing the condition of Virginia's fisheries and recommending legislation to the Governor and the General Assembly. However, the Commission's responsibilities quickly grew over the years. For instance, within several years of its creation, the Commission had assumed responsibility for surveying and mapping State waters and bottomlands.

In 1897, the Virginia Oyster Navy was transferred from the agency in which it had originated, the Board of the Chesapeake, to the Virginia Fish Commission. The merger of these two agencies created a single marine resources agency with policy, management, and law enforcement powers.

Although the Fish Commission had already assumed responsibility for mapping and surveying State waters and bottomlands, it was not until the 1920s that the Commission actually became involved in directly leasing these lands to watermen. Prior to 1920, localities had been responsible for the administration of private oyster bed leasing and the collection of the oyster harvesting tax. In 1920, however, the Virginia Fish Commission assumed full responsibility for these tasks, establishing a system of nineteen oyster districts, each with its own full-time, State-paid, oyster inspector.

Under the supervision of the Virginia Fish Commission, the seafood harvesting industry steadily grew in size until 1960. Beginning in that year, oyster beds in the lower Chesapeake Bay and Hampton Roads became infected with a disease known as MSX. In response to the damage caused by MSX, the Virginia Fish Commission began an effort to replenish the State's oyster population. However, other environmental hazards, notably Tropical Storm Agnes in 1970, have limited the success of the program. Currently, VMRC continues to implement the oyster replenishment program due to the belief that oyster production cannot be sustained without it.

In addition to initiating its repletion efforts, the 1960s also saw the Virginia Fish Commission become the permitting authority for those State and private development

projects encroaching on or above the State's submerged bottomlands. This authority was transferred to the Commission from the Office of the Attorney General in 1962.

In 1968, the name of the Virginia Fish Commission was changed to the Virginia Marine Resources Commission to reflect the broadening mission assigned to the agency. Many new responsibilities have since been placed under the agency's umbrella. The first of these new responsibilities was the construction of artificial fishing reefs. In 1970, the agency began construction of the first of the State's twelve artificial fishing reefs.

In addition to new programmatic initiatives, the agency's regulatory authority has also increased. Passed in 1972, the Virginia Wetlands Act requires that any development project which might impact the State's tidal wetlands be permitted by VMRC. In addition, both the Coastal Primary Sand Dunes Act (1980) and beaches legislation (1982) prohibit development projects from encroaching upon the State's coastal primary sand dunes or beaches without a permit issued by VMRC or local wetlands board. The last new regulatory power given the Commission came in 1984, with passage of the Fishery Management Policy Act. This act provides for the establishment of fisheries regulations by VMRC rather than the General Assembly.

In addition to new programmatic and regulatory responsibilities, VMRC also underwent changes affecting marine law enforcement in Virginia. The most notable change occurred in 1989. Specifically, the General Assembly provided marine patrol officers with the authority to enforce all of the Commonwealth's criminal laws. Prior to this grant of authority, marine patrol officers could only enforce the laws and regulations of VMRC.

Creation of the Department of Game and Inland Fisheries (DGIF). DGIF was created in 1916 under the authority of the Virginia Fish Commissioner. At that time, DGIF was charged with the protection, propagation, and preservation of the State's wildlife, birds, and freshwater fish — duties for which the department remains responsible today. Furthermore, the act which created a game and inland fisheries function also created a system of game wardens to enforce game and fishing laws. All employees of the department, including the game wardens, and all expenses incurred by the department, were to be paid from the proceeds of the sale of hunting and fishing licenses. The funds collected from the sale of these licenses were placed in a special fund of the treasury known as the Game Protection Fund for the sole use of DGIF.

In 1926, DGIF was placed under the authority of a five-member independent commission appointed by the governor. One member of this commission was to be appointed the Commissioner of Game and Inland Fisheries, a position which was formerly held ex-officio by the Commissioner of Fisheries.

Another important event in the history of DGIF was the passage of the Pittman-Robertson Act by Congress in 1937. This act, co-sponsored by Virginia Senator Robertson, was the first to provide federal funds for the management of wildlife. The funds, which are distributed to states based on the number of hunting licenses sold and

Exhibit 1

DGIF and VMRC: A Historical Timeline

1864

Establishment of the Virginia Oyster Navy. The navy is to enforce peaceful harvests, promote respect for privately leased oyster grounds' boundaries, and prevent poaching.

1875

Establishment of the Virginia Fish Commission. The commission is to review the condition of Virginia's fisheries and report recommendations to the General Assembly concerning legislation.

1897

Transfer of the Virginia Oyster Navy to the Virginia Fish Commission.

1916

The General Assembly creates a Department of Game and Inland Fisheries overseen by the Virginia Fish Commissioner. At the same time, a system of game wardens is introduced.

1920

The Virginia Fish Commission assumes responsibility for the inspection of oyster harvests and the collection of oyster taxes from localities.

DGIF

1926

Commission of Game and Inland Fisheries created. DGIF no longer overseen by Fish Commissioner

1937

Passage of the Pittman-Robertson Act by Congress. The act institutes a federal excise tax on guns and ammunition, to be distributed to the states for the restoration of wildlife.

1938

DGIF enters into an agreement with the U.S. Forest Service to provide wildlife management on federal forest lands in Virginia. Agreement remains in force today.

1950

Passage of the Dingell-Johnson Act by Congress. The Act institutes a federal excise tax on angling equipment, to be distributed to the states for sportfishing restoration.

1950-1970

Programmatic emphasis shifts from stocking of animals on public lands to the production and maintenance of suitable wildlife habitat.

1960

Passage of the Safe Boating Act by the General Assembly. This act specifies that DGIF will be the agency to enforce and administer its provisions.

VMRC

(Initially functions as the Virginia Fish Commission)

Exhibit 1 Continued

DGIF

VMRC

1972

Endangered Species Act passed. DGIF authorized to identify and regulate those species considered to be threatened or endangered.

1981

DGIF establishes a computerized fish and wildlife database.

1982

The General Assembly gives game wardens full police powers.

1984

Enactment of the Wallop-Breaux Amendments to the Dingell-Johnson Act by Congress. These amendments increase the State's total federal allocation for inland and marine fisheries management.

Source: JLARC staff analysis of *Historical Highlights*, (VMRC, 1991); *The Effectiveness of the Management Structure of the Department of Game and Inland Fisheries* (House Document 80, 1993); *Code of Virginia*; and Acts of Assembly.

1962

Transfer of responsibility for the permitting of encroachments on or above state-owned bottomlands from the Office of the Attorney General to the Virginia Fish Commission.

1963

The Virginia Fish Commission establishes its Oyster Replenishment Program after a series of natural disasters severely damages the oyster industry.

1968

The name of the Fish Commission is changed to the Virginia Marine Resources Commission.

1970

VMRC begins a program to construct and maintain artificial reefs.

1972

Passage of Virginia Wetlands Act by General Assembly. VMRC becomes responsible for the permitting of development projects encroaching on Virginia's tidal wetlands.

1980

Passage of the Coastal Primary Sand Dunes Act by General Assembly. This act requires that permits be obtained through VMRC for any project which might encroach upon Virginia's primary sand dunes.

1982

Passage of beach protection legislation by General Assembly. Authority for its enforcement is given to VMRC. VMRC also becomes responsible for non-vegetated wetlands.

1984

Passage of the Fishery Management Policy Act by General Assembly. This act changes the method by which fisheries policy is made. Instead of fisheries policy made through legislation, fisheries plans and regulations are to be promulgated by VMRC.

1989

The General Assembly gives Marine Patrol Officers full police powers.

the total acreage of land held by the State, are collected from an excise tax placed on guns and ammunition.

In 1938, Virginia became one of the first states to enter into a cooperative management contract with the U.S. Forest Service. This contract provided for the management of wildlife on federal lands by DGIF personnel, significantly increasing the total amount of Virginia land under the agency's control. Since the agreement was first signed, DGIF has concluded similar contracts on other federal lands as well as with other State agencies. Currently, DGIF manages more than 2.3 million acres of land.

Between 1950 and 1970, the wildlife management practices employed by DGIF underwent a dramatic change. Prior to this period, wildlife management in Virginia consisted mostly of stocking imported or farm-raised animals onto available habitat. However, after the introduction of new federal funding for the restoration of sport fish (the 1950 Dingell-Johnson Act), DGIF concentrated its activities on the production and maintenance of suitable wildlife habitat. During this period, DGIF restored species such as wild turkey and beaver and initiated its waterfowl management program.

Although DGIF has been responsible for fishing regulations since its creation, it was not until 1960 that the agency became responsible for the regulation of boating. In 1960, the General Assembly passed legislation designed to promote safe boating. This legislation was to be administered and enforced primarily by DGIF, although other agencies, such as VMRC, were also charged with the act's enforcement. Since the passage of safe boating legislation, boat registration, titling, and regulation enforcement have become an increasingly large share of DGIF's activities.

In 1972, the General Assembly passed the State's Threatened and Endangered Species Act. This act gave responsibility to DGIF for the protection of both federal-listed and State-listed threatened and endangered animal species. To assist in the protection of these species, DGIF created a computerized fish and wildlife database in 1981. Today, that database contains information on more than 1,300 species found in Virginia, including fish, reptiles, amphibians, birds, and mammals, as well as all federal-listed and State-listed threatened and endangered species.

A significant change in the authority of the agency's game wardens occurred in 1982. In 1982, the General Assembly passed an act which amended the powers of game wardens to include the authority to enforce all criminal laws. Prior to 1982, game wardens only had statewide authority to enforce the provisions of hunting, trapping, and inland fish laws.

Previous Studies Addressing Consolidation of the Department of Game and Inland Fisheries and Virginia Marine Resources Commission

While numerous studies have been conducted of both DGIF and VMRC, only two devoted appreciable attention to the issue of their possible consolidation. These two reports are the *Management of Virginia State Government*, commonly referred to as the

1975 Hopkins Commission report, and the 1994 *Blue Ribbon Strike Force Report*. These two reports came to different conclusions. The Hopkins Commission's 1975 report advised that these two agencies be consolidated; the Blue Ribbon Strike Force report urged they remain independent of one another.

Management of Virginia State Government (Commission on State Governmental Management, 1975). The Commission on State Governmental Management, otherwise referred to as the Hopkins Commission, was charged with examining the underlying causes of inefficiency in State government. In examining these causes, the Commission chose to focus on the organization and management of State government.

In their findings, the Commission indicated that numerous examples of fragmentation existed within State government. Fragmentation, stated the Commission, caused public confusion, resulted in the duplication of certain services, and resulted in the failure to provide other services. To improve this organization, the Commission stated that Virginia needed a more rational arrangement of work, a process that would improve analysis and decision-making, and a clear assignment of responsibility and authority among agencies.

To improve the organization of State government, the Commission recommended that the Secretarial system of State government be strengthened. Seven Secretariats were recognized by the Commission, one of which was devoted to the Natural Resources area. Within that area, the Commission tentatively recommended in 1975 that five departments be created, one of which was to be a Department of Marine and Wildlife Management. Consolidated within that department were to be the following activities: conservation and repletion, survey engineering, law enforcement along the State's coastal areas, and the administration of the State's motorboat regulations. Public hearings were held concerning these recommendations, at which time public opposition to merging the agencies was voiced. Subsequently, a summary of priority recommendations issued by the Commission in 1976 did not include the recommendation to merge DGIF and VMRC.

Blue Ribbon Strike Force Report (1994). In 1994, the Governor formed a "Blue Ribbon" Strike Force to examine the operation of State government and note areas of inefficiency or excessive regulatory burden. The Strike Force membership was then to make recommendations for correcting these problems. Within the Natural Resources Secretariat, the Strike Force report indicates that agencies were examined for evidence of the following:

- duplication of effort,
- conflicting or overlapping regulations,
- excess governmental or private development or compliance costs, and
- less effective service or protection due to overly complicated and confusing regulations.

A number of the recommendations made by the Strike Force membership dealt with DGIF and VMRC. However, one of the most significant of these recommendations was that these two agencies remain independent of each other. In the report, three reasons were given for the recommendation to maintain each agency's independence. First, despite the fact that the agencies may serve many similar functions, both serve a unique programmatic area. For instance, DGIF is responsible for wildlife and inland freshwater fish. In contrast, VMRC is charged to protect and propagate the State's saltwater marine organisms.

Second, the Strike Force membership believed that each of these agencies served a different clientele group. While DGIF's clientele consisted almost entirely of recreationists, the report wrote that VMRC "must balance the needs of commercial and recreational fishermen competing for the same species of fish." Third, the report noted that where resources like anadromous fish, which spawn in freshwater yet live the remainder of their lives in saltwater, are threatened, the two agencies have developed cooperative programs fully capable of meeting these resources' needs.

Considering these three factors, the Strike Force did not believe a compelling reason for the merger of these two agencies existed. In addition, the report noted that the current organization of these agencies actually reduces overlap and redundancy because a "clear delineation" exists between each agency's responsibilities.

Other recommendations presented by the Strike Force that deal with DGIF and VMRC include:

- The program responsibilities of DGIF, the Department of Conservation and Recreation, and the Department of Agriculture and Consumer Services involving threatened and endangered species of fauna and flora should be consolidated in one agency.
- The boat titling and registration functions of DGIF should not be consolidated with the automobile titling and registration functions of the Department of Motor Vehicles at this time.
- DGIF should continue to be principally a user-funded agency with each constituent group required to pay its fair share of the cost of services. Where circumstances, dictated by law, require DGIF to take action beyond its traditional duties and responsibilities, separate funding for such activities should be provided by the General Assembly.
- All members of the VMRC board, including the chairman, should be citizen members.
- VMRC should be funded by special and dedicated funds, not general funds, to the maximum extent possible.

- Consideration should be given to co-locating VMRC offices with those of the Virginia Institute of Marine Science.
- VMRC should privatize its underwater survey operations for private oyster grounds.
- State general funding for the Virginia Saltwater Fishing Tournament should be eliminated.

VIRGINIA MARINE RESOURCES COMMISSION

The Virginia Marine Resources Commission, under various titles, has been in continuous service to the Commonwealth of Virginia for over 100 years. As previously discussed, over that period the agency's mission has dramatically expanded from the advisory body originally envisioned. According to the agency's current mission statement, staff are the "stewards of Virginia's marine and aquatic resources for present and future generations."

More specifically, VMRC has statutory jurisdiction over Virginia's territorial seas, tidal rivers and submerged bottomlands, marine shellfish and marine organisms, coastal sand dunes and beaches, and commercial and recreational saltwater fishermen. As an organization, the Commission has passed regulations governing these areas, and has created administrative and operational divisions to oversee the enforcement of those regulations. VMRC conducts its work with a full-time equivalent staff of 147 and a FY 1996 budget of \$11.7 million.

The Virginia Marine Resources Commission

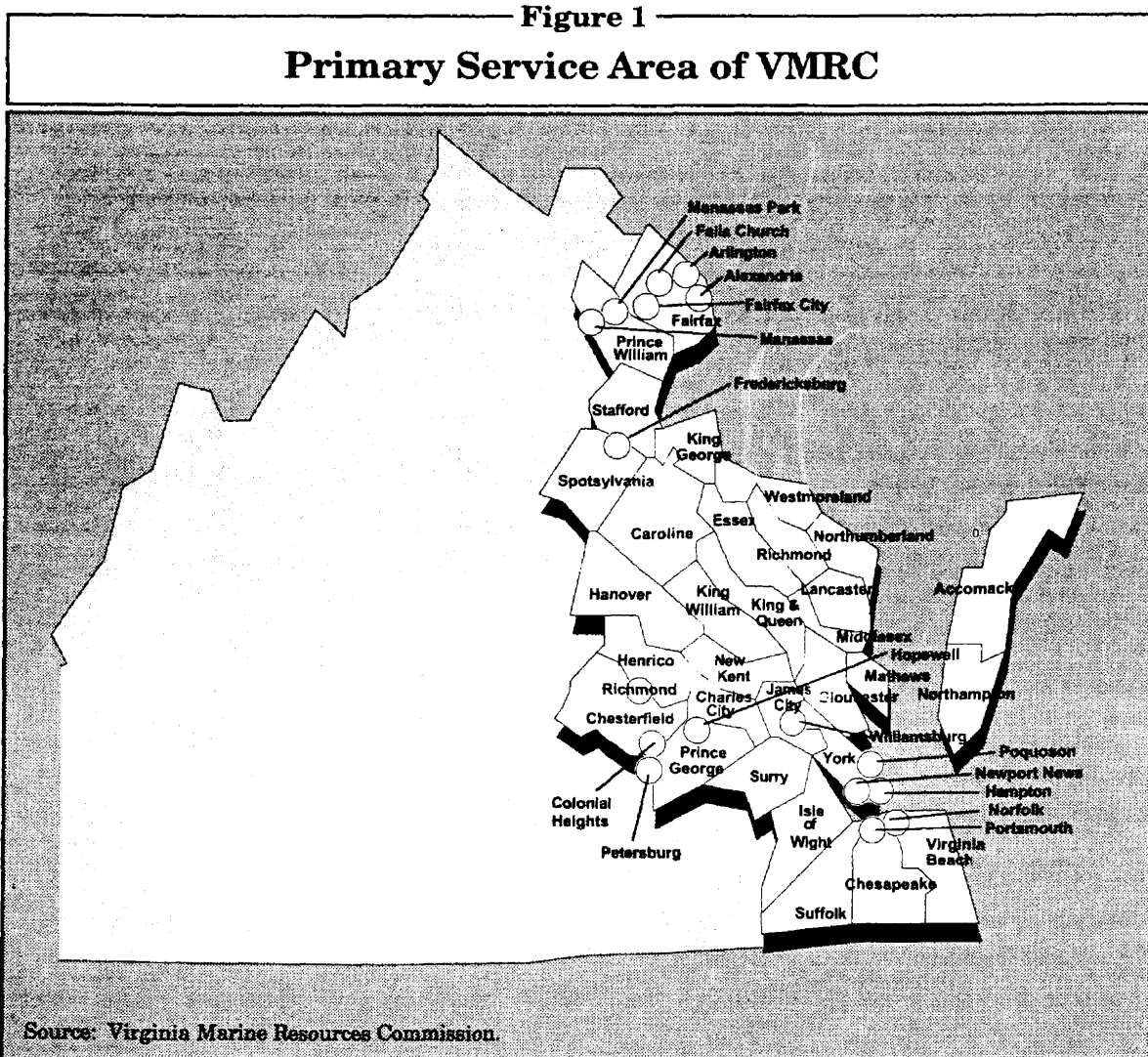
The Virginia Marine Resources Commission is a regulatory board comprised of a chairman and eight members. The Commission's duties include permitting public and private activities on or above Virginia's submerged bottomlands, permitting public and private activities on Virginia's tidal wetlands, and approving the agency's fishery management plans.

As specified in the *Code of Virginia*, Commission members are to be representative of all parties interested in Virginia's marine resources, including commercial interests, recreationists, and environmentalists. Furthermore, at least one member must have made his or her living by working the State's waters for a period of no less than five years. In a practice that is rare among State agencies, the chairman of this regulatory board also conducts the day-to-day affairs of the Commission's administrative agency. The Commission typically meets monthly.

Structure and Responsibilities of the Administrative Agency

The administrative agency of the Virginia Marine Resources Commission is divided into six major divisions under the direction of the chairman of the Commission, who acts as the agency's executive director. The six divisions include: Marine Law Enforcement, Fisheries Management, Habitat and Engineering, Oyster Replenishment, Management Information Systems, and Administration and Finance. Agency services are predominantly focused in the Tidewater area (Figure 1). However, VMRC does have responsibility for submerged bottomlands statewide.

Marine Law Enforcement Division. The Marine Law Enforcement Division is the largest VMRC division, and enforces the State's marine conservation, health, and boating laws throughout Tidewater Virginia. VMRC's law enforcement officers, called marine patrol officers (MPOs), perform a variety of tasks, including inspection of harvest methods and condemned seafood harvesting areas, patrol of the Chesapeake Bay and its



tributaries up to the fall line, search and rescue operations, provision of assistance on the water, protection of State and private property on the water, and enforcement of the National Shellfish Sanitation Program. MPOs also enforce the regulations of the Potomac River Fisheries Commission. Originally, these officers had limited enforcement powers. However, since 1989 MPOs have possessed full police powers.

Fisheries Management Division. The Fisheries Management Division of VMRC is the agency's second largest division, and includes three sections: planning and statistics, the artificial reef program, and the Virginia Saltwater Fishing Tournament. The division is responsible for collecting landings data, developing fishery management plans, recommending fishery regulations, providing data to interstate coastal management commissions, auditing seafood dealer and watermen records, and constructing and maintaining the State's twelve artificial reefs. The division also provides the VMRC members with the socio-economic data necessary to determine the impact of fisheries regulations.

Virginia currently participates in the Atlantic States Marine Fisheries Commission and the Mid-Atlantic Fisheries Management Council. These interstate entities establish management plans for species such as striped bass, flounder, and bluefish, which each state is required to follow.

Habitat and Engineering Division. The Habitat and Engineering Division of VMRC is responsible for ensuring that Virginia's 1.5 million acres of submerged bottomlands and 5,000 miles of tidal shoreline are properly used. The *Code of Virginia* vests the ownership of these resources in the Commonwealth to be used as a common resource by the public. This division is the permitting authority for public and private projects which would encroach into these areas.

In addition to the permitting activities of the division, the division also manages the leasing of private oyster planting grounds and houses the agency's survey teams. Currently, the division has 7,000 leases issued for 101,000 acres of private oyster grounds. The survey teams mark the boundaries for the private as well as public oyster grounds.

Oyster Management Division. The Oyster Management Division manages the 240,000 acres of public oyster grounds in Virginia. Due to a significant decrease over time in the number of oysters in Virginia, the division is primarily responsible for replenishing the public oyster grounds. One method of replenishment used by the division is planting the remains of harvested oyster shells on the bottom of rivers and the bay. These shells then provide an attaching substrate for oyster larvae. The division has also recently been involved in the construction of oyster reefs, which research suggests may provide a better habitat for young oysters than river and bay bottoms.

Management Information Systems Division. The Management Information Systems (MIS) Division of VMRC is very small. Consisting of the division head and a secretary, this division is responsible for the planning, procurement, and management of computer equipment and software. Currently, the division is attempting to link all of the agency's divisions and computer software under one network.

Administration and Finance Division. The Administration and Finance Division is responsible for the agency's financial, personnel, legislative, and other business matters. The division's duties are divided between three sections: Accounting and Licensing, Human Resources, and Budgeting. The Accounting and Licensing section licenses and registers commercial and charter fishing boats. Human Resources provides the agency's staff with personnel services, payroll benefits, and office services. The third section, Budgeting, administers the agency's grants and contracts, conducts the budgeting process, and manages the agency's property.

VMRC Funding and Staffing Resources

To accomplish its assigned tasks for FY 1996, VMRC has a total budget of slightly more than \$11.7 million and an authorized staffing level of 147 positions. The agency operates primarily on appropriated general funds. This source of agency funding has been relatively stagnant in recent years. As a result, license revenues are playing an increasingly important role in VMRC's budget.

Funding. VMRC receives three primary types of funding: general funds, federal funds, and revenue from licenses, permits, special taxes, and fines. VMRC depends heavily on general funds for its operation (Table 1). Due to relatively stagnant general fund revenue, however, this reliance has declined over time. In 1990, general funds accounted for 82 percent of VMRC's revenue. In 1995, 65 percent of the agency's revenue was provided by general funds.

In contrast, VMRC relies increasingly on revenue from licenses and permits. In particular, the saltwater recreational fishing license created in 1993 has been a major new source of funding for the agency and accounts for the relatively large increase in license revenue between FY 1993 and FY 1995.

Table 1

VMRC Funding History by Fiscal Year

<u>Fiscal Year</u>	<u>Total Revenue</u>	<u>General Fund Revenue</u>	<u>Federal Revenue</u>	<u>License, Permit, and Other Revenue</u>	<u>Expenditures</u>
1990	\$9,013,225	\$7,348,050	\$990,886	\$674,289	\$9,362,101
1991	9,592,070	7,671,324	1,242,834	677,912	9,576,321
1992	9,672,913	7,834,364	1,212,335	626,214	8,988,903
1993	10,084,240	7,522,891	1,232,473	1,328,876	9,476,497
1994	11,257,784	7,458,318	1,414,460	2,385,006	9,719,515
1995	11,771,816	7,646,009	1,709,340	2,416,467	11,154,487

Sources: Appropriation Acts for FYs 1990 through 1995 and data obtained from VMRC.

Many of the non-general funds, such as license revenues, may be expended only for a specific purpose. For example, the proceeds of the saltwater recreational fishing license may only be used by VMRC to improve or conserve finfish species taken by recreational anglers. A number of new finfish conservation projects have recently been started using these license proceeds. As a result, VMRC expenditures have risen significantly in the last year.

VMRC also imposes a number of other licenses, fees, and taxes. For example, there is a \$29 fee for each person taking or catching peeler crabs using a peeler pot. In all, the commission maintains 73 different categories of licenses, fees, and taxes. Most of these are directed at the Commonwealth's commercial fishermen.

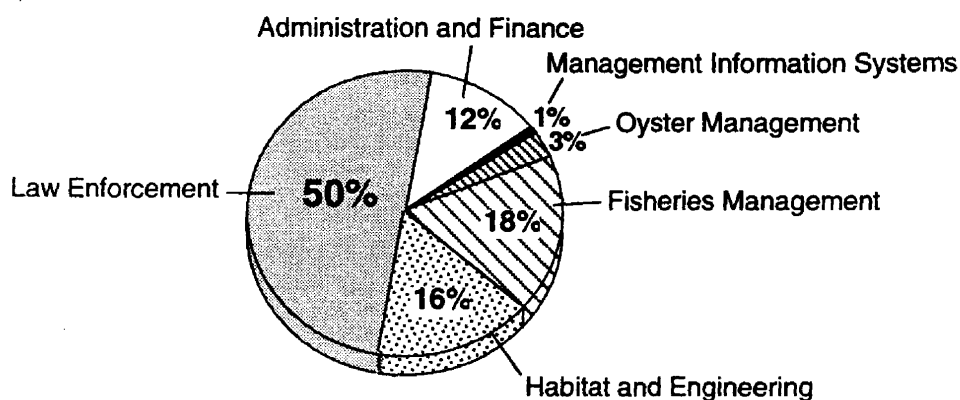
In addition to licenses and general funds, approximately 15 percent of the commission's revenue was from federal agencies in FY 1995. VMRC currently maintains about 30 grants from various federal agencies. The two largest sources are the U.S. Fish and Wildlife Service for sport fish restoration, and the Department of Commerce for oyster reef construction.

Staffing. Based on the most recent Appropriations Act, VMRC has a maximum employment level (MEL) of 161. However, 14 staff either have already left or plan to leave the agency as part of the Workforce Transition Act. VMRC does not have authorization to fill these positions. Therefore, they effectively have a MEL of 147.

Figure 2 displays how these 147 positions are distributed throughout the agency. Law Enforcement is the largest of the divisions, with 74 positions. That number represents 50 percent of the agency's total workforce. The Fisheries Management Division is the second largest division, containing 26 positions, or 18 percent of total staffing. The Habitat and Engineering Division contains 24 positions (16 percent). The

Figure 2

VMRC Staffing Allocations by Division, FY 1996



Source: JLARC staff analysis of data from the Virginia Marine Resources Commission.

smallest of the field divisions is the Oyster Management Division, with a total of four employees, or three percent of staffing. The remaining two divisions, Administration and Finance and MIS, together represent 13 percent of the agency's workforce. VMRC had a total of nine vacant positions as of November 1, 1995.

DEPARTMENT OF GAME AND INLAND FISHERIES

The Virginia Department of Game and Inland Fisheries is responsible for the enforcement of all laws for the protection, propagation, and preservation of game birds, game animals, freshwater fish, and other wildlife. Many of the laws governing wildlife, birds, and freshwater fish come in the form of regulations passed by the department's supervisory board.

DGIF is considered a user-funded agency since operation of the agency is largely funded through licenses and permits paid by hunters and anglers. The agency currently operates at an employment level of 410, with revenues exceeding \$31 million in the last fiscal year.

The Board of Game and Inland Fisheries

The *Code of Virginia* gives the Board of Game and Inland Fisheries the regulatory responsibility for conserving, managing, and restoring all species of freshwater fish and wildlife in the Commonwealth. In addition, it is a supervisory board, responsible for overseeing the activities of, and setting policy for, the Department of Game and Inland Fisheries. Specific responsibilities of the Board include: appointing the department director, approving the agency's budget, setting the hunting and fishing seasons, acquiring and managing lands and waters for fish- and wildlife-related research and recreational purposes, establishing policies to carry out a boating management program, and educating the public about Virginia's natural resources.

The members of this 11-member board, although subject to confirmation by the General Assembly, are appointed by the Governor from each of the State's eleven congressional districts under the stipulation that no two members can serve from the same district. The Board is required to meet at least quarterly.

DGIF's Mission and Major Objectives

The Board of DGIF has developed three principles to guide the actions of its staff in the protection and propagation of the Commonwealth's wild animals, birds, and freshwater fish. These principles form the agency's mission statement and consist of the following:

- DGIF will manage Virginia's wildlife and inland fish, maintain optimum populations of all species, and serve the needs of the Commonwealth.

- DGIF will provide the opportunity for all to enjoy wildlife, inland fish, boating, and related outdoor recreation.
- DGIF will promote safety for persons and property in connection with boating, hunting, and fishing.

These principles are operationalized through the department's strategic plan. This document, which is in effect until July 1996, contains five goals, three of which essentially mirror the mission statement described above. In addition, the goals also require DGIF to:

- improve understanding and appreciation of the importance of wildlife and its habitat; and
- improve agency funding and other resources and the management and effectiveness of all resources and operations.

Structure and Responsibilities of the Administrative Agency

The Department of Game and Inland Fisheries is an administrative agency serving the Board of Game and Inland Fisheries. The department derives its authority from both the rules and regulations which it administers on behalf of the Board of Game and Inland Fisheries and the authority provided the department by sections 29.1-100 through 29.1-827 of the *Code of Virginia*.

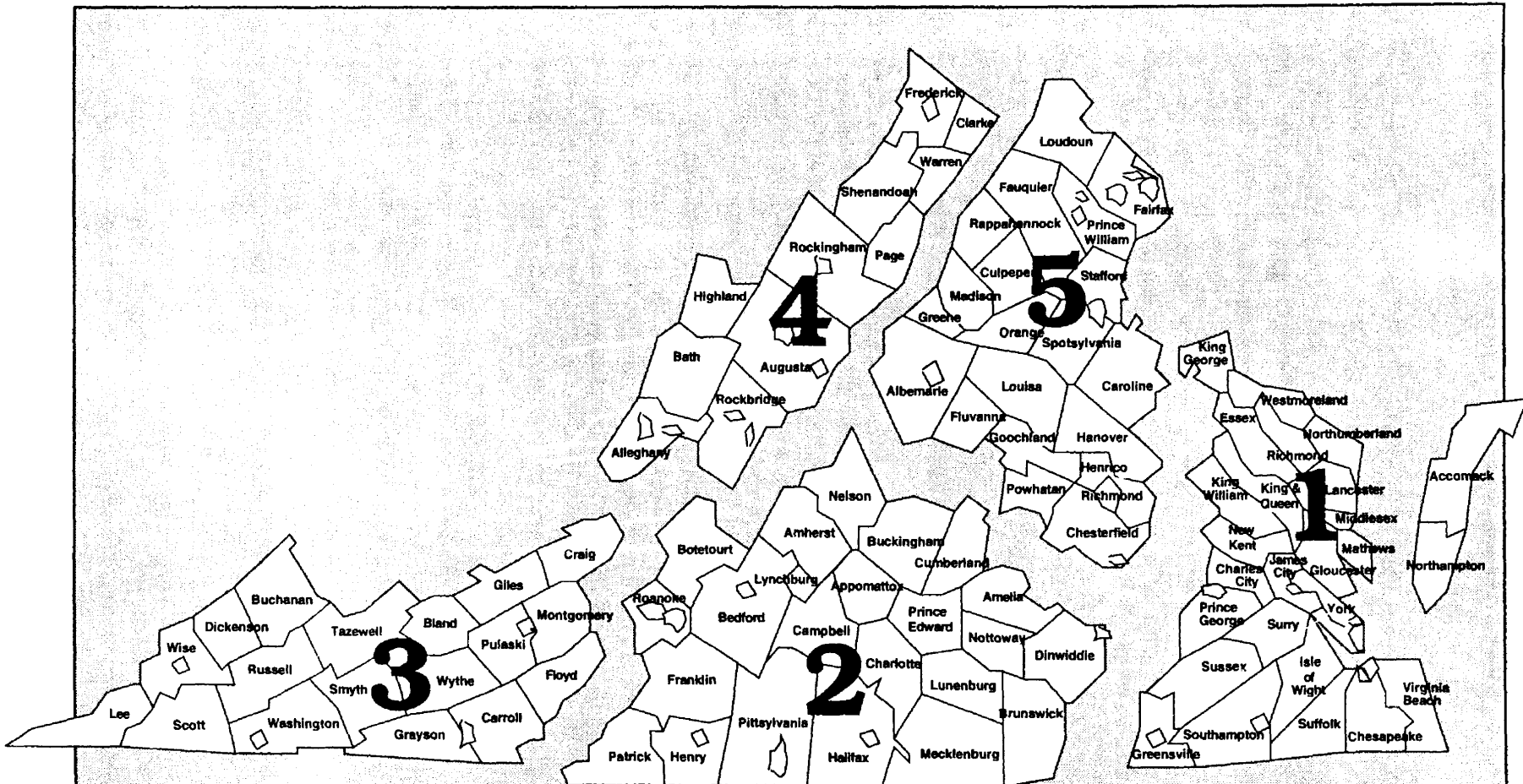
DGIF is composed of seven divisions under the leadership of an executive director. Each of these divisions is either responsible for some facet of wildlife management or for the support of the agency's other divisions. Three of these divisions — Law Enforcement, Fisheries, and Wildlife — are referred to as the agency's "operational" divisions. In turn, each of these three divisions is divided into five geographic regions covering northern, western, southern, central, and eastern Virginia (Figure 3).

The remaining four divisions are referred to as the agency's "support" divisions. These divisions include: Administrative Services; Boating and Facilities; Wildlife Information and Enhancement; and Public Relations, Marketing, and External Affairs. These four divisions provide services to both the agency's three operational divisions and the agency's constituents.

Law Enforcement Division. The largest division within DGIF is the Law Enforcement division. More than 180 agency personnel, including 172 fully sworn game wardens, work in this division. Although possessing full police powers, these officers' primary task is the enforcement of game, fish, and boating laws and regulations. While in the course of these duties, however, wardens often perform many other functions. DGIF game wardens educate the public about agency laws and regulations, conduct maintenance checks on boat ramps, investigate the crop damage claims of landowners, and gather statistical information on game and nongame animals. In addition to the

Figure 3

Regional Structure of DGIF



Source: Department of Game and Inland Fisheries

activities undertaken while performing their law enforcement duties, game wardens are also responsible for the State's hunter safety program.

Fisheries Division. The Fisheries Division is charged with multiple responsibilities. These responsibilities include: managing fish, amphibian, reptile, and mollusk species; protecting species' habitat; providing fishing opportunities to Virginia's anglers; proposing new regulations; and conducting research and restoration projects. Furthermore, the division often evaluates the potential impacts of the construction and land-use projects proposed by the public and private sectors. Among its many duties, one of the most recently adopted is responsibility for the development of fish passageways. This program — a cooperative venture between DGIF and VMRC — provides structures which enable anadromous fish to swim upstream around obstacles such as dams.

The Fisheries Division also operates five cold water and four warm water fish hatcheries. These hatcheries play an important role in the division's ability to meet its species management goals, for at the hatcheries many species of fish are bred for use in stocking Virginia's waters. Combining this program with its work on other divisional duties, the Fisheries Division provides fishing opportunities to Virginians on 3,200 miles of coldwater streams, 25,000 miles of fishable warmwater streams, 18,354 acres of small lakes, and 16 large reservoirs.

Wildlife Division. The Wildlife Division of DGIF is responsible for the propagation, management, and preservation of wildlife, including birds, and their habitat on more than 2.3 million acres of department-controlled land. Division personnel use a variety of techniques to improve and monitor species populations. These activities include: research on species' health, timber management, relocation of nuisance animals such as bears, clientele surveys, and the dissemination of information to other State agencies and private landowners. These activities also provide the research information from which the division develops its recommendations for up-coming hunting seasons. These recommendations become, with the Board's modification and passage, the regulations which govern hunters in Virginia.

Administrative Services Division. The Administrative Services Division of DGIF is responsible for nearly all of the organizational support provided to the operational divisions. That support includes: agency budgeting; procurement; purchasing; accounting; issuance of special permits; the purchase, sale, or trade of land; and the management information system.

Boating and Facilities Division. The *Code of Virginia*, §29.1-700 through §29.1-750, gives DGIF responsibility for boating-related activities. The Boating and Facilities Division of DGIF divides its responsibilities among three sections: boat titling and registration; boating and resource education; and boating access and facilities. Every motorized boat owned in Virginia must be registered with the department. Boating and Facilities registered 113,103 boats, as well as titled 26,374 boats, in 1994.

In addition to registering boats, a second section of this division provides boating safety courses to boat owners and resource education classes to the general

public. DGIF staff report that approximately 20,000 people each year receive instruction in boating safety from the division's 400 volunteer instructors. Five division personnel oversee the instruction program. Furthermore, division staff also oversee a range of public education activities, including youth fishing clinics and Project Wild, a program which trains teachers to teach students about wildlife. DGIF staff estimated that 20,000 teachers participated in the program last year in exchange for college credit.

The third section of the Boating and Facilities Division is the boating access and facilities group. These personnel oversee capital outlay for the construction of boating access sites across the State and maintain DGIF facilities, ramps, and piers. DGIF currently maintains 226 boat landings.

Wildlife Information and Enhancement Division. The Wildlife Information and Enhancement Division is responsible for three activities: the agency's nongame management program; environmental services; and the agency's information systems concerned with fish, wildlife, and threatened and endangered species. In addition to these primary activities, the division often assists in the development of policies for the agency as a whole.

Nongame management is administered by the division's five nongame coordinator positions, one of which is assigned to each DGIF region. The coordinators' task is to integrate nongame management, including habitat conservation and enhancement work, into the game components of fish and wildlife management. This is accomplished by developing management plans for nongame species and recovery plans for threatened and endangered species.

The environmental services section of this division is responsible for reviewing project and permit proposals submitted to DGIF by other State agencies. The section's personnel determine what impacts these projects or permits may have on fish and wildlife and provide that assessment, along with possible changes which might mitigate the damage, to the submitting agency.

The Wildlife Information and Enhancement Division also maintains the agency's Fish and Wildlife Information System (FWIS). The FWIS contains information on over 1,300 animal species found in Virginia, including those species listed as threatened and endangered by the State and federal government. For each species, the information system includes data such as habitat requirements, life history, and actual and likely locations of the species. The FWIS includes data from field surveys conducted by DGIF as well as other State and private entities. Although this information is maintained primarily for use by DGIF divisions, the public is allowed access to the databases for a fee.

Public Relations, Marketing, and External Affairs Division. The Public Relations, Marketing, and External Affairs Division of DGIF provides public outreach for the agency. The division employees produce numerous publications and newsletters used by the public and media. Most prominent among these, the division publishes the *Virginia Wildlife* magazine and produces a weekly television program.

DGIF Funding and Staffing Resources

Since its inception, the Department of Game and Inland Fisheries has been funded by the fees charged Virginia's sportsmen. In fact, the act creating the department stated that no general funds could be used to pay staff salaries or support the agency's activities. Instead, all capital and operating costs incurred by the agency were to be paid from a special fund known as the Game Protection Fund, whose revenues would come from the sale of hunting, fishing, and trapping licenses.

In the years which have followed the agency's creation, the department's sources of revenue have not substantially changed. Most of DGIF's financial support still comes from the sale of licenses and permits. The department also receives a significant amount of federal funds to support its activities.

After a period of stagnant revenues in the early 1990s, DGIF's revenues have since improved. For FY 1995, DGIF had revenues of \$31.9 million. The department has a current authorized staffing level of 410 positions.

Funding. DGIF receives funding from two main sources: the federal government, and fees from the issuance of licenses and permits (Table 2). In addition, for a few fiscal years (FYs 1993 to 1995) the department received a small amount of general funds which were designated for special projects. However, DGIF does not typically receive general fund monies.

The department receives federal funding from three primary agencies. First, the U.S. Fish and Wildlife Service provides funds for activities related to sport fish restoration, wildlife restoration, and endangered species. Second, the U.S. Agriculture

Table 2

DGIF Funding History by Fiscal Year

<u>Fiscal Year</u>	<u>Total Revenue</u>	<u>General Fund Revenue</u>	<u>Federal Revenue</u>	<u>License, Permit, and Other Revenue</u>	<u>Expenditures</u>
1990	\$24,847,678	\$0	\$5,822,505	\$19,025,173	\$23,809,014
1991	24,574,815	0	5,449,039	19,125,776	24,381,938
1992	25,018,030	0	6,233,941	18,784,089	23,894,275
1993	27,430,801	63,000	6,523,243	20,844,558	24,290,482
1994	30,133,632	172,500	7,547,392	22,413,740	26,920,737
1995	31,892,451	50,000	7,573,872	24,268,579	27,530,049

Sources: Appropriations Acts for FYs 1990 through 1995 and data from DGIF.

Department provides funding for work performed by DGIF on federal forests. Third, the U.S. Coast Guard provides boating safety financial assistance.

DGIF receives three-quarters of its funding from the sale of licenses and permits, boat registration and titling fees, donations, and publication sales. In FY 1995, the department received almost \$24.3 million from these sources. The majority of the funds are from the sale of 56 different hunting and fishing licenses and permits.

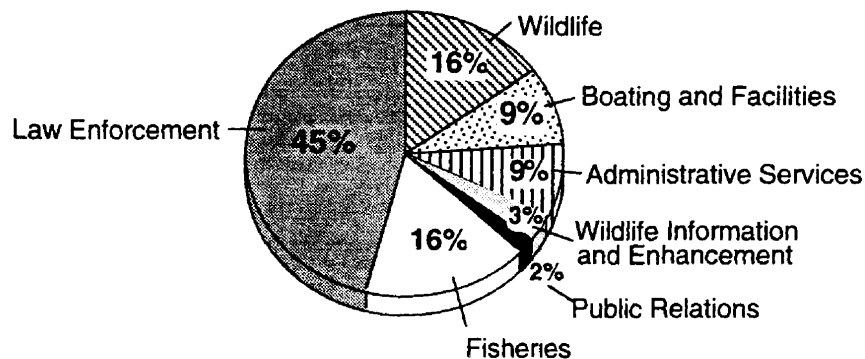
In the last few years, department revenues have well exceeded expenditures. As a result, DGIF had a combined balance in their various operating funds of almost \$15.2 million as of June 30, 1995 — over \$4.4 million more than at the end of FY 1994. (The Board of Game and Inland Fisheries requires the department to have a year-end balance of at least \$6 million to account for seasonal fluctuations in revenues.) Given its improved revenue situation, the department has been in the process of filling staff positions which were formerly vacant due to a lack of funding. In addition, DGIF plans to devote attention to the agency's infrastructure needs. In particular, two studies are underway to help DGIF determine the infrastructure needs of their fish hatcheries and wildlife management areas and the costs to make needed improvements.

Staffing. DGIF has a total authorized staffing level of 410 positions for FY 1996. The three operational divisions contain the majority of DGIF staff. In particular, Law Enforcement constitutes the largest percentage of DGIF's workforce. The division's 172 game wardens and 12 support staff represent 45 percent of the department's total personnel (Figure 4). The other two operational divisions — Fisheries and Wildlife — each have a staff allocation of 67, or 16 percent of staffing.

In contrast to the large percentage of department personnel assigned to the operational divisions, the four administrative support divisions constitute only a small portion of the agency's workforce. Of these support divisions, the Boating and Facilities

Figure 4

DGIF Staffing Allocation by Division, FY 1996



Source: JLARC staff analysis of data from the Department of Game and Inland Fisheries.

Division is the largest with 36 employees, or nine percent of the total workforce. Second largest among the support divisions is Administrative Services (including central administration), which has a staffing level of 35 (nine percent). The agency's smallest divisions are Wildlife Information and Enhancement (three percent) and Public Relations, Marketing, and External Affairs (two percent). As of November 1, 1995, 19 positions within DGIF were vacant.

DGIF reports that it heavily depends upon volunteers to accomplish its tasks due to limited staffing. According to agency estimates, nearly 6,500 volunteers assist the agency by providing such services as teaching hunter and boater safety, operating game check stations, and stocking trout in Virginia's rivers. These volunteers reportedly contributed more than 71,000 hours, valued at nearly \$380,000, to the completion of DGIF work in FY 1994.

WILDLIFE AND MARINE RESOURCE MANAGEMENT IN OTHER STATES

The management structures of wildlife and marine resource agencies vary considerably among states. Some states presently have consolidated wildlife and marine resource agencies while others, similar to Virginia, administer inland fish and game programs — included under the term “wildlife” — in agencies distinct from the administration of marine resources. In addition, funding mechanisms, expenditures, and staffing levels of wildlife and marine resource agencies, regardless of how they are organized, also vary considerably among states.

Not only do states vary in their organization of wildlife and marine resource management agencies, the programs have often been the subjects of ongoing evaluation and reorganization due to the complex issues they address as well as their extensive interaction with large segments of the public — including hunters, anglers, wildlife enthusiasts, commercial fishermen, and conservation advocates. According to studies of other states, diverse management structures and reporting mechanisms have resulted from:

- frequent attempts to maximize efficiency, accountability, and responsiveness in resource management through restructuring and reorganization;
- heightened awareness and understanding by the public of the need for preserving and properly managing these limited resources; and
- increased scientific knowledge of habitat complexity and interconnectedness.

This section compares the structure of Virginia's wildlife and marine resource management to the structures used in other states. Additional in-depth review of other states' structures will aid in understanding the implications of recommendations that may be made during the remainder of this study.

Review of Selected Other States

To better understand the management structures presently in place in various states, JLARC staff conducted a telephone survey of selected other states to identify the organizational structure, funding, and staffing levels of wildlife and marine resource agencies in those states. All 18 states in the survey were similar on several factors, including:

- diversity of outdoor habitats such as mountains, forests, and coastlines bordering the ocean,
- presence of rivers, bays, estuaries, or barrier islands, and
- involvement in commercial seafood and/or shellfish industries.

These selection criteria were chosen to focus comparisons among states having similar ecosystems, habitats, and commercial marine fishing interests as Virginia. Although it is recognized that states are not directly comparable, analysis provides descriptions of alternative organizational models and provides a framework for analyzing the potential strengths and weaknesses of different organizational structures.

Figure 5 depicts the locations of the 18 states that were surveyed. With one exception (Pennsylvania), all are coastal states and therefore have interests in marine management as well as inland (freshwater) fisheries and game. Pennsylvania was included because it has significant involvement with the Chesapeake Bay and operates substantial commercial fisheries on Lake Erie.

Level of Consolidation Among Agencies in Other States

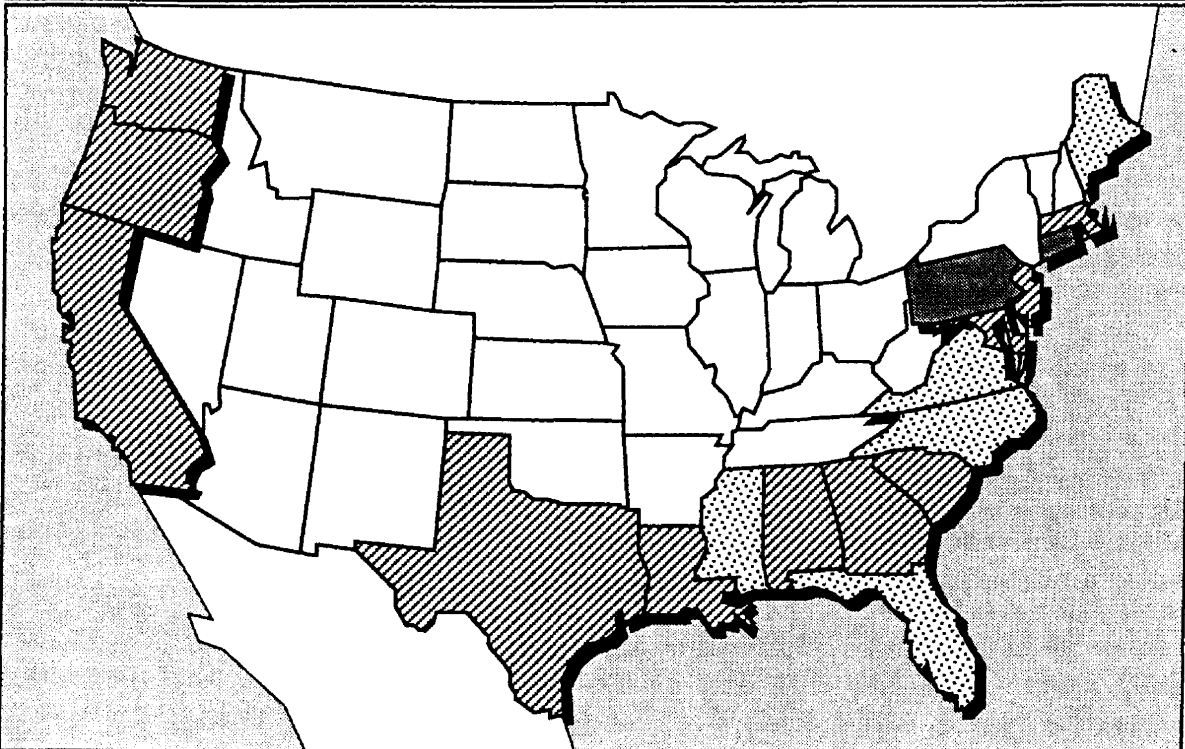
JLARC staff evaluated the incidence and level of consolidation of inland fish, wildlife, and marine resource functions in coastal states. The results are summarized in Figure 5.

Representing the least degree of consolidation, five states (Florida, Maine, Mississippi, North Carolina, and Virginia) have marine resource departments and/or commissions that are clearly separate from the wildlife agencies. Four of the five states with separate agencies also have separate law enforcement units (Virginia, Maine, North Carolina, and Florida). In Virginia, for example, game wardens serve as DGIF's law enforcement staff while marine patrol officers serve as VMRC's law enforcement staff. Mississippi differs from all the other states that have separate wildlife and marine resource agencies in that Mississippi's law enforcement activities are managed by a combined enforcement unit that serves both agencies.

Other states with separate wildlife and marine resource agencies may also vary in the way that other departmental responsibilities are configured. For example, in Virginia, Maine, and Oregon, the game and fish departments manage boat registration;

Figure 5

Level of Consolidation between Inland Fish, Wildlife, and Marine Resources Functions in Selected States



Shading indicates level of consolidation between fish and wildlife functions and marine resource management functions



States with separate marine resource departments and/or commissions:

- Florida
- Maine
- Mississippi
- North Carolina
- VIRGINIA**



States with separate marine resource units, bureaus, or divisions located within larger departments:

- Alabama
- California
- Georgia
- Louisiana
- Massachusetts
- Maryland
- New Jersey
- Oregon
- South Carolina
- Texas
- Washington



States with integrated marine resource functions:

- Connecticut
- Delaware
- Pennsylvania

Source: JLARC staff telephone interviews with other states, October 1995.

however, in Florida all boat registration is handled by the Department of Highway Safety and Motor Vehicles. In New Jersey, boat registration is managed by the State Police.

Most states surveyed have wildlife and marine resource functions consolidated to some degree, but with identifiable units or divisions responsible for marine management. Ten states (Alabama, California, Georgia, Louisiana, Massachusetts, Maryland, New Jersey, Oregon, South Carolina, and Washington) have marine resource units, bureaus, or divisions located within larger departments such as a Department of Fish and Wildlife or a Department of Natural Resources. For example, California has a Marine Resources Division within the Department of Fish and Game. Alabama has a Division of Marine Resources, along with a Division of Fish and Game, within the Department of Conservation and Natural Resources.

Three states (Connecticut, Delaware, and Pennsylvania) have more fully integrated their marine resource functions with inland fisheries units in larger departments. In Connecticut, for example, marine fish management is located in the Fisheries Division within the Bureau of Natural Resources. The Bureau is located within the Department of Environmental Protection. In Pennsylvania's Fish and Boat Commission, fisheries staff oversee marine fisheries and the Executive Director represents marine fishing interests on interstate boards.

Some states have other unique organizational features. For example, Mississippi includes jurisdiction for the state's parks in its department of fisheries and wildlife. In addition, of the states surveyed, nine states (Alabama, Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Jersey, North Carolina, and South Carolina) administer wildlife and fisheries activities under departments with even broader authority than those responsible for fish, wildlife, and parks. These states manage fish and wildlife programs within departments of natural resources and/or environmental protection, and thus are sometimes called "mega-agencies" since they have responsibility for all environmental programs.

Regardless of the degree of consolidation of wildlife and marine resource management, JLARC staff found that differentiation existed at some level between inland and marine fisheries management. Reasons given for the differentiation include that freshwater and marine fisheries management are distinct disciplines involving specialized knowledge, skills, and expertise concerning different species of fish, life cycles, genetics, reproduction, habitat requirements, diseases, predators, and commercial and recreational value. In addition, each discipline has different constituents and requires collaboration with different recreational, commercial, management, and professional groups.

Reorganizations Have Occurred in Some States

Several coastal states have undergone reorganization of their wildlife and marine agencies. Two organizational changes some states have made are:

- the consolidation of previously separate fish and game departments into wildlife departments (two states);
- the merger of previously separate wildlife and environmental departments into agencies with broad authority over a wide variety of environmental activities (five states).

According to some staff in other states, these changes reflect states' attempts to more effectively manage animal and plant populations by incorporating, into one agency, units that contribute an understanding of all aspects of animal and plant environments, including other species, habitat, and the impact of growth and development on animal and plant ecosystems. The organizational structures of the Department of Fish and Wildlife in Washington and the Department of Environmental Protection in Connecticut are examples of the ecosystem approach to wildlife and marine management.

Alternatively, other states have separated their wildlife and marine resource agencies in order to enhance accountability and responsiveness to marine and wildlife constituents. For example:

Mississippi has a Department of Wildlife, Fisheries and Parks and a newly-created Department of Marine Resources. The Marine Resources Department was separated from the wildlife agency to make the management of marine resources in the state more responsive to the people who work on the coast. State planners recognized that duplication of services such as administration and law enforcement existed; however, it was also recognized that having duplication did not offset the importance of having an agency with direct management over marine resources. The impetus for the separation of the two agencies was that coastal fishermen did not believe they were getting effective or responsive management from the department as it existed previously. They wanted an office, staff, and a commission that understood their perspectives.

Findings from other states indicate that various organizational structures have both negative and positive outcomes that need to be considered in the current review of Virginia's Department of Game and Inland Fisheries and Virginia Marine Resource Commission.

JLARC REVIEW

Passed during the 1995 Session of the Virginia General Assembly, Item 15E of the Appropriations Act requests that JLARC review the mission, organizational structure, and operation of DGIF and VMRC. The review is to determine the feasibility of consolidating any of the services of the two agencies or related agencies and/or of consolidating both agencies into a new wildlife and fisheries agency. The 1995 study

mandate requests the JLARC review to include, but not be limited to, an examination of the program and cost-efficiencies possible from such consolidation(s), the potential for redirecting financial savings from the consolidation(s) to other needs identified as high priorities by the agencies, and any existing or new funding sources that might be used to support the consolidation(s). (See Appendix A for a copy of the study mandate.)

The study request directs JLARC to provide a progress report to the 1996 General Assembly and to each succeeding session until its work is completed. This report serves as the 1996 Session progress report.

Study Approach

The study mandate directing the review of DGIF and VMRC focuses specifically on the issue of possible consolidation of the agencies, certain of their functions, or those of related agencies. The issues to be examined in this review address:

- areas of overlap in the functions of the two agencies or related agencies;
- consequences of overlap within each agency and with other State agencies; and
- options for alleviating problems and the potential impact of those options.

In determining the feasibility or need for consolidation, JLARC staff will focus on the extent to which overlapping duties appear to be problematic. Specifically, the study issues focus on structural problems (for example, duplication, fragmentation, and inconsistent alignment) within DGIF and VMRC as well as with other related agencies, such as the Department of Conservation and Recreation. In examining possible solutions to any identified problems, JLARC staff will examine the benefits and costs (financial or otherwise) associated with each option.

Research Activities

Several research activities have been developed to address the study mandate. These include: interviews with State, federal, and local agencies and other organizations; document reviews; site visits; and a review of the wildlife and fisheries management structures of other states. These activities are being used to gather information on the responsibilities of each agency and to identify specific areas of duplication, fragmentation, and inconsistent alignment between various agencies. They are also being used to identify possible alternative approaches to the provision of wildlife and fisheries services in the Commonwealth. These research activities are currently underway. Additional research tasks may be undertaken as the study progresses.

Structured Interviews. Structured interviews have been and will continue to be a major research activity during the course of this review. To date, all of the

management staff and several line staff from DGIF and VMRC have been interviewed. JLARC staff are also in the process of conducting interviews with staff in other State agencies that periodically interact with DGIF and VMRC, as well as staff from related federal and local agencies. Representatives of various constituent associations will also be contacted during this review.

Document Reviews. As part of the initial research process, JLARC staff reviewed several DGIF and VMRC internal reports and planning documents, studies conducted by other agencies and commissions, and the *Code of Virginia*. These documents provided the team with background information regarding the mission, structure, and operation of each agency.

A number of additional documents and data are currently being reviewed. These include: databases maintained by DGIF, VMRC, and related agencies; staff time allocation and activity data maintained by the agencies; agency position descriptions; memoranda of understanding adopted by DGIF, VMRC, and related agencies; board meeting minutes; and agency financial data.

Site Visits. JLARC staff are conducting site visits to augment information obtained from interviews and document reviews concerning law enforcement, resource management, and board activities of DGIF and VMRC. Site visits, including observation of law enforcement personnel, visiting a fish hatchery, and attending board meetings, will provide JLARC staff with detailed information about key functional areas within each agency. Site visits will also be important for helping to determine:

- how field staff in each agency divide their responsibilities;
- whether there is duplication in field staff duties; and
- how any recommended changes may impact field operations or governance in the respective agencies.

To date, JLARC staff have spent two days with game wardens and two days with marine patrol officers. In addition, staff have visited the King and Queen fish hatchery and have attended a VMRC board meeting.

Review of Other States' Wildlife and Fisheries Structures. JLARC staff are in the process of reviewing information on the wildlife and marine resource agencies in other coastal states, and evaluating the findings of audits, program evaluations, or management studies that may have been conducted in these other states. Basic structural information on the wildlife and marine resource agencies in coastal states has been included in this interim report.

Information from these analyses will assist JLARC staff in understanding the implications of possible recommendations that may be made for Virginia's wildlife and marine resource agencies. Comparative analyses of organizational structures will also enable JLARC staff to understand the strengths and weaknesses of agencies with various structures.

Appendix A
Study Mandate
Item 15 E - 1995 Appropriation Act

The Joint Legislative Audit and Review Commission shall review the mission, organizational structure and operations of the Department of Game and Inland Fisheries and the Virginia Marine Resources Commission, to determine the feasibility of consolidating law enforcement services in the two agencies, the feasibility of consolidating such other services in the two agencies or related agencies as the Commission may identify in its examination, and the feasibility of consolidating both agencies into a new wildlife and fisheries agency. The Commission shall report on its progress to the 1996 General Assembly and to each succeeding session until its work is completed. The review shall include, but not be limited to, an examination of the program and cost-efficiencies possible from such consolidation(s), the potential for redirecting financial savings from such consolidation(s) to other needs identified as high priorities by the agencies or their governing boards, and such existing or new funding sources that might be feasible to support such consolidation(s). The Auditor of Public Accounts shall provide such assistance in this review as may be requested.

Appendix B

Agency Responses

As part of an extensive data validation process, State agencies involved in a JLARC assessment effort are given the opportunity to comment on an exposure draft of the report. This appendix contains the responses of the Virginia Marine Resources Commission and the Department of Game and Inland Fisheries. Appropriate technical corrections resulting from the written comments have been made in this final version of the report. Page references in the agency responses relate to an earlier exposure draft and may not correspond to page numbers in this version.



COMMONWEALTH of VIRGINIA

George Allen
Governor

Becky Norton Dunlop
Secretary of Natural Resources

Marine Resources Commission

P. O. Box 756

2600 Washington Avenue

Newport News, Virginia 23607-0756

William A. Pruitt
Commissioner

November 15, 1995

Mr. Philip A. Leone
Director
Joint Legislative Audit and Review Commission
Suite 1100, General Assembly Building
Capitol Square
Richmond, Virginia 23219

Dear Phil:

Thank you for the opportunity to comment on your draft, Feasibility of Consolidating Virginia's Wildlife and Marine Resource Agencies.

Your staff was always polite and courteous and I truly enjoyed working with them. I realize they have a lot on their plate with the Session so closely upon us, but I need to point out, with no reflection on your staff, several discrepancies that probably should be corrected.

We also have taken the liberty of providing you some additional information in several enclosed documents that I believe you might find beneficial and more timely for several of your charts.

Please feel free to contact me further if you desire any additional information.

With much professional respect, I remain

Sincerely,

A handwritten signature in cursive script that reads "Bill".

William A. Pruitt

WAP:wk
CO

Enclosures

Page 2 - paragraph 1:

"Both DGIF and VMRC have their origins in a signal agency which was created before the turn of the century" is a misleading statement. "Since separation in the mid-1920's" also is misleading.

The Acts of Assembly 1916, page 257, created a "State Department of Game and Inland Fisheries...which shall be in charge of and presided over by the commissioner of fisheries." That was the sole connection between the two agencies. They were never operated together. In fact, the 1916 legislation states that "The commissioner [of Game and Inland Fisheries] shall be provided with a suitable office in the State capitol." At the same time, the Commission of Fisheries offices were located and operated out of offices in Norfolk and Newport News.

There is no other mention of "commissioner of fisheries" or any related terminology elsewhere in the act that created DGIF.

The Acts of Assembly 1926, page 511, states, "The State department of game and inland fisheries heretofore established is hereby continued...Such department shall be in charge of a commission of game and inland fisheries, hereinafter called the commission." Specifics were set up for the Commission(board) with the chairman appointed by the governor, running the Commission, i.e., the DGIF.

It is totally wrong to assume that these two departments were one in the same organization. In fact, Commissioner McDonald Lee, in testimony given in 1924, especially delineated the separate relationship between DGIF and the Commission of Fisheries. He also received separate compensation for work at each department.

Page 2, paragraph 3; page 3 chart; page 7; paragraph 3; page 8, paragraph 2:

These need to be corrected to remove any phraseology which, in any fashion, places the two agencies together. The lone connection was that the same person was chairman of both "independent" agencies, during the period between 1916 and 1926.

Page 4:

The time line could also indicate that the General Assembly expanded "tidal wetlands" to include non-vegetated wetlands in 1982. This change effectively extended regulatory jurisdiction over Virginia's entire tidal shoreline (5,242 miles). This regulatory authority was provided to VMRC.

Page 7:

The Virginia Wetlands and Coastal Primary Sand Dune Programs are really zoning ordinances that are provided to the localities for adoption and local administration. VMRC has jurisdiction in

those localities that have chosen to not adopt and administer the ordinance. Other than that, our authority is really more of an oversight responsibility.

Page 11:

It is believed that only tentative recommendations of the Commission on State Government Management in 1975 suggested merging VMRC and DGIF. Subsequently, there were many public comments against a merger, and it was not included in the Summary of Priority Recommendations published by the Commission on State Government Management in 1976. The proposed organization of the Executive Branch, as shown in that 1976 report, maintained VMRC and DGIF as separate agencies.

Accordingly, it does not seem accurate to state there was a recommendation to consolidate the two agencies.

Page 14: VMRC has no jurisdiction over non-tidal wetlands.

Page 14, paragraph 2, needs to be changed.

"VMRC conducts its work with a staff of 147" should read "with an FTE of 147."

Page 17, paragraph 3, needs to be changed.

"Along with the Commissioner of Marine Resources and an industry representative, the division head of Fisheries Management constitutes Virginia's delegation to the Atlantic States Marine Fisheries Commission" is wrong. According to the ASMFC rules each state's delegation to ASMFC "consists of the executive officer of the state's marine fisheries agency, a member of the state's legislature, and a governor's appointee." Specifically, Virginia's delegation now is William A. Pruitt, the Commissioner of Marine Resources; Del. Harvey Morgan, Gloucester; and Poke Kellam, a recreational fisherman.

Virginia's delegation to the Mid-Atlantic Fisheries Management Council consists of William A. Pruitt, the Commissioner of Marine Resources; Jennifer Joy Wilson, (obligatory); and Dr. Gordon Brady (at large).

The division head of Fisheries Management serves as a voting alternate to the ASMFC.

In paragraph 2, it could also be noted that the Fisheries Management Division is responsible for recommending fishery regulations.

Page 18:

Oysters are located on the bottom of the rivers and the bay, not the ocean floor.

Oysters do not nest. Shells provide an optimal attaching substrate for oyster larvae.

Page 20:

It is correct that general funds for the Virginia Marine Resources Commission have been reduced, and that federal funds and special funds have increased. It is important to note, however, that the federal and special funds are not being used to substitute for the general fund reductions. Most of the newer federal and special funds are contracted out and passed through the agency for research work and other special projects.

Page 41:

The data in Table 3, State Comparisons: Wildlife and Marine Resources Agencies, show a 1991 Virginia Marine Resources expenditure of 20.7 million dollars. This amount is more than twice our expenditure for that year. Footnotes notwithstanding, this table gives the impression that our marine agency is more than twice its actual size.

There also are large discrepancies in the size of marine programs reported for other states. North Carolina, for example, has a marine agency whose budget is 10.2 million dollars, a close approximation to the size of VMRC. However, the presentation in Table 3 shows North Carolina Marine Resources to be 2.6 million dollars, with VMRC ten times larger at 20.7 million dollars.

I am attaching a recent report of the Atlantic States Marine Fisheries Commission which gives 1994 budgets for many marine agencies. I hope this will be helpful in making corrections.

VMRC expenditures also include Habitat Management Division expenses. Are you including the cost of this function in the other state's expenditures which are reported in Table 3, for comparison purposes?

(Note: To minimize printing costs, the enclosures provided by the Marine Resources Commission have not been included here. The enclosures are available for inspection at the JLARC offices.)



COMMONWEALTH of VIRGINIA
Department of Game and Inland Fisheries

George Allen
Governor
Becky Norton Dunlop
Secretary of Natural Resources

William L. Woodfin, Jr.
Director

TO: Ms. Linda Bacon Ford

FROM: Raymond E. Davis

DATE: November 17, 1995

SUBJECT: Comment: Interim Report: Feasibility of Consolidating
Virginia's Wildlife and Marine Resources Agencies

On page 26 of the report, second paragraph under the heading of "Law Enforcement Division, second sentence, please change the number 171 fully sworn game wardens to "172" fully sworn game wardens. Please do not hesitate to contact Belle Harding at 367-9231.

Thank you for allowing us to comment on this draft report.

bh

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