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California Department of Fish and Wildlife

It Is Not Fulfilling Its Responsibilities Under the California Environmental Quality Act

Background

The California Environmental Quality Act (CEQA) requires state agencies to give major consideration to preventing environmental damage when regulating activities under their jurisdiction. Both public and private development projects in California—such as community centers and apartment buildings—are generally subject to CEQA and must obtain a permit prior to construction. As a responsible agency for these projects, the California Department of Fish and Wildlife (department) works with other public agencies—lead agencies—to inform the public about the potential environmental impacts of the proposed projects and to reduce those impacts to the extent feasible. The department’s headquarters and seven regional offices issue permits for projects affecting lake and stream habitat or endangered species. Project applicants pay a filing fee to defray the costs of protecting fish and wildlife through CEQA.

Key Recommendations

The department should do the following:

- Establish a policy for determining CEQA documents it will review and provide comments on, and develop policies and procedures for conducting CEQA reviews.
- Track and monitor its CEQA-related revenues and expenditures separately from those for other programs and activities.
- Implement a timekeeping mechanism for staff to track the hours they spend on CEQA-related activities and accurately estimate its resource needs.

Key Findings

- The department does not provide sufficient and early guidance to lead agencies as they develop projects which can lead to a lengthy permitting process. It took almost two years for a project applicant to obtain a permit; while the department had received a draft environmental impact report three years prior to the permit application, it had not provided comments.
 - » Although required to do so, it often does not consult with lead agencies during the preliminary phase of the CEQA process—of the 500 documented requests for consultation received in 2018, the department did not respond to 80 percent of the requests.
 - » It seldom comments on draft CEQA documents that lead agencies submit to it for review—the department reviewed only 30 percent of the documents it received in 2018 and did not comment on most of the documents.
 - » It has established neither centralized policies and procedures nor mandatory training regarding CEQA reviews, increasing the risk for inconsistent reviews of CEQA documents.
- Although restricted to using the CEQA filing fee revenue to fund only CEQA-related activities, the department does not track the revenue separately from other revenue and cannot ensure that it uses the restricted fee revenue only for CEQA purposes.
 - » It used CEQA fee revenue to supplement deficits in other programs—from fiscal year 2012–13 through 2016–17, \$5.7 million in CEQA fee revenue was used to cover shortfalls for other programs.
 - » It does not adequately track how much time staff spend on CEQA activities and thus, cannot estimate the full cost of the program nor determine how many resources it needs to fulfill its responsibilities.

The Department Rarely Commented on Draft CEQA Documents It Received

