

STATE OF CALIFORNIA
Budget Change Proposal - Cover Sheet
 DF-46 (REV 08/15)

Fiscal Year 2016/17	Business Unit 3600	Department Fish and Wildlife	Priority No.
Budget Request Name 3600-060-BCP-DP-2016-GB		Program 2605 - ENFORCEMENT	Subprogram

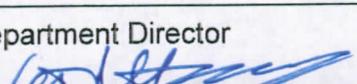
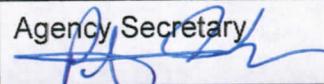
Budget Request Description
 2016-17 AB 96 Enforcement: Ivory Sale and Importation

Budget Request Summary

The Department of Fish and Wildlife (Department) requests \$1,778,000 General Fund starting in FY 2016-17, to implement enforcement of Assembly Bill (AB) 96 (Chapter 475, Statutes of 2015) banning illegal trade of elephant ivory and rhinoceros horns in California to protect African elephants and rhinoceros from extinction.

Requires Legislation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Code Section(s) to be Added/Amended/Repealed	
Does this BCP contain information technology (IT) components? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, departmental Chief Information Officer must sign.</i>	Department CIO	Date
For IT requests, specify the date a Special Project Report (SPR) or Feasibility Study Report (FSR) was approved by the Department of Technology, or previously by the Department of Finance. <input type="checkbox"/> FSR <input type="checkbox"/> SPR Project No. Date:		

If proposal affects another department, does other department concur with proposal? Yes No
Attach comments of affected department, signed and dated by the department director or designee.

Prepared By	Date	Reviewed By	Date
Department Director 	Date 1/4/16	Agency Secretary 	Date 1/4/16

Department of Finance Use Only

Additional Review: Capital Outlay ITCU FSCU OSAE CALSTARS Dept. of Technology

BCP Type: Policy Workload Budget per Government Code 13308.05

PPBA	Original Signed by Amanda Martin	Date submitted to the Legislature 1-8-16
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BCP Fiscal Detail Sheet

BCP Title: Ivory Sale and Importation Enforcement (AB 96)

DP Name: 3600-060-BCP-DP-2016-GB

Budget Request Summary

	FY16					
	CY	BY	BY+1	BY+2	BY+3	BY+4
Salaries and Wages						
Earnings - Permanent	0	538	538	538	538	538
Total Salaries and Wages	\$0	\$538	\$538	\$538	\$538	\$538
Total Staff Benefits	0	309	309	309	309	309
Total Personal Services	\$0	\$847	\$847	\$847	\$847	\$847
Operating Expenses and Equipment						
5301 - General Expense	0	61	61	61	61	61
5302 - Printing	0	4	4	4	4	4
5304 - Communications	0	18	18	18	18	18
5306 - Postage	0	3	3	3	3	3
5320 - Travel: In-State	0	12	12	12	12	12
5322 - Training	0	9	9	9	9	9
5324 - Facilities Operation	0	148	148	148	148	148
5326 - Utilities	0	16	16	16	16	16
5340 - Consulting and Professional Services - External	0	100	100	100	100	100
5344 - Consolidated Data Centers	0	5	5	5	5	5
5346 - Information Technology	0	6	6	6	6	6
5368 - Non-Capital Asset Purchases - Equipment	0	291	0	0	0	0
539X - Other	0	206	0	0	0	0
54XX - Special Items of Expense	0	52	52	52	52	52
Total Operating Expenses and Equipment	\$0	\$931	\$434	\$434	\$434	\$434
Total Budget Request	\$0	\$1,778	\$1,281	\$1,281	\$1,281	\$1,281
Fund Summary						
Fund Source - State Operations						
0001 - General Fund	0	1,778	1,281	1,281	1,281	1,281
Total State Operations Expenditures	\$0	\$1,778	\$1,281	\$1,281	\$1,281	\$1,281
Total All Funds	\$0	\$1,778	\$1,281	\$1,281	\$1,281	\$1,281

Program Summary

Program Funding

2605 - Enforcement
Total All Programs

0	1,778	1,281	1,281	1,281	1,281
\$0	\$1,778	\$1,281	\$1,281	\$1,281	\$1,281

Personal Services Details

	CY	BY	BY+1	BY+2	BY+3	BY+4
Salaries and Wages						
0842 - Wildlife forensic Spec	0	53	53	53	53	53
5393 - Assoc Govtl Program Analyst	0	62	62	62	62	62
5780 - Atty IV	0	121	121	121	121	121
8418 - Lieut (Supvr)	0	71	71	71	71	71
8421 - Warden	0	231	231	231	231	231
Total Salaries and Wages	\$0	\$538	\$538	\$538	\$538	\$538
Staff Benefits						
5150350 - Health Insurance	0	80	80	80	80	80
5150450 - Medicare Taxation	0	8	8	8	8	8
5150500 - OASDI	0	33	33	33	33	33
5150620 - Retirement - Public Employees - Safety	0	118	118	118	118	118
5150630 - Retirement - Public Employees - Miscellaneous	0	60	60	60	60	60
5150800 - Workers' Compensation	0	10	10	10	10	10
Total Staff Benefits	\$0	\$309	\$309	\$309	\$309	\$309
Total Personal Services	\$0	\$847	\$847	\$847	\$847	\$847

Analysis of Problem

A. Budget Request Summary

The Department of Fish and Wildlife (Department) requests \$1,778,000 General Fund starting in FY 2016-17, to implement enforcement of Assembly Bill (AB) 96 (Chapter 475, Statutes of 2015) banning illegal trade of elephant ivory and rhinoceros horns in California to protect African elephants and rhinoceros from extinction.

The request provides a higher level of protection to elephants and rhinoceros, providing additional directed enforcement and expertise in the worldwide fight against the illegal commercial trafficking and trade of ivory and rhinoceros horns. The requested funding will support one Wildlife Forensics Specialist to provide the scientific support to specially trained law enforcement staff, including four wardens and one lieutenant, to identify illegal ivory or rhinoceros horn products and testify in court as an expert witness in criminal cases. One Attorney position will help guide law enforcement, ivory collectors and the public through the mix of state and federal laws relating to possession, transport and sale of ivory and rhinoceros products. One support staff position will assist all Department staff with administrative support associated with the new protections and the Administrative Penalties Program put in place by the legislation.

The California Legislature and Governor worked to enact enhanced protections for elephants and rhinoceros in an effort to protect the species from extinction. AB 96, signed by the Governor in October 2015, enacted protections that commence in July 2016.

B. Background/History

Three federal laws (the Lacey Act, the Endangered Species Act, and the African Elephant Conservation Act) along with other regulatory and administrative actions by the Obama Administration, govern the ivory trade in the United States. These laws, regulations, and administrative actions collectively prohibit the importation of African and Asian elephant ivory into the United States for commercial purposes. Items imported, sold, purchased, or possessed before January 1, 1977 were exempted.

The Lacey Act, passed by Congress in 1900, makes it a federal offense to violate United States, state, tribal, or foreign wildlife trade statutes, treaties, and regulations; imposes labeling requirements for shipments; and prohibits the falsification of information, records, or accounts regarding species that have been imported, exported, transported, sold, purchased, or received in interstate or foreign commerce.

The Endangered Species Act was enacted on December 28, 1973. It prohibits any person subject to United States jurisdiction from importing, exporting, delivering, receiving, carrying, transporting, shipping, selling, or offering for sale in interstate commerce and in the course of a commercial activity, any species that has been listed as threatened or endangered. It also implements import and export regulations for wildlife specimens. The Asian elephant was listed as endangered in 1976 and the African elephant was listed as threatened in 1978. As such, they are both protected under the act, with exceptions for antiques, sport-hunted elephant trophies, and "pre-Act" wildlife products.

The African Elephant Conservation Act was signed into law in 1989. It generally prohibits the importation of raw African elephant ivory from any country that does not belong to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Convention); the importation of raw or worked African elephant ivory that was exported in violation of an ivory producing country's laws; the importation of worked African elephant ivory, other than personal effects, unless the exporting country has certified that the ivory is from legal sources; and the exportation of any raw African elephant ivory from the United States. Legally taken sport-hunted elephant trophies are exempt from the African Elephant Conservation Act if taken in an ivory producing country that has submitted an ivory quota to the Convention.

The Convention is a legally-binding international agreement between governments intended to ensure that international trade in specimens of wild animals and plants does not threaten their survival. It

Analysis of Problem

accords varying degrees of protection to more than 35,000 species of animals and plants, whether they are traded as live specimens, fur coats or dried herbs. The Convention imposes trade restrictions on both Asian and African elephants. Sport-hunted trophies and "pre-Convention ivory" (ivory that was legally acquired and removed from the wild before the species was listed under the Convention) used for specified non-commercial purposes are exempt.

Since 2013, the Obama Administration has released two Executive Orders related to the import and export of ivory. One instructed agencies to enhance domestic efforts and provide assistance to other nations to combat wildlife trafficking; the other outlined a strategy for implementing the first directive. In response, the Service issued Director's Order 210, which bans all commercial imports of African elephant ivory, including antiques, along with most commercial exports. (Certain law enforcement and bona fide scientific specimens, elephant trophies, and worked ivory that was legally acquired and removed from the wild prior to February 26, 1976 and has not been sold since February 25, 2014 are exempt from the Order with proper documentation.) The Order also defines an antique as an item that is more than 100 years old, arrived in the United States through one of 13 designated antique ports, and has not been modified or repaired since 1974.

In addition to federal laws, California Penal Code Section 653o generally bans the import, possession with intent to sell, or sale of any elephant products, including elephant ivory, within the state of California. However, uncodified language in the 1976 law created an exception for elephant parts imported prior to enactment of the bill (*i.e.*, 1977). Past violations of Penal Code Section 653o have been filed with the District Attorney Office, but prosecution has been limited. Most California ivory cases are handled at the federal level. Department Wildlife Officers have assisted in these cases, but the Department neither has the forensic technology nor the resources to effectively lead the enforcement of ivory-related crimes.

AB 96 (Chapter 475, Statutes of 2015), approved by the Governor October 4, 2015, changes the definition of the law by removing the exemption and making it unlawful to purchase, sell, offer for sale, possess with the intent to sell, or import with the intent to sell ivory or rhinoceros horns. Further, this law amends Fish and Game Code and makes the Department's Law Enforcement the lead to enforce violations and to create an Administrative Penalties Program.

Workload History

The Department's Law Enforcement Division (LED), case work and daily activities are intensively recorded and monitored in the form of an Electronic Daily Activity Reports (eDAR), which will include ivory and rhinoceros horn investigative efforts. The following workload history was captured by the eDAR system and includes officer, date, times, locations, contacts, warnings, citations, hours worked, and accounting information. Lieutenants and Captains are required to review eDARs for every subordinate they supervise.

Approximately 404 hours were expended by Department Wildlife Officers over a period of 42 months that had the word "ivory" and/or elephant" products in the description of duties performed. Many of the entries refer to joint law enforcement operations with the federal U.S. Fish and Wildlife Service. Roughly half of activities described were related to research and public inquires and not actual ivory investigations.

Captain hours are not included because Captains do not do complete eDARS, but it is reasonable to multiply the total by 5 percent to get a conservative (approximately 20 hour) estimate of additional workload to bring the total to 424 hours.

The 424 hours represents the workload by the Department when it was not the lead agency in ivory and Rhino horn protection. This new law in the Fish and Game Code clearly makes this a Department issue and the level of enforcement seen in the past will not support the level of effort anticipated. Additional effort, personnel and support will be needed for the Department to adequately enforce this new law.

Analysis of Problem

Resource History (Dollars in thousands)

Program Budget	PY - 4	PY - 3	PY - 2	PY - 1	PY
Authorized Expenditures	0	0	0	0	0
Actual Expenditures		23	23	23	23
Revenues	0	0	0	0	0
Authorized Positions	0	0	0	0	8
Filled Positions	0	.10	.10	.10	.10
Vacancies	0	0	0	0	0

Workload History

Workload Measure	PY - 4	PY - 3	PY - 2	PY - 1	PY	CY
Hours Conducting Ivory Investigations	Unknown	100 Hours	100 Hours	100 Hours	100 Hours	24 Hours

C. State Level Considerations

AB 96 amends Fish and Game Code and makes the Department's Law Enforcement the lead to enforce violations and to create an Administrative Penalties Program.

Possible impacts to other state departments include enforcement of this new law by other state law enforcement officers and assistance of prosecution of ivory or rhinoceros horn cases by the Attorney General's Office. No concerns have been raised regarding the impact of this proposal by other state departments, to the Department's knowledge.

D. Justification

Implementation of AB 96 will require the Department to lead enforcement of ivory-related violations for the state, to develop the wildlife forensic capacity to effectively analyze evidence of a violation, and to develop and implement an Administrative Hearing Process. Illegal poaching and wildlife trafficking is the fourth largest transnational crime.

AB 96 makes it unlawful to purchase, sell, offer for sale, possess with the intent to sell, or import with the intent to sell ivory or rhinoceros horns and makes this prohibition enforceable by the Department; makes a violation of this provision or any rule, regulation, or order adopted pursuant to this provision a misdemeanor subject to criminal penalties; and the Department is authorized to impose an administrative penalty.

The increased workload for sworn and non-sworn staff makes it difficult to absorb the additional costs to implement this legislation without additional resources.

AB 96 creates an expectation the Department will increase enforcement on ivory-related crimes. To develop a case against an individual for an ivory-related crime (either through a criminal or an administrative process), the Department will have to determine the following: (1) an illegal activity occurred (e.g., purchasing or selling of a prohibited material); (2) that the seized item is made of a banned material (e.g., ivory or rhinoceros horn); and (3) that the seized material is not subject to one of the federal exemptions (e.g., a bona fide antique, a musical instrument comprised of less than the specified percentage of the banned material).

The Department expects that covert investigations will be one enforcement tool required to enforce this new mandate. The Department will develop a team of Wildlife Officers who are trained and equipped to conduct enforcement operations with the special emphasis on ivory identification and investigations. This is a high priority long term need that begins to combat the illegal trafficking and sale of ivory. In addition to the investigative efforts, the Department will develop the forensic technological capacity and expertise to substantiate any criminal and administrative penalties.

Analysis of Problem

AB 96 requires the Department to develop and implement the Administrative Penalty Program set forth in the bill, which would require establishment of procedures to conduct and prosecute administrative hearings. The administrative penalties program would allow the Department to prosecute violations utilizing a civil process while still allowing the District Attorney to prosecute violations in a criminal court.

When evidence is seized in an investigation, the Department must prove that the item is made of ivory or rhinoceros horn. Synthetic ivory (made of resins) and natural ivory substitutes (comprised of natural materials such as bone or shell) are often sold as ivory unintentionally or with the intent to defraud the buyer. As such, the Department must use scientific staff trained in ivory identification and equipment to positively identify characteristics of the banned materials (*e.g.*, hardness, enamel composition, morphology, and DNA). The Department does not currently employ staff with this expertise, nor does it have any specialized equipment for this purpose. Proving that an item is not exempt under the antiquities exemption further complicates enforcement. Federal statute prohibits the falsification of information, records, or accounts regarding species that have been imported, exported, transported, sold, purchased, or received in interstate or foreign commerce. However, documentation is often altered and items are regularly aged to make them appear older (and therefore exempt under the "antiques" exemption). The U.S. Fish and Wildlife Service reports that this pervasive falsification of documents and false aging makes it extremely difficult, and sometimes impossible, to differentiate between legally acquired ivory and ivory derived from elephant poaching. These identifications generally require consultation with experts in banned materials and historical artifacts or the employment of staff with this expertise.

The LED would redirect 5.0 positions to concentrate their enforcement efforts on ivory and rhinoceros horn investigations. The lieutenant and four wildlife officers need considerable training to become proficient and experts in identification of ivory and rhinoceros horns and their resulting manufactured products. These officers will get additional training on conducting covert investigations. They will work closely with federal investigators on joint investigations as needed.

The Department's Wildlife Forensics Lab (WFL) will be enhanced by 1.0 position (redirected) to allow the Department to have a scientific expert on ivory and rhinoceros horn identification using morphological and DNA techniques. The WFL works closely with law enforcement staff to support investigations with scientifically sound techniques to identify evidence in investigations. The Wildlife Forensics Specialist will be the expert witness in court testifying to the facts surrounding how the evidence was processed and the techniques used to make any conclusion regarding identification of the evidence. This position is a critical component of any criminal investigation where expert testimony and scientific techniques are used to identify evidence.

An Attorney IV (1.0 position redirected) will provide counsel to the LED regarding its enforcement activities. The attorney would advise wildlife officers enforcing this bill and work closely with the chief of enforcement to develop policies and procedures to ensure successful enforcement of violations and deterrence of illicit trade in ivory and rhinoceros horn. Implementation of this bill will also require application of exemptions that incorporate federal law, which will require the attorney to advise the LED regarding the African Elephant Conservation Act, the Endangered Species Act, the Lacey Act, and the Convention on International Trade in Endangered Species, and regulations implementing these federal laws. The attorney would advise the LED on criminal procedure and discovery, search and seizure, and the handling and disposition of evidence. The attorney would develop and implement the Administrative Penalty Program set forth in the act, which would require establishment of procedures to conduct and prosecute administrative hearings. The attorney would be primarily responsible for representing the Department on legal matters relating to implementation of this act, including providing legal support to District Attorneys prosecuting violations, education and outreach to the regulated community, and coordinating with federal agencies. The attorney would advise the Chief/Deputy Director of Enforcement on proposed legislation and regulations, work with the Attorney General's Office regarding legal actions filed against the department, and serve as a member of the chief's executive team. The Attorney IV level is most appropriate for this attorney due to the degree of specialization, complexity of the duties, and level of expertise.

Analysis of Problem

The administrative support staff (1.0 redirected Associate Governmental Program Analyst position) will help administer the new Administrative Penalty Program and provide administrative support of the new law enforcement and Wildlife Forensics positions, manage the budget, and prepare program reports for management. The support staff position will greatly reduce the amount of time spent by peace officers and scientific staff on administrative functions.

Workload Matrix

The department will redirect eight positions that would all be part of a special multi-disciplinary team, which develops the Department's long-term science, enforcement, monitoring, and an Administrative Penalties Program related to the illegal commercial trafficking and trade of ivory and rhinoceros horns.

Positions Requested	Workload	Workload Standard	Basis for Standard
4.0 Warden	Due to new legislation, the Department will provide directed enforcement focused on worldwide illegal commercial trafficking and trade of ivory and rhinoceros horns. These officers may serve as resources for allied state and federal agencies.	Performs patrol and investigative duties; administers and enforces state and federal laws relating to fish, wildlife, and habitat conservation/protection rules and regulations; issues citations, makes arrests; collects evidence and completes crime reports; testifies in court.	Actual experience with existing law enforcement programs.
1.0 Lieutenant – Supervisor	Due to new legislation, the Department will provide directed enforcement focused on worldwide illegal commercial trafficking and trade of ivory and rhinoceros horns. This position will supervise field officers conducting the investigations.	Supervise Fish and Wildlife officers who perform patrol and investigative duties; administers and enforces state and federal laws relating to fish, wildlife, and habitat conservation/protection rules and regulations; issues citations, makes arrests; collects evidence and completes crime reports; testifies in court.	Actual experience with existing law enforcement programs.
1.0 Wildlife Forensic Scientist	Develop the technological capacity and expertise to identify ivory and rhinoceros horn evidence to substantiate any criminal or administrative penalties.	Research and evaluate current methods and work on improving extraction techniques for obtaining DNA from ivory samples of the various species in question. Genetic markers would be developed and optimized for determination of species as well as potential individualization and population assignment purposes. This position would become an expert in the morphological identification of ivory samples which could also be	Actual experience with supporting existing law enforcement programs.

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		used to determine the species from which the sample originated and testify as an expert witness in court.	
1.0 Attorney IV	Develop and implement the Administrative Penalty Program, represent the Department on legal matters relating to implementation of this bill, including providing legal support to District Attorneys prosecuting violations, education and outreach to the regulated community, and coordinating with federal agencies.	Consistent with the workload of other attorneys that support law enforcement programs.	Actual experience with legal supporting existing law enforcement programs
1.0 Associate Governmental Program Analyst	Provide development and support for the Administrative Penalty Program; assist law enforcement and lab staff with support functions, manage the budget, and prepare status reports for management.	Consistent with the workload of other staff that support law enforcement programs.	Regulatory staff workload via the procurement process, time management, and coordination with direct supervision.
8.0	Total Positions (redirected)		

The Department is reliant on the positions and resources to take on this highly specialized workload. Past state and federal enforcement efforts and prosecutions were limited, because the enforcement, evidence identification and prosecution of these cases is highly technical, and challenging, even with well trained staff. The new laws established by AB 96 will give the Department new tools to fight this worldwide problem, but without proper staffing and support, the Department cannot provide the level of protection anticipated by the supporters of this bill.

E. Outcomes and Accountability

The objective of AB 96 is to reduce illegal trafficking of ivory by closing loopholes found in current law. Ivory enforcement has been done primarily by the federal government with occasional assistance from the Department. When the law becomes effective on July 1, 2016, the Department will take the lead on ivory and rhinoceros horn investigations in California and expect an immediate intensive influx of public tips through the 24hr/day CalTIP hotline, which will generate many investigations in addition to those generated from proactive patrols.

Success after implementation should show a diminished supply of ivory and rhinoceros horn products in the market place. Another measure of success would be decreased reports of ivory and rhinoceros horn sales into the state's CalTIP line. Over time, the type of investigations will transition from retail sales to covert and interstate and international investigations. These covert interstate and international investigations can be extremely time consuming and expensive; however, this type of investigation can reveal the supplier and distributors and have significant impacts on stopping the flow of ivory and rhinoceros products into the state.

The Department follows a statewide official fiscal reporting process and internal standardized fiscal reporting procedures. Funds for this program will have a unique PCA that will be tracked and monitored by the support staff. Monthly reports will be generated by support staff and statistics reported to law

Analysis of Problem

enforcement management on a quarterly basis. The Department follows all Department of General Services and Department procurement policies when making purchasing.

The Department's LED case work and daily activities are intensively recorded and monitored in the form of an Electronic Daily Activity Reports (eDAR), which will include ivory and rhinoceros horn investigative efforts. Information captured by the eDAR includes officer, date, times, locations, contacts, warnings, citations, hours worked, and accounting information. Lieutenants and Captains are required to review eDARs for every subordinate they supervise.

F. Analysis of All Feasible Alternatives

Alternative 1: The plan includes the redirection of 5.0 new Fish and Wildlife Officers (including 4.0 wardens and 1.0 lieutenant), 1.0 redirected Wildlife Forensics Specialist, 1.0 redirected Attorney and 1.0 redirected AGPA support person. This group will work as a team to become the Department and state experts on the legal markets and illegal markets dealing in ivory and rhinoceros horns. The scientific support function would be greatly diminished without the support of this proposal. Without the training, lab equipment and personnel, the Department's ability to use experts to support the investigation, and prosecution cases will be in jeopardy.

Cost: \$1,778,000

- Advantage: This alternative will provide a team of highly trained and specialized Department staff to investigate and use science to identify and support seizures of evidence and finally move a case through either a criminal or administrative penalty process. The inclusion of the law enforcement, scientist, legal and support components in this alternative give the program the best opportunity for successful detection of violations, identification of the illegal product and ultimately prosecution of the violations.
- Disadvantages: Requires additional General Fund.

Alternative 2: The plan includes the redirection of 2.0 new Fish and Wildlife Officers, 1.0 new Wildlife Forensics Specialist, and 1.0 new Attorney. This group will work as a team to become the Department and state experts on the legal markets and illegal markets dealing in ivory and rhinoceros horns.

Cost: \$1,207,000

- Advantage: This low cost alternative would provide the Department with two Wildlife Officers, compared to five in the preferred alternative, to concentrate their efforts on ivory and rhinoceros investigations. The WFL would get a redirected position and funding to support ivory and rhinoceros investigations. The Attorney remains to put together the Administrative Penalty Program. This would create a backbone for a program with minimal law enforcement, legal and scientific support.
- Disadvantage: The size and complexity of the State of California, and the enormous flow of products both between states, and internationally pose significant challenges to investigate potential ivory and rhinoceros violations with only two dedicated law enforcement staff. This challenge becomes more problematic as sales of these products move from store fronts to black market sales. Investigation become more difficult and time consuming. Staffing becomes a limiting factor on how many investigations can be handled by this team. Law enforcement and scientific staff will spend time on administrative support functions.

Alternative 3: Use existing Department law enforcement, scientific, legal and support personnel to conduct ivory and rhinoceros horn investigations.

Cost: None

Analysis of Problem

- Advantage: Some additional protection may result from this alternative, but without increased directed law enforcement and scientific support the results would be minimal at best.
- Disadvantage: This would cause ivory and rhinoceros horn investigations to be in direct competition with other Department enforcement priorities. Violations would be difficult to prosecute without scientific support for proper identification of evidence, not all that different than current situation, and would probably be handled solely through County Courts. The ability to put together and effectively manage an Administrative Penalty Program would be almost impossible.

G. Implementation Plan

The new law goes into effect on July 1st, 2016. The Department will begin the hiring process to fill the redirected positions and purchase equipment as soon as possible after enactment of the 2016 Budget Act. The positions will be filled in compliance with state hiring practices and applicable bargaining unit contracts. All purchases will follow state and department procurement guidelines. This proposal is not dependent on federal actions or approval.

H. Supplemental Information

Due to the nature of the work extensive travel will be required. The proposal includes five vehicles with code 3 equipment.

I. Recommendation

The Department recommends Approval of Alternative 1 for 8.0 redirected positions and funding to establish an enforcement program targeted at the illegal trade of elephant ivory and rhinoceros horn products, to address the mandates of AB 96, and to contribute to preventing the extinction of African Elephants and rhinoceros.