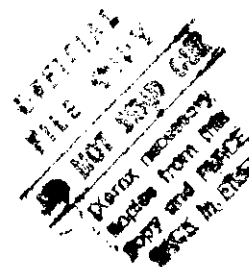


STATE OF LOUISIANA LEGISLATIVE AUDITOR

Department of Wildlife and Fisheries:
Analysis of Program Authority
and Performance Data

October 1997



Performance Audit Division

*Daniel G. Kyle, Ph.D., CPA, CFE
Legislative Auditor*

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**Department of Wildlife and Fisheries:
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and Performance Data**

October 1997



**Performance Audit
Office of Legislative Auditor
State of Louisiana**

**Daniel G. Kyle, Ph.D., CPA, CFE
Legislative Auditor**

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October 31, 1997

The Honorable Randy L. Ewing,
President of the Senate
The Honorable H. B. "Hunt" Downer, Jr.,
Speaker of the House of Representatives

Dear Senator Ewing and Representative Downer:

This report gives the results of our performance audit of the Program Authority and Performance Data of the Louisiana Department of Wildlife and Fisheries. The audit was conducted under provisions of Title 24 of the Louisiana Revised Statutes of 1950, as amended. In addition, this audit is one step toward meeting requirements of the Louisiana Performance Audit Program (Louisiana Revised Statute 24:522).

The report represents our findings, conclusions, and recommendations. We have also identified matters for legislative consideration. Appendix C contains the Louisiana Department of Wildlife and Fisheries' response. Appendix D contains the response from the Office of Planning and Budget. Appendix E contains the response of the Louisiana Seafood Promotion and Marketing Board. Appendix F contains additional auditor's comments. I trust that this report will be of use to you in your legislative decision-making process.

Sincerely,

A handwritten signature in cursive script that reads "Daniel G. Kyle".

Daniel G. Kyle, CPA, CFE
Legislative Auditor

DGK/dl

[wlf]



Office of Legislative Auditor

Executive Summary

Performance Audit Department of Wildlife and Fisheries: Analysis of Program Authority and Performance Data

The Department of Wildlife and Fisheries was created in 1944 to control and supervise the state's wildlife and fish resources. For fiscal year 1997, the department was appropriated more than \$49 million. Our performance audit of the department's program authority and performance data found that:

- The Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission have similar statutory powers. This duplication of powers has resulted in uncertainty among key department officials about responsibilities and lines of authority.
- The executive budget gives a view of marketing in the department that may be misleading. The executive budget provides performance data for a marketing program, but does not identify the separate marketing boards that actually perform marketing functions.
- Some offices and programs of the department are not carrying out their statutory responsibilities. In addition, some are performing tasks for which they lack specific statutory authority, or are executing functions that may overlap. For example, the Office of Fisheries has not been carrying out its statutory enforcement responsibilities and the secretary recently removed enforcement responsibilities from the Office of Wildlife. Both the Office of Wildlife's Habitat Conservation Program and the Office of Fisheries perform functions related to fish habitat.
- The department develops its performance data without the benefit of the strategic planning process. This could explain the deficiencies found in the department's performance data.

Audit Initiation and Objectives

The Office of the Legislative Auditor conducted this performance audit of the Department of Wildlife and Fisheries' executive budget performance data in response to certain requirements of Louisiana Revised Statute (R.S.) 24:522.

This report is one of a series of reports on all major executive branch departments addressing the following objectives:

- Determine if the department's missions and goals as reported in the fiscal year 1996-97 executive budget are consistent with legislative intent and legal authority
- Determine if the department's missions, goals, objectives, and performance indicators as reported in the fiscal year 1996-97 executive budget are consistent with established criteria
- Determine if the department's objectives and performance indicators as reported in the fiscal year 1996-97 executive budget collectively provide useful information for decision-making purposes
- Identify any programs, functions, and activities within the department that appear to be overlapping, duplicative, or outmoded

Department Background

The executive budget shows the Department of Wildlife and Fisheries divided into four offices that are further divided into nine programs.

In fiscal year 1996-97, the department was appropriated more than \$49 million and had a staff of more than 800. More than 30 percent of total department personnel work in the area of enforcement.

The Department of Wildlife and Fisheries was created in 1944, to replace the Department of Conservation. The Department of Wildlife and Fisheries was, itself, replaced in 1952 by the Wildlife and Fisheries Commission, only to be reestablished in 1956. The Wildlife and Fisheries Commission has continued to exist, with

statutory powers similar to those of the department. This has resulted in uncertainty among department officials about responsibilities and lines of authority.

(See pages 17-23 of the report.)

Matter for Legislative Consideration

- 2.1 The legislature may wish to consider legislation that clarifies the responsibilities of and the relationship between the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission. This legislation should ensure efficient and coordinated management of Louisiana's wildlife resources.**

Some Functions Lack Legal Authority or Are Inconsistent With Legal Authority

This report has found several instances in which the department's missions and goals are not consistent with legal authority. We also found examples of activities that do not have legal authority.

First, state law does not specifically provide for an education program within the Department of Wildlife and Fisheries. Some laws provide for certain education courses. However, the Education Program provides education functions in areas not specifically authorized by law.

Second, the executive budget includes the marketing program in the Office of the Secretary. Yet there is no mission statement for this program in the executive budget, and the executive budget does not disclose that the Marketing Program is comprised of separate boards. Thus, legislators may not realize that this program is not a department function.

The mission statement of the Office of Management and Finance includes conducting socioeconomic research and issuing licenses and registrations to the public. The statutory authority for this office does not provide for its carrying out of these functions.

(See pages 24-37 of the report.)

Matters for Legislative Consideration

- 2.2 The legislature may wish to consider legislation establishing a comprehensive education function within the Department of Wildlife and Fisheries' Office of the Secretary.
- 2.3 The legislature may wish to consider whether it wants to leave the marketing boards under the Department of Wildlife and Fisheries. The marketing responsibilities of these boards do not align with the responsibilities of the department. These boards may fit better into the Department of Economic Development.
- 2.4 The legislature may wish to consider whether it wants to provide legislative authority for a socioeconomic research function within the Office of Management and Finance.
- 2.5 The legislature may also wish to consider legislation that centralizes licensing authority in the Office of Management and Finance.

Centralized Enforcement Responsibilities Inconsistent With State Law

Louisiana's statutes establish enforcement functions in the Office of the Secretary, the Office of Wildlife, and the Office of Fisheries. The mission and goal of the Enforcement Program in the Office of the Secretary are consistent with that office's statutory enforcement responsibilities. But the missions and goals of the programs of the Office of Wildlife and the Office of Fisheries do not specify enforcement responsibilities.

The Office of Fisheries has not carried out its enforcement responsibilities since 1989. These statutory obligations are performed by the Office of the Secretary's Enforcement Program.

Since at least 1991, the Office of Risk Management has been expressing concern to the department about the state's liability for suits, claims, and judgments because of the level of training of certain employees with arrest authority. The secretary of the department recently removed enforcement responsibilities from the

Office of Wildlife. Enforcement authority in the department has been concentrated in the Office of the Secretary.

The secretary's action, while it may be reasonable, appears to exceed his statutory authority. As a result, the secretary should have presented this action to the legislature for its approval before *implementation*.

(See pages 38-39 of the report.)

Matter for Legislative Consideration

- 2.6 The legislature may wish to consider centralizing the enforcement function of the Department of Wildlife and Fisheries within one office to address the concerns of the Office of Risk Management. Consolidating this function could provide for more coordinated and effective enforcement.**

Potential Overlap Between Office of Fisheries and Office of Wildlife

Our audit found two potential areas of overlap within the department. First, the goals of both the Habitat Conservation Program in the Office of Wildlife and the Fisheries Program of the Office of Fisheries assert responsibility for fish habitat. R.S. 36:609(C)(2) says the Office of Fisheries is to perform the state's functions relating to aquatic life. This statutory authority could support fish habitat as a responsibility of the Office of Fisheries.

According to R.S. 36:609(B)(2), the Office of Wildlife is responsible for natural and scenic rivers and water pollution control and prevention, which relate to fish habitat. Thus, these offices have potentially overlapping responsibility for fish habitat.

Second, Office of Wildlife officials interpret its authority over threatened and endangered species to include certain types of fish that fall into that category. Therefore, both offices have authority over species of fish that are designated as threatened and endangered.

(See pages 39-40 of the report.)

Matter for Legislative Consideration

- 2.7 **The legislature may wish to clarify whether the responsibilities of the Office of Wildlife in R.S. 36:609(B)(1) relating to threatened and endangered species include threatened and endangered aquatic life. The legislature may also wish to require coordination of these efforts between the Office of Wildlife and the Office of Fisheries. By clarifying these matters, the legislature could ensure the efficient and effective management of the fish habitat resources of the state.**

Performance Data Not Useful for Legislative Decision Making

The Department of Wildlife and Fisheries developed its performance data without the benefit of the strategic planning process. This lack of strategic planning could explain many of the deficiencies that we found in the department's executive budget performance data. These deficiencies could limit the value of the performance data to legislators and other decision makers.

The executive budget does not include an overall mission for the department or missions for the individual department offices. Eight of the department's nine programs have mission statements. However, only two of the department's eight program mission statements are clearly identified as mission statements in the executive budget. The lack of mission statements, or of clearly identified mission statements, in the executive budget could cause users to not readily understand the department's purpose and clients. It could also hinder the department's programs in the development of performance data.

Most of the department's goals are consistent with their missions. But few of the goals provide direction to the programs in addressing their missions. Without a clear sense of direction, the legislature does not know where program managers are placing their emphasis.

All of the department's objectives are consistent with their goals and specify a desired end result. However, few of the objectives are measurable or timebound. Thus, users of the executive budget may not know specifically what the programs are to accomplish and by what date.

Two of the department's programs, the Administrative and Auxiliary programs, have no performance indicators in the 1996-97 executive budget. These programs, and the Education Program, lack a mixture of different types of performance indicators, despite the recommendation in the Office of Planning and Budget's *Manageware* manual that performance indicators include several different types of measures.

Most of the department's performance indicators meet two of the established criteria. They are consistent with the objectives and are easily understandable. But only 8 percent of the performance indicators measure progress toward their objectives. Without performance indicators that measure progress toward an objective, legislators receive little information that tells them how the department is performing.

(See pages 41-71 of the report.)

Recommendations

The Department of Wildlife and Fisheries and the Office of Planning and Budget should work together to:

- 3.1 Ensure that the department and each of its offices and programs has a clearly identified mission in the executive budget.**
- 3.2 Ensure that the program goals provide direction to programs in addressing their missions.**
- 3.3 Ensure that program objectives are measurable and include a time frame for accomplishment.**

- 3.4 Diversify the performance indicators developed for the programs. Specific attention should go to increasing the number of outcome indicators and ensuring that each objective has at least one outcome indicator.**

Chapter 1: Introduction

Audit Initiation and Objectives

The Office of the Legislative Auditor conducted this performance audit of the executive budget program information for the Department of Wildlife and Fisheries in response to certain requirements of Act 1100 of 1995. This act amended the state audit law by adding Louisiana Revised Statute (R.S.) 24:522, which created the Louisiana Performance Audit Program. Although the legislative auditor has been conducting performance audits since 1986, R.S. 24:522 formalizes an overall performance audit program for the state. In addition to finding solutions to present fiscal problems, the legislature created the Performance Audit Program to identify and plan for the state's long-term needs.

This report is one of a series of reports on all major executive branch departments addressing the following objectives:

- ◆ Determine if the department's missions and goals as reported in the fiscal year 1996-97 executive budget are consistent with legislative intent and legal authority
- ◆ Determine if the department's missions, goals, objectives, and performance indicators as reported in the fiscal year 1996-97 executive budget are consistent with established criteria
- ◆ Determine if the department's objectives and performance indicators as reported in the fiscal year 1996-97 executive budget collectively provide useful information for decision-making purposes
- ◆ Identify any programs, functions, and activities within the department that appear to be overlapping, duplicative, or outmoded

Report Conclusions

State law directs the Department of Wildlife and Fisheries to control and supervise the state's wildlife and fish resources. For fiscal year 1996-97, the legislature appropriated more than \$49 million to the department to carry out these

functions. In the 1996-97 executive budget, the department is divided into four offices, which include nine programs.

The state constitution gives powers to the Louisiana Wildlife and Fisheries Commission that are similar to those given to the department by state law. Because both entities have similar powers, the role and lines of authority of each entity are unclear.

The department's missions and goals are not clearly identified in the 1996-97 executive budget. However, staff with the Division of Administration – Office of Planning and Budget (OPB) identified statements in the executive budget as some of the missions and goals. The missions and goals that OPB identified generally are provided for in state law. However, some functions within the department do not have clear legal authority. For example, while some state law allows the department to provide certain education courses, it does not specifically provide for the Education program within the Office of Secretary. Therefore, the department is providing education services that are not legislatively authorized.

Potential overlap exists between the Office of Wildlife and the Office of Fisheries. State law gives both offices responsibility for fish habitat. According to department staff, they have established ways to address this issue.

The department did not engage in formal strategic planning to develop the performance data that appear in the 1996-97 executive budget. As a result, we found there are many deficiencies in the department's performance data. The primary deficiencies are listed below.

- ◆ No overall department mission or office missions were included in the executive budget. However, most programs have missions.
- ◆ Goals do not provide a sense of direction on how the programs will address their missions. As a result, legislators do not know in what direction the programs are headed.
- ◆ Few of the department's objectives include specific measurable targets or time frames for accomplishment.

- ◆ **Most of the performance indicators do not measure progress toward accomplishing objectives.**

Without measurable objectives and performance indicators that measure progress toward the objectives, legislators do not know what performance was expected and how much was accomplished. Because of these deficiencies, the department's performance data included in the executive budget are not useful to legislators for decision making.

Accountability Initiatives

Article XIV, Section 6 of the 1974 Louisiana Constitution reorganized the executive branch into 20 departments. State law says that the structure of the executive branch of state government is to promote, in part, economy and efficiency in the operation and management of state government. Since the reorganization, additional efforts have been undertaken to eliminate duplicative, overlapping, and outmoded programs and activities. Some of these efforts require internal reviews of programs, policies, and services of state agencies while others provide for external reviews.

R.S. 24:522 requires the legislative auditor to annually make recommendations to the legislature relative, in part, to the effectiveness and efficiency of programs and services that the various state agencies provide. In particular, it directs the auditor to evaluate the basic assumptions underlying all state agencies, programs and services to assist the legislature in identifying those that are vital to the best interests of the people of Louisiana and those that no longer meet that goal. The act also requires state agencies to produce certain information during the budgetary process.

In July 1996, the Office of the Legislative Auditor issued a report that examined the performance and progress of Louisiana state government. That report followed up on all recommendations made in performance audits and staff studies issued by the legislative auditor during the previous three years. In that report, we tracked the progress of agencies in implementing recommendations contained in the performance studies and identified related legislation. We also identified a number of problem areas in state government including inadequate oversight and inadequate planning.

As part of our continuing efforts to meet the requirements of R.S. 24:522, we have issued this report that examines the legal authority for the department's programs and services. This report also examines the program information contained in the fiscal year 1996-97 executive budget and builds on the need for better planning. As previously mentioned, similar performance audit reports are to be issued on all other executive branch departments.

State law (R.S. 49:190 *et seq.*) also requires agencies to provide the legislature with certain information to justify their existence in order to continue. This is referred to as the sunset review process. This process allows the legislature an opportunity and mechanism to evaluate the operations of state statutory entities.

State law also requires an annual report by department undersecretaries on their department management and program analysis. These reports, required by the provisions of R.S. 36:8, are referred to as Act 160 reports, since Act 160 of 1982 originally enacted this law. This law requires agencies to conduct evaluations and analyses of programs, operations, and policies to improve the efficiency, economy, and effectiveness of the departments.

Other performance legislation includes an accountability act for colleges and universities. Also, various agency performance related reports are required to be submitted with the agency budget request. One of these reports is referred to as the "Sunset Review Budget Request Supplement."

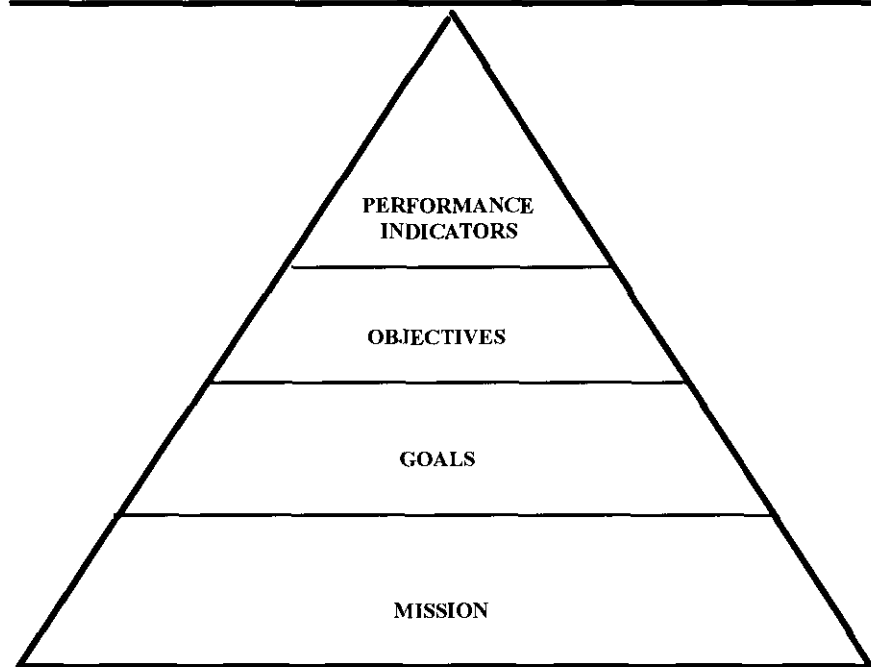
**Program
Budgeting and
Strategic
Planning
Focus on
Outcomes**

Act 814 of the 1987 Regular Legislative Session required the state to adopt a program budgeting system beginning in fiscal year 1988-89. R.S. 39:36 requires the executive budget to be in a format that clearly presents and highlights the programs operated by state government. According to *Manageware*, a publication of the Division of Administration's Office of Planning and Budget (OPB), program budgeting is a budget system that focuses on program objectives, achievements, and cost-effectiveness. *Manageware* also states that program budgeting is concerned with outcomes or results rather than with individual items of expenditure.

Strategic planning is a process that sets goals and objectives for the future and strategies for achieving those goals and objectives, with an emphasis on how best to use resources. Act 1465 of the 1997 Regular Legislative Session enacted R.S. 39:31. This law requires each state department to engage in the strategic planning process, produce a strategic plan, and submit it to the commissioner of administration and the appropriate legislative oversight committees by July 1, 1998. Program budgeting involves the development of missions, goals, objectives, and performance indicators. These factors are components of the strategic planning process.

Exhibit 1-1 below shows how missions, goals, objectives, and performance indicators relate to each other. As can be seen in this exhibit, the mission is the base from which goals are derived. Objectives flow from the goals, and performance indicators flow from the objectives.

Exhibit 1-1**Major Components of the Strategic Planning Process**



Source: Prepared by legislative auditor's staff using a similar diagram in *Manageware*.

Manageware defines these terms as follows:

- ♦ **Mission:** a broad, comprehensive statement of the organization's purpose. The mission identifies what the organization does and for whom it does it.
- ♦ **Goals:** the general end purposes toward which effort is directed. Goals show where the organization is going.
- ♦ **Objectives:** specific and measurable targets for accomplishment. Objectives include a degree or type of change and a timetable for accomplishment.
- ♦ **Performance Indicators:** the tools used to measure the performance of policies, programs, and plans.

Furthermore, *Manageware* categorizes performance indicators into five types:

1. **Input indicators** measure resource allocation and demand for services. Examples of input indicators are budget allocations and number of full-time equivalent employees.
2. **Output indicators** measure the amount of products or services provided or the number of customers served. Examples of output indicators include the number of students enrolled in an adult education course, the number of vaccinations given to children, and the number of miles of roads resurfaced.
3. **Outcome indicators** measure results and assess program impact and effectiveness. Examples of outcome indicators are the number of persons able to read and write after completing an adult education course and the change in the highway death rate. Outcome indicators are the most important performance measures because they show whether or not expected results are being achieved.
4. **Efficiency indicators** measure productivity and cost-effectiveness. They reflect the cost of providing services or achieving results. Examples of efficiency indicators include the cost per student enrolled in an adult education course, the bed occupancy rate at a hospital, and the average

processing time for environmental permit applications.

5. **Quality indicators** measure effectiveness in meeting the expectations of customers, stakeholders, and other groups. Examples of quality indicators include the number of defect-free reports compared to the number of reports produced, the accreditation of institutions or programs, and the number of customer complaints filed.

Manageware also points out the benefits of program budgeting. According to *Manageware*, program budgeting streamlines the budget process. *Manageware* also says that program budgeting supports quality management by allowing managers more budgetary flexibility while maintaining accountability for the outcomes of programs. Since appropriations are made at the program level, program managers can more easily shift funds from one expenditure category to another to cover unanticipated needs, according to *Manageware*.

The need for accountability in government operations is gaining recognition both domestically and internationally. According to a recent report issued by the United States General Accounting Office, the federal government is currently implementing the Government Performance and Results Act of 1993. This act requires agencies to set goals, measure performance, and report on their accomplishments. The report also cites several states including Florida, Oregon, Minnesota, Texas, and Virginia and foreign governments such as Australia, Canada, New Zealand, and the United Kingdom that are also pursuing management reform initiatives and becoming more results-oriented.

In Louisiana, the 1996 general appropriation bill and resulting act included program descriptions for the first time. The 1997 general appropriation bill also includes key performance indicators. For fiscal year 1997-98, this information will be presented for informational purposes only. However, in the future, it will serve as a starting point for the full implementation of performance based budgeting.

Beginning in fiscal year 1998-99 and all subsequent fiscal years, key objectives and key performance indicators contained in the General Appropriation Act will be included in the agency's appropriation. Each agency will be required to provide quarterly performance progress reports. The agency's appropriation will be

issued conditioned upon the agency preparing and submitting these reports.

Executive Budget Is Basis for General Appropriation Act

Article VII, Section 11(A) of the Louisiana Constitution requires the governor to submit a budget estimate to the legislature that sets forth the state expenditures for the next fiscal year. This budget estimate, the executive budget¹, must include recommendations for appropriations from the state general fund, dedicated funds, and self-generated funds.

R.S. 39:36 requires the executive budget to be configured in a format that clearly presents and highlights the programs operated by state government. This statute also requires the executive budget to include:

- (1) an outline of the agency's programmatic structure, which should include an itemization of all programs with a clear description of the objectives of each program;
- (2) a description of the activities that are intended to accomplish each objective; and
- (3) clearly defined indicators of the quantity and quality of performance of these activities.

OPB develops the executive budget based on voluminous material contained in various documents prepared by the departments as part of their budget requests. The budget request packages are made up of six separate components, which are listed as follows. These packages contain both financial and program information.

1. **Operational plans** describe the various programs within state agencies. They also give program missions, goals, objectives, and performance indicators. Operational plans are derived from long-range strategic plans. Operational plans tell what portions of strategic plans will be addressed during a given operational period.

¹ The governor also submits a capital outlay budget. However, the scope of this audit includes only the executive budget.

2. **Existing operating budgets** describe the initial operating budgets as adjusted for actions taken by the Joint Legislative Committee on the Budget, the Interim Emergency Board, the legislature, and/or the governor.
3. **Continuation budgets** describe the level of funding for each budget unit that reflects the resources necessary to carry on all existing programs and functions at the current level of service in the ensuing fiscal year. These budget components include any adjustments necessary due to the increased cost of services or materials as a result of inflation and increased workload requirements resulting from demographic or other changes. Continuation budgets contain program information.
4. **Technical/other adjustment packages** allow for the transfer of programs or functions from certain agencies or departments to other agencies or departments. However, total overall revenues and expenditures cannot be increased. The technical/other adjustment packages also contain program information.
5. **New or expanded service requests** are designed to provide information about the cost of new and/or expanded services that departments will provide. These service changes can come about as a result of regulation or procedural changes that are/were controlled by the agency or by the addition of services that were not previously provided. The new or expanded service requests also contain program information.
6. **Total request summaries** provide a cross-check of the total budget request document. These forms are designed to provide summaries of all the requested adjustments made to arrive at the total budget requests.

According to *Manageware*, the total budget request must be accompanied by the Sunset Review Budget Request Supplement (i.e., BRS forms). The BRS forms list all activities that a budget unit has been directed to administer (through legislatively authorized programs and acts of the legislature) for which no

implementing funds were appropriated in the existing operating budget. The BRS forms must be submitted to OPB, the Legislative Fiscal Office, and the Joint Legislative Committee on the Budget.

For the 1996-97 fiscal year, OPB prepared and published several volumes of a two-part executive budget using the departments' budget request packages. One part of the executive budget contains financial information, and the other part contains program information. The program information includes program descriptions, missions, goals, objectives, and performance indicators related to the services and products of each department resulting from spending state revenues.

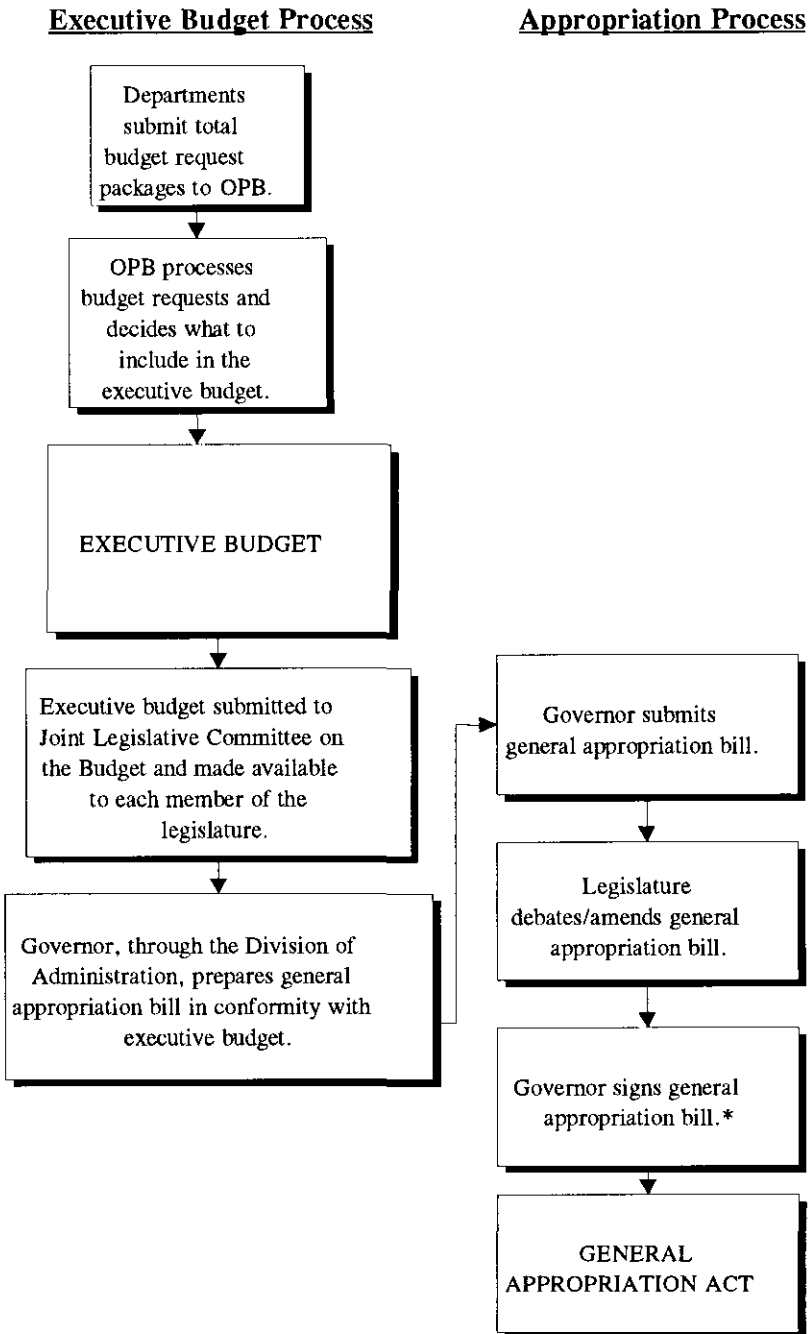
According to R.S. 39:37, the governor must submit the executive budget to the Joint Legislative Committee on the Budget. The governor must make a copy of the executive budget available to each member of the legislature. The constitution requires that the governor submit a general appropriation bill for proposed ordinary operating expenditures in conformity with the executive budget document that was submitted to the legislature.

The general appropriation bill moves through the legislature similar to any other bill. The Appropriations Committee in the House of Representatives initially hears the bill and then it moves to the Senate Finance Committee. Both the House and Senate may amend the bill. The bill is voted upon in its final form by the full membership of both chambers. OPB monitors any amendments the legislature makes to the bill.

After the general appropriation bill passes the legislature, it is forwarded to the governor. Once the governor signs the bill, it becomes law in the form of the General Appropriation Act. After the governor signs the bill, OPB reports to the state departments any amendments made by the legislature. The state constitution allows the governor to veto any line item in the appropriation bill. A veto can be overridden by a two-thirds vote of the legislature. Exhibit 1-2 on the following page illustrates the executive budget and appropriation processes.

Exhibit 1-2

Executive Budget and Appropriation Processes



* The governor has line-item veto power.

Source: Prepared by legislative auditor's staff using the state constitution, state law, *Manageware*, and *House Legislative Services - State and Local Government in Louisiana: An Overview* (December 1995).

Scope and Methodology

Overview. This performance audit of the Department of Wildlife and Fisheries' program information was conducted under the provisions of Title 24 of the Louisiana Revised Statutes of 1950, as amended. All performance audits are conducted in accordance with generally accepted government auditing standards as promulgated by the Comptroller General of the United States. Work on this audit began in August 1996.

This section provides a summary of the methodology used in this audit. Based on planning meetings held by legislative audit staff, we formulated audit objectives that would address issues specific to the program information contained in the executive budget. The audit focused on the 1996-97 executive budget program information.

References Used. To familiarize ourselves with performance measurement, program budgeting, and accountability concepts, we reviewed various publications including the following:

- ◆ *Manageware* published by the Office of Planning and Budget (1991 and 1996 editions)
- ◆ Research Report - *Service Efforts and Accomplishments Reporting: Its Time Has Come, An Overview* published by the Governmental Accounting Standards Board (GASB) (1990).
- ◆ *Executive Guide: Effectively Implementing the Government Performance and Results Act* published by the U.S. General Accounting Office (June 1996)
- ◆ Various reports by the Canadian Comprehensive Auditing Foundation
- ◆ Reports from various states related to program budgeting and strategic planning

These publications are listed in detail in Appendix A. We also conducted interviews with personnel of the Urban Institute, the federal Office of Management and Budget (OMB), and GASB. These individuals represent both the theoretical and practical sides of current performance measurement and accountability efforts.

To gain an understanding of the state's budget process, we reviewed state laws regarding program budgeting. In addition, we interviewed staff of OPB and the Department of Wildlife and Fisheries regarding their budget processes.

Legal Basis for Missions and Goals. We searched state and federal laws to determine whether there was legal authority for missions and goals of the department and its programs. We also reviewed applicable laws to determine legislative intent related to the creation of the department and the functions that the department and its programs are intended to perform. In addition, we reviewed and organized data obtained from the department on its structure, functions, and programs. We also interviewed key department personnel about these issues. We included within the scope of our detailed audit work all related boards, commissions, and like entities for which funding was recommended through a specific line item in the executive budget. We also prepared a listing, which is contained in Appendix B, of all related boards, commissions, and like entities we identified, regardless of whether funding was recommended through a specific line item.

Comparison of Performance Data to Criteria. We developed criteria against which to compare the department's missions, goals, objectives, and performance indicators as reported in the 1996-97 executive budget. To help develop these criteria, we gathered information from GASB, OMB, the Urban Institute, and *Manageware*. During our criteria development process, we obtained input from GASB. We also obtained concurrence from GASB on our final established criteria. We then compared the missions, goals, objectives, and performance indicators to the established criteria.

In addition, we evaluated the objectives and performance indicators to determine if they collectively provide useful information to decision makers. When deficiencies or other problems were identified, we discussed them with appropriate personnel of the department and OPB. We did not assess the validity or reliability of the performance indicators.

Although other documents contain performance data on the department, we only compared the missions, goals, objectives, and performance indicators contained in the executive budget to the criteria. This decision was made because the executive budget is the culmination of OPB's review and refinement of the budget request components. It also represents the governor's official recommendation to the legislature for appropriations for the next fiscal year.

Potential Overlapping, Duplicative, or Outmoded Areas. Finally, we reviewed the program descriptions and legal authority for the department's programs and related boards,

commissions, and like entities to identify areas that appeared to be overlapping, duplicative, or outmoded. We defined these terms as follows:

- **Overlapping:** instances where two or more programs appear to perform different activities or functions for the same or similar purposes
- **Duplicative:** instances where two or more programs appear to conduct identical activities or functions for the same or similar purposes
- **Outmoded:** those programs, activities, or functions that appear to be outdated or are no longer needed

We did not conduct detailed audit work on the areas we identified as potentially overlapping, duplicative, or outmoded. We only identified them for further review at another time.

Areas for Further Study

During this audit, we identified the following areas that require further study:

- ♦ As previously mentioned, assessing the validity and reliability of performance indicators was not within the scope of this audit. However, if the legislature intends to include performance indicators in future appropriation bills and acts, validity and reliability become increasingly important. Consequently, in the future, the legislature may wish to direct a study of the validity and reliability of performance indicators included in appropriation bills.
- ♦ The programs, functions, and activities that appear to be overlapping, duplicative, or outmoded should be assessed in more detail to determine whether they are truly overlapping, duplicative, or outmoded. Once these assessments are completed, the legislature may decide whether any of these programs, functions, or activities should be altered, expanded, or eliminated.

- ♦ The availability of management information systems that can readily integrate data from a variety of sources is essential to a successful program budgeting system. Capturing accurate and meaningful performance data is important, in part, because of the increased emphasis the legislature is placing on program information. Therefore, the capabilities of the department's management information system as related to program data should be addressed.

Report Organization

The remainder of this report is divided into the following chapters and appendixes:

- ♦ **Chapter 2** describes the Department of Wildlife and Fisheries. This chapter gives the legal authority for the department and its programs as well as other information that describes the department and related boards and commissions. This chapter also compares the missions and goals of the department as reported in the 1996-97 executive budget to their legal authority. In addition, this chapter discusses programs, functions, and activities within the department that appear to be overlapping, duplicative, or outmoded, if any came to our attention.
- ♦ **Chapter 3** gives the results of our comparison of the department's missions, goals, objectives, and performance indicators as reported in the 1996-97 executive budget to established criteria. In addition, this chapter discusses whether the objectives and performance indicators collectively provide useful information for decision-making purposes.
- ♦ **Appendix A** is a list of references used for this audit.
- ♦ **Appendix B** is a listing of related boards, commissions, and like entities that we identified.

- ♦ **Appendix C** is the Department of Wildlife and Fisheries' response to this report.
- ♦ **Appendix D** is the Division of Administration – Office of Planning and Budget's response to this report.
- ♦ **Appendix E** is the Louisiana Seafood Promotion and Marketing Board's response to this report.
- ♦ **Appendix F** contains additional information.

Chapter 2: Department Overview

Chapter Conclusions

The Department of Wildlife and Fisheries spent more than \$44 million in fiscal year 1995-96 to perform its duties of controlling and supervising the state's wildlife and fish resources. The lines of authority between the department and the Wildlife and Fisheries Commission are unclear. The state constitution grants powers to the commission that are similar to powers granted by state law to the department. This duplication of powers has resulted in uncertainty among key department officials about responsibilities and lines of authority.

Some programs appear to be performing activities that do not have a statutory basis. Other programs are not carrying out responsibilities provided for in state law. For example, the Office of Fisheries has not been carrying out its enforcement responsibilities, despite a statutory mandate. In addition, the secretary recently removed enforcement responsibilities from the Office of Wildlife.

Although the department has a marketing program in the executive budget, separate marketing boards actually perform these responsibilities. The executive budget provides performance data for a marketing program, but not for the boards that actually have responsibility for the marketing function. As a result, the Marketing program information in the executive budget may be misleading.

Potential overlap exists between the primary offices of the department. Both the Office of Wildlife's Habitat Conservation Program and the Office of Fisheries perform functions related to fish habitat.

Department of Wildlife and Fisheries Responsible for State's Renewable Resources

State law provides for specific functions of the Department of Wildlife and Fisheries and its offices. The Department of Wildlife and Fisheries, according to R.S. 36:602(B), shall:

- Control and supervise all wildlife of the state, including fish and all other aquatic life
- Execute the laws enacted for the control and supervision of programs relating to the management, protection, conservation, and replenishment of

wildlife, fish, and aquatic life in the state and the regulation of the shipping of wildlife, fish, furs, and skins

This law also makes the department responsible for the conservation and management of all renewable resources on properties that it may own or lease. These properties include:

- Wildlife management areas
- Wildlife refuges
- Scenic rivers
- Wildlife preserves

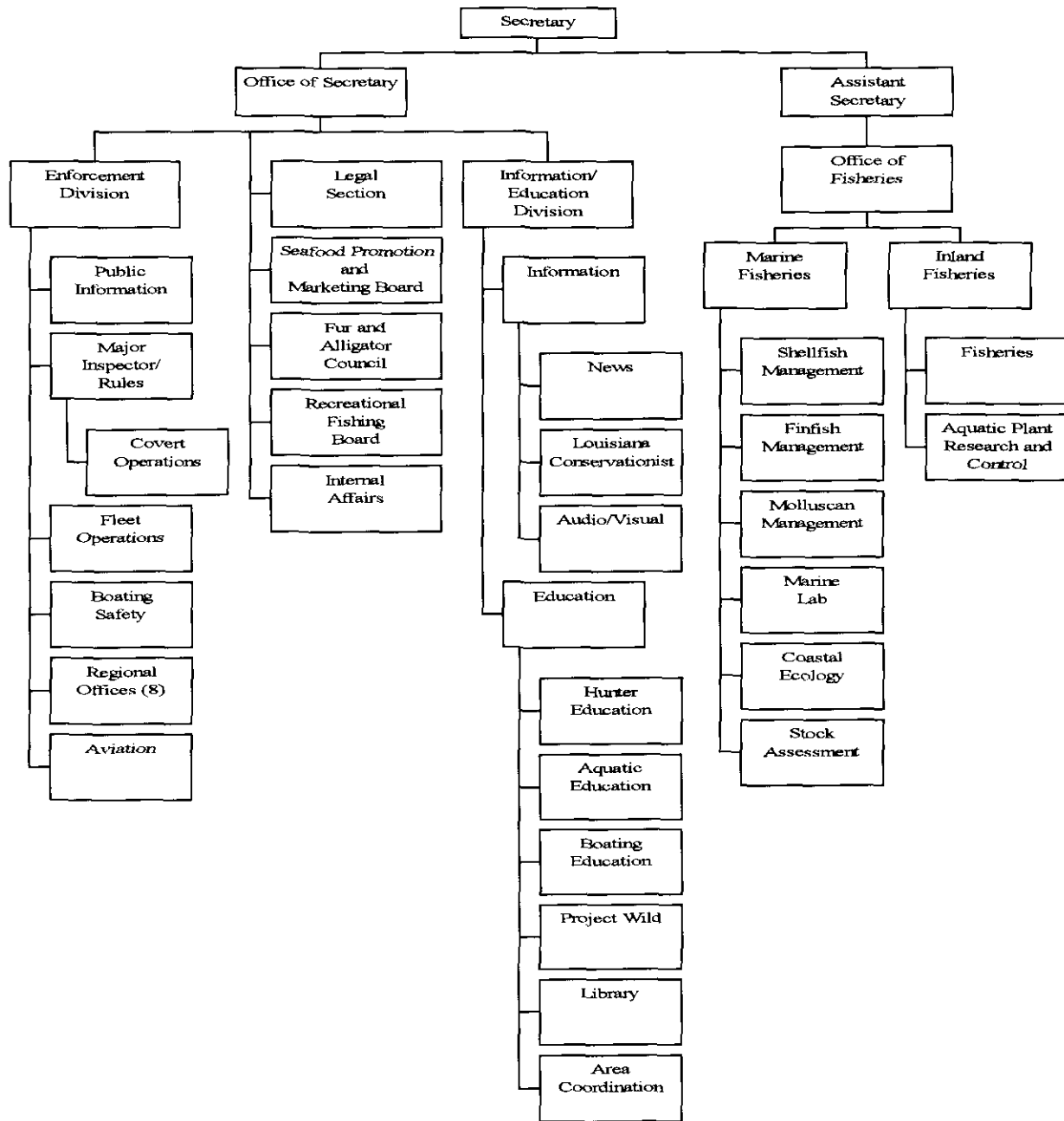
R.S. 36:602(B) also provides that leasing of nonrenewable state-owned resources will be carried out on these properties only with the concurrence of the department. Appropriate rules and regulations must first be adopted to minimize damages to fish and wildlife habitat.

Exhibit 2-1 on pages 19 and 20 shows the administrative and functional divisions of the Department of Wildlife and Fisheries. In the executive budget, the department is divided into four offices and nine programs:

- The **Office of Management and Finance** has one program: the Management and Finance Program.
- The **Office of Secretary** is composed of the Administrative, Enforcement, Education, Marketing, and Auxiliary programs.
- The **Office of Wildlife** is composed of the Habitat Conservation and Wildlife programs.
- The **Office of Fisheries** has one program: the Fisheries Program.

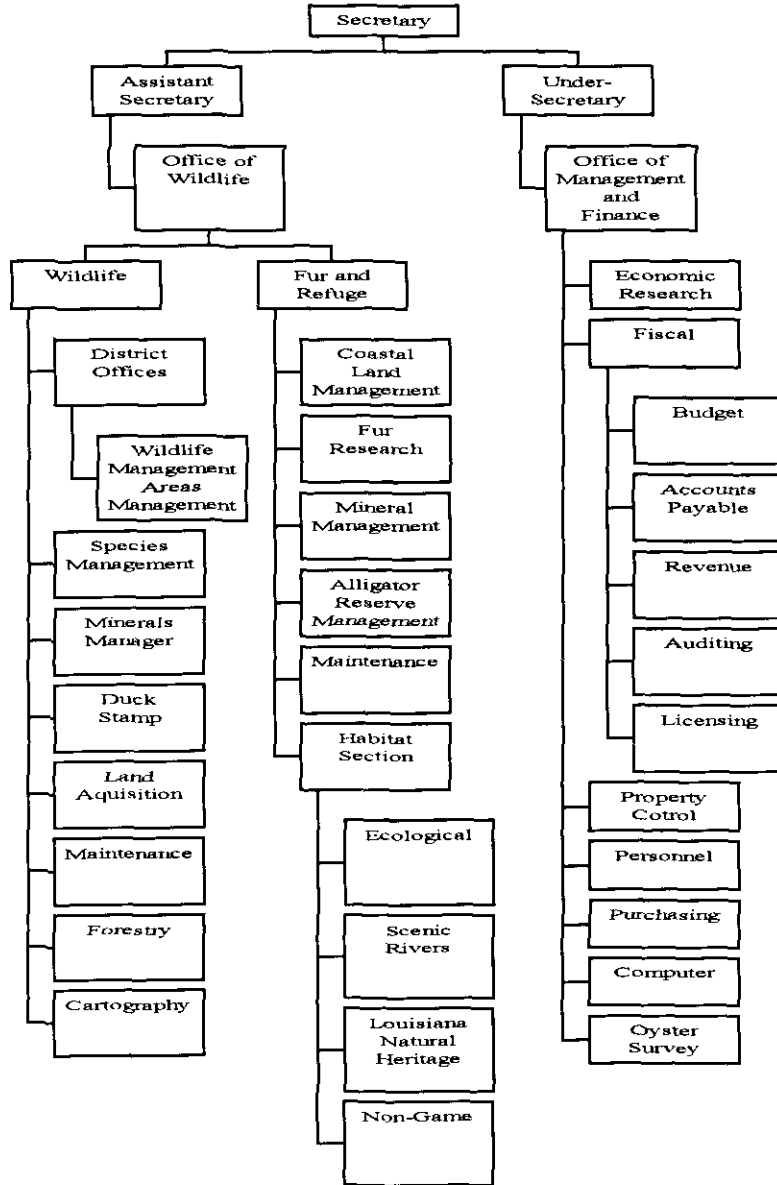
In addition to its offices and programs, there are 40 boards, commissions, and like entities related to the Department of Wildlife and Fisheries. These entities are listed in Appendix B.

Exhibit 2-1
Department of Wildlife and Fisheries
Organization Chart
Offices of Secretary and Fisheries Only
August 1996



Source: Prepared by legislative auditor's staff from information provided by Department of Wildlife and Fisheries.

Exhibit 2-1
Department of Wildlife and Fisheries
Organization Chart
Offices of Wildlife and Management and Finance Only
August 1996



Source: Prepared by legislative auditor's staff from information provided by Department of Wildlife and Fisheries.

Department spending and staffing. The Department of Wildlife and Fisheries was appropriated more than \$49 million for fiscal year 1996-97. Spending for the department and its offices and programs is shown in Exhibit 2-2 below. This exhibit also shows that in fiscal year 1996-97 the department was authorized to have more than 800 positions. More than 30 percent of the department's staff work in the area of enforcement. Of the department's offices, the Office of the Secretary has both the largest appropriations and the largest number of positions.

Exhibit 2-2

**Department of Wildlife and Fisheries
Funding Amounts and Staff
Fiscal Years 1996 and 1997**

Office/Program	Actual 1995-96	Recommended 1996-97	Appropriated 1996-97	Authorized Positions 1996-97
Management and Finance				
Management and Finance	\$8,025,000	\$7,291,832	\$8,088,197	70
Secretary				
Administrative	1,663,000	1,484,235	1,630,454	8
Enforcement	10,730,000	9,154,961	10,530,961	248
Education	1,708,000	1,519,284	1,839,284	33
Marketing	554,000	581,433	581,433	4
Auxiliary	276,000	282,768	282,768	0
Subtotal for Secretary	14,931,000	13,022,681	14,864,900	293
Wildlife				
Habitat Conservation	669,000	817,933	973,933	15
Wildlife	10,852,000	11,089,528	12,245,527	199
Subtotal for Wildlife	11,521,000	11,907,461	13,219,460	214
Fisheries				
Fisheries	9,673,000	12,185,131	12,839,292	235
Department Total	\$44,150,000	\$44,407,105	\$49,011,849	812

Source: Prepared by legislative auditor's staff using the Comprehensive Annual Financial Report for fiscal year 1996, the fiscal year 1996-97 executive budget, and the fiscal year 1996-97 general fund appropriations executive summary.

Law Unclear on Department's Role

The state constitution and state law give different entities similar authority for the supervision and control of state wildlife. Article IX, Section 7(A) of the 1974 constitution grants the Wildlife and Fisheries Commission control and supervision of the wildlife of the state, including all aquatic life. R.S. 36:602(B) authorizes the Department of Wildlife and Fisheries to control and supervise all wildlife of the state, including fish and all other aquatic life. This duplication causes uncertainty about responsibilities and lines of authority.

As shown in Exhibit 2-3 on page 23, the department and the commission have evolved from many different entities. The Department of Wildlife and Fisheries was originally created in 1944. In 1952, the functions of the department were turned over to the Wildlife and Fisheries Commission. In 1956, the department was reestablished, but the commission continued to exist. In recent years, legislation has been introduced to define the powers of the department and the commission or to abolish one or the other entity. However, both entities continue to exist with similar authority.

Our discussions with department officials indicate uncertainty on their part as to the responsibilities of the department and the commission and their lines of authority. The secretary of the department says the commission is intended to be the policy-making arm of the department and serves as a forum for public input. The Office of Wildlife assistant secretary shares this view.

However, the Office of Fisheries assistant secretary describes the commission as having primary regulatory authority over the state's wildlife. The department's role, according to this official, is to provide information and advice to the commission and to implement the commission's decisions.

Matter for Legislative Consideration

- 2.1 The legislature may wish to consider legislation that clarifies the responsibilities of and the relationship between the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission. This legislation should ensure efficient and coordinated management of Louisiana's wildlife resources.**

Exhibit 2-3
Key Actions and Dates in Louisiana Wildlife Management

Action	Date
Oyster Commission created	1872
Board of Commissioners for the Protection of Birds, Game and Fish created	1908
Board of Commissioners for the Protection of Birds, Game and Fish and Oyster Commission are combined	1910
Conservation Commission of Louisiana created	1912
Department of Conservation replaces Conservation Commission	1918
Wildlife and Fisheries Commission established in state constitution	1921
Department of Wildlife and Fisheries replaces Department of Conservation	1944
Wildlife and Fisheries Commission replaces the Department of Wildlife and Fisheries	1952
Department of Wildlife and Fisheries reestablished	1956

Source: Prepared by legislative auditor's staff from information provided by the Department of Wildlife and Fisheries.

**Some Functions
Lack Legal
Authority or Are
Not Consistent
With Legal
Authority**

We compared the department's missions and goals to their legal authority. In making this comparison, we found some instances where missions and goals were not consistent with legal authority. We also found instances where certain activities of the department did not have legal authority. The missions and goals for each program, as they appear in the executive budget, are shown along with the discussion of that program.

Office of Secretary

There is no mission or goal for the Office of Secretary in the executive budget. Consequently, it is not possible to determine whether the office's mission or goal is consistent with legal authority. According to the executive budget, the Office of Secretary provides administrative leadership, as well as enforcement, education, and marketing functions for the department. However, we could find no legal authority for either an education function or a marketing function in this office.

Administrative Program. There is no mission specifically stated in the executive budget for the Administrative program. However, the department's OPB analyst identified a statement in the executive budget as the mission of the Administrative Program. This program does not appear in the department's operational plan. The goal listed in the executive budget relates to the secretary's role as executive head and chief administrative officer. These roles are set out in R.S. 36:604.

Administrative Program	
Mission:	To provide leadership to the department.
Goal:	To provide leadership to the department in order to effectively manage and conserve Louisiana's renewable fish and wildlife resources and their habitats through replenishment, protection, enhancement, research, development, education, and wise utilization.

According to the fiscal officer, the Administrative Program is composed of the secretary, the deputy secretary, and the legal department. Also according to the fiscal officer, no mission statement has ever been written for the Administrative program. Its *unwritten mission* is to provide leadership to carry out the missions and goals of the department.

Enforcement Program. The Enforcement Program's mission and goal, as stated in the executive budget, are consistent with state law. The secretary has responsibilities, according to R.S. 36:605(B)(4)(a), to enforce state laws, rules, and regulations relative to wildlife and fisheries. These laws, rules, and regulations relate to:

- Hunting, fishing and trapping; boating safety regulations; and the prohibited methods, times or seasons, and locations
- Illegal transportation, shipping and sale of wildlife, fish and other aquatic life and fur bearing animals and alligators, including the illegal possession of wildlife, game, or fish and other aquatic life

The department carries out these responsibilities through the Enforcement program.

Enforcement Program

Mission:	To secure compliance with various laws and regulations for fish and wildlife conservation and water recreation.
Goal:	To provide maximum protection to the wildlife and fisheries resources of Louisiana, and to the boating public, through the enforcement of state and federal laws and regulations, in a professional and consistent manner so as to cause the perpetuation of Louisiana's wildlife and fisheries resources and a safe boating environment.

Education Program. State law does not specifically provide for an education program within the Department of Wildlife and Fisheries. Some laws provide for certain education courses. However, the program provides education functions in other areas not specifically authorized by law.

The program authorization shown in the executive budget are all laws related to the Wildlife and Fisheries Commission. None of these laws mention an education function. R.S. 56:699 through R.S. 56:699.3 permit, but do not mandate, firearm and hunter education courses to be taught by the department. These statutes say that such courses are to be taught or approved by the department.

Education Program

Mission:	To provide Louisiana citizenry with information to help them be safe, knowledgeable, responsible and involved in the wise and prudent use and management of Louisiana's renewable wildlife and fisheries resources.
Goal:	Create a responsible and involved citizenry that is knowledgeable and appreciative of Louisiana's unique fish and wildlife resources and the habitats that support them.

This program also provides education in areas other than hunting, such as fishing. Despite this program's lack of clear statutory authority for fishing courses, thousands of individuals receive such services from the Education program. According to information provided by the department, the Education Program served the following clients in fiscal year 1995:

- 42,000 subscribers to the department's *Louisiana Conservationist* magazine
- 18,500 students completed the hunter education course
- 11,000 individuals attended statewide fishing clinics
- 1,500 volunteer hunter education instructors

Matter for Legislative Consideration

- 2.2 The legislature may wish to consider legislation establishing a comprehensive education function within the Department of Wildlife and Fisheries' Office of the Secretary.**

Marketing Program. The executive budget includes a Marketing Program in the Office of Secretary. There is no mission for the Marketing Program in the executive budget. Furthermore, the program authorization shown in the executive budget for this program (R.S. 56:280.1) is not an existing statute.

Marketing Program	
Mission:	None listed
Goal:	The enhancement and strengthening of the market for seafood, furs, and alligator products.

According to the undersecretary, the department has no marketing responsibilities. Three separate boards, which are authorized by state law, have responsibility for all marketing functions. Those boards are:

1. Seafood Promotion and Marketing Board
2. Louisiana Fur and Alligator Advisory Council
3. Louisiana Recreational Fishing Development Board

Despite having a Marketing program in the executive budget, *marketing boards are in different programs*. OPB combined the performance data for the Seafood Promotion and Marketing Board and the Fur and Alligator Advisory Council and presented them in the executive budget as the Marketing Program. Furthermore, in Exhibit 2-2 on page 21, the four positions and \$581,433 in appropriations shown for the Marketing Program represent the staff and expenses of the Seafood Promotion and Marketing Board.

It is not apparent to users of the executive budget that the functions of this program are actually the responsibility of separate and distinct entities. One of these entities (the Fur and Alligator Advisory Council) was transferred to the Office of Wildlife in fiscal year 1996-97. However, as seen above, the Marketing Program's goal for fiscal year 1996-97 does not reflect the transfer of the Fur and Alligator Advisory Council to the Office of Wildlife, which could be confusing to users of the fiscal year 1996-97 executive budget. The Fur and Alligator Advisory Council will be discussed with the Office of Wildlife, to which it has been transferred.

The **Seafood Promotion and Marketing Board** assists in *the economic development of the commercial seafood industry and develops markets and marketing strategies for Louisiana seafood products*. R.S. 56: 578.3 provides that the Seafood Promotion and Marketing Board has the following powers, duties, and functions:

- To identify marketing problems, obstacles, and significant issues
- To establish a marketing policy and goals and objectives
- To develop markets and marketing strategies for the development of new and expanded markets for Louisiana seafood
- To give special emphasis to market promotion and development for underutilized species of Louisiana seafood
- To educate the Louisiana fishing industry and Louisiana government officials regarding potential markets for Louisiana seafood and regarding investment and tax incentives available to industries under other existing Louisiana law and fisheries development programs available under federal law

The department's operational plan contains objectives and information on program performance for the Seafood Promotion and Marketing Board.

According to R.S. 56:580.3, the powers, duties, and *functions of the Louisiana Recreational Fishing Development Board* include conducting an analysis and developing and implementing a plan that will:

- Identify marketing and development problems, impediments, and issues
- Identify infrastructural problems which either currently, or in the future, inhibit development of Louisiana recreational fishing
- Examine successful marketing and/or development programs in other states and/or countries
- Identify potential new markets and marketing strategies which will result in new or expanded markets for Louisiana recreational fishing
- Identify potential investment and tax incentives which could help spur development of Louisiana recreational fishing

- Educate Louisiana public officials regarding the potential economic benefits of Louisiana recreational fishing and interface with other Louisiana agencies to help promote and execute the plan outlined in this Subsection
- Educate the tourist industry, banking industry, and transportation industry about the economic potential of Louisiana recreational fishing

This board is established by law in the Office of the Secretary. According to R.S. 56:302.9, it is to receive 10 percent of the revenues obtained from charter boat fishing guide license fees. However, the department's fiscal officer stated this board is inactive. She also said the charter boat fishing guide license fees dedicated to this board are being kept in an account for it.

Matter for Legislative Consideration

- 2.3 The legislature may wish to consider whether it wants to leave the three marketing boards under the Department of Wildlife and Fisheries or move them to a department that markets Louisiana products. The marketing responsibilities of these boards do not align with the responsibilities of the department. Alternatively, the legislature may wish to expand the department's purpose to include marketing.**

Auxiliary Program. The mission of the Auxiliary Program is to provide the means of finance for the department's *Louisiana Conservationist* magazine. There are no other functions performed by this program. Though the mission for this program is to provide the means of finance for the *Louisiana Conservationist* magazine, this magazine is actually produced by the Magazine Unit of the *Information and Education Division*.

Office of Management and Finance

The mission and goal for the Office of Management and Finance, in most aspects, are consistent with state law. The goal statement for this office is very general. R.S. 36:607(B) provides that the undersecretary directs and is responsible for the Office of

Management and Finance. In this capacity, the undersecretary is responsible for:

- Accounting and budget control
- Procurement and contract management
- *Data processing*
- Management and program analysis
- Personnel management
- Grants management

Management and Finance Program

Mission:	<ul style="list-style-type: none"> • Implement sound fiscal and personnel policies and practices • Manage contracts and grants • Provide central procurement, computer, and communication services • Perform various other internal services to meet the operational, functional, and administrative needs of the department • Conduct socioeconomic research related to wildlife and fisheries issues • Issue various licenses and registrations to the public
Goal:	To meet the needs of the department and public more effectively and efficiently.

However, R.S. 36:607(B) does not provide for two functions stated in the office's mission. Those functions relate to socioeconomic research and the issuance of licenses and registrations.

According to the undersecretary, the department's socioeconomic research function began with the need to determine the value of fish and wildlife. This research was needed to set a dollar value on infractions. He also said the socioeconomic section performs socioeconomic analysis of legislation and deals with research projects such as:

- Bag limits needed to maintain a species
- The value of fishing to a community
- The characteristics of people who engage in fishing
- The value of the hunting and fishing industries to the state

The Office of Management and Finance performs all licensing functions for the department, even though state laws give licensing and permit-issuance responsibilities to both the Office of Wildlife and the Office of Fisheries.

R.S. 36:609(B)(3) authorizes the Office of Wildlife to perform the functions of the state relative to the licensing of and payment of taxes by trappers, alligator hunters, commercial buyers, and dealers. R.S. 36:609(C)(1) authorizes the Office of Fisheries to perform the functions of the state relating to the licensing of vessels engaged in the seismic industry. It also authorizes the office to license of persons engaged in the shrimp fishery and shrimp industry in the state.

In carrying out the licensing function, the Management and Finance Program issued 81,000 commercial licenses in fiscal year 1995-96. These commercial licenses include:

- Fishing and gear licenses
- Oyster licenses
- Game breeder licenses
- Fur licenses
- Wholesale/retail dealer licenses
- Reptile/amphibian collector and dealer licenses
- Charter boat guide licenses
- Alligator licenses

According to the fiscal officer, shrimp licenses are not listed because there is no specific shrimp license. Shrimpers apply for fishing licenses and the appropriate gear licenses.

The undersecretary said the Office of Management and Finance delegates responsibility for sports licenses (such as hunting and fishing licenses) to the state's sheriffs. Sheriffs in turn select vendors to actually issue the licenses. Vendors generally pay the

sheriffs for licenses upon receipt. Vendors receive 50 cents for each license sold.

The sheriffs get 15 percent of the cost of the license. The sheriffs are accountable to the department for the remainder of these funds, and are to send these funds to the department monthly. The sheriffs reconcile license accounts with the department at the end of the year.

According to the undersecretary, some states use a point-of-sale technique for selling sports licenses. Licenses are bought directly from the department through a credit card-type arrangement. The undersecretary said that instituting a point-of-sale technique for sports licenses in Louisiana would entail a \$3 million one-time cost for the state. But, according to the undersecretary, the state could receive an extra \$1.6 million annually if all proceeds from sports licenses went to the state.

Matters for Legislative Consideration

- 2.4 The legislature may wish to consider whether it wants to provide legislative authority for a socioeconomic research function within the Office of Management and Finance.**
- 2.5 The legislature may also wish to consider legislation that centralizes licensing authority in the Office of Management and Finance.**

Office of Wildlife

According to the executive budget, the Office of Wildlife provides for the protection, management, and research functions of the wildlife and wildlife habitat resources of the state. The executive budget does not specify a mission or goal for the office.

R.S. 36:609(B)(1) gives the Office of Wildlife responsibility for programs, including research, relating to:

- Wild birds
- Game
- Non-game species
- Threatened and endangered species

- Certain wildlife management areas and game preserves, including law enforcement thereon
- River basin evaluations

These functions of the Office of Wildlife include, but are not limited to, providing recommendations for the fixing of seasons, bag and possession limits, the establishment of rules and regulations for the taking and protection of wild birds and game and non-game birds and protected quadrupeds, and the regulation of persons who breed, propagate, sell, kill, or transport wild birds and wildlife.

The assistant secretary said this office also deals with the permitting process involving, for example, construction of homes, highways, and airports. The office's involvement in the permitting process is due to the impact such projects can have on the state's wildlife. The Office of Wildlife comments on these projects and, when necessary, may require mitigation (in the form of, for example, the creation of new wildlife habitat), when such a project adversely affects the state's wildlife.

According to the executive budget, the Office of Wildlife is divided into two programs: Habitat Conservation and Wildlife.

Habitat Conservation Program. The mission and goal for this program are consistent with the legal authority for the Office of Wildlife.

Habitat Conservation Program	
Mission:	To protect the valuable wetlands, nursery grounds and other natural habitats which generate a multitude of natural renewable resources.
Goal:	To conserve fish and wildlife habitat throughout the state and its coastal waters.

The Habitat Conservation Program deals with the department's outreach to non-consumptive users of wildlife. Non-consumptive users include hikers and photographers of nature, but do not include hunters and fishermen. The Habitat Conservation Program also conducts ecological studies, controls building along scenic streams, studies non-game animals and their impact on the environment, and deals with mitigation.

Wildlife Program. The mission and goal of the Wildlife Program appear to be consistent with the statutory authority of the Office of Wildlife. However, the mission and goal do not reflect the transfer of the Fur and Alligator Advisory Council to this program in fiscal year 1996-97.

The Wildlife Program contains two divisions: the Wildlife Division and the Fur and Refuge Division. Both of these divisions manage wildlife management areas, but in different parts of the state.

Wildlife Program

Mission:	To maintain, enhance, and/or restore Louisiana's wildlife resources for the present and future generations.
Goal:	To develop, maintain, propagate, manage, and promote the wildlife resources of the state for public recreation and commercial opportunities.

The Wildlife Division manages wildlife management areas in the upland (non-coastal) areas of the state. It also manages high profile game animals such as deer, small game, migratory birds, and turkeys.

The Fur and Refuge Division manages refuges and wildlife management areas in the state's coastal areas. It also manages fur and alligator resources throughout the state.

The Fur and Alligator Advisory Council. The Fur and Alligator Advisory Council was transferred to the Wildlife Program in fiscal year 1996-97. This transfer was carried out through the executive budget. According to the department's operational plan, this council has two purposes:

- To establish and conduct marketing programs to stabilize and enhance prices paid for Louisiana fur and alligator products worldwide
- To educate the general public concerning the role of consumptive utilization in wildlife conservation. The operational plan defines "consumptive utilization" as trapping and hunting

According to its operational plan, the goal of the Fur and Alligator Advisory Council is to establish markets and an educated public to allow for a sustained harvest through sound wildlife

management of furbearers and alligators to ensure conservation of the resource, the habitat, and the state's fur and alligator industry.

R.S. 56:266 (C) directs the secretary to create the council. The council reviews and approves procedures and programs funded from the Louisiana Fur and Alligator Public Education and Marketing Fund and the Louisiana Alligator Resource Fund. Although these funds have different sources of revenue, the monies collected can be used for similar purposes. For example, money from both funds can be used for marketing.

The Louisiana Fur and Alligator Public Education and Marketing Fund receives twenty dollars for each twenty-five dollar trapping and alligator hunting license sold. According to R.S. 56:266(B)(1-7), this fund has as its goals:

- *Educating the public regarding the need for trapping as a sound wildlife management tool and regarding the logic of managing furbearing species and alligators as renewable resources*
- *Identifying current consumers of Louisiana furs and alligator hides*
- *Identifying present and potential fur and alligator marketing problems*
- *Strengthening existing markets and developing new markets and marketing strategies for Louisiana fur and alligator products*
- *Developing and implementing an international advertising campaign to promote Louisiana fur and alligator products*
- *Examining, evaluating, and making recommendations concerning any aspect of the fur and alligator industry*
- *Making specific recommendations to the secretary regarding expenditures from the Alligator Resource Fund*

The Louisiana Alligator Resource Fund receives all state revenues from tag fees imposed on alligator hunters and alligator farmers, alligator shipping label fees, and all revenues derived from any other alligator-related fees and the severance tax on alligator skins. According to R.S. 56:279(B)(1-5), this fund:

- Provides salaries and financial support for a minimum of two full-time biologists and eight nontechnical positions in the department's fur and refuge division
- Assists with funding for law enforcement activities associated with the alligator farm industry when surplus funds are available
- Assists with funding marketing programs when surplus funds are available
- Funds research on all aspects of alligator conservation and develops the techniques needed to enhance the commercial alligator industry
- Assists in funding management of the alligator population

Office of Fisheries

The mission and goal for the Office of Fisheries are consistent with state law. The mission and goal are very similar.

Office of Fisheries	
Mission:	To manage and enhance the fisheries of Louisiana.
Goal:	To manage and enhance the fishery resources and associated aquatic habitat of Louisiana, and provide maximum biological, economic, social, commercial and recreational benefit for present and future citizens of Louisiana.

R.S. 36:609(C)(1-2) gives the Office of Fisheries responsibility for the administration, operation, and law enforcement of programs, including research, relating to:

- Saltwater fisheries
- Waterbottoms
- Seafoods including but not limited to the regulation of the oyster, shrimp, and marine fishing industries
- Leasing of and regulations of the use of water-bottoms for cultivation and propagation of oysters, mariculture, and the dredging of shells, sand, gravel, and fill materials

- Regulation of seismic operations and the licensing of vessels engaged in the industry
- Establishing and maintaining oyster seed grounds
- Control of the shrimp fishery and shrimp industry in the state and the licensing of persons engaged therein
- Collection of the severance tax on shrimp, oysters, shells, sand, gravel, and fill materials severed from state waterbottoms
- Freshwater fisheries and other aquatic life
- Regulation of sport and commercial fishing
- Regulation of domestic fish farming
- Regulation of noxious aquatic weed control
- Operation, maintenance, and management of fish hatcheries and fish preserves and boat ramps

According to the Office of Fisheries assistant secretary, his office's responsibility for seismic operations stems from the methods used in the early years by this industry. He says seismic operations, in earlier years, used dynamite for exploration. This process caused concern for fishermen. Responsibility for regulating seismic activities was, therefore, given to the Department of Wildlife and Fisheries to reassure the state's fishermen.

Also according to the assistant secretary, the Office of Fisheries was given responsibility for dredging because of the effect of dredging shells, sand, gravel, and fill materials on the state's waterbottoms. Waterbottoms are a responsibility of the Office of Fisheries.

**Centralized
Enforcement
Responsibilities
Inconsistent With
State Law**

Exhibit 2-2 on page 21 shows that most funding and staff of the Secretary's Office are for the Enforcement Program. In addition to the Office of Secretary, state law gives enforcement authority to the Office of Wildlife and the Office of Fisheries.

- R.S. 36:609(B) gives the **Office of Wildlife** law enforcement functions on wildlife management areas, refuges, sanctuaries, and natural and scenic rivers.

- R.S. 36:609(C) gives the **Office of Fisheries** law enforcement responsibilities relating to freshwater and saltwater fisheries, waterbottoms, seafood, and other aquatic life.

However, officials of these two offices say they are not exercising their statutory enforcement responsibilities. The Office of Fisheries has not exercised its statutory enforcement authority for several years. In addition, the secretary of the department recently removed enforcement responsibilities from the Office of Wildlife.

The mission and goal of the Enforcement Program are consistent with the enforcement responsibilities of the Office of Secretary. However, the missions and goals of the Office of Wildlife and the Office of Fisheries do not make reference to enforcement responsibilities, despite statutory provisions.

According to the assistant secretary for the Office of Fisheries, that office has not carried out enforcement responsibilities since 1989. He says since that date enforcement responsibilities related to fish have been carried out by the Enforcement Program in the Office of Secretary.

Since at least 1991, the Office of Risk Management (ORM) has been expressing concern to the department about the state's liability for suits, claims, and judgments because of the level of training of certain employees with arrest authority. In 1991, ORM recommended improved training of all employees with arrest authority. Then, in 1992, ORM suggested that the department:

- Designate under one chain of command in one division the authority, management, and supervisory responsibility of all employees with enforcement duties
- Ensure that all employees assigned enforcement responsibilities receive the highest level of training available to any officer
- Develop and implement one standard and uniform written policy for enforcement functions for the enforcement-authorized employees of the department

The secretary's action removing enforcement responsibilities from the Office of Wildlife, while it may be reasonable, appears to exceed his statutory authority. As a result, the secretary should

have presented this action to the legislature for its approval before implementation.

Matter for Legislative Consideration

- 2.6 The legislature may wish to consider legislation centralizing the enforcement function of the Department of Wildlife and Fisheries within one office to address the concerns of the Office of Risk Management. Consolidating this function could provide for more coordinated and effective enforcement.**

Potential Overlap Between Office of Fisheries and Office of Wildlife Related to Fish Habitat

Our audit found that the Office of Wildlife and the Office of Fisheries may have two potential areas of overlap: fish habitat and the protection of threatened and endangered species. First, the goals of both the Habitat Conservation Program in the Office of Wildlife and the Office of Fisheries assert responsibility for fish habitat. R.S. 36:609(C)(2) says that the Office of Fisheries is to perform the functions of the state relating to aquatic life. This statutory authority of the Office of Fisheries could support fish habitat as a responsibility of the Office of Fisheries.

However, R.S. 36:609(B)(2) gives the Office of Wildlife responsibility for natural and scenic rivers and water pollution control and prevention. This responsibility could impact fish habitat. There is, therefore, a potential for overlap between these two entities regarding fish habitat.

Second, the Office of Wildlife's assistant secretary said that his office has responsibility for non-game species, including non-game fish such as shiners and darters. He said the Office of Fisheries concerns itself with game and commercial fish. The Office of Wildlife's assistant secretary added that his office interprets its statutory authority in R.S. 36:609(B) for threatened and endangered species to include authority over threatened and endangered fish and their habitats. However, he said that the Habitat Conservation Program coordinates with the Office of Fisheries.

The Office of Fisheries and the Office of Wildlife may have developed techniques to divide responsibilities relating to fish. However, this still remains an area of potential overlap between the two offices.

Matter for Legislative Consideration

- 2.7 The legislature may wish to clarify whether the responsibilities of the Office of Wildlife in R.S. 36:609(B)(1) relating to threatened and endangered species include threatened and endangered aquatic life. The legislature may also wish to require coordination of these efforts between the Office of Wildlife and the Office of Fisheries. By clarifying these matters, the legislature could ensure the efficient and effective management of the fish habitat resources of the state.**

Chapter 3: Analysis of Performance Data

Chapter Conclusions

The Department of Wildlife and Fisheries developed its performance data without the benefit of the strategic planning process. This lack of strategic planning could explain many of the deficiencies that we found with the department's performance data.

First, the executive budget does not include an overall mission for the department. Furthermore, the individual department offices also lack missions. However, most programs within the offices do include missions. An office mission would help to ensure that the programs within the office are working toward the same or similar purposes.

Second, the department's goals generally do not provide direction to their programs. Without a clear sense of direction, the legislature does not know where program managers are placing emphasis.

Third, few of the department's objectives are measurable or timebound. Thus, the legislature has little information about the specific amounts of work to be accomplished by programs or when to expect the results.

Finally, the performance indicators do meet most of the criteria. However, few indicators show what the department is doing toward meeting its objectives, since most of these objectives are not measurable. Two programs have no performance indicators at all. Therefore, legislators will not know from the executive budget what level of services these programs will provide with the money to be appropriated to them.

Analysis Conducted

We analyzed the department's performance data in the 1996-97 executive budget and compared them to criteria that we established. The data we analyzed include 8 mission statements, 8 goals, 27 objectives, and 86 performance indicators for the department's nine programs.

In this analysis, we considered whether the performance data collectively provide information that would allow legislators and others to see what the department's programs have accomplished and to make budget decisions concerning them. We evaluated these programs according to the criteria outlined in Exhibit 3-1 on page 43. We established these criteria using the Office of Planning and Budget's *Manageware* manual and with input from experts at the Governmental Accounting Standards Board, the federal Office of Management and Budget, and the Urban Institute.

Department and Its Offices Lack Mission Statements

The 1996-97 executive budget lacks a departmental mission statement for the department. It also lacks missions and goals for the department's offices. Eight of the department's nine programs have mission statements, but only two of these programs have missions that are specifically identified as such in the executive budget.

The Office of Secretary contains five programs. Most of these programs have a mission, but there is no office mission to provide a comprehensive statement of purpose for the five programs.

Missions should identify the organization's overall purpose and its clients or customers. The absence of clearly identified missions in the executive budget could cause users to not readily understand the department's purpose and clients. The lack of missions could also hinder the department's programs in the development of their own performance data.

Not having missions may stem from the department not engaging in strategic planning. The department's operational plan does not include overall department or office missions.

According to the OPB analyst for the department, neither the department nor any of its offices has a mission statement. He said that strategic planning improves coordination between programs and offices and would assist with the development of all performance data.

Exhibit 3-1**Criteria Used to Evaluate the Fiscal Year 1996-97
Executive Budget Performance Data**

MISSION: A broad, comprehensive statement of purpose

- ✓ Identifies overall purpose for the existence of the organization, department, office, institution, or program as established by constitution, statute, or executive order
 - ✓ Identifies clients/customers of the organization or external and internal users of the organization's products or services
 - ✓ Organizationally acceptable
-
-

GOAL: The general end purpose toward which effort is directed

- ✓ Consistent with department, program, and office missions
 - ✓ Provides a sense of direction on how to address the mission; reflects the destination toward which the entity is striving
-
-

OBJECTIVE: A specific and measurable target for accomplishment

- ✓ Consistent with goals
 - ✓ Measurable
 - ✓ Timebound
 - ✓ Specifies desired end result
-
-

PERFORMANCE INDICATOR: Tool used to measure performance of policies, plans, and programs

- ✓ Measures progress toward objective or contributes toward the overall measurement of progress toward objective
 - ✓ Consistent with objective
 - ✓ Clear, easily understood, and non-technical
-
-

Note: The criteria were established based on input from *Manageware*, GASB, the federal Office of Management and Budget, and the Urban Institute.

Source: Prepared by legislative auditor's staff to show established criteria used to evaluate the department's performance data.

Few Goals Provide Sense of Direction

Seven of the department's eight program goals are consistent with their program missions. But few of the goals provide a sense of direction for addressing these missions. Furthermore, the Auxiliary Program has no goals in the executive budget.

Goals provide a sense of direction on how to address the mission. They help legislators and program managers to know where the program is headed and how the program will address its mission. Yet, of the department's eight goals in the executive budget, five do not meet this criterion. *Manageware* states that goals provide a framework for more detailed levels of planning.

Few Objectives Are Measurable and Timebound

Few of the department's objectives are measurable and timebound. This may prevent a user of the executive budget from seeing what the programs are to accomplish and by when.

Objectives should be measurable and timebound targets for accomplishment. In addition, they should be consistent with their goals and specify a desired end result. Though all the department's objectives are consistent with their goals and specify a desired end result, most are not measurable and timebound. Of the department's 27 objectives, only 4 are measurable and only 2 are timebound. Thus, the users of the executive budget may not know specifically what the programs are to achieve and by what date.

Performance Indicators

Two Programs Lack Performance Indicators

Most of this department's performance indicators meet two of the established criteria. Two programs, however, had no performance indicators. Therefore, the performance indicators that are provided may supply users of the executive budget with useful information on the programs' performance. But where indicators are not provided, executive budget users are not given this information.

Performance indicators are tools used to measure performance of policies, plans, and programs. Of the department's 86 performance indicators:

- 7 (8 percent) measure progress toward the objectives
- 79 (92 percent) are consistent with the objectives
- 82 (95 percent) are easily understandable

Because most of the department's objectives are broad and do not include measurable results, few of its performance indicators measure significant progress toward them. Our analysis shows that only 8 percent of the department's performance indicators measure progress toward the objectives. Thus, legislators are receiving little information that tells them how the department is performing.

Two of the department's programs, the Administrative and Auxiliary Programs within the Office of the Secretary, have no performance indicators in the 1996-97 executive budget. According to the executive budget, the Administrative Program's success is best measured by the progress of the department's other programs toward meeting their goals and objectives. Without performance indicators, users of the executive budget do not know what programs are accomplishing with the dollars appropriated. The Auxiliary Program has performance indicators in the 1997-98 budget, but the Administrative Program still does not.

Manageware recommends that performance indicators include several different types of measures. In addition, GASB says that governmental entities should include indicators from each major category of performance indicators. Of the nine department programs, three lack a mixture of different types of performance indicators. Two of these three programs lack performance indicators entirely.

None of the programs have input indicators. When programs lack input indicators, users of the executive budget do not know what the demand is for the programs' services. Nearly half of the performance indicators are the output type.

Five of the department's nine programs have at least one outcome indicator. When a program has no outcome indicators, it may not be possible for a decision maker to know whether the program is accomplishing its objectives.

Exhibit 3-2 summarizes the numbers and types of performance indicators by program, office, and for the entire department.

Exhibit 3-2

Numbers and Types of Performance Indicators

Office/Program	Indicator Types					
	Input	Output	Outcome	Efficiency	Explanatory	Total
Secretary/Administrative	0	0	0	0	0	0
Secretary/Enforcement	0	1	1	0	0	2
Secretary/Education	0	6	0	0	0	6
Secretary/Marketing	0	6	2	0	6	14
Secretary/Auxiliary	0	0	0	0	0	0
Total: Office of Secretary	0	13	3	0	6	22
Management and Finance/Management and Finance	0	7	0	1	0	8
Total: Office of Management and Finance	0	7	0	1	0	8
Wildlife/Habitat Conservation	0	11	2	0	0	13
Wildlife/Wildlife	0	6	4	1	17	28
Total: Office of Wildlife	0	17	6	1	17	41
Fisheries/Fisheries	0	2	1	0	12	15
Total: Office of Fisheries	0	2	1	0	12	15
Total: Department of Wildlife and Fisheries	0	39	10	2	35	86

Source: Developed by legislative auditor's staff from analysis of information contained in fiscal year 1996-97 executive budget.

**Some Office of
Secretary
Programs Lack
Performance
Indicators**

In the executive budget, the Office of Secretary includes five programs:

- Administrative
- Enforcement
- Education
- Marketing
- Auxiliary

The results of comparing each program's performance data to the established criteria in Exhibit 3-1 are discussed below.

Administrative Program's Mission and Goal Meet All Criteria, but Program Lacks Performance Indicators

The Administrative Program's performance data lack important elements needed for budgetary decision making. Among the problems that we found are:

- Absence of a clearly identified mission
- Objective's lack of important criteria
- No performance indicators

The absence of these performance data could lessen the usefulness of the Administrative Program's performance data to program managers and to users of the executive budget. Exhibit 3-3 on page 48 contains this program's performance data.

Exhibit 3-3
**Administrative Program's Performance Data
Reported in 1996-97 Executive Budget**

Mission: Provide leadership to the department.

Goal: Provide leadership to the department in order to effectively manage and conserve Louisiana's renewable fish and wildlife resources and their habitats through replenishment, protection, enhancement, research, development, education and wise utilization.

Objective: Continue to provide guidance, direction, and policy for the entire Louisiana Department of Wildlife and Fisheries

Performance Indicators: None identified.

Source: Prepared by legislative auditor's staff using 1996-97 executive budget.

Mission: There is no statement in the executive budget that is identified as the Administrative Program's mission. However, OPB identified a statement in the executive budget as the mission for this program. That statement meets the established criteria in Exhibit 3-1, but a clearly-identified mission in the executive budget tells legislators the program's purpose and whom it is supposed to serve.

Goal: The Administrative Program's goal is consistent with its mission. It also provides a sense of direction on how to address the mission.

Objective: This program's objective meets two of the four established criteria in Exhibit 3-1. It is consistent with its goal and specifies a desired end result. However, it is neither measurable nor timebound. Without these qualities, the objective's value to decision makers is limited. It does not tell when results should be expected or how much will be accomplished.

Performance Indicators: There are no performance indicators for this program in the executive budget. According to the executive budget, "the success of this program is best measured by the progress of the department's other programs toward meeting their goals and objectives." However, without performance

indicators or measurable objectives, legislators cannot determine whether the program is achieving its objectives.

Exhibit 3-4 below summarizes the results of comparing the Administrative Program's performance data to the criteria in Exhibit 3-1.

Exhibit 3-4

Results of Comparing Administrative Program Performance Data to Established Criteria

Mission	<ul style="list-style-type: none"> • 1 of 1 identifies overall purpose • 1 of 1 identifies clients/customers • 1 of 1 is organizationally acceptable
Goal	<ul style="list-style-type: none"> • 1 of 1 is consistent with mission • 1 of 1 provides a sense of direction on how to address the mission
Objective	<ul style="list-style-type: none"> • 1 of 1 is consistent with goal • 0 of 1 is measurable • 0 of 1 is timebound • 1 of 1 specifies desired end result
Performance Indicators	No performance indicators

Source: Prepared by legislative auditor's staff from results of comparing the Administrative Program's performance data to the established criteria in Exhibit 3-1.

Enforcement Program Lacks Measurable Objectives

The Enforcement Program has a goal and performance indicators that provide useful information for decision makers. However, its mission does not identify clients and its objectives are not measurable. Exhibit 3-5 on page 50 contains the Enforcement Program's performance data.

Mission: The Enforcement Program's mission statement meets two of the three mission criteria. However, it does not identify clients or customers. According to *Manageware*, mission

statements are to identify the program's customers or clients. If clients/customers are not identified, decision makers may not be able to determine whom the program is to serve.

Goal: This program's goal is consistent with its mission and provides a sense of direction for addressing the mission. Therefore, the Enforcement Program's goal guides program managers in fulfilling the program's mission.

Exhibit 3-5

Enforcement Program's Performance Data Reported in 1996-97 Executive Budget

Mission: Secure compliance with various laws and regulations for fish and wildlife conservation and water recreation.

Goal: Provide maximum protection to the wildlife and fisheries resources of Louisiana, and to the boating public, through the enforcement of the Louisiana Revised Statutes, and other various federal laws and regulations, in a professional and consistent manner so as to cause the perpetuation of the Louisiana wildlife and fisheries resources and a safe boating environment.

Objectives:	Performance Indicators:
(1) Improve compliance to fish and game laws	None
(2) Reduce fatal boating accidents in fiscal year 1994-95	Number of: (1) Boating fatalities; (2) Persons completing boating training

Source: Prepared by legislative auditor's staff using 1996-97 executive budget.

Objectives and Performance Indicators: Neither of the program's two objectives is measurable. The objectives' lack of measurability limits their value to decision makers. Without measurability, objectives do not specify desired levels of performance. Also, the performance indicators are of limited use because they do not measure any significant progress toward the objective.

Objective #1 has no performance indicators to tell legislators whether it is being achieved. Because Objective #2 lacks a measurable target (for example, reduce fatal boating accidents by 105%), legislators cannot tell if what the department achieved are its desired results. The performance indicators meet most of the criteria for indicators. However, neither indicator measures progress toward the objective, because the objective is not measurable.

Exhibit 3-6 summarizes the results of comparing the Enforcement Program's performance data to the criteria in Exhibit 3-1.

Exhibit 3-6

Results of Comparing Enforcement Program Performance Data to Established Criteria

Mission	<ul style="list-style-type: none"> • 1 of 1 identifies overall purpose • 0 of 1 identifies clients/customers • 1 of 1 is organizationally acceptable
Goal	<ul style="list-style-type: none"> • 1 of 1 is consistent with mission • 1 of 1 provides a sense of direction on how to address the mission
Objectives	<ul style="list-style-type: none"> • 2 of 2 are consistent with goal • 0 of 2 is measurable • 1 of 2 is timebound • 2 of 2 specify desired end result
Performance Indicators	<ul style="list-style-type: none"> • 0 of 2 measures progress toward the objective • 2 of 2 are consistent with the objective • 2 of 2 are easily understandable

Source: Prepared by legislative auditor's staff from results of comparing the Enforcement Program's performance data to the established criteria in Exhibit 3-1.

Education Program Objectives Not Measurable or Timebound

The Education Program's performance data meet most of the criteria. However, as with most of the department's programs, this program's objectives are neither measurable nor timebound. In addition, the Education Program's performance indicators are all of the same type. Exhibit 3-7 on page 53 contains this program's performance data.

Mission and Goal: The Education Program's mission statement and goal meet all criteria in Exhibit 3-1. The goal is consistent with its mission and provides a sense of direction for addressing the mission. However, this goal is not clearly identified as a goal in the executive budget, which could lessen its usefulness to users of the executive budget.

Objectives: The objectives of this program are consistent with their goal and specify a desired end result, but neither objective is measurable or timebound. Without these criteria, legislators do not know what level of performance is expected or when the objective will be achieved.

Exhibit 3-7
**Education Program's Performance Data
Reported in 1996-97 Executive Budget**

Mission: Provide Louisiana citizenry with information to help them be safe, knowledgeable, responsible and involved in the wise and prudent use and management of Louisiana's renewable wildlife and fisheries resources.

Goal: Create a responsible and involved citizenry that is knowledgeable and appreciative of Louisiana's unique fish and wildlife resources and the habitats that support them.

Objectives:

- (1) Educate the state's youth about outdoor resources and values by providing hunter training, aquatic education and boating education

Performance Indicators:

Number of:

- Persons completing hunter training
 - Volunteer hunter instructors certified
 - Fishing clinics held
 - Teachers certified in wildlife education
-

- (2) Produce and distribute news releases and news features about activities and issues relevant to the department

- Subscribers to *Louisiana Conservationist*
 - Weekly packages of news releases and features
-

Source: Prepared by legislative auditor's staff using 1996-97 executive budget.

Performance Indicators: The program's performance indicators meet most of the criteria. However, the six performance indicators are all the same type--output indicators. *Manageware* states that performance indicators should include different types. Performance indicators should provide legislators with a mix of information about the program.

Because the objectives do not include a measurable target to be achieved, the indicators cannot show whether progress has been made toward the target. As a result, these indicators do not tell how effective the program is at educating the state's citizenry about

Louisiana's renewable resources. Exhibit 3-8 summarizes the results of this analysis.

Exhibit 3-8

**Results of Comparing Education Program
Performance Data to Established Criteria**

Mission	<ul style="list-style-type: none"> • 1 of 1 identifies overall purpose • 1 of 1 identifies clients/customers • 1 of 1 is organizationally acceptable
Goal	<ul style="list-style-type: none"> • 1 of 1 is consistent with mission • 1 of 1 provides a sense of direction on how to address the mission
Objectives	<ul style="list-style-type: none"> • 2 of 2 are consistent with goal • 0 of 2 is measurable • 0 of 2 is timebound • 2 of 2 specify desired end result
Performance Indicators	<ul style="list-style-type: none"> • 0 of 6 measures progress toward the objective • 6 of 6 are consistent with the objective • 6 of 6 are easily understandable

Source: Prepared by legislative auditor's staff from results of comparing the Education Program's performance data to the established criteria in Exhibit 3-1.

Marketing Program Aggregates the Performance Data of Separate Entities

The Marketing Program consists of performance data for two separate boards that have marketing responsibilities for different commodities. Consequently, legislators may not be able to relate performance data to the appropriate entity.

OPB combined performance data for two boards and presented them in the executive budget as the Marketing Program. These boards are the Seafood Promotion and Marketing Board and the Fur and Alligator Advisory Council. The executive budget does

not disclose that the Marketing Program is comprised of these two boards.

The executive budget did not identify the performance data of these two separate boards, thereby suggesting the existence of a coordinated Marketing Program. GASB recommends separating individual entities when reporting performance data. Aggregating data can produce misleading information about the performance of the individual entities. Exhibit 3-9 presents the Marketing Program's performance data that appear in the executive budget.

Exhibit 3-9

Marketing Program's Performance Data Reported in 1996-97 Executive Budget

Mission: None identified.

Goal: The enhancement and strengthening of the market for seafood, furs, and alligator products.

Objectives:	Performance Indicators:
(1) Identify and develop new markets for Louisiana seafood	<ul style="list-style-type: none"> • New trade leads • Value of sales from trade leads • Number of cities targeted
(2) Inform 1.5 million Louisiana residents and consumers about the role and importance of the commercial seafood industry in our economy. Provide consumer information to 1 million consumers nationwide about the benefits, risks and their rights associated with the consumption of seafood	<ul style="list-style-type: none"> • Feature stories and news releases • Magazine ads • Television ads • Radio ads • Suppliers directories
(3) Work to stabilize and enhance markets worldwide for Louisiana fur and alligator products	<ul style="list-style-type: none"> • Number of wild alligators harvested • Value of wild alligators harvested • Number of farmed alligators harvested • Value of farmed alligators harvested • Fur animals harvested • Value of fur harvest (including meat)

Source: Prepared by legislative auditor's staff using 1996-97 executive budget.

Mission. The Marketing Program has no mission statement in the executive budget. As mentioned previously, this program is actually a combination of the performance data of two separate and distinct boards.

Goal. The goal of the Marketing Program, as with its other performance data, includes information for two boards, which was combined by OPB. The goal of the Marketing Program meets neither of the criteria for goals, owing to this program's lack of a mission. Without a mission, the program goal cannot be consistent with the mission or provide a sense of direction to address it.

Objectives. All three Marketing Program objectives are consistent with the goal and specify a desired end result. However, only one is measurable, and none is timebound. Since they are not measurable and timebound, these objectives do not tell legislators the degree to which results will be obtained or when. Two of the three objectives and most of the performance indicators for this program pertain to the Seafood Promotion and Marketing Board. However, the objectives do not identify which board goes with which objective.

Performance Indicators. This program's performance indicators do not clearly relate to their appropriate board, thereby suggesting program coordination for which we found no evidence. In addition, the Fur and Alligator Advisory Council was transferred to the Wildlife Program in fiscal year 1996-97. In the 1997-98 executive budget, fur and alligator performance data no longer appear in the Marketing Program.

All 14 of the Marketing Program's performance indicators are consistent with the related objective and are easily understandable. However, none of the performance indicators measure progress toward the objective. Even though Objective #2 tells how many Louisiana residents and consumers will be informed about the importance of the seafood industry in our economy, none of the five indicators measure whether this objective was achieved. If Objective #2 were measuring the number of advertisements, then the indicators would be measuring progress toward the objective. This deficiency limits the value of the performance indicators for decision makers. Exhibit 3-10 on the following page summarizes the results of our analysis of this program's performance data.

Exhibit 3-10
**Results of Comparing Marketing Program
Performance Data to Established Criteria**

Mission	No mission statement in executive budget.
Goal	<ul style="list-style-type: none"> • 0 of 1 is consistent with office mission • 0 of 1 provides a sense of direction on how to address the mission
Objectives	<ul style="list-style-type: none"> • 3 of 3 are consistent with goals • 1 of 3 is measurable • 0 of 3 is timebound • 3 of 3 specify desired end result
Performance Indicators	<ul style="list-style-type: none"> • 0 of 14 measures progress toward the objective • 14 of 14 are consistent with the objective • 14 of 14 are easily understandable

Source: Prepared by legislative auditor's staff from results of comparing the Marketing Program's performance data to the established criteria in Exhibit 3-1.

Auxiliary Program Has No Goals, Objectives, Or Performance Indicators

This program's mission, according to the department's OPB analyst, is to provide the means of finance for the department's *Louisiana Conservationist* magazine. However, this is not identified in the executive budget as the program's mission. The Auxiliary Program lacks any other performance data. As a result, the executive budget provides no information to decision makers about the program's success in accomplishing its mission. Exhibit 3-11 on page 58 shows the program's performance data.

Exhibit 3-11
**Auxiliary Program's Performance Data
Reported in 1996-97 Executive Budget**

Mission: Provide the means of finance for the *Louisiana Conservationist*.

Goals: None identified.

Objectives: None identified.

Performance Indicators:
None identified.

Source: Prepared by legislative auditor's staff using 1996-97 executive budget.

Mission. The Auxiliary Program's mission statement meets all criteria. It identifies both the program's overall purpose and its clients. The mission statement is also organizationally acceptable. Thus, the mission of the Auxiliary Program tells legislators the purpose of the program and its clients.

Goals, Objectives, and Performance Indicators. The 1996-97 executive budget does not contain any goals, objectives, or performance indicators for the Auxiliary Program. As a result, legislators know very little about the program. They do not know whether this program is truly self-sufficient or the extensiveness of circulation of the *Louisiana Conservationist*. The 1997-98 executive budget contains performance indicators that show subscription revenue and expenditures. However, the 1997-98 executive budget does not present goals or objectives. Thus, legislators are still receiving insufficient information for decision making.

Exhibit 3-12 on the following page summarizes the results of our analysis.

Exhibit 3-12
**Results of Comparing Auxiliary Program
Performance Data to Established Criteria**

Mission	<ul style="list-style-type: none"> • 1 of 1 identifies overall purpose • 1 of 1 identifies clients/customers • 1 of 1 is organizationally acceptable
Goal	No goals in executive budget
Objectives	No objectives in executive budget
Performance Indicators	No performance indicators in executive budget

Source: Prepared by legislative auditor's staff from results of comparing the Auxiliary Program's performance data to the established criteria in Exhibit 3-1.

**Management and
Finance Program's
Objectives Lack
Important Criteria
and a Balanced Set
of Performance
Indicators**

The Office of Management and Finance consists only of the Management and Finance Program. This program's performance data do not provide useful information to legislators. Its mission is not clearly identified in the executive budget, and its other performance data need improvement. Exhibit 3-13 on the following page includes this program's performance data.

Exhibit 3-13
**Management and Finance Program's Performance Data
Reported in 1996-97 Executive Budget**

Mission: Implement sound fiscal and personnel policies and practices; manage contracts and grants; provide central procurement, computer and communication services; perform various other internal services to meet the operational, functional, and administrative needs of the department; conduct socioeconomic research related to wildlife and fisheries issues; issue various licenses and registrations to the public.

Goal: Meet the needs of the department and public more effectively and efficiently.

Objectives:	Performance Indicators:
(1) Continue to timely perform all support services functions required, in compliance with all regulations	<ul style="list-style-type: none"> • Travel expense claims paid within 7 days of receipt
(2) Provide for the issuance of hunting and fishing licenses and for the issuance of boat registrations	<ul style="list-style-type: none"> • Commercial license transactions • Commercial license collections • Commercial license processing time (maximum) • Recreational license transactions • Recreational license collections • Boat registration transactions • Boat registration collections

Source: Prepared by legislative auditor's staff using 1996-97 executive budget.

Mission. Though the Management and Finance Program's mission statement is not clearly identified in the executive budget, it meets all criteria. The mission statement identifies the program's overall purpose and its clients or customers and is also organizationally acceptable. Therefore, it provides useful information to legislators about this program.

Goal. This program's goal is consistent with its mission. However, this goal does not provide a sense of direction on how to address the mission. Thus, the legislature does not know in what direction the program is headed.

Objectives. The Management and Finance Program's objectives are consistent with their goal and specify a desired end result. Neither objective, however, is measurable or timebound. Without measurable and timebound objectives, legislators and program managers cannot tell what the program's specific target is or when it is achieved.

Performance Indicators. The Management and Finance Program's performance indicators meet most of the criteria for performance indicators. As with other programs, the objectives do not give specific targets to be reached. Thus, the indicators do not show progress toward the objective. For example, Objective #2 relates to issuing licenses and boat registrations. The indicators tell how many of each type were issued. Legislators do not know from this information whether performance is good or bad. This objective could be improved by measuring the efficiency or timeliness of issuing licenses and registrations. Then the department could develop indicators that measure progress toward *achieving the efficiency or timeliness target*. As the objectives and performance indicators now appear, they are not useful to decision makers.

Seven of the eight Management and Finance Program's performance indicators are output type. The other performance indicator is an efficiency type. This program has none of the other types of performance indicators. Exhibit 3-14 on the following page sums up the results of this analysis.

Exhibit 3-14**Results of Comparing Management and Finance Program Performance Data to Established Criteria**

Mission	<ul style="list-style-type: none"> • 1 of 1 identifies overall purpose • 1 of 1 identifies clients/customers • 1 of 1 is organizationally acceptable
Goal	<ul style="list-style-type: none"> • 1 of 1 is consistent with mission • 0 of 1 provides a sense of direction on how to address the mission
Objectives	<ul style="list-style-type: none"> • 2 of 2 are consistent with goal • 0 of 2 is measurable • 0 of 2 is timebound • 2 of 2 specify desired end result
Performance Indicators	<ul style="list-style-type: none"> • 0 of 8 measures progress toward the objective • 8 of 8 are consistent with the objective • 8 of 8 are easily understandable

Source: Prepared by legislative auditor's staff from results of comparing the Management and Finance Program's performance data to the established criteria in Exhibit 3-1.

**Office of
Wildlife's
Performance
Data Need
Improvement**

In the executive budget, the Office of Wildlife includes two programs: The Habitat Conservation Program and the Wildlife Program. The results of analyzing the performance data for each of these programs are discussed separately.

Most Habitat Conservation Program Objectives Do Not Meet All Criteria

Exhibit 3-15 on the following page contains the Habitat Conservation Program's performance data. Some of these data have important deficiencies.

Mission. The Habitat Conservation Program's mission statement is not clearly identified in the executive budget. It identifies the program's overall purpose and is organizationally acceptable. However, it does not tell the program's clients or customers. Thus, legislators do not readily know whom the program is to serve.

Exhibit 3-15

**Habitat Conservation Program's Performance Data
Reported in 1996-97 Executive Budget**

Mission: Protect the valuable wetlands, nursery grounds and other natural habitats which generate a multitude of natural renewable resources.

Goal: Conserve fish and wildlife habitat throughout the State of Louisiana and its coastal waters.

Objectives:	Performance Indicators:
(1) Prevent or mitigate the destruction of wetlands and other valuable wildlife habitat by requiring permit applicants to reduce damages and mitigate the unavoidable loss of those habitats through the creation or replacement of habitats of equal value	Number of: <ul style="list-style-type: none"> • Sites for which compensation required for environmental damage • Sites for which onsite mitigation or project modification required to offset damages • Total sites visited for impact evaluation
(2) Fully implement the Scenic River Act for protection and management of the Scenic River System	<ul style="list-style-type: none"> • River management plans completed • Enforcement actions initiated • Number of potential scenic servitudes identified • Number of permits issued
(3) Ensure that no rare, threatened or endangered species or habitats are lost from the state	<ul style="list-style-type: none"> • Research projects on rare, threatened or endangered (RTE) species • Acres acquired or registered to protect RTE species or habitat • Field surveys conducted to locate RTE species or habitat • RTE species lost
(4) Promote conservation and management of all nongame wildlife species	<ul style="list-style-type: none"> • Breeding bird surveys conducted • Completed nongame wildlife publications

Source: Prepared by legislative auditor's staff using 1996-97 executive budget.

Goal. The Habitat Conservation Program goal is consistent with the mission. However, it does not provide a sense of direction to address the mission. Thus, the goal does not provide guidance to program managers on how to fulfill the program's mission.

Objectives. The Habitat Conservation Program's four objectives are consistent with its goal and specify a desired end result. However, only one of the objectives is measurable and none are timebound. Without measurable and timebound objectives, legislators cannot know what specific objectives are to be achieved and when.

Performance Indicators. Four of this program's 13 performance indicators measure progress toward the objective and are consistent with the objective. However, three of these performance indicators are not easily understandable. That limits the value of those performance indicators to legislators. For example, the third performance indicator for Objective #2 in Exhibit 3-15 uses terminology (potential scenic servitudes) that may not be easily understood by persons unfamiliar with what this program does.

The indicators for Objective #3 are the only four in this program that measure progress toward the objective. The objective is to ensure that no rare, threatened, or endangered species are lost. The 4th indicator measures how many of this type species are lost. Therefore, legislators know from this objective and its indicators what progress is made toward achieving this objective.

Exhibit 3-16 on the following page summarizes the results of the analysis of the Habitat Conservation Program's performance data.

Exhibit 3-16
**Results of Comparing Habitat Conservation Program
Performance Data to Established Criteria**

Mission	<ul style="list-style-type: none"> • 1 of 1 identifies overall purpose • 0 of 1 identifies clients/customers • 1 of 1 is organizationally acceptable
Goal	<ul style="list-style-type: none"> • 1 of 1 is consistent with mission • 0 of 1 provides a sense of direction on how to address the mission
Objectives	<ul style="list-style-type: none"> • 4 of 4 are consistent with goal • 1 of 4 is measurable • 0 of 4 is timebound • 4 of 4 specify desired end result
Performance Indicators	<ul style="list-style-type: none"> • 4 of 13 measure progress toward the objective • 13 of 13 are consistent with the objective • 10 of 13 are easily understandable

Source: Prepared by legislative auditor's staff from results of comparing the Habitat Conservation Program's performance data to the established criteria in Exhibit 3-1.

Wildlife Program Has Generally Balanced Set of Performance Indicators

Most of the Wildlife Program's performance data provide useful information for decision making. However, some of the performance data does not meet the criteria in Exhibit 3-1. Exhibit 3-17 on page 66 shows this program's performance data.

Mission. This program's mission statement meets all of the mission criteria, but is not clearly identified as the mission in the executive budget. It identifies the program's overall purpose and its clients or customers. The mission is also organizationally acceptable. Therefore, the Wildlife Program's mission statement tells legislators what the program is to do and whom it is to serve.

Exhibit 3-17
Wildlife Program's Performance Data
Reported in 1996-97 Executive Budget

Mission: Maintain, enhance, and/or restore Louisiana's wildlife resources for the present and future generations.

Goal: Develop, maintain, propagate, manage, and promote the wildlife resources of the state for public recreation and commercial opportunities.

Objectives	Performance Indicators
(1) Continue to manage and develop the state's system of wildlife management areas for the propagation of wildlife and outdoor recreation	<ul style="list-style-type: none"> • Acres of wildlife habitat protected • Acres of wildlife habitat enhanced • Acres of wildlife habitat acquired (net) • User days of public recreation provided • Cost per acre to provide habitat, enhancement, and to support public use • Citations issued for violations on areas
(2) Maintain pre-season deer population at a level to allow a harvest of 200,000 deer each year	<ul style="list-style-type: none"> • Acres of deer habitat provided management assistance • Licensed deer hunters • Number of deer harvested
(3) Restore and manage wild turkey in Louisiana	<ul style="list-style-type: none"> • Gobblers harvested • Turkeys stocked • Man-days of turkey hunting recreation in the state
(4) Manage waterfowl and their habitats to provide recreational opportunities	<ul style="list-style-type: none"> • Waterfowl harvested • Man-days of waterfowl hunting recreation in the state • Woodduck nesting boxes erected/maintained
(5) Manage upland small game to maintain populations and provide maximum outdoor recreational opportunities	<ul style="list-style-type: none"> • Harvests of quail • Harvests of dove • Harvests of woodcock • Harvests of squirrels • Harvests of rabbits • Man-days of small game hunting recreation in the state
(6) Manage furbearer animals for sustained commercial and recreational harvest and for the protection of habitat	<ul style="list-style-type: none"> • Furbearers harvested • Base value of fur harvest
(7) Provide for a maximum sustained harvest of wild and farm raised alligators	<ul style="list-style-type: none"> • Wild alligators harvested • Farmed alligators harvested • Base value of alligator harvest
(8) Manage reptile and amphibian resources to provide for sustained commercial and recreational harvest	<ul style="list-style-type: none"> • Initial population studies completed • Licenses sold to reptile and amphibian dealers

Source: Prepared by legislative auditor's staff using 1996-97 executive budget.

Goal. The Wildlife Program's goal is consistent with its mission. However, this goal does not provide a sense of direction for addressing the mission. Therefore, it does not provide guidance to program managers.

Objectives. All eight of the Wildlife Program's objectives are consistent with their goal and specify a desired end result. However, only Objective #2 is measurable and timebound. It specifies that the pre-season deer population will ensure a harvest of 200,000 deer annually. This objective also has a performance indicator that tells how many deer were harvested. Legislators need measurable and timebound objectives such as this one to tell if and when a program meets its objectives. The other Wildlife Program objectives do not provide that information.

Performance Indicators: Only one of the Wildlife Program's 28 performance indicators measures progress toward the objective. Most of the 28 are consistent with the objective. All of these 28 performance indicators are easily understandable. For Objective #2, there is a specific target of 200,000 deer to be available for harvest each year. The 3rd indicator measures progress toward this target. The other two indicators for this objective provide useful information, but do not specifically measure progress toward the objective.

More than 60 percent of the Wildlife Program's performance indicators are explanatory indicators. However, this is the only program in the department that has at least one performance indicator from among four of the five types of indicators. As a result, legislators get a rather complete description of the program's performance.

Exhibit 3-18 on the following page summarizes the results of this analysis.

Exhibit 3-18
**Results of Comparing Wildlife Program
Performance Data to Established Criteria**

Mission	<ul style="list-style-type: none"> • 1 of 1 identifies overall purpose • 1 of 1 identifies clients/customers • 1 of 1 is organizationally acceptable
Goal	<ul style="list-style-type: none"> • 1 of 1 is consistent with mission • 0 of 1 provides a sense of direction on how to address the mission
Objectives	<ul style="list-style-type: none"> • 8 of 8 are consistent with goal • 1 of 8 is measurable • 1 of 8 is timebound • 8 of 8 specify desired end result
Performance Indicators	<ul style="list-style-type: none"> • 1 of 28 measures progress toward the objective • 27 of 28 are consistent with the objective • 28 of 28 are easily understandable

Source: Prepared by legislative auditor's staff from results of comparing the Wildlife Program's performance data to the established criteria in Exhibit 3-1.

**Few Office of
Fisheries
Objectives Meet
Established
Criteria**

The Office of Fisheries consists only of the Fisheries Program. Overall, the program's performance data provide useful information for decision making. However, as with the other programs, some of these data did not meet the established criteria. Exhibit 3-19 on page 69 shows this program's performance data.

Mission: The Fisheries Program's mission is not clearly identified in the executive budget. However, it identifies the overall purpose of the program, the program's clients or customers, and is organizationally acceptable. Therefore, the mission tells legislators what the program is to do and whom it is to serve.

Goal. The goal of the Fisheries Program is consistent with its mission. But it does not provide a sense of direction for addressing the mission. It does not provide guidance for program managers in fulfilling the mission.

Exhibit 3-19

**Fisheries Program's Performance Data
Reported in 1996-97 Executive Budget**

Mission: Manage and enhance the fisheries of Louisiana.

Goal: Manage and enhance the fishery resources and associated aquatic habitat of Louisiana, and provide maximum biological, economic, social, commercial and recreational benefit for present and future citizens of Louisiana.

Objectives	Performance Indicators
(1) Maintain or increase availability and harvest of shellfish from Louisiana waters	<ul style="list-style-type: none"> • National ranking commercial shellfish landings • Total shellfish landings (million pounds) • Dockside value (millions)
(2) Sustain the availability and harvest of oysters from Louisiana waters	<ul style="list-style-type: none"> • National ranking commercial oyster landings • Total oyster landings (million pounds) • Dockside value oyster landings (millions)
(3) Sustain the availability and harvest of marine finfish	<ul style="list-style-type: none"> • National ranking commercial marine finfish • Dockside value (millions) • National ranking marine recreational finfish
(4) Sustain the state's excellent freshwater fisheries	<ul style="list-style-type: none"> • National ranking inland commercial fisheries • Dockside value (millions) • National ranking inland recreational fisheries • Boating and fishing access projects obligated
(5) Maintain the current level of control of undesirable aquatic vegetation in 3.7 million acres of Louisiana water bodies	<ul style="list-style-type: none"> • Acres infested with aquatic vegetation • Acres treated

Source: Prepared by legislative auditor's staff using 1996-97 executive budget.

Objectives. All of the objectives of the Fisheries Program are consistent with its goal and specify a desired end result, but only Objective #5 is measurable. None of the objectives are timebound. Since this program is without timebound objectives, legislators cannot tell when the objectives are to be accomplished.

Performance Indicators. Only 2 of the Fisheries Program's 15 performance indicators measure progress toward the objective. All of them are consistent with the objective. All but one are easily understandable. Objective #5's indicators both measure progress toward the number of acres being controlled for undesirable aquatic vegetation.

Exhibit 3-20 below summarizes the results of analyzing the Fisheries Program's performance data.

Exhibit 3-20

**Results of Comparing Fisheries Program
Performance Data to Established Criteria**

Mission	<ul style="list-style-type: none"> • 1 of 1 identifies overall purpose • 1 of 1 identifies clients/customers • 1 of 1 is organizationally acceptable
Goal	<ul style="list-style-type: none"> • 1 of 1 is consistent with mission • 0 of 1 provides a sense of direction on how to address the mission
Objectives	<ul style="list-style-type: none"> • 5 of 5 are consistent with goal • 1 of 5 is measurable • 0 of 5 is timebound • 5 of 5 specify desired end result
Performance Indicators	<ul style="list-style-type: none"> • 2 of 15 measure progress toward the objective • 15 of 15 are consistent with the objective • 14 of 15 are easily understandable

Source: Prepared by legislative auditor's staff from results of comparing the Fisheries Program's performance data to the established criteria in Exhibit 3-1.

Recommendations

The Department of Wildlife and Fisheries and the Office of Planning and Budget should:

- 3.1** *Seek to ensure that the department and each of its offices has a clearly identified mission in the executive budget.*
- 3.2** *Seek to ensure that the program goals provide direction to programs in addressing their missions.*
- 3.3** *Seek to ensure that program objectives are measurable and include a timetable for accomplishment.*
- 3.4** *Seek to diversify the performance indicators developed for the programs. Specific attention should go to increasing the number of outcome indicators and ensuring that each objective has at least one outcome indicator.*

Appendix A

List of References

Appendix A: List of References

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Appendix B

Boards, Commissions, and Like Entities Related to the Department of Wildlife and Fisheries

Appendix B: Boards, Commissions, and Like Entities

Name of Board, Commission, or Like Entity	Authority	Purpose/Function
Entities Created Within LDWF		
Gulf States Marine Fisheries Commission	R.S. 56:74	Develop a joint program among the states of Florida, Alabama, Mississippi, Louisiana, and Texas to promote better utilization, prevent physical waste, and protect the fisheries--marine, shell, and anadromous of the seaboard of the Gulf of Mexico.
Louisiana Artificial Reef Development Council	R.S. 56:639.6	<ul style="list-style-type: none"> ◆ Oversee development and implementation of the Louisiana Artificial Reef Development Plan. ◆ Provide guidance to LDWF on policy and procedural matters concerning the program. ◆ Make recommendations to LDWF regarding allocation of funds to program components.
Louisiana Fur and Alligator Advisory Council	R.S. 56:266(C)	Review and approve recommended procedures and programs to be funded from the Louisiana Fur and Alligator Public Education and Marketing Fund and ensure that any monies from the fund are expended for the specific goals of the council.
Louisiana Recreational Fishing Development Board	R.S. 56:580.2	<p>Expand public awareness of recreational fishing opportunities in Louisiana, to:</p> <ul style="list-style-type: none"> ◆ Establish new and improve existing marketing channels and concepts ◆ Identify and remove impediments to the development of recreational fishing in Louisiana ◆ Assist the industry in improving the quality of its services and products
Louisiana Seafood Promotion and Marketing Board	R.S. 56:578.2	<p>Enhance the public image of commercial fishery products to:</p> <ul style="list-style-type: none"> ◆ Promote the consumption of these products and to assist the seafood industry, including commercial fishermen and wholesale and retail dealers, in market development so as to better utilize existing markets ◆ Aid in the establishment of new marketing channels, and to promote and market non-traditional and underutilized species of seafood

Name of Board, Commission, or Like Entity	Authority	Purpose/Function
Entities Created Within LDWF		
Louisiana Wildlife and Fisheries Commission	Article VI, Section 1 of the Louisiana Constitution of 1921; Article IX, Section 7 of the Louisiana Constitution of 1974; R.S. 56:1; R. S. 36:601	A policy-making and budgetary-control board, with no administrative functions, to protect, conserve, and replenish the wildlife and natural resources of the state, including all aquatic life.
Reptile and Amphibian Task Force	R.S. 56:632.8	<ul style="list-style-type: none"> ◆ Provide advice on any new rules and regulations before adopted by the Louisiana Wildlife and Fisheries Commission. ◆ Provide consultation to the LDWF prior to the expenditure of funds from the Reptile and Amphibian Research Fund. ◆ Perform any duties required by the secretary as an advisory task force.

Name of Board, Commission, or Like Entity	Authority	Purpose/Function
Game and Fish Preserves		
Iatt Lake State Game and Fish Preserve	Act 27 of 1940 Regular Session, as amended; and Act 244 of 1962 Regular Session; R.S. 36:610(B)(4)	
Nantachie Lake State Game and Fish Preserve	Act 440 of 1966 Regular Session, as amended; R.S. 36:610(B)(6)	Administer the game and fish preserve and provide rules and regulations for its control.
Northwest Louisiana Game and Fish Preserve	Act 191 of 1926 Regular Session, as amended; R.S. 36:610(B)(3)	
Saline Lake Game and Fish Preserve	Act 105 of 1976 Regular Session, as amended; R.S. 36:610(B)(5)	

Name of Board, Commission, or Like Entity	Authority	Purpose/Function
Entities Created Within Other State Departments That Relate to LDWF's Mission		
Calcasieu Estuary Environmental Task Force ①	Executive Order EWE 92-49 Executive Order EWE 92-91	Created within the Executive Department to act as a liaison between the general public and state agencies regarding the pollution of the Calcasieu River estuary system. Its functions include holding public hearings, receiving public input, and meeting and working with state agencies. It also collects and analyzes certain information on the pollution of the Calcasieu River estuary system. The LDWF is a non-voting advisory member of the task force.
Environment and Natural Resources Council	R.S. 30:2005	Serve in the development of an overall environmental and natural resources policy and strategic plan for the state. The council shall serve as an advisory body to the governor to: <ul style="list-style-type: none"> ◆ Identify issues necessary to preserve and protect the environment of the state ◆ Recommend viable solutions to the problems raised by those issues ◆ Evaluate the existing and proposed measures designed to preserve and protect the environment ◆ Discharge other advisory duties The LDWF is a member of this council.
Governor's Commission on the Capitol Lakes Rehabilitation Project ①	Executive Order EWE 93-3	Created within the Executive Department to advise the governor as to long-term solutions to the inflow of polluted waters into the Capitol Lakes and developing and implementing ways to preserve and enhance the aesthetics, environmental, wildlife, and recreational qualities of the Capitol Lakes.
Governor's Task Force on Shrimp Management ①	Executive Order EWE 92-22	Review the current statutes and regulations and management techniques employed by the LDWF in relation to the shrimp industry, recommend criteria for the beginning and ending of the shrimp season in offshore waters and fall inshore season and take other steps to assure proper management of the Louisiana shrimp industry.
Louisiana Alligator Market Development Authority	R.S. 3:559.3	Created within the Department of Agriculture and Forestry to acquire land, construct, improve, operate on a temporary basis, or provide financing assistance to develop a modern wholesale alligator hide tanning and meat processing, packaging, warehousing, distribution, and marketing facility in Louisiana. LDWF is a member of the board.

Name of Board, Commission, or Like Entity	Authority	Purpose/Function
Entities Created Within Other State Departments That Relate to LDWF's Mission		
Louisiana Catfish Promotion and Research Board	R.S. 3:558.3	Created within the Department of Agriculture and Forestry to provide a voluntary method of raising revenues to develop markets for Louisiana catfish and to fund research and educational activities for the Louisiana catfish industry.
Louisiana Crawfish Market Development Authority	R.S. 3:445.4	Created within the Department of Agriculture to acquire land or ensure the acquisition of land to: <ul style="list-style-type: none"> ◆ Construct or ensure the construction of, and to operate or insure the operation of a modern, consolidated wholesale crawfish packaging, warehousing, distribution, and marketing facility in Louisiana ◆ Provide financial assistance to the person, firm, corporation, partnership, or association of this state that will own, lease, or operate the facility
Louisiana Crawfish Promotion and Research Board	R.S. 3:556.3	Created within the Department of Agriculture and Forestry to provide a voluntary method of raising revenues to develop markets for Louisiana crawfish and to fund research to increase production of Louisiana crawfish.
Louisiana Environmental Education Commission	R.S. 30:2503	Created within the Office of the Governor to develop, review, approve, and transmit a plan for environmental education to the governor, the legislature, and the public. Provide advice on policies and practices needed to provide environmental education. Serve as a forum for the discussion and study of environmental education problems. Assist and obtain information to coordinate environmental education programs.
Louisiana Forestry Commission	R.S. 3:4271	Established within the Department of Agriculture and Forestry to protect, conserve, and replenish the natural resources of the state. Prepare plans for the execution of laws relating to forestry, select and employ the state forester and control his tenure of office, and direct and advise the state forester in the work of the commission. LDWF is a member of the board.

Name of Board, Commission, or Like Entity	Authority	Purpose/Function
Entities Created Within Other State Departments That Relate to LDWF's Mission		
Louisiana Geographic Information Systems Council	R.S. 49:1053	<p>Created within the Office of Governor, Division of Administration to:</p> <ul style="list-style-type: none"> ◆ Centralize and coordinate geographically related data resources or network for data communication and exchange using available GIS technology ◆ Eliminate duplication of effort and unnecessary redundancy in data collections and systems ◆ Provide for integration of geographically related databases to facilitate the policy and planning purposes of the state of Louisiana <p>LDWF is one of 17 council members.</p>
Mississippi River Interstate Pollution Phase-Out Compact	R.S. 30:2091	<p>A compact established among the states of Louisiana, Mississippi, Arkansas, Tennessee, Missouri, Kentucky, Illinois, Iowa, Wisconsin, and Minnesota, and the United States. The Department of Environmental Quality is directed to report on the status of the compact and to consult with several agencies including LDWF. The primary purposes of the compact are to:</p> <ul style="list-style-type: none"> ◆ Reduce and then eliminate pollution in the Mississippi River by January 1, 1998 ◆ Encourage alternatives to discharging wastes and pollutants into the river ◆ Maintain the biological and chemical integrity of the water in the Mississippi River System in a manner as to ensure that such water is healthful for drinking purposes and is suitable for agricultural, aquacultural, and recreational use ◆ To collect and share information with other signatories relative to technologies, methods, incentives, or regulatory concessions which can further improve the water quality in the Mississippi River ◆ To establish a waste registry for the collection and dissemination of waste information for the purpose of waste exchanges with other signatories for productive reuse

Name of Board, Commission, or Like Entity	Authority	Purpose/Function
Entities Created Within Other State Departments That Relate to LDWF's Mission		
Oyster Lease Damage Evaluation Board	R.S. 56:700.10	Created within the Department of Natural Resources, to develop rules and regulations to compensate fishermen for damages to their leased oyster beds, based on biological test data, caused by oil and gas industry activities. LDWF is a member of the board.
Oyster Task Force	House Concurrent Resolution No. 179 of the 1988 Regular Session; House Concurrent Resolution No. 6 of the 1996 Regular Session	Study and propose solutions to the problems of water quality and management requirements of molluscan shellfish propagating areas and to the problems of coordination of efforts to increase production, salability, and marketability of molluscan shellfish.
Red River Development Board of Advisors ②	R.S. 51:2405	Created within the Department of Economic Development to advise the Red River Development Council with respect to the development and implementation of the master plan for use of the fresh water supply of the Red River and the development area of the river. The LDWF is one of the members of this board.
State Market Commission	R.S. 3:401	Created within the Department of Agriculture and Forestry to promote Louisiana products, administer loan programs for processing and storing Louisiana agricultural industries, and enforce regulations on Louisiana products.

Name of Board, Commission, or Like Entity	Authority	Purpose/Function
Entities Created Within Other State Departments That Relate to LDWF's Mission		
State Soil and Water Conservation Committee	R.S. 3:1204	<p>Created within the Department of Agriculture and Forestry to:</p> <ul style="list-style-type: none"> ◆ Provide for the conservation of the soil and soil resources of this state ◆ Control and prevent soil erosion ◆ Prevent floodwater and sediment damages ◆ Further the conservation, development, utilization, and disposal of water, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors ◆ Preserve wildlife, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state
Statewide Communications System Executive Steering Committee①	Executive Order EWE 94-24	To design, construct, administer, and maintain a statewide, shared 800 MHz trunked two-way radio system and supporting digital microwave system for the Department of Transportation and Development and the state police. The LDWF is a member of the committee and the Department of Public Safety chairs the committee.
Wetlands Advisory Task Force ①	Executive Order EWE 94-6	Created within the Executive Department to aid and assist the state in the development of a statewide Wetlands Conservation Plan that adequately considers diverse environmental and economic interests. Also, to promote the coordination and development of plans, including providing public input, for wetlands protection within the lower Mississippi River Valley in conjunction with the seven delta states wetland initiatives. The LDWF is a member of this task force.
Wetlands Conservation and Restoration Authority	R.S. 49:213.3	Created within the Office of Governor to provide aggressive state leadership, direction, and consonance in the development and implementation of policies, plans, and programs to encourage multiple uses of the coastal zone and to achieve a proper balance between development and conservation, restoration, creation, and nourishment of renewable coastal resources. LDWF is a member of the Task Force created to assist in this effort.

Name of Board, Commission, or Like Entity	Authority	Purpose/Function
Legislatively Created Entities Related To LDWF's Mission		
Chaplin Lake District, Board of Commissioners ②	R.S. 33:9453	Regulate the recreational and other uses of the lake and the district to ensure the public safety and to provide for the orderly use of the lake and its environs. Adopt and enforce rules, regulations, and orders for improving and preserving the water quality and beauty of Chaplin Lake. Advise the Department of Environmental Quality and the LDWF with respect to their duties and functions relative to the lake district.
Creole Nature Trail Scenic Byway District, Board of Commissioners	R.S. 48:1816	Stimulate economic development and tourism in the parishes (Calcasieu, Cameron, and Vermilion) traversed by the Creole Nature Trail Scenic Byway. Develop and implement a plan for the preservation, beautification, and promotion of the scenic drive and the natural, historic, and cultural sites and attractions of the route with the assistance of several state agencies including the LDWF.
Jean Lafitte Scenic Byway District, Board of Commissioners	R.S. 48:1832	Plan for the promotion, preservation, and beautification of Louisiana Highway 82 to stimulate economic development and tourism. Develop and implement a plan for the preservation, beautification, and promotion of the scenic drive and the natural, historic, and cultural sites and attractions of the route with the assistance of several state agencies including the LDWF.
Real French Destination Scenic Byway District, Board of Commissioners	R.S. 48:2002	Develop and implement a plan to preserve, beautify, and promote the parishes (St. Landry and Lafayette) traversed by the Real French Destination Scenic Byway to stimulate economic development and tourism. Develop and implement a plan for the preservation, beautification, and promotion of the scenic drive and the natural, historic, and cultural sites and attractions of the route with the assistance of several state agencies including the LDWF.
Red River, Atchafalaya River and Bayou Boeuf Gravity Drainage District, Board of Commissioners	R.S. 38:1921	<p>The board shall have the following purposes:</p> <ul style="list-style-type: none"> ◆ To provide for the drainage needs of the district ◆ To coordinate the efforts of the board in providing drainage for the district with the conservation efforts of the Soil and Water Conservation Districts which have jurisdiction within the district ◆ To encourage and facilitate the conservation and use of the water resources in the district for recreational and agricultural purposes and for providing wildlife habitat

Source: Prepared by legislative auditor's staff using the following sources:

- *Boards, Commissions, and Like Entities Report to the Legislature, Legislative Auditor's Policy and Quality Assurance Section, September 1996*
- List of boards, commissions, and like entities provided by LDWF
- *State and Local Government in Louisiana: An Overview, Louisiana House of Representatives House Legislative Services, December 1995*
- *Executive Budget and Governor's Supplementary Budget Recommendations Financial Information, Division of Administration, Office of Planning and Budget, Fiscal Year 1996-97*
- Louisiana Revised Statutes

① Executive orders issued by a previous governor established these entities. Therefore, they ceased to exist in August 1996, in accordance with R.S. 49:215(C).

② Act 1116 of the 1997 Regular Legislative Session abolished these entities; however, they existed during the audit period.

Note: Some of these entities may be political subdivisions, to which R.S. 24:522 does not apply. These entities are listed for information purposes only.

Appendix C

Department of Wildlife and Fisheries' Response

State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504)765-2800

M.J. "Mike" Foster, Jr.
Governor

October 21, 1997

Daniel G. Kyle, Ph.D, CPA, CFE
Office of Legislative Auditor
1600 North Third Street
Post Office Box 94397
Baton Rouge, LA 70804-9397

SUBJ: Department of Wildlife and Fisheries - Draft Analysis of Program
Authority and Performance Data

Dear Dr. Kyle:

Attached hereto, please find the Department's response to your office's draft Performance Audit. In it, we have responded to those Sections to which we take exception or have comments. We thank you for the opportunity to respond prior to the final Performance Audit, and we look forward to working with your office in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "James H. Jenkins, Jr.", written over a printed name.

James H. Jenkins, Jr.
Secretary

c: Clyde Kimball w/att.
Ron Couvillion w/att.
John Roussel w/att.
Johnnie Tarver w/att.

**DEPARTMENT OF WILDLIFE AND FISHERIES' RESPONSE
TO LEGISLATIVE AUDITOR'S
DRAFT ANALYSIS OF PROGRAM AUTHORITY AND
PERFORMANCE DATA**

DEPARTMENT/COMMISSION RESPONSIBILITIES (MLC 2.1)

1. Chapter 2, page 22. We take exception to the implication that there is a disagreement between the Secretary and Office of Wildlife Assistant Secretary and the Office of Fisheries Assistant Secretary regarding the respective roles and responsibilities of the Department and the Commission. The views of these Department officers are not mutually exclusive and are, in fact, consistent. Article IX, Section 7 of the Louisiana Constitution of 1974 provides in part that the control and supervision of the wildlife of the State is vested in the Louisiana Wildlife and Fisheries Commission, but also provides that the functions, duties and responsibility of the Commission shall be as provided by law. While this provision vests the overall control of the wildlife of the State with the Louisiana Wildlife and Fisheries Commission, it also gives the Legislature latitude in dividing responsibilities between the Commission and the Department, the "umbrella" agency of the Commission. The interplay of powers, duties, and responsibilities of the Department and Commission is complex and does not lend itself to a simple and easy categorized analysis. This relationship can only be understood on an issue-by-issue basis with reference to specific pertinent statutory provisions.

Further, "policy" is in the eye of the beholder. Policy can be something as broad and far-reaching as the State's wildlife management area acquisition policy or as specific and micro-managerial as the Department's uniform policy or dress code.

2. Exhibit 2-3. Exhibit 2-3, at page 23, should include constitutional actions and dates (i.e., the present day commission was established by the 1974 Constitution which was patterned after a previous provision in the 1921 Constitution). The table as constructed is incomplete.

3. Appendix B fails to list all statutorily-created game and fish preserves (see R.S. 56:801 and 36:610).

EDUCATION FUNCTION (MLC 2.2)

1. A major criticism of the draft Performance Audit revolves around the allegation that the Department's Education Program has no legal authority (pages xi, 2, 25, 26). *Examination of both Titles 56 and 36 reveals that the Secretary of the department is empowered to take the actions necessary to fulfill the goal and mission of the department unless contemplated actions are legislatively prohibited.*

The inevitable sociological impact of Responsive Management and the evolution of fish and wildlife management throughout the world now mandate greatly increased public awareness of and participation in conservation issues and actions. This mandate cannot be met without public outreach programs designed to elevate the level of awareness of the public to management and conservation issues, the intrinsic value of fish and wildlife resources and their required habitats, and the value to society of public input, participation and support in resource management development and implementation.

If "authorizing legislation" for an education program is ultimately deemed necessary, extreme care must be exercised to ensure that the Secretary is given the latitude to create and implement new and innovative public outreach programs as they become available and necessary to the department's mission, and to alter or end programs which become undesirable for professional or budgetary reasons.

2. A criticism is also made that few of the Education Program's objectives are "measurable or time bound" (pages xiv, 53, and 55). *Despite the recommendations of Manageware, there are programs and activities which defy strictures of exact measurement and time frames. Unlike specific skills training, general public education is a long-term and ongoing process. Educational programs which are professionally designed and presented for voluntary participation can and should be measured by the interest and participation shown by the citizens of Louisiana.*

Effective and more specific "measurement" is available, but is also prohibitively expensive both in terms of manpower and direct expenses. *I.e., Surveys could be run on a regular basis to sample increases in public awareness and support, but such would cost the department thousands of dollars for each survey and involve literally hundreds of hours of staff time. Acting within restraints of practical reality, numbers of persons taking courses, successfully completing testing, etc. constitute the most practical "measure" of a successful educational program so long as such courses are designed and presented according to accepted professional criteria.*

3. The draft Performance Audit presents the misleading indications that the Department's Education Program directly served only 73,000 clients during Fiscal Year 1995. This erroneous conclusion clearly demonstrates the inherent danger of attempting to tie such programs to strict measurements and timetables.

In actuality, and at a conservative minimum, the Education Program of the Department directly served 296,934 hunters, 601,400 recreational fishermen, 15,062 commercial fishermen and 861,000 non-consumptive outdoor recreationists. Additionally, our informational activities, including news releases and news features, were distributed weekly to every newspaper, radio station and television station, both public and commercial, in the state, as well as to statewide, regional and national publications ranging from Louisiana Sportsman to Louisiana Game and Fish to Sports Afield, Saltwater Sportsman and Outdoor Life. Quite obviously, actual "clients served" would total in the millions rather than 73,000.

4. With reference to the Department's Auxiliary Program, which provides funding for the self supporting Louisiana Conservationist magazine, a puzzling statement is made on page 29 that, "Though the mission for this program is to provide the means of finance for the Louisiana Conservationist magazine, this magazine is actually produced by the Magazine Unit of the Information and Education Division." The magazine is produced by the Magazine Unit of the Information Section of the Information and Education Division. That unit is comprised of three full-time classified employees and three student employees whose salaries and benefits are paid from revenues generated by the Magazine Unit through a combination of subscription revenues and revenues from the retail sale of specially selected and designed promotional items. The Auxiliary Program is, in reality, comprised of magazine production, subscription sales and promotional retail sales. This combination has proven successful to the extent that the Auxiliary Program is now completely self-financing and no cost is borne by the Department or the State.

5. The draft Performance Audit notes, on page 58-59, that the Auxiliary Program has no goals, objectives or performance indicators. It is obvious, by the very nature of this program, that the goal and objective are identical to the mission, which is to provide the means of financing for the magazine. This has been discussed repeatedly in the budgetary planning process with the Department's Office of Management and Finance.

The absence of Performance Indicators is, in fact, a failure on our part and will be rectified immediately by inclusion of a financial statement detailing total revenue and revenue growth in the program for each year.

MARKETING PROGRAM (MLC 2.3)

1. Page xi refers to the existence of two marketing boards while Page xii refers to the existence of three marketing boards.
2. Page 27 states: "We found no legal authority for this (marketing) program within the Department."; however, page 28 and 29 cite the legal authority for the Seafood Promotion and Marketing Board and the Recreational Fishing Development Board.
3. The proposed "Matter for Legislative Consideration 2.3" suggests that the three marketing boards currently under the Department of Wildlife and Fisheries may fit better in the Department of Economic Development. It is conceded that some of the functions of the Fur and Alligator Advisory Council are similar to those performed by the Department of Economic Development. However, where these three boards, including the Fur and Alligator Advisory Council, are different is that they develop marketing strategies for renewable natural resources. The availability of these natural resources is influenced by any number of environmental factors as well as exploitation patterns. It is one of the responsibilities of the Department of Wildlife and Fisheries to monitor and manage these resources. Marketing resources that may be stressed by fluctuating environmental factors or exploitation patterns requires expertise in and sensitivity to these factors and patterns. Since the Department of Wildlife and Fisheries manages these resources it is the best agency of state government to develop these marketing strategies. Additional point for consideration: in some instances the fundamental resource management issue is directly tied to marketing as is the case with fashion designs and nutria take. It is therefore ill-advised to attempt to separate them by putting these two functions in two different agencies.

Additionally, it is our opinion that the relative size and nature of these marketing programs would make them a lower priority under the Department of Economic Development, than under this Department.

4. Statute establishes the Seafood Promotion and Marketing Board within the Office of Secretary. Statute mandates the Secretary to create the Fur and Alligator Advisory Council within the Department of Wildlife and Fisheries; therefore, having the Fur and Alligator Council in the Office of Wildlife does not violate statute.

The "Marketing Program" was defined by Division of Administration, Office of Planning and Budget when programmatic budgeting was initiated. At that time, both the Seafood Promotion and Marketing Board and the Fur and Alligator Advisory

Council were structurally under the Office of Secretary. Now that the Fur and Alligator Advisory Council is functionally and organizationally under the Office of Wildlife, the "marketing program" only covers the Seafood Promotion and Marketing Board.

These two referenced "boards" are theoretically and functionally different. The Seafood Promotion and Marketing Board has its own staff and is really a unique entity. The Fur and Alligator Advisory Council does not have a staff; rather Department employees perform the necessary clerical and administrative functions for the council.

"Programs" as used in the context of programmatic budgeting are not covered by authorizing statutes. These are identified by Division of Administration, Office of Planning and Budget.

SOCIOECONOMIC RESEARCH SECTION (MLC 2.4)

The Department's mission is "to manage and conserve Louisiana's renewable fish and wildlife resources and their supporting habitat through replenishment, protection, enhancement, research, development, education and wise utilization". Economic information is a vital part of the research and education components of the mission, and we employ that information in resource management involving all areas of the Department's responsibilities. This function/section is located within the Office of Management and Finance because it serves all other programs of the Department (wildlife, fisheries, etc.). In order to comply effectively with our responsibilities for program analysis, strategic planning, and performance measurement, the Department needs a full-time position with specialization in these areas.

ENFORCEMENT RESPONSIBILITIES (MLC 2.6)

The draft Performance Audit questions the Department's centralization of law enforcement functions within the Enforcement Division, Office of the Secretary. This, we believe, is misplaced and based upon an erroneous interpretation of relevant statutes including R.S. 36:605 and 609. In the past, law enforcement functions of the Department were directly carried out, and to a certain extent duplicated, by three separate divisions within the Department. Those divisions were the Enforcement Division, Office of Secretary; Wildlife Division, Office of Wildlife, and Fisheries Division, Office of Fisheries.

Law enforcement is a very specialized undertaking requiring rigorous and specialized training, specialized equipment, constant and direct supervision necessitating a para-military chain of command, and a flexible work schedule so as to allow for law enforcement coverage on a 24-hour a day, 7-day a week basis.

The prior separation of law enforcement duties within three separate offices of the Department created serious administrative problems within the Department including: fragmented and non-paramilitary chain of command; non-uniformity of enforcement procedures; non-uniformity of enforcement policy; duplication of functions and waste of resources; inability to coordinate resources; problems of identification of department enforcement officers due to a lack of uniforms and/or standardized dress codes; serious liability problems for the Department and State as pointed out by the Office of Risk Management; risk of injury to the public and our own personnel due to the applications of different standards of enforcement, different equipment, and non-standardized training; duplicated and non-standard inventory of law enforcement equipment; purchase of equipment which was unsafe and unsuitable for law enforcement and rescue purposes; and possibility of loss of the Department's expanded search and seizure authority under the Louisiana Supreme Court decision in State v. McHugh, 630 So.2d 1259 (La. 1994), which granted that authority but held the Department to strict standards for its exercise.

In addressing this situation, the Secretary, in 1996, consolidated all Department direct law enforcement functions within the Enforcement Division, Office of the Secretary. This action has largely resolved the problems referenced above.

We take issue with the comments of the draft Performance Audit on this subject and particularly the interpretation given to R.S. 36:609(B) and (C). It is the Department's position, that the secretary was acting completely within his powers, duties and responsibilities in consolidating direct law enforcement functions into the Enforcement Division, Office of the Secretary.

R.S. 36:609(B) and (C) reads, in pertinent part, as follows:

"§609. Office of Wildlife; Purpose and Functions

B. The Office of Wildlife shall:

(1) Be responsible for performing the functions of the State relating to the administration and operation of programs, including research, relating to wild birds, game, non-game species, threatened and endangered species, certain wildlife management areas and game preserves, including law enforcement thereon, ...

C. The Office of Fisheries shall:

(1) Perform the functions of the state relating to the administration, operation and law enforcement of programs, including research, relating to saltwater fisheries, water bottoms, and sea foods, ...”

R.S. 36:609(B) and (C) are not, as interpreted by the draft report, a mandate that Department employees assigned to the Office of Wildlife and the Office of Fisheries actually be vested with powers of arrest, search, and seizure. The authority of the Secretary to designate which individuals and agency or agencies within the Department shall have direct enforcement/arrest powers is addressed in much more specific legislation than the above referenced subsections. Specifically, R.S. 36:605(B) reads in pertinent part as follows:

“§ 605. Powers and duties of the secretary of wildlife and fisheries

B. The secretary shall have authority to:

(1)(a) Except as otherwise specifically provided in R.S. 36:801 and R.S. 36:803:

(i) Employ, appoint, remove, assign, and promote such personnel as is necessary for the efficient administration of the executive office of the secretary and the performance of its powers, duties, functions, and responsibilities and such other personnel, who are not assigned to an office, as may be necessary for the efficient administration of the department and for the performance of the responsibilities, powers, duties, and functions of agencies transferred to it;

* * * * *

(iii) Transfer the personnel of the department as necessary for the efficient administration of the department and its programs.

(b) All of the above are to be accomplished in accordance with applicable civil service laws, rules, and regulations, and with policies and rules of the Department of Wildlife and Fisheries, and all are subject to budgetary control and applicable laws.

* * * * *

(4)(a) Enforce the laws of the state and rules and regulations relative to wildlife and fisheries, including but not limited to laws, rules, and regulations relative to illegal hunting, fishing, and trapping, boating safety regulations, and the prohibited methods, times, or seasons, and locations therefor, including the illegal transportation, shipping, and sale of wildlife, fish, and other aquatic life and fur-bearing animals and alligators, and including the illegal possession of wildlife, game, or fish and other aquatic life, and toward these ends shall appoint not less than twenty-five wildlife agents, whose entire time, under the direction of the secretary, shall be devoted to the performance of their official duties as prescribed by law. Notwithstanding R.S. 40:5, the secretary shall have authority to enforce the laws specifically assigned by statute to the Department of Health and Hospitals and any rules or regulations promulgated thereunder for the purpose of regulating the harvesting, processing, or distribution of molluscan shellfish.

(b) The secretary may appoint and, at his pleasure, remove as many special or cooperative officers, to be designated as special wildlife agents, and commission as many auxiliary enforcement agents as he deems proper.

(5) Formulate and promulgate rules of administration for the department relating to employment and management.

(6) Do such other things, not inconsistent with law, as are necessary to perform properly the functions vested in him.”

Note that paragraph (4)(a) of that section makes specific reference to wildlife agents serving under the direction of the Secretary. In this regard, the Secretary has commissioned over two hundred (200) full-time wildlife law enforcement agents with powers of arrest, all of whom are in the Enforcement Division, and under his direct supervision and control.

Further, while no individuals within the Office of Wildlife are currently commissioned to make arrests and issue citations, it is our opinion that personnel within that office are, in fact, exercising responsibility for law enforcement functions by actually developing and drafting the agency rules which serve as the basis for law enforcement activities on wildlife management areas and game preserves. Likewise, personnel from that division are personally present on these areas and, coupled with their close coordination with the designated enforcement arm of this agency, are an integral part of law enforcement responsibility on these areas. Similarly, the Office of Fisheries develops and drafts the agency rules which largely serve as the basis for law enforcement in the area of fisheries and they, too, by their physical presence in the field and on the fishing grounds and their close coordination with the

Enforcement Division, serve an important function in carrying out the responsibility of the office for law enforcement.

Finally, we submit that the most recent actions of the Legislature support the Department's position and confirm the action of the Secretary.

Legislation was proposed in the 1997 legislative session which would have restored enforcement powers to employees of the Wildlife Division which had been removed by the Secretary in the previous year. See House Bills 826 and 2523, and Senate Bill 63. That legislation failed after considerable discussion, in House and Senate Committees, of the factors discussed above that influenced the Secretary's action.

Lastly, there are no appropriations in the budgets of the Office of Wildlife or Office of Fisheries for the purpose of hiring and equipping individuals to make arrests and issue citations. The only such budgetary entries are within the budget of the Enforcement Division, under the Office of the Secretary.

FISHERIES HABITAT/THREATENED AND ENDANGERED AQUATIC LIFE (MLC 2.7)

The first page of the executive summary states "Both the Office of Wildlife's Habitat Conservation Program and the Office of Fisheries perform functions related to fish habitat.", implying an overlap of functions with respect to responsibility for fish habitat. However, page xiii mentions overlap of responsibility with respect to those threatened and endangered species which are also aquatic life and somehow concludes that the overlap is in the area of fish habitat (this assertion is presented in more detail in Chapter 2, page 39). The draft Performance Audit represents these as one issue and suggests corrective legislation.

First, this is an internal inconsistency as these are two distinct issues. Habitat refers to "where" an animal lives (a place or an area), whereas, "threatened and endangered" refers to the "status" of a species. Second, with respect to the implication of overlap, it is necessary to recognize that habitat issues cannot be compartmentalized regardless of how the responsibilities are referenced in statute. Habitat issues transcend species and species groups. For example, a given water body most likely serves as "habitat" for multiple fish species as well as non-fish species, such as waterfowl and other birds and animals. Similarly, it must be recognized that the status "threatened or endangered" is a man-made classification and the status of a particular species is somewhat dynamic and subject to change. The Department has addressed the potential for overlap between the two Offices by

coordinating the activities of each Office as they relate to these two areas of concern. It is our opinion that there is no simple legislative "fix", and that coordination and cooperation will be necessary regardless of how the statutes may structurally partition responsibilities for habitat and threatened and endangered species issues. If it is deemed that legislative changes are absolutely necessary, we would suggest that the new language simple require coordination and cooperation between Offices.

Chapter 2, page 39, contains a statement which implies that the Office of Fisheries is concerned only with game and commercial species. However, this is not the intent or implication of that statement. In fact, the Office of Fisheries has responsibility for all fish, including non-game, non-commercial, and threatened and endangered species. Of course, the two Offices coordinate management efforts in this area, which is in the best interest of the resource.

The "Matter of Legislative Consideration 2.7", suggests that the legislature move the responsibility for protection of fishery habitat from the Office of Wildlife to the Office of Fisheries. This indicates a lack of understanding of ecological relationships between habitat and fish and wildlife resources. In effect there can be no separation of wetland and estuarine areas into purely fisheries or wildlife habitat as both fishery and wildlife resources depend on these habitat types. The Office of Fisheries already provides the focus for fisheries habitat management issues.

The role of the Habitat Section has traditionally been one of assisting and coordinating the efforts of all subdivisions of the department in environmental matters, including receiving the Office of Fisheries' input for protecting fisheries habitat. Being housed in the Office of Wildlife has no bearing on the function of this section, therefore there is no overlap.

The management of threatened and endangered species is a specialized function within the Habitat Section. Issues relating to threatened and endangered fishery species are closely coordinated with the Office of Fisheries. Therefore, there is no duplication or overlap.

WILDLIFE PROGRAM

1. The draft Performance Audit, at page 66, states that the goal for the Wildlife Program does not provide a sense of direction for addressing the mission. Accordingly, the goal statement for the Wildlife Program will be amended to provide a sense of direction by stating briefly how the goal will be accomplished, i.e., by

implementing a statewide system of Wildlife Management Areas and Refuges, by technical assistance to landowners, and by gathering the biological and user information necessary to manage the state's wildlife resources.

2. The draft Performance Audit, at page 68, states that all but one of the Wildlife Programs Objectives are not measurable or time bound. We feel that all of the stated objectives are measurable and time bound but we will amend each objective to more clearly express measurability and time parameters.

3. The draft Performance Audit, at page 68, states that only one of the Wildlife Programs Performance Indicators measure progress toward the Objective. The performance indicators stated do indicate progress toward the objective and this will be more evident with appropriate changes to each objective.

FISHERIES

1. Exhibit 2-1, page 20. The Oyster Survey Section is now located in the Office of Fisheries.

2. Exhibit 2-2, page 21. The information contained in Exhibit 2-2 is taken from a number of sources which without additional explanation is very misleading. At least with respect to the Office of Fisheries, there were a number of budget adjustment actions taken by both Division of Administration and the legislature during the time period represented. Knowledge of these adjustments is necessary for the information presented to be potentially useful. The Appropriated 1996-97 column included a "supplemental" appropriation and a legislative budget adjustment which exchanged funding and authorized positions between the Office of Fisheries and the Office of Management & Finance. If the information is used "as is", it will undoubtedly result in inaccurate conclusions.

3. Chapter 2, page 36. In addition to the authority over fisheries contained in Title 36 the Secretary of the Department has other statutory authority over fisheries which is granted under various provisions of Title 56 (see, for example, R.S. 56:17, 19, 20, 21, 317, 318, 319, 319.1, 325.6, 327, 412, 425, 450, 571, 579.1, 581, 582, and 612).

Appendix D

Division of Administration - Office of Planning and Budget's Response



State of Louisiana
DIVISION OF ADMINISTRATION
OFFICE OF PLANNING AND BUDGET

M. J. "MIKE" FOSTER, JR.
GOVERNOR

MARK C. DRENNEN
COMMISSIONER OF ADMINISTRATION

October 2, 1997

Daniel G. Kyle, Ph.D., CPA, CFE
Legislative Auditor
Post Office Box 94397
Baton Rouge, LA 70804-9397

Re: Analysis of Program Authority and Performance Data for Department of
Wildlife and Fisheries

Dear Dr. Kyle:

Thank you for including members of our staff in the process of your office's
performance audit of the Department of Wildlife and Fisheries.

The Office of Planning and Budget concurs with your recommendations for the
improvement of the department's planning and performance accountability.

The Louisiana Government Performance and Accountability Act greatly increases
the need for performance accountability guidance to state agencies. Your analysis
will provide the Department of Wildlife and Fisheries a valuable resource toward
compliance with the Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen R. Winham".

Stephen R. Winham
State Director of Planning and Budget

SRW/GLD

Appendix E

Louisiana Seafood Promotion
and
Marketing Board's
Response



Louisiana Seafood

October 24, 1997

Dr. Daniel G. Kyle
Legislative Auditor
P.O. Box 94397
Baton Rouge, LA 70804-9397

Dear Mr. Kyle:

I am responding to the information in the Wildlife and Fisheries Audit report which pertains to the Seafood Promotion and Marketing Board programs.

1. The Louisiana Seafood Promotion and Marketing Board's mission statement is included in our operational plan that is sent to LDWF fiscal office annually. It reads as follows:

MISSION: The Louisiana Seafood Promotion and Marketing Board's mission is to strengthen and expand Louisiana's commercial fishery related industries and to identify and cultivate new markets for Louisiana seafood products.

Also, in 1994 the Seafood Marketing Board officially adopted an additional mission statement at a strategic planning meeting of board:

MISSION: THE MISSION OF THE LOUISIANA SEAFOOD PROMOTION AND MARKETING BOARD IS TO ASSIST IN THE EXPANSION, DEVELOPMENT, AND PROMOTION OF THE LOUISIANA SEAFOOD INDUSTRY AND TO MAINTAIN EQUITABLE ACCESS TO FISHERY RESOURCES FOR ALL HISTORICAL USER GROUPS.

The fact that the executive budget does not contain these mission statements is no fault of ours since it's included annually in the Board's operational plan.

2. The executive budget errs by merging the performance indicators of all three marketing programs into one. The Seafood Marketing Board submits performance data to LDWF fiscal office each year which can stand on its own. For an example of this performance data please see the attached list of accomplishments and achievements the Seafood Board has recorded over the past several years.

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3. Lastly, before making a firm recommendation of one specific parent agency for the Seafood Board to be transferred to, I recommend further consideration of several other state agencies. For example, sound arguments could be made that our programs would fit well under either of the following agencies: Department of Agriculture and Forestry, the Department of Tourism, Department of Economic Development, and also remaining under the Department of Wildlife and Fisheries.

Finally, thanks for the opportunity to provide this response to the audit report.

Sincerely,

A handwritten signature in cursive script that reads "Karl D. Turner".

Karl D. Turner
Executive Director

Appendix F
Additional Auditor's Comments

Appendix F: Additional Auditor's Comments

The comments listed below provide additional information regarding the department's written response in Appendix C.

Page 1 of Department's Response

- (1) **Item 2:** Exhibit 2-3 has been amended to include the establishment of the Wildlife and Fisheries Commission in the state constitution.

Page 2 of Department's Response

- (2) **Item 1:** R.S. 24:522(C)(1) requires the legislative auditor to evaluate the basic assumptions underlying any and all state agencies and the programs and services that they provide. As such, we interpret "basic assumption" to be legislative authority. Our review of state law did not reveal a specific law that establishes an education program within the department. We do not dispute its necessity or value.

Page 3 of Department's Response

- (3) **Item 3:** During our audit, we asked department staff for information on the clients served. The information presented in the audit report on page 26 is all that was provided.

Pages 4-5 of Department's Response

- (4) **Items 1-4:** The matter for legislative consideration has been amended to suggest that the legislature consider expanding the department's purpose or moving the marketing boards to a state department that markets Louisiana products.