State of California Department of Fish and Wildlife
DUTY STATEMENT
DFW 242A (REV. 03/18/14)

☒ **PROPOSED**
☐ **CURRENT**

INSTRUCTIONS: A duty statement and organizational chart must be submitted with each Request for Personnel Action, Form 242	EFFECTIVE DATE

DFW DIVISION/BRANCH/REGION/OFFICE Executive Branch / Legal	POSITION NUMBER (Agency-Unit-Class-Serial) 565-007-5778-XXX
UNIT NAME AND LOCATION Office of the General Counsel	CLASS TITLE Attorney I
INCUMBENT Nathan Voegeli	CURRENT POSITION NUMBER (Agency-Unit-Class-Serial) 565-007-5795-026

BRIEFLY DESCRIBE THE POSITION'S ORGANIZATION SETTING AND MAJOR FUNCTIONS

This position is in the Department of Fish and wildlife's (CDFW) Office of the General Counsel (OGC). All employees in OGC work at the direction of the General Counsel. This position will be directly supervised by an Assistant Chief Counsel (ACC) and will work closely with CDFW's program team implementing the Water Storage Investment Program (WSIP) adopted by the voters as part of Proposition 1 in 2014.

PERCENTAGE OF TIME PERFORMING DUTIES	INDICATE THE DUTIES AND RESPONSIBILITIES ASSIGNED TO THE POSITION AND THE PERCENTAGE OF TIME SPENT ON EACH. GROUP RELATED TASKS UNDER THE SAME PERCENTAGE WITH THE HIGHEST PERCENTAGE FIRST. (USE THE REVERSE SIDE IF NECESSARY.)
	ESSENTIAL FUNCTIONS:
20%	Draft and review contracts and grants to administer the ecosystem public benefits of projects funded by WSIP. This will include negotiations of contract and grant terms, research regarding the contracting and granting legal requirements, review to ensure that WISP projects meet legal requirements, and preparation of other contract and grant-related legal documents. Long-term legal assistance with contract and grant management and oversight, including legal advice on contract and grant interpretation.
20%	Under the supervision of an Assistant Chief Counsel, assist in the representation of CDFW in meetings, hearings and appeals of the California Water Commission (CWC). This will include assisting in providing written or verbal testimony, assisting with the preparation of CDFW expert witnesses, meeting with stakeholders associated with meetings, hearings and appeals, and ensuring that all such appearances by CDFW meet legal requirements. Meetings, hearings and appeals include those related to the above-referenced contracts as may be addressed as part of a CWC public-hearing process.
20%	Under the supervision of an Assistant Chief Counsel, review and ensure legal compliance for all WSIP projects with the provisions of the Fish and Game Code and related regulations. This is expected to include many WSIP-funded projects. This will include compliance with the California Endangered Species Act, Fish and Game Code section 1600 et seq. (lake and streambed alterations), Fish and Game Code section 5937 (fish in good condition below dams), Wild and Scenic Rivers Act, and similar provisions. This will also include research and writing to ensure project compliance with other state and federal laws relating to fish and wildlife, including, but not limited to, the federal Endangered Species Act. It will also entail assisting with regulatory issues for non-WSIP projects to build knowledge and expertise sufficient to anticipate, identify, and problem-solve potential regulatory issues that may arise for WSIP projects.
10%	Assist CDFW WSIP program staff in the preparation of the legal findings required by the Water Code for WSIP projects. These legal findings must be supported by sufficient evidence to ensure their legal defensibility. This position will review the administrative record for this purpose. Prepare and instruct staff on how to prepare administrative records to support findings to ensure success in litigation.
10%	Provide legal research to ensure that all WSIP-related actions undertaken by CDFW meet the requirements of the California Environmental Quality Act (CEQA), including assisting in the preparation of CEQA documents, providing legal advice, and attending public comment hearings on CEQA documents. This will also include providing legal advice regarding National Environmental Policy Act (NEPA) compliance. This CEQA/NEPA legal work will include CDFW's review and

PERCENTAGE OF TIME PERFORMING DUTIES	INDICATE THE DUTIES AND RESPONSIBILITIES ASSIGNED TO THE POSITION AND THE PERCENTAGE OF TIME SPENT ON EACH. GROUP RELATED TASKS UNDER THE SAME PERCENTAGE WITH THE HIGHEST PERCENTAGE FIRST. (USE THE REVERSE SIDE IF NECESSARY.)
10%	comment on WSIP applicants' and other implementing departments' CEQA documents as well as CDFW's compliance with CEQA in issuing any discretionary approvals to WSIP projects. Provide assistance in the legal defense of CDFW WSIP-related actions in the event that legal challenges are filed. This will not include litigation itself, but will include discovery, record preparation, and pre-litigation work like reviewing tribal waivers of sovereign immunity.
5%	Handling the less complex requests for records including those submitted pursuant to the California Public Records Act. This will include assuring that WSIP-related confidential information exempt from the California Public Records Act or protected by the Evidence and Water Codes, among others, is not released.
5%	**<u>NON-ESSENTIAL FUNCTIONS:</u>** Analyze legislation, draft regulations and get them approved pursuant to the Administrative Procedure Act, and research and apply the state's open meeting laws and other provisions of the Government Code relating to the operation of state department's generally.
	KNOWLEDGE AND ABILITIES **Knowledge of:** Legal research methods and performing research; legal principles and their application; scope and character of California statutory law and of the provisions of the California Constitution; principles of administrative and constitutional law; trial and hearing procedure; and rules of evidence; court procedures; administrative law and the conduct of proceedings before administrative bodies; legal terms and forms in common use; statutory and case law literature and authorities; and provisions of laws and Government Code sections administered or enforced. **Ability to:** Research; analyze, appraise, and apply legal principles, facts, and precedents to legal problems; analyze situations accurately and adopt an effective course of action; prepare and present statements of fact, law, and argument clearly and logically in written and oral form; prepare correspondence involving the explanation of legal matters; draft opinions, pleadings, rulings, regulations, and legislation; negotiate effectively and conduct crucial litigation; work cooperatively with a variety of individuals, organizations and maintain the confidence and respect of others; and work effectively under pressure. **DESIRABLE QUALIFICATIONS:** **Special Personal Characteristics:** Exceptional lawyering skills, especially communication and representation. Working in groups and on teams effectively. Taking direction from supervisors and other senior management. **WORKING CONDITIONS:** This position will be located in Sacramento. Some overnight travel will be required.

SUPERVISOR'S STATEMENT: **I HAVE DISCUSSED THE DUTIES OF THE POSITION WITH THE EMPLOYEE.**		
PRINT SUPERVISOR'S NAME	**SUPERVISOR'S SIGNATURE**	**DATE**

EMPLOYEE'S STATEMENT: **I HAVE DISCUSSED WITH MY SUPERVISOR THE DUTIES OF THE POSITION AND HAVE RECEIVED A COPY OF THE DUTY STATEMENT.** **I HAVE READ AND UNDERSTAND THE DUTIES AND ESSENTIAL FUNCTIONS OF THE POSITION AND CAN PERFORM THESE DUTIES WITH OR WITHOUT REASONABLE ACCOMMODATION.**		
PRINT EMPLOYEE'S NAME	**EMPLOYEE'S SIGNATURE**	**DATE**

PERCENTAGE OF TIME PERFORMING DUTIES	INDICATE THE DUTIES AND RESPONSIBILITIES ASSIGNED TO THE POSITION AND THE PERCENTAGE OF TIME SPENT ON EACH. GROUP RELATED TASKS UNDER THE SAME PERCENTAGE WITH THE HIGHEST PERCENTAGE FIRST. (USE THE REVERSE SIDE IF NECESSARY.)	